



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# House of Commons Debates

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OFFICIAL REPORT  
(HANSARD)

**Tuesday, March 6, 2012**

—

**Speaker: The Honourable Andrew Scheer**

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# HOUSE OF COMMONS

Tuesday, March 6, 2012

The House met at 10 a.m.

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*Prayers*

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## ROUTINE PROCEEDINGS

• (1000)  
[English]

### EXPORT DEVELOPMENT CANADA

**Hon. Ed Fast (Minister of International Trade and Minister for the Asia-Pacific Gateway, CPC):** Mr. Speaker, pursuant to Standing Order 32(2), I have the honour to table, in both official languages, the Corporate Plan Summary 2012-16, prepared by Export Development Canada.

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### COMMITTEES OF THE HOUSE

#### CITIZENSHIP AND IMMIGRATION

**Mr. David Tilson (Dufferin—Caledon, CPC):** Mr. Speaker, I have the honour to present, in both official languages, the second report of the Standing Committee on Citizenship and Immigration entitled, “Cutting the Queue: Reducing Canada’s Immigration Backlogs and Wait Times”.

**Mr. Don Davies (Vancouver Kingsway, NDP):** Mr. Speaker, the backlog in Canada’s immigration system is an issue that greatly concerns the New Democratic Party of Canada. There are over one million applications currently in the queue. This represents an increase from the 850,000 applications in the backlog in 2006. Notably, backlogs are present in all three immigration categories: economic, family and refugee.

The presence of backlogs has a direct and negative effect on the amount of time it takes to process an application, and indeed wait times have reached patently unacceptable levels. Unfortunately, we believe that the majority report misses the mark in making progress in this important area. New Democrats have provided a supplemental report that we believe will provide many effective solutions to this very serious matter.

The situation is pressing. There are very real impacts on individuals and families. Significant application fees are being held for years on end. Families remain separated. Employers are

frustrated and our economy suffers. We all need to work together to fix these pressing problems.

• (1005)

**The Speaker:** Only the official opposition is allowed to give a dissenting comment on a committee report.

**Mr. Kevin Lamoureux:** Mr. Speaker, on a point of order, I can appreciate that we cannot verbally give a dissenting report, but it should be noted that there is a dissenting report from the Liberal Party of Canada. I understand it is to be attached to the committee report also.

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### TEMPORARY RESIDENT VISA PROCESSING REQUIREMENTS ACT

**Mr. Don Davies (Vancouver Kingsway, NDP)** moved for leave to introduce Bill C-404, An Act to amend the Immigration and Refugee Protection Regulations (denial of temporary resident visa application).

He said: Mr. Speaker, I rise to introduce a bill which, if adopted, would bring transparency to the temporary resident visa or visitor visa process. I want to thank the hon. member for Saint-Lambert for seconding my bill.

Every day in this country Canadians learn that their friends or family members have been denied a visa to come to Canada. This disappointment is often compounded by bewilderment because they are not given detailed reasons for the denial.

One in five applications for a visitor visa is denied, but when we look at various Canadian missions around the world, we see a great disparity. For example, in Lagos and Nairobi, 45% of the applications are rejected. In Chandigarh, India, over half of the visitor visa applications are denied.

The very least we could do when denying a visa to visit Canada is tell people why the application was denied. This initiative would help Canadians and people around the world understand our immigration system better, provide transparency and greater accountability. I look forward to working with the government to try to improve this very necessary system.

*Routine Proceedings*

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

\* \* \*

**IMMIGRATION AND REFUGEE PROTECTION ACT**

**Mr. Don Davies (Vancouver Kingsway, NDP)** moved for leave to introduce Bill C-405, An Act to amend the Immigration and Refugee Protection Act (appeal process for temporary resident visa applicants).

He said: Mr. Speaker, Canada is a country of immigrants, and Canadians have roots in every country in the world. For many Canadians, gathering together with family for holidays, birthdays, weddings, funerals, and other special events, this means receiving visitors from overseas. Unfortunately, as I have just stated, one in five visitors will have his or her application rejected and in numerous embassies around the world, over 50% will be rejected.

I rise today to introduce a bill that would establish an appeal process for temporary resident visa applicants who have been refused a visa to enter Canada.

The visitor visa approval system is, by design, subjective and often comes down to a judgment call on behalf of the visa officer. The lack of clear criteria is confusing to many prospective visitors and rejections can be arbitrary, erroneous and unfair.

This bill would provide an appeal so that there would be transparency and clear standards for all applicants. Such appeal tribunals are already available to visitors in England and Australia. It is time to bring fairness and transparency to those who want to visit Canada and their Canadian friends and relatives.

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

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**PETITIONS**

## THE ENVIRONMENT

**Mr. David Tilson (Dufferin—Caledon, CPC):** Mr. Speaker, I have a petition signed by people from all over Canada who are concerned about the proposed megaquarry in Melancthon township in Dufferin county. It would be the largest open pit quarry in Canada at over 2,300 acres.

The petitioners are concerned with a number of things. The megaquarry would threaten the headwaters of the Nottawasaga, Grand and Saugeen watershed systems and the Mad, Noisy, Pine and Boyne River sub-watersheds, consequently detrimentally and permanently affecting the aquifers in the area of the proposed megaquarry.

## CANADIAN INTERNATIONAL DEVELOPMENT AGENCY

**Mr. Jack Harris (St. John's East, NDP):** Mr. Speaker, I have the honour to present a petition signed by a number of residents of St. John's, Newfoundland and surrounding communities. I also see signatures of people from Kenora, Ontario, Lunenburg, Nova Scotia, and Victoria, B.C.

The petitioners call upon the Government of Canada to exempt the Canadian International Development Agency from any budget cuts in the 2012-13 federal budget. The petitioners suggest that CIDA only accounts for 2% of the federal budget and its budget has been

frozen for two years. This results in a cut of 5% in real terms when measured against inflation.

The petitioners praise the work of CIDA.

The signatures were obtained by an Oxfam group at Memorial University which is concerned about international aid. The petitioners want the government to take heed of this petition.

•(1010)

[Translation]

## THE ENVIRONMENT

**Ms. Joyce Murray (Vancouver Quadra, Lib.):** Mr. Speaker, I have the honour to present a petition requesting the creation of a royal commission on the environment and health.

[English]

The petitioners come from across the country. They are concerned about the thousands of chemical products which contaminate our air, water and food.

[Translation]

As a result, they are asking the government to direct a royal commission to examine all aspects of the environmental and health impacts of Canada's industrial activities.

[English]

The petitioners also request that the government apply the precautionary principle in protecting health and the environment from uncertain risks.

## REPUBLIC OF THE FIJI ISLANDS

**Mr. Don Davies (Vancouver Kingsway, NDP):** Mr. Speaker, petitions keep coming in from thousands of Canadians who would like to see a high commission or consulate opened in the Republic of the Fiji Islands.

Canadians of Fijian descent number over 100,000 and currently their consular needs are only able to be serviced from Sydney, Australia. The petitioners note this causes inordinate delay and inefficient services for tourist, visa, business and immigration issues, both for Canadian and Fijian citizens.

The petitioners note that the United States, Australia, New Zealand and China all have embassies or high commissions in the Republic of the Fiji Islands. They call upon the government to open such services to better serve this important community as soon as possible.

## CANADA-EU PROCUREMENT AGREEMENT

**Mr. Frank Valeriote (Guelph, Lib.):** Mr. Speaker, I am proud to submit a petition signed by a significant number of Canadians, most of whom reside in my riding of Guelph.

*Routine Proceedings*

The petitioners add their voices to the thousands across Canada and 16 municipal governments across the country calling on the House of Commons to urge the government to exclude all sub-federal governments and their public agencies, including municipalities, from any Canada-EU procurement agreement.

Municipalities like Guelph are rightfully concerned that they will lose the right to have independent procurement policies as Canada's government negotiates away the ability to buy local materials and services. These restrictions would cripple the ability of municipalities to stimulate local innovation, foster local community economic development, create local employment and achieve strategic public policy goals.

## THE ENVIRONMENT

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Mr. Speaker, I rise to present four petitions this morning.

The first one relates to the proposed Enbridge project. The petitioners are primarily from the communities of Comox and Courtenay, British Columbia. I note that it is relevant that recently Prince Rupert city council voted unanimously to oppose this project, as did the Union of British Columbia Municipalities.

The petitioners in this instance ask that the government cease and desist from promoting the project and allow the hearing process to take place in a full, fair and transparent fashion without undue political pressure.

Mr. Speaker, the second petition I wish to present is somewhat related. It relates to the challenge of the climate crisis. The petitioners are from within my riding of Saanich—Gulf Islands, primarily from Sidney and Saanich, as well as from the islands of Mayne and Saturna. They ask that the government act on a previously taken declaration through an act of this House to reduce greenhouse gases by 25% against 1990 levels by 2020 and by 80% against 1990 levels by 2050.

Last night I happened to be at a session at the University of Ottawa where scientist Paul Beckwith urged that all parliamentarians address this as an urgent matter, given the potential catastrophic effects of delay.

•(1015)

## SECURITY CERTIFICATES

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Mr. Speaker, the third petition is from residents of Ottawa and Toronto. It relates to human rights infractions relating to the fact that Canada continues to use the security certificates that violate the rule of law, our charter rights, and indeed rules that have gone back to the time of the Magna Carta, rules of habeas corpus, the right to know the case against a person and the opportunity to defend oneself in open court.

The petitioners ask that security certificates be set aside and that anyone currently under a security certificate not be deported.

## HOUSING

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Mr. Speaker, the last petition is on the subject of affordable housing. Petitioners from my riding, from Sidney, Saanich and Mayne Island, ask that the government, particularly the Minister of Finance, revisit those measures that used to be in place to encourage developers to build

purpose built apartment dwellings for rental units to increase the stock of affordable housing.

## ASBESTOS

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, I am pleased to rise in the House today to present a petition signed by literally thousands of Canadians from all across the country who call upon Parliament to take note that asbestos is the greatest industrial killer the world has ever known. In fact, more Canadians now die from asbestos than from all other industrial causes combined.

The petitioners also point out that Canada remains one of the largest producers and exporters of asbestos in the world, spending millions of dollars subsidizing the industry and blocking international efforts to curb its use.

Therefore, the petitioners call upon the Government of Canada to ban asbestos in all its forms and to institute a just transition program for asbestos workers and the communities they live in. They call on the government to end all government subsidies for asbestos in Canada and abroad. The petitioners call it corporate welfare for corporate serial killers. They also call on the government to stop blocking international health and safety conventions designed to protect workers from asbestos, such as the Rotterdam convention.

**The Speaker:** I see the hon. member for St. John's East is rising again. He has already been recognized on presenting petitions. Does the House give its consent for the member to present another petition at this time?

**Some hon. members:** Agreed.

**The Speaker:** The hon. member for St. John's East.

## SEARCH AND RESCUE

**Mr. Jack Harris (St. John's East, NDP):** Mr. Speaker, I forgot I had a second petition. This petition is on a different subject.

This petition is in connection with the marine rescue coordination centre in St. John's. The government has announced its closure. The petitioners are asking the government to reverse its decision to close the Newfoundland and Labrador marine rescue coordination centre in St. John's. We have heard from other petitioners before on the same topic.

The petitioners are urging the government to acknowledge and understand that the closure of the centre will mean services will suffer and lives will be put at risk. This is related to the fact that the rescue coordinators have a special, unique knowledge of the ocean and the areas of the coastline that are involved and are familiar with the people who are involved in the work on the ocean, as well as the language and dialect. This is important in times of panic. They indicate that the Newfoundland and Labrador region has the highest proportion of distress incidents in Canada, responding to an annual average of 500 incidents involving 2,900 people, and saving the lives of 600 people in distress every year.

*Speaker's Ruling***QUESTIONS ON THE ORDER PAPER**

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

**The Speaker:** Is that agreed?

**Some hon. members:** Agreed.

\* \* \*

**POINTS OF ORDER**

## VETERANS AFFAIRS

**Mr. Rob Anders (Calgary West, CPC):** Mr. Speaker, I rise today to express my sincere apology for my comments with respect to Mr. Lowther and Mr. David MacLeod.

Further, I want to apologize for any offence my comments may have caused veterans or anyone else. I have, and continue to have, enormous respect for the men and women who have sacrificed in the service of our country. I recognize the democracy we have today is, in large part, attributable to them.

**The Speaker:** I thank the hon. member for that point.

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**PRIVILEGE**

## ALLEGED INTERFERENCE OF MINISTER'S ABILITY TO DISCHARGE RESPONSIBILITIES—SPEAKER'S RULING

**The Speaker:** I am now prepared to rule on the question of privilege raised on February 27 by the Minister of Public Safety regarding cybercampaigns following the introduction in the House by him of Bill C-30, An Act to enact the Investigating and Preventing Criminal Electronic Communications Act and to amend the Criminal Code and other Acts.

[*Translation*]

I would like to thank the minister for having raised these matters, as well as the Leader of the Government in the House of Commons, the Minister of Foreign Affairs, the Parliamentary Secretary to the Leader of the Government in the House of Commons, the House Leader of the Official Opposition, the member for Toronto Centre, the member for Bas-Richelieu—Nicolet—Bécancour, the member for Saanich—Gulf Islands, and the member for Westmount—Ville-Marie for their interventions.

• (1020)

[*English*]

In raising his question of privilege, the minister raised three issues, each of which he believed to be a contempt of the House.

The first concerned the use of House resources for the so-called *vikileaks30* account on Twitter, which he claimed was used to attack him personally, thereby degrading his reputation and obstructing him from carrying out his duties as a member of Parliament.

The interim leader of the Liberal Party then rose to inform the House that he himself had intended to rise on a question of privilege, having been informed on February 26 that it was an employee of the Liberal research bureau who had been responsible for the

*vikileaks30* site. The interim leader offered his unequivocal apology and that of the Liberal Party to the minister.

In view of this unconditional apology made personally by the member and on behalf of his party as a whole, and in keeping with what has been done in similar circumstances in the past, I am prepared to consider this particular aspect of the question of privilege closed.

I also wish to inform the House that the House of Commons' policy on acceptable use of information technology resources was applied in this case, given that an unacceptable use of House IT resources occurred.

[*Translation*]

The minister also raised the matter of an apparent campaign to inundate his office with calls, emails and faxes. This, he contended, hindered him and his staff from serving his constituents, and prevented constituents with legitimate needs from contacting their member of Parliament in a timely fashion.

[*English*]

As the member for Windsor—Tecumseh reminded the House, my predecessor, Speaker Milliken, was faced with a similar situation in 2005 in a matter raised by the former member for Glengarry—Prescott—Russell.

In his ruling on June 8, 2005, Speaker Milliken concluded that, while the member had a legitimate grievance that the normal functioning of parliamentary offices had been affected, the members involved and their constituents had still maintained the ability to communicate through several means. Thus, he could not find that it was a *prima facie* case of privilege, as the members were not impeded in their ability to perform their parliamentary duties.

Having reviewed the facts in the current case, I must draw the same conclusion on the second aspect of the question of privilege.

This brings us to the third and what I consider to be the most troubling issue raised in the question of privilege, that of the videos posted on the website YouTube by the so-called Anonymous on February 18, 22 and 25. These videos contained various allegations about the minister's private life and made specific and disturbing threats.

The minister has stated that he accepts that coping with vigorous debate and sometimes overheated rhetoric are part of the job of a politician but argued that these online attacks directed to both him and his family had crossed the line into threatening behaviour that was unacceptable. He contended that the threatened actions contained in these videos constituted a deliberate attempt to intimidate him with respect to proceedings in Parliament.

[*Translation*]

In *House of Commons Procedure and Practice*, second edition, it states:

It is impossible to codify all incidents which might be interpreted as matters of obstruction, interference, molestation or intimidation and as such constitute *prima facie* cases of privilege. However, some matters found to be *prima facie* include the damaging of a Member's reputation, the usurpation of the title of Member of Parliament, the intimidation of Members and their staff and of witnesses before committees, and the provision of misleading information.

*Government Orders**[English]*

In spite of the able arguments advanced by the member for Westmount—Ville-Marie, the Chair is in no doubt that the House has full jurisdiction to decide the matter.

As is noted at page 108 of O'Brien and Bosc:

*[Translation]*

Speakers have consistently upheld the right of the House to the services of its Members free from intimidation, obstruction and interference. Speaker Lamoureux stated in a 1973 ruling that he had “no hesitation in reaffirming the principle that parliamentary privilege includes the right of a member to discharge his responsibilities as a member of the House free from threats or attempts at intimidation.”

*[English]*

Those who enter political life fully expect to be able to be held accountable for their actions to their constituents and to those who are concerned with the issues and initiatives they may advocate.

In a healthy democracy, vigorous debate on issues is encouraged. In fact, the rules and procedures of this House are drafted to allow for proponents and opponents to discuss, in a respectful manner, even the most difficult and sensitive of matters.

However, when duly elected members are personally threatened for their work in Parliament, whether introducing a bill, making a statement or casting a vote, this House must take the matter very seriously.

*[Translation]*

As noted by the Parliamentary Secretary to the Leader of the Government in the House of Commons, threats or attempts to influence a member's actions are considered to be breaches of privilege.

*[English]*

I have carefully reviewed the online videos in which the language used does indeed constitute a direct threat to the minister in particular, as well as other members. These threats demonstrate a flagrant disregard of our traditions and a subversive attack on the most fundamental privileges of this House.

As your Speaker and the guardian of those privileges, I have concluded that this aspect, the videos posted on the Internet by anonymous, therefore, constitutes a prima facie question of privilege and I invite the minister to move his motion.

● (1025)

REFERENCE TO STANDING COMMITTEE ON PROCEDURE AND HOUSE AFFAIRS

**Hon. Vic Toews (Minister of Public Safety, CPC):** Thank you, Mr. Speaker, for that ruling. I would make the following motion:

That the matter of the threats to interference with an attempted intimidation of the hon. member for Provencher be referred to the Standing Committee on Procedure and House Affairs.

**The Speaker:** Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Speaker:** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Speaker:** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Speaker:** In my opinion the yeas have it.

*And five or more members having risen:*

**The Speaker:** Call in the members.

*And the bells having rung:*

**Hon. Gordon O'Connor:** Mr. Speaker, I ask that the vote be deferred until this evening following government orders.

**The Speaker:** A recorded division will take place at the end of government orders.

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## GOVERNMENT ORDERS

*[English]*

### SAFE STREETS AND COMMUNITIES ACT

**Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC)** moved the second reading of, and concurrence in, amendments made by the Senate to Bill C-10, An Act to enact the Justice for Victims of Terrorism Act and to amend the State Immunity Act, the Criminal Code, the Controlled Drugs and Substances Act, the Corrections and Conditional Release Act, the Youth Criminal Justice Act, the Immigration and Refugee Protection Act and other Acts.

He said: Mr. Speaker, I never get tired of talking about this subject. As hon. members know, the safe streets and communities act reintroduced nine bills that died on the order paper with the dissolution of the last Parliament. The government promised to enact these reforms within 100 days and we are delivering.

Before I turn my remarks to some of the key elements of the safe streets and communities act, I will highlight why our government has pursued these reforms and why and how this is important. It would be an understatement to say that our lives have changed substantially since the Criminal Code was first enacted in 1892. Much like other parliamentary democracies around the world, Canadian society and its values have and are continuously evolving and our justice system needs to evolve as well.

As Minister of Justice and Attorney General of Canada, it is my responsibility to maintain the integrity of the justice system. We need legislation that is responsive to what is happening on our streets and meets the expectations of Canadians in the 21st century. The proliferation of drugs and violent crime is, unfortunately, a reality in this day and age and it is our job as parliamentarians to deal with criminals, to protect society and do whatever we can to deter crime.

*Government Orders*

The truth of the matter is that no parent wants their child to be the victim of a crime. We need only ask Lynne Lacasse whose 19-year-old son was senselessly murdered at a house party in 2004. Her son matters. She appeared before the Standing Committee on Justice and Human Rights and before the Senate Standing Committee on Legal and Constitutional Affairs in their studies of the safe streets and communities act. Her message was clear and it was not about vengeance. It was that the justice system needed to respond effectively and to learn from experience like that of her family so that, hopefully, other families do not suffer in the same way.

No parent wants their child to fall prey to a pedophile. In fact, parents list abduction and sexual exploitation as two of the three concerns they face with Canadian children. Any story on child pornography, whether it is about the pedophile who perpetrated the act or the one who watched it online, outrages each and every one of us. When involving a child, the consensus seems to be that sentences must be serious and lengthy.

Canadians are also concerned about the illicit drug trade. No Canadian wants to live next door to a grow op.

In British Columbia, Surrey Fire Service conducted a study and found that a home with a grow op was 24 times more likely to catch fire than a home without one. Even more troubling is that these fires are not always reported because no one actually lives in those dwellings, but there are families living right next door or across the street.

There are countless stories of Canadians who have been victimized and they are the first to lose confidence in our justice system. Many do not like to think these things happen in Canada until it happens to them or their loved ones. If we were to ask parents, I am sure they would say that the last thing they want is for their child to get involved in a life of crime or to become addicted to drugs. However, the sad reality is that it sometimes happens.

According to the Canadian Centre on Substance Abuse, illicit drug use costs Canadian society an estimated \$8.2 billion a year. Canadian statistics show that offences involving certain types of illicit drugs, such as crystal meth, ecstasy, LSD, barbiturates and date rape drugs, rose by 168% between 1997 and 2007. As a parent, the fact that these are readily available is simply unacceptable. It is our job as parliamentarians to ensure we give the tools to law enforcement officials to prevent this and other crimes from happening.

My own Department of Justice conducted a comprehensive analysis of the cost of crime in 2008. The analysis included costs to the criminal justice system, for example police, court and prosecution costs; costs to the victims, including health costs, losses to property and losses to productivity; costs to third parties; and intangible costs such as pain, suffering and loss of life. It was estimated that those costs amount to approximately \$100 billion. That is astounding and unacceptable.

• (1030)

Since 2007, I travelled from coast to coast listening to victims, community leaders, the police and my provincial counterparts. I have heard from them how best we can improve the Criminal Code.

Victims tell me they want to ensure that nobody has to suffer the same sense of loss and frustration as they have.

Police impart upon me the necessity for more robust legislative tools so they can better protect Canadians. The provinces provide important regional perspective into crime and justice issues. For that, I have been very grateful. They often come forward with recommendations and requests for changes in the Criminal Code. Likewise, Canada's police forces across the country provide helpful insight and advice on our criminal justice system. They are, of course, the front-line experts when it comes to fighting crime. This input is crucial. We have responded.

Despite what some of our opponents say, we believe in a balanced and comprehensive approach to justice. Our government wants to prevent further victimization and make sure that Canada's most serious, violent criminals are kept off our streets. Our experience shows that toughening sentences does not create new criminals. It keeps the existing ones in prison for a more appropriate period of time. We want to make sure there is not a revolving door of justice.

Parliament has seen and debated all the measures included in the safe streets and communities act. This comprehensive legislation brings together nine bills: four previously introduced by me, four previously introduced by the Minister of Public Safety and one previously introduced by the Minister of Citizenship, Immigration and Multiculturalism. Over the past four years, the justice committee has spent 67 days reviewing these measures. That is 139 hours of discussion, 95 hours of debate, 261 speeches and 361 witness appearances.

It should be apparent by now why we have immersed these reforms into the safe streets and communities act. The act targets organized crime by imposing tough sentences for the production and trafficking of illicit drugs, and it responds to concerns about violent young offenders. It ends house arrest for serious crimes such as sexual assault, kidnapping and human trafficking, and it eliminates pardons for serious crimes such as sexual offences against children. It enacts legislation for victims of terrorism. It also prevents the abuse and exploitation of vulnerable immigrants. It enacts mandatory penalties for serious drug offences and all child sexual offences, all of them.



*Government Orders*

Much has been written about our government's introduction and passage of mandatory penalties for certain crimes. There are some myths surrounding this issue. Mandatory sentences have a long history in Canada. We are not the first government to introduce them. Indeed, over the years, both Liberal and Conservative governments have imposed mandatory minimum sentences. Today, the Criminal Code contains over 40 offences which carry a minimum sentence.

Criminal organizations that rely on the drug trade do not respect current penalties. They simply see them as a cost of doing business. The safe streets and communities act contains tougher penalties which specifically target the source of the illicit drug trade, the drug traffickers. The bill does not target substance abuse victims or experimenting teenagers. There are, contrary to some reports, no changes to the laws with respect to simple possession.

The kinds of offenders that we are targeting are those involved in exploiting the addictions of others. The fact is that police and prosecutors, those who work hard to keep our country safe, have been calling for these sentences for some time. They know all too well the reality on our streets with respect to drug dealers who infiltrate communities and cause irreparable harm, especially to our youth.

The amendments to the Controlled Drugs and Substances Act would impose mandatory penalties for the offences of production, trafficking, possession for the purpose of trafficking, importing and exporting, possessing for the purpose of exporting Schedule I drugs, such as heroine, cocaine and methamphetamine, and Schedule II drugs, such as marijuana.

● (1035)

Mandatory penalties would apply where there is an aggravating factor. This includes where the production of a drug constitutes a potential security, health or safety concern, or the offence has been committed in or near a school.

The bill includes a specific exemption to allow for the use of drug treatment courts so that those who are unfortunately addicted can get the help they need. Drug treatment courts are for adult offenders who have committed non-violent crimes that are linked to their addictions. Our national anti-drug strategy provides \$3.6 million per year to six drug treatment courts across Canada. By helping offenders overcome their addictions and improve their social stability, we will help reduce crime rates in this country. It is worth clarifying that even where there is no drug treatment court, the court sentencing the offender for a drug offence can still refer the offender for treatment if an appropriate treatment program is available and approved by the attorney general of the province.

The amendments for child sexual offences in the safe streets and communities and act have two objectives. First, they aim to consistently and adequately condemn all forms of child sexual abuse through the imposition of new and higher mandatory penalties for all sexual offences where the victim is a child. Second, they aim to prevent the commission of a sexual offence against a child through the creation of two new offences that target a certain type of conduct, as well as directing the courts to impose conditions that would prevent a suspected and convicted child sex offender from engaging in conduct that would enable or facilitate their sexual

offending against a child. The current approach to penalties for child sexual abuse must end. The reforms in the safe streets and communities act would do just that.

The bill deals also with conditional sentences, usually referred to as house arrest. Our legislation would ensure that serious crimes such as sexual assault, kidnapping and human trafficking would not result in house arrest. Conditional sentences would continue to be unavailable for any offence with a mandatory minimum penalty. In addition, a conditional sentence would never be available for offences with a maximum of 14 years or life imprisonment; or for offences with a maximum penalty of 10 years that result in bodily harm or involve the import, export, trafficking or production of drugs or involve the use of a weapon; nor for a range of other offences including kidnapping, theft over \$5,000 or motor vehicle theft. Our act would ensure that serious offences, including serious property offences like arson, would also not result in house arrest. This would ensure that jail sentences for such offences are served in jail.

Part 4 of the safe streets and communities act proposes amendments to the Youth Criminal Justice Act. These reforms would improve the ability to deal with violent and repeat young offenders, for example by highlighting the protection of the public, making it easier to detain young people charged with serious offences pending trial, ensuring that prosecutors consider seeking adult sentences for the most serious offences, prohibiting youth under 18 from serving sentences in an adult facility and requiring police to keep records of extra-judicial measures. The act continues to be a good framework to address young offenders. There is a shared view that young people should have the opportunity to be rehabilitated and have a second chance. However, there is also the concern that some youth, a small number who are out of control, are not being effectively dealt with under the current legislation. The safe streets and communities act reforms build on and preserve the solid framework of the act.

*Government Orders*

The amendments would not change the Youth Criminal Justice Act's current approach to making the principles of rehabilitation and reintegration of young persons who have committed offences the basis of our youth justice system. These reforms are not about detaining more or fewer youth. They are about facilitating appropriate and effective decision making at the pre-trial stage. This includes managing youth in the community where this is possible and ensuring that youth who should be detained can be detained. These reforms were previously proposed in the former Bill C-4 or Sébastien's law.

At the January 12 meeting of federal, provincial and territorial ministers of justice, we had a good discussion of the safe streets and communities act and the need for us to continue to work together toward its implementation.

● (1040)

Many of these reforms have been the subject of discussions over the years. Many are well supported by provincial and territorial ministers. The proposed reforms in the safe streets and communities act would come into force in the same manner as originally proposed. There is a coming into force clause for each part of the bill. The only parts of the safe streets and communities act that would come into effect on royal assent are the amendments relating to the Criminal Records Act and acts of terrorism. The other reforms, those to the Criminal Code, Controlled Drugs and Substances Act and the Youth Criminal Justice Act, would come into force on a day or days to be fixed by the order of the Governor in Council.

The Minister of Public Safety and I noted that we would seek the views of our provincial and territorial counterparts about the timely and effective implementation of these reforms. Clearly, as many of these amendments have been proposed for years, there is good reason to proceed expeditiously.

With the safe streets and communities act, our government would be once again sending out a message to criminals that they will be accountable for their actions and that crime will not be tolerated in this country. Our goal is to restore a sense of balance so that Canadians can continue to be confident in our justice system. The enactment of the safe streets and communities act would be another positive step for the people of this country.

● (1045)

**Mr. Jasbir Sandhu (Surrey North, NDP):** Madam Speaker, I come from British Columbia. Over the last number of years we have seen the court system overwhelmed and overburdened with the number of cases that are coming through. Not only that, a number of cases have been thrown out because it has taken too long to get them through the due process.

We have a court system that is already plugged. The provinces are wondering where they are going to find this money. On the one hand, the government is picking the pockets of the seniors. On the other hand, it has this grandiose plan to spend billions on prisons. So my question to my colleague is, where is the money coming from? There is only one taxpayer, whether the tax is paid to the provinces, the municipalities or the federal government. Where is the money coming from for all of this?

**Hon. Rob Nicholson:** Madam Speaker, I think the hon. member misses the whole point.

With respect to working with our provincial counterparts, he may remember the bill that we brought in, the truth in sentencing bill, eliminates the two-for-one credit that was the standard among individuals who were awaiting the disposition of their case.

I was told by my provincial counterparts, including the Attorney General of British Columbia, that this was clogging up their courts, using provincial resources and clogging up the remand centres.

I told them I was only too pleased to be part of a government that was moving forward to bring in legislation that would eliminate the two-for-one, or sometimes three-for-one, credit. I had better be careful, as sometimes the individuals waiting for disposition of their case were getting triple credit.

The Attorney General for British Columbia told me that he had heard of a case where an individual did not want to have a bail hearing, in order to rack up double credit waiting for the disposition of the case. That is absolutely ridiculous.

We have moved forward to help our provincial counterparts. Our counterparts in British Columbia came forward very early in my mandate as justice minister to say we should bring in tough laws and send a message out that if people bring drugs into this country, they are going to jail. That is as it should be.

**Mr. Sean Casey (Charlottetown, Lib.):** Madam Speaker, part of the reason we are here today discussing amendments to this legislation coming back from the Senate requires a little context. When the bill was at committee, the member for Mount Royal indicated that with respect to victims of terrorism, the bill needed to be strengthened. The member for Mount Royal put forward some very reasonable amendments that were routinely rejected by the Conservative members of the justice committee.

Realizing their error, the Conservatives came back to the House and tried to adopt those amendments as their own. They were ruled out of order. Now here we are, considering those amendments having come through the Senate.

My question for the minister is, what is more important, political partisanship or the rights of victims of state-sponsored terrorism?

● (1050)

**Hon. Rob Nicholson:** Madam Speaker, that is actually a good question by the hon. member. Is he miserable about the procedure by which these amendments took place? I take it that he still likes the amendments introduced in the Senate but not the way they were done.

Ultimately, we want to get the best legislation possible. Over the years I have listened to all proposed amendments from wherever they have come. All of them are carefully considered and, yes, we have made changes to bills. As a matter of fact, there are amendments in the drug bill before us that the Liberals and their friends in the NDP collaborated on. Those are part of this particular legislation.

*Government Orders*

The hon. member may not like the fact that the amendments came from the Senate, but I hope he still likes the amendments we are proposing to the terrorism provisions within the bill. I hope he will be supportive of these changes.

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Madam Speaker, the Minister of Justice and I have at least one thing in common: at one time or another we have been members of the Canadian Bar Association. That very knowledgeable body presented a brief of over 100 pages, based on substantial evidence, that the bill could put more criminals on the street than it could incarcerate. In other words, it is a complete failure from the get-go in meeting its objectives.

I plead with the hon. Minister of Justice to allow more amendments to the bill now that it has come and thus an opportunity to redress those sections that are least likely to work and most likely to hurt our society.

**Hon. Rob Nicholson:** I have heard it both ways, Madam Speaker. When we introduced the bill people were saying that we would be putting more people in jails and that jails would become overcrowded. Then I get criticized by their saying that less people would be convicted and more people would be out on the street. I guess the critics of the bill have it both ways.

I appreciated getting input from the Canadian Bar Association. Certainly, I like to get input from all segments of society.

We were very clear in the last election. I am grateful to the people of this country because they keep giving us a stronger mandate, and we make it very clear in every election that this is the direction in which we are going.

We are sending a message to drug traffickers. People who bring drugs into this country will not like this particular piece of legislation, as it includes mandatory jail time. While it is a balancing act that we negotiate whenever we put these bills together, we are sending very strong message to people in the business of either sexually exploiting children or trafficking in drugs. We are sending out the correct message to them and I am proud of that.

**Mr. Pierre Lemieux (Parliamentary Secretary to the Minister of Agriculture, CPC):** Madam Speaker, I have listened to the debate whenever the bill has been in front of the House. I have rarely heard the opposition talking about victims or the justice system needing to protect innocent Canadians and the victims of crime. Could the minister comment on this? He works closely with victims' groups. What is their view on the legislation and the amendments we are putting forward?

**Hon. Rob Nicholson:** Madam Speaker, I want to thank the member for all of his support on our justice-related legislation. It is very much appreciated by me and every member of this government.

I speak with victims' groups on a regular basis. When I have made announcements on our various pieces of legislation, I have been honoured and privileged to have many of these victims' groups appearing with us because they are so supportive.

Nineteen justice bills have been passed in my term as justice minister. Whenever we pass such legislation, I am always asked how it would affect victims. We always ensure that the interests of victims

and law-abiding Canadians are protected and that we are standing up for them and their rights. I think that is only appropriate.

**Mr. Jack Harris (St. John's East, NDP):** Madam Speaker, the minister talked about accepting amendments, yet some 60 amendments from the New Democratic Party in committee, and amendments from the Liberals and amendments in the House were rejected. In fact, all opposition amendments were turned down by the government. Whatever amendments may have been accepted in previous Parliaments in committee when there was co-operation were stripped out of the bills that were brought forward. The government has accepted no amendments from the opposition.

How is it that the minister can claim that this is the best legislation possible and that the government actually listened to the experts and the amendments that flowed from hearing them?

• (1055)

**Hon. Rob Nicholson:** Madam Speaker, I actually do not agree with the hon. member. There were changes made in the previous Parliaments with respect to the drug bills that continue to be included in this.

The people whom we are listening to are the people of Canada. As I have indicated, through four elections now we have been very clear that we would get tough on the people who bring drugs into the country and the people who are in the business of sexually exploiting children. We make no apology for that.

I for one am very grateful, and I know I am joined by all of my colleagues on this side of the House in that, for the Canadians who have responded and come forward and supported us on this legislation.

**Mr. Jack Harris (St. John's East, NDP):** Madam Speaker, I am pleased to have an opportunity to talk about the effects of Bill C-10 and the amendments we have brought forth from the Senate, which are up for consideration.

These amendments deal particularly with one aspect of the act, the provision for a new international tort, called the justice for victims of terrorism act. In essence, it allows Canadians to sue countries or terrorist groups for the consequences of acts of terrorism. It is a new tort altogether for Canada. It never existed before. We debated this in committee but not very much in the House. However, there are now six amendments coming back from the Senate.

It is interesting that when we talk about the process involved with this particular piece of legislation and what the Minister of Justice just said concerning the acceptance of the amendments, this particular aspect is quite instructive as to the approach taken by the government with this bill. It has put together, as the minister said, nine bills. Four had been previously introduced by the Minister of Justice himself and four in a previous Parliament when there were other members of the House, not the approximately hundred new members here today. Four were introduced by the Minister of Public Safety and one by the Minister of Citizenship and Immigration.

*Government Orders*

This particular bill went to committee. The member for Mount Royal, who participated quite actively in this aspect of the bill in committee, had proposed a number of well-thought-out amendments. We had heard experts testify before the committee, which I will go into a little bit later. That member has a degree of expertise in legal matters, having been a law professor for some 30 years at McGill University and being a recognized expert in international humanitarian law. He brought forward a number of thoughtful amendments that in his submission to the committee were intended to improve the bill. To suggest that they got short shrift is an understatement. We spent two hours of a committee meeting discussing those amendments, and none were accepted. They were all voted down, apparently under instructions from somewhere outside the committee, and we got nowhere.

The next day we came back, after having discussed eight clauses of the bill. The bill was quite extensive, having some 208 clauses. Eight of them had been discussed at the first meeting in a sincere attempt to improve the bill, but were not listened to. We came back the next day at 8:45 for a two-hour meeting to continue discussing some 200 further clauses in the bill, which included some nine different pieces of legislation, as the minister just said, and we faced a motion that the matter be dealt with that day. There was no warning, no consultation, no discussion or consideration.

We had listened to numerous witnesses over a series of meetings up to then, with expert witnesses from the Canadian Bar Association, the police associations, and also correctional officers, experts and academics in the corrections field and child law field. We heard from the Barreau du Québec, with its expertise and work in the criminal defence and prosecution bars, similar to what we have with the Canadian Bar Association. We had an enormous amount of material to consider and a whole host of suggestions, many of which were embodied in amendments presented to the committee through the usual process for consideration.

● (1100)

However, from the approach taken by the government, we faced the prospect of having one day for the first eight clauses and another day for all of the rest. If the legislation were not dealt with by 11:59 p.m., it would be deemed to have been brought forward, passed and sent back to the House for consideration. That is the kind of approach the government took with this legislation, despite the minister's claim here this morning that he wanted to listen to all the proposals and amendments and everyone who had anything to say. In fact, we went through that process and discovered in the end that everyone was going through the motions. They were moving their mouths and tongues, but no one on the other side was using their ears and actually listening to what was being said. That is very unfortunate in a democratic country.

As I had occasion to say in joining the debate on whether we would deal with the legislation in one day or not, this seems to be Parliament where the other side thinks that because it has a majority of some 11 members, a razor thin majority as the member for Winnipeg Centre says, it has the right to do anything it wants at whatever speed it wants and claim that it has a strong mandate from the people of Canada.

As I said to the committee, I was here in the 33rd Parliament when the right hon. Brian Mulroney was prime minister. I believe there were about 295 members in the House at that time. Sitting on the government side with the Progressive Conservative Party were some 211 members out of some 295 members in total. However, in that Parliament, when legislative committees met, they had discussions and heard from witnesses and amendments were moved by the opposition and were accepted. I moved a number of amendments to a particular piece of legislation to establish the Atlantic Canada Opportunities Agency. Those amendments were accepted in committee. We travelled, we heard from people and amendments were proposed by government and opposition members. There was a collaborative approach in recognition that the people on the committee were elected to Parliament and had the knowledge and wisdom to bring something to legislation.

That seemed to be totally absent in our committee, and certainly in the approach taken by the current government here. I say that only as a preface to the substantive remarks that I want to make here, because there are substantive issues and problems with the proposed legislation, Bill C-30.

The minister talked about mandatory minimum sentences. Here there is a small anomaly, which I have to acknowledge, on the part of our party. The NDP, generally speaking, is opposed to mandatory minimums, and I will go into the reasons why. However, on our part, there were two exceptions to that in the last Parliament. One was regarding sexual predators against children. We believe there is a strong consensus in this country on mandatory minimums for sexual offences against children, the Internet predator offences that are contained in the bill and sexual assaults generally against children. The second was regarding the provisions contained in the gun bill, that is, in regard to the use of guns in the commission of a crime. Mandatory minimums should be imposed in those circumstances to send a very strong message that the use of guns for crime in this country is not tolerated at all.

However, I think there is even a lesson in that. We supported that as a party, but I think we learned our lesson about a month ago when a supreme court judge in Ontario had occasion to recognize a significant problem with the mandatory minimum sentence of three years. In this case, someone had had a loaded gun in his hand when the police had broken down his door when looking for someone else. Under the provisions of the Criminal Code, a mandatory minimum sentence of three years was required in this case. The judge had no choice under the law but to issue a mandatory minimum sentence. However, in that case, and I suspect it is going to be appealed, the judge declined to impose the mandatory minimum, although the law provided for that as the sentence.

*Government Orders*

•(1105)

The judge, because of the circumstance of this fellow taking a picture of himself and putting it on the Internet, and for some reason people feel the need to do that, showing he was some sort of tough guy and holding a gun in his hand, she decided that to impose a mandatory minimum of three years in jail would amount to what would be considered, under the Criminal Code, to be cruel and unusual punishment and she declined to impose that sentence. Whether that will stand up under appeal, we do not know. However, I would be very surprised if the prosecutor did not appeal the case to the Court of Appeal for Ontario to ensure that law was as the judge stated in that case.

There is the issue of mandatory minimums, and a lot has been written about that. There is a general sense that there is something wrong with the notion of mandatory minimums. The government has decided that this is a principal tool of Parliament to impose sentences on people who contribute to particular crimes. However, our society is based on the notion that judges determine what is an appropriate sentence in a particular case because they have the opportunity, in real time, to determine what is an appropriate sentence in a case.

The minister talked about people appearing in committee and being concerned about having strong sentences for offences. I guess if we asked Canadians whether they or their families had been victims of crime and should the penalty fit the crime, everyone would answer yes. I do not think anyone would say that a punishment should be too strong or too weak, but that the punishment should fit the crime. People agree with that. People who have been victims of violent crimes obviously think the punishment ought to be very high.

Our system of civilization demands that we have a punishment that fits the crime, which involves not just the person's actions but also the responsibility of the individual for the crime and all of the surrounding circumstances, including the history of the person. Someone who commits a crime in one particular circumstance may get a stiffer sentence than some other person who committed the same crime. Why? Perhaps the individual was a repeat offender, or had a history of crime, or the victim was particularly vulnerable or there were aggravating circumstances that surrounded the crime. We cannot have the legislature deciding all of the circumstances. That is not our job.

Principally the Criminal Code says that the maximum penalty shall be a certain amount and then it is up to the judge to determine what sentence fits that crime, a particular offender and the circumstances that surrounded it. This is the principle of justice that prevails.

For example, some amendments were proposed to try to ameliorate some of the arbitrary sentences put forward. We talked about the experience in the United States, which has quite a lot of mandatory minimum sentences. We talked about the reasons why they were negative. The opponents to mandatory minimum sentences, which the committee heard, said that they had little or no deterrent or denunciatory effect. That is particularly true for children. That is why changes were made to the Youth Criminal Justice Act regarding stronger sentences for young people. They have little or no deterrent effect. Experts told the committee that.

The problem with mandatory minimum sentences is that they maintain rigid penalty structure limits on judicial discretion, thereby preventing the imposition of just sentences by having a mandatory minimum.

•(1110)

There is also the concern that the rigidity of mandatory minimums would result in some grossly disproportionate sentences. The case in Ontario of the individual with the loaded gun taking his own picture is an example of that.

In addition, opponents assert that mandatory minimums can make it difficult to convict defendants in cases where the penalty is perceived as unduly harsh. That involves a couple of factors. Sometimes, people who are charged with crimes may be persuaded to plead guilty if they feel they will be treated by the courts in a manner consistent with the actual severity of the crime. However, if they face a mandatory minimum, they will plead not guilty, seek a trial and they may be successful. The rate of acquittals in situations where people go to court trials can be quite high. If we have a jury and the jury is aware of the mandatory minimum, it has been less willing to convict in certain cases.

There is also a concern about the fiscal consequences of the penalties, increasing the burden on prosecutorial resources and substantial increases in prison population. We have heard from across the country that this would place a significant burden on provincial resources throughout the country.

Then the concern was that mandatory minimums would exacerbate racial and ethnic biases in the judicial system if they were applied disproportionately to minority groups. We already have a significantly disproportionate population of aboriginal people in our jails. They represent about one-fifth of the population of Canada in our jails, or more than that.

These are some of the reasons that people oppose it in principle.

In this case, we see even mandatory minimums for possession of six plants of marijuana. That would get a person a mandatory minimum sentence of six months in jail. More than six plants would get a person nine months in jail if there were an aggravating factor involved, and the minister talked about grow ops. One of the aggravating factors would be the plants growing on somebody else's land. That is aimed at renting a house and starting a grow op.

What if it is not a grow op at all? What if it is somebody who throws a few seeds on a farmer's field or on somebody else's land in the woods? Throwing a few seeds on someone's land in the forest is an aggravating factor. Therefore, if people threw half a dozen seeds and half a dozen plants grew, they would be subject to nine months in jail for something like that. That is horrendous. To put people in jail with all the other offenders is a very significant and severe punishment.

### *Government Orders*

The Canadian Bar Association talked to us about this issue. Attempts were made, through amendments in committee, to have some safety valve for judges in dealing with mandatory minimums. However, they were not permitted. There was a lot of talk about the United States and how terrible things had happened with mandatory minimums, and it is very true. The United States has the highest rate of prison population as a percentage of the population of any country in the world. I have the Canadian Bar Association saying “by far the world’s highest incarceration rate”. A lot of that is attributed to mandatory minimums, the “three strikes you’re out” laws in California and the various areas heavy sentencing policies. However, even in the United States, judges may depart from the mandatory minimums in defined circumstances, including where the offender did not have a significant criminal history or did not use violence or a weapon or cause serious bodily harm to any person.

• (1115)

Also, in the United Kingdom there are two formulations of an exemption provision in relation to mandatory minimums. These provisions are there to allow what is referred to as a particular circumstance that, “would make it unjust to do so in all the circumstances”. That is by far a much easier test than the cruel and unusual punishment provisions in our Charter of Rights.

Provision to ameliorate the effects of mandatory minimums, particularly in some of these matters where they are enacted in quite an arbitrary manner, were rejected in the committee and in fact were given very short shift. As we have heard today, the minister has adopted a policy of harsher laws, which he states is aimed at reducing crime, organized crime, and responds to what the Canadian people want. That is one view.

It is becoming increasingly clear that this approach, which I would call the “war on drugs”, the terminology that gets used in the United States and sometimes in Canada, needs to be taken in order to reduce organized crime and to prevent the proliferation of drugs in our society. However, there is another view, and we heard that in committee from witnesses from the Canadian Bar Association, people who have a great deal of history and experience with the drug trade and criminal law generally. They suggested that this approach did not work. It does not work in the United States or in Canada. In fact, it leads to a proliferation of criminal activity.

Last week, which is a little late in this debate because it was after the House, the people's democratic House, dealt with the bill, which was then before the appointed Senate for consideration, the Global Commission on Drug Policy issued a statement to the right hon. Prime Minister of Canada and to the senators in the Senate asking to reject mandatory minimum sentences. The Global Commission on Drug Policy is the author of this. It is talking particularly about Canada.

I mentioned some of the problems we have with the sentencing for cannabis. I will read the last sentence. It states:

The clear path forward to best control cannabis in Canada and other jurisdictions throughout the world is to move away from failed law enforcement strategies and to pursue a public health approach aimed also at undermining the root causes of organized crime. Canada has the opportunity to take a leadership role in implementing such policies. And it would be completely in keeping with Canada’s global reputation as a modern, tolerant and forward-thinking nation.

Who makes up the Global Commission on Drug Policy? It is signed by six commissioners. Members will recognize some of these names.

Louise Arbour is a former justice of the Supreme Court of Canada. She resigned that position when she was appointed as the prosecutor of the International Criminal Court to prosecute war crimes. That was a very significant position and a recognition of her stature, knowledge and ability. It was also a great honour for Canada to have her take that position. She was also a former United Nations high commissioner for human rights. She now serves as the president of the International Crisis Group for Canada, which is a very important player in international affairs.

• (1120)

That group offers very high level, considered and valuable advice to countries on how to deal with international crises such as we had in Libya, Afghanistan, Iran and other places where we are trying to find solutions that do not involve the heavy use of military force but work with existing nations to try to resolve international crises.

It is significant that a Canadian is on this commission. There is also Richard Branson, a well-known entrepreneur, founder of the Virgin Group of companies. Virgin Airways is one of his businesses and he is involved in various others. He is a commissioner. The other commissioners are: former president of Brazil, Fernando Cardoso; former president of Switzerland and minister of home affairs, Ruth Dreifuss; the former minister of foreign affairs of Norway; the United Nations High Commissioner for Refugees; and the former president of Colombia, César Trujillo, who is also the former secretary general of the OAS.

These are very significant, high level, international players with experience and knowledge of how countries should deal with matters such as drug policy. There is a bit of a change that is being put forward which has been seen not only by these individuals, but by other countries.

They say in their letter:

Building more prisons, tried for decades in the United States under its failed War on Drugs, only deepens the drug problem and does not reduce cannabis supply or rates of use....Many Global Commission members have first-hand experience with the violent illegal markets that emerge in drug-producing regions, where corruption, organized crime and violence are inevitable consequences of cannabis prohibition that cannot be successfully addressed by strengthening anti-cannabis law enforcement. We hope that Canada—where both production and consumption are an issue—remains open to new and better ideas.

I did mention the people who signed this letter, but the commission said in its letter that it also includes: the former secretary-general of the United Nations, Kofi Annan; former United States secretary of state George Shultz; the business expert I mentioned, Richard Branson; the former chair of the U.S. Federal Reserve, Paul Volcker; and also the former president of Mexico.

Mexico and Colombia have significant histories with the drug trade and they know of which they speak. This is really only about cannabis and not about drugs in general, but what is suggested is that the approach Canada is taking to cannabis, as contained in the bill and elsewhere, is in fact wrong and that a harm reduction approach should be pursued.

*Government Orders*

They suggest, and I am not saying I agree with everything, that there be a new regime involving taxation and production regulation. We agree with the decriminalization of marijuana and that this approach is not working.

I do not think anybody has any details worked out yet. Instead of going down the path of further driving marijuana production into the arms of significant organized crime with legislation like this, it will make it more possible for what the police officers sometimes call the low-hanging fruit, the people who are easy to catch, the people who are not exactly involved in any significant way at the higher levels of operations, but the people who are closer to the street and closer to very modest involvement to be eliminated. They will be put in jail. They will be taken off the streets. What will happen then? The people with the guns and significant organized criminal activity will increase, not decrease.

The Canadian Bar Association, the Global Commission on Drug Policy, and experts come to our committee and say, "This is called the safe streets and communities act, but in fact the consequences of the measures that you are bringing here are going to make our streets less safe and literally have more criminals on the streets. Why is that?"

• (1125)

The minister does not seem to understand. He finds that laughable. However, we are told by experts such as Professor Nicholas Bala and others that if a young person is put in jail for a significant period of time, he or she is not deterred by a longer sentence. He said that young people do not think about the consequences of their actions. They do not think about the sentence for something they are going to do. That is one of the functions of being an adolescent. They are working on things like trying to think ahead. Some people are impulsive when they are teenagers.

I see the member for Winnipeg Centre nodding his head. I imagine he was impulsive as a teenager, as we all were.

**Mr. Pat Martin:** The brain is not fully formed.

**Mr. Jack Harris:** The member said that the brain is not fully formed. Magazines talk about how there is something different about the teenage brain. I think our law mirrors that, or should mirror that.

The Government of Quebec passionately spoke to our committee about its 40 years of experience with the Youth Criminal Justice Act and the approach to rehabilitation. I must say I admire the minister who came to our committee and the way he talked with obvious passion and knowledge about the kind of people who come into the youth criminal justice system. He looked around the room and said he was talking about young people who do not have the advantages of the people sitting around this room, who did not grow up in homes with everything they needed and many of the things they wanted. In some cases they grew up in very difficult circumstances.

He saw the youth criminal justice system as a way to save those children, those young people and to use the principle of rehabilitation, not put them in jail for four or five years where they would meet and interact with other people who have committed crimes, learn from each other and come out in a criminal mode as opposed to being rehabilitated.

He said that their approach has worked. They were angry that their approach was being undermined by legislation that was being proposed, and has now passed this House and in the Senate.

We have amendments here from the Senate on one aspect of the bill. The people of sober second thought should have used some of that thought to send this back to the House with a whole bunch of amendments saying, "Hold it, you are going too far. This is not going to work." What Quebec's public safety minister said to the committee of the House is true. What the experts said to the committee of the House is true. I am sure they could have heard that from them, and probably did. Why do we not see amendments on that?

That is what is wrong with what is before us today. It does not do the job. It does not respond to the problems the bill creates. I have talked about mandatory minimums. I have talked about the Youth Criminal Justice Act.

One of the other things the Youth Criminal Justice Act decided is our policy on rehabilitation of young people. This says it is wrong. Now the notions of denunciation and deterrence in sentencing have been introduced. We are told that deterrence does not work. We are told that denunciation is not appropriate. People who come into contact with the criminal justice system are there because society does not accept what they have done. They are going to be subject to the criminal justice system. The object of the youth criminal justice system for those under 18 is rehabilitation.

What else does this bill do? The minister talked about making pardons more difficult to get. The government is going further than that. Nobody can get a pardon anymore, unless the person goes to cabinet. The cabinet can give a pardon, just as the king can give a pardon. The royal prerogative is still there.

• (1130)

However, in this process people who might have been found guilty or pleaded guilty to a shoplifting offence at age 18 or 19 cannot get a pardon. They can apply under the Criminal Records Act to the Parole Board. It costs \$600 now whereas it used to cost \$25. People can pay \$600 and go through the process, but at the end of the day, they will not get a pardon. If they are successful they will get what is called a record suspension. I do not know exactly what that means. I have an idea that their record would be suspended, but it is still there and presumably can appear again. The so-called man or woman in the street does not know what a record suspension is. Most people who have heard of record suspensions think of suspended sentences or something like that.

The whole notion of a pardon has a certain redemptive quality. It is something that says yes, the person did something when he or she was age 18, 19 or 20 and he or she received a pardon for it. The person may have done something, but he or she has been rehabilitated and can demonstrate to the Parole Board that his or her behaviour since the commission of the offence is such that the person does not have to have it hanging over his or her head for the rest of his or her life.

*Government Orders*

If people do not think this matters, they should talk to the woman in her forties who came into my office recently. She said that she cannot get a job with the hospital corporation. It will not hire her. She is a single parent with responsibilities for her children. She had taken a course and was ready to go into the workforce. She had been accepted for a job, but she cannot have the job because when she was age 18 or 19, she pleaded guilty to shoplifting a few chocolate bars. Her parents paid a fine. This criminal record has been following her around for over 20 years and is preventing her from getting work.

There is still a provision for her to get a record suspension at great cost and it could take as long as two years now because the procedures have changed. We enquired to the Parole Board on behalf of another individual.

There used to be a provision that if an individual was eligible for a pardon and had a job offer that depended on it, the instructions to the Parole Board officials were to fast-track that. Guess what happened? Last fall, instructions were given that that was to be no more. The first person who applies is the first person who gets consideration and other people go to the bottom of the list. There is no consideration for someone who has rehabilitated himself or herself, like the woman I mentioned who has a job offer, who can be a contributing member of society, working and supporting her family, doing a job for the health care corporation. No, she cannot have that. She has to go to the end of the line and we understand the waiting lists are getting longer and longer.

This is consistent with the attitude we hear from the government. There is this punitive attitude for people who have run afoul of the law, who have done something wrong at some time in their lives, and granted, some are more serious than others. We have to recognize that serious crimes deserve serious punishment. No one is objecting to that. Our Criminal Code provides for maximum sentences that are quite high for serious crimes. There is provision for sentencing guidelines that can be put in place. However, when a punitive approach to criminal law is applied down the line, this is the kind of result we get. A single parent is denied an opportunity to work because the system cannot respond to her desire to have a pardon in order to get a job. That is wrong.

It is wrong to say people cannot have a pardon, that they can have a record suspension. Why are the Conservatives doing that? I did not hear any rationale. I did not hear anything that said there is something wrong with the word "pardon". I did not hear it from one end of this debate to the other from anyone opposite. We know what pardon means.

• (1135)

As I said earlier, there is a redemptive aspect to it, whether we go back to the Bible or various aspects of religion, if people apologize for something that expiates their guilt somehow or other. If people serve their time, pay their debt to society and all those notions, the state can tell the Parole Board to pardon them for their offences and they can now hold their heads high. A young fellow who did something stupid when he was 18 or 19 and is now 24 or 25 can say that he wants a fresh start and wants to be a citizen with a clean record. A pardon does that but the government wants to take that away.

A lot of things in this bill are reprehensible but that one is more than reprehensible. It is, in fact, punitive. I cannot think of enough words to express how wrong it is to tell someone that he or she can only be pardoned if the cabinet agrees, which is basically what is being said. The word "pardon" is still there but it is not available anymore unless the cabinet agrees to it. I do not know when the last time that happened, if ever. It is actually the royal prerogative of pardon.

We have the issue of drugs and the heavy use of mandatory minimums. However, I want to comment briefly on the things we did support in this bill. We are over here in opposition and the Conservatives like to say that anybody on this side who does not agree with everything they say is standing with child pornographers. I think in this case we were supposed to be—

**An hon. member:** Predators.

**Mr. Jack Harris:** Sexual predators. We are on the side of sexual predators in this case. Not only that, the Minister of Public Safety thought it was okay to suggest that people practising criminal law and defending people, which is their right to do, were standing on the side of the criminals and that was the choice they made in their careers. That is the Minister of Public Safety in a government that is supposed to believe in the rule of law. The rule of law includes, I must remind him, the presumption of innocence.

In our criminal system, the government does not decide who is guilty and puts people in jail, and neither do the police. The Minister of Justice does not decide who is guilty and put people in jail. The Minister of Public Safety does not decide who is guilty and put people in jail. They do not have the right to do that in our society. Does anyone know why? It is because we have the rule of law.

We talk about Libya and ask that it develop the rule of law. In Afghanistan, the rule of law is what we are all about. We want the judicial system to work. We only want people to go to jail who are prosecuted in accordance with the law. We want judges to be free of corruption. We expect them not to carry out the will of their political masters. We want free and fair court systems. That is the rule of law. We want that in Libya and in Afghanistan. We have asked some of our young men and women to die for that.

However, when we are in the House, people are pointed at from across the way and told that they practise criminal law and chose to use their career to act for criminals. Members will underscore mockingly that it is an honourable thing. If we read it on paper, it looks fair enough, but that is not the way it was put, as if there is something wrong with somebody ensuring that the rule of law operates.



*Government Orders*

As I told my friends many years ago when they were wondering why I was practising law, one of the jobs of people practising criminal law was to ensure that the laws we have operate fairly for everybody and that nobody goes to jail unless he or she has been proven guilty in accordance with the law. A defence lawyer would ask if the law had been followed, if the person were truly guilty and if there were proof beyond a reasonable doubt. An individual charged with an offence does not have the means to defend himself or herself.

● (1140)

An old saying in the legal profession, which every lawyer and probably everybody else knows, is that a man who defends himself has a fool for a client. I have even seen lawyers defend themselves and prove that aphorism to be true because they did not have a clue how to defend themselves. They were not paying attention to the law. They were more concerned about their own particular issues as opposed to what defences were there. We have a system of justice in this country that is based on the rule of law. The lawyers who defend the people who are charged are there to ensure that people do not go to jail unless they ought to, unless they have actually committed the offence and it can be proven by a court. All of this is part of our judicial system.

We have a government that implicitly disrespects the rule of law by attacking opposition members for practising law in this country. Since when did it become reprehensible to act as a lawyer, to defend the rule of law and to ensure that people who are charged with offences have a proper defence? We have a legal aid system in this country because we recognize that the Charter of Rights and Freedoms, the right to liberty, require that an individual who is charged with an offence has a proper defence. We do not have the Charter of Rights and Freedoms for nothing. It is not just a piece of paper. To disrespect that by disrespecting the whole process is absolutely wrong.

Despite being accused by the other side of standing with child pornographers, in the case of Bill C-30, or defending criminals, there are some aspects of the bill now before us that we do support. However, in order to avoid the prolongation of the issue, we proposed that certain aspects of Bill C-10 be taken out and fast-tracked, that they be given special consideration and that the bill be split. We moved that in this House and I spoke to it.

However, instead of recognizing that this proposal was an effort to speed the passage of part of this bill, which is what I said, the government deputy House leader stood and said that it was a delaying tactic. I do not know how it is a delaying tactic to say that we take a section and pass it right away. The section was part 2 of the bill. There were a couple of sections. One related to creating the new offence of making sexually explicit material available to children, part of what is called grooming in the offence of sexual predators against children, and there was a new offence of agreeing to commit a sexual offence against a child.

We considered that those new offences were important and we wanted to see them implemented immediately. It also would increase the mandatory minimums that were already there. We believe those sections should be brought forward and passed immediately. As we indicated, there is a consensus on certain aspects of this legislation

that we wanted to separate and pass but we were put into the position, with an omnibus bill, that either we accept all of it or none of it.

We wanted to see the speedy passage of the provisions of part 2 that related to sexual offences against children. However, that did not stop the Conservatives from saying that whenever they bring in legislation that is designed to protect children against sexual predators that the opposition votes against it. They continue to say that kind of nonsense over there but it needs to be on the record that we sought specific and immediate passage of that particular aspect of the bill.

We had experts before our committee from the Barreau du Québec, for example, who talked about the concerns they had regarding Bill C-10 and the cost implications and the failure of imprisonment in reducing the incidence of crime.

● (1145)

The government calling the bill the safe streets and communities act is a very apolitical title. However, the Barreau du Québec has taken the position that Bill C-10 has come at a time when figures from Statistics Canada show that crime is on the decline in Canada. Its figures show that the crime rate in 2011 reached its lowest level since 1973, and that violent crime also was declining to a lesser degree than crime generally but, nevertheless, declining.

The Barreau du Québec said that it was obvious that the national crime rate has been falling steadily for 20 years. It suggested that the reason it was now at its lowest point since 1973 was primarily because the sentencing system currently seeks a balance between denunciation, deterrence and rehabilitation of offenders and that proportionality and personalization of a sentence were fundamental values of that system.

We were told that this legislation would produce less safe streets and here is why. Numerous studies have shown that imprisonment does not reduce the incidence of crime. Public Safety Canada has released the results of a study dealing with the impact of imprisonment on recidivism for offenders serving prison terms. That is how many of them go back. It is the revolving door that the minister talked about. We need to know whether recidivism and the revolving door will be reduced by these measures. The conclusions of the study showed that for most offenders prisons did not reduce recidivism.

Therefore, to argue for expanding the use of imprisonment in order to deter criminal behaviour is without empirical support. The use of imprisonment may be reserved for the purpose of retribution and selective incapacitation of society's highest risk offenders. The cost of the implications of imprisonment need to be weighed against more cost efficient ways to decrease offender recidivism and responsible use of public funds. Evidence from other sources suggest more effective alternatives to reducing recidivism than imprisonment.

*Government Orders*

There has also been a lot of evidence suggesting that keeping prisoners in jail longer makes them more hardened against society and more likely to commit crimes. If we take away or reduce the emphasis on rehabilitation and focus on punishment, people will come out of prisons more angry, less rehabilitated and more likely to commit crimes.

Another aspect of the bill that I have not touched on is in relation to international prisoners, Canadians who are incarcerated abroad, the International Transfer of Offenders Act found in the bill.

We have a treaty system with other countries whereby if a Canadian citizen is serving a prison sentence in Mexico, the United States or in another country that is part of the treaty, the Canadian citizen can apply to serve his or her sentence in Canada. Up until recently, that has been a pretty automatic expectation, not only for the prisoner but also for the country where the prisoner is now serving a sentence.

• (1150)

For example, we have a number of Canadians who are in prison in the United States. They are serving time for various offences, whether ordinary run-of-the-mill criminal offences or drug trafficking. They can apply to the U.S. and Canadian governments to serve their sentence in Canada. When they come to Canada, they are then subject to Canadian corrections laws and rules with respect to how much time they serve, the availability of rehabilitation programs and all of the things that go with that. These provisions have been in use for many years. However, we have a new situation now.

The government, the Minister of Public Safety and his predecessor have taken it upon themselves to refuse to allow people to come back to Canada. However, people could come back eventually. The government could not deport them. If they served their time in the United States or Mexico, they could get on a plane or a bus and come back to Canada. No one would know necessarily that they had been in prison somewhere else. They could show up at the border as Canadian citizens, show their passport or birth certificate and come in. No one would know where they were or if they were a risk to society. They could come to Canada unless they were serving an indeterminate life sentence or three sentences of 50 years, which they give out in the United States sometimes.

There is a public safety aspect to this. If they serve their sentence in Canada, they are subject to our parole system, our supervision, the mandatory release provisions, a halfway house and everything that goes with that. They are integrated back into the community and are given rehabilitation programs.

However, the current government and this minister have taken it upon themselves to refuse them for what appears to be arbitrary reasons. The Federal Court does not seem to agree with the decision that the minister is making. The Federal Court is telling him that he failed to follow the legislation and the act. It is issuing orders to the minister to review and reconsider these motions because the existing law requires that there be a reason.

In the bill before us, this is slipped in from part of a previous bill that the Minister of Public Safety brought in once before. Proposed changes to the act would give the minister virtually unlimited discretion when it comes to the international transfer of offenders.

These provisions would make legal what was previously illegal and contrary to the existing act. The Federal Court of Canada has told the government and this minister on several occasions now that they are not following the legislation as it exists.

What is the answer? Is it to follow the legislation and do the right thing to ensure that the government is acting in accordance with the principles that ensure that Canadians have an opportunity to come back to Canada to serve their time? No, the Conservatives' answer is to change the legislation to make legal that which was otherwise illegal.

Now the Conservatives have added that the minister, in determining consent to the transfer of a Canadian offender, may consider the following factors. The list is here. Many of these factors were already on the previous list. The list talks about whether, in the minister's opinion, the offender is likely to continue to engage in criminal activity after the transfer. This is tantamount to saying that the minister can decide whether, at some point in the future, that person would engage in criminal activity. Is that not what the Parole Board is for? Is that not what we have a corrections system for? Is that not the whole point?

Therefore, if an offender were serving six years in the United States, he or she could come back to Canada and do as he or she pleases. The minister would not even know that the offender is in Canada. There would be no record of the offender's activity in the United States. The minister would not know that the offender exists. Yet, if an offender applied to be transferred back to Canada, the minister could decide whether the offender were likely to continue to engage in criminal activity after the transfer. That is a consideration that the minister would be entitled to give.

• (1155)

The bill includes a long list. The Conservatives might as well leave the list out, because at the end of the list under (l) is "...any other factor that the minister considers relevant". We may as well get rid of (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) and (k). We may as well say, "in determining whether to consent to the transfer of a Canadian offender, the minister may consider anything he or she considers relevant". That is the essence of clause 136 of Bill C-10. That is what we would be doing here. We would be giving the minister unlimited discretion, with no policy and no guidelines, except a series of factors that he may or may not consider and then any other factor that he or she considers relevant.

That is irresponsible. It is irresponsible to give power to a minister to have control over whether an offender who is in the United States comes back to Canada or not. That is not a proper guideline. It is not a judicious framework for a minister of the crown of the Government of Canada, in a country of 33 million people, to have one man or woman decide, based on anything he or she considers relevant. Where is the opportunity for judicial oversight of something that involves the liberty of a Canadian citizen? That is what we are talking about.

*Government Orders*

When a person is sentenced to jail, if someone thinks it is wrong, he or she can appeal and go to court. In this case, the minister would have control over whether a person served his or her sentence in Mexico, the United States or back in Canada. How would the minister use that discretion? Based on what? Is it based on any arbitrary factor? Is it relevant that a person is known to a member of Parliament who thinks that he or she is a decent person and will come back to Canada and be a good person? If the minister thinks it is relevant, perhaps it would be. Is that the kind of society we want, where the minister could withhold consent based on anything that he or she considers relevant? Not for me, not for the members of the New Democratic Party.

There are other factors there. Some of those factors are quite relevant. However, the history of the use of this section has been to recognize that this is of value, not only to the individual involved but to Canadian society. Our friends to the south and the American government are not too happy that Canada is not accepting people. It is part of the understanding that we will take our citizens back if they are in jail in the U.S. and the U.S. will take its citizens back if they are in jail in our country. That is the understanding. The Americans are getting a bit concerned that Canada is not fulfilling its side of the bargain. I do not think there is anything written down that says we must. However, it is a matter for international relations between Canada and the United States to ensure that we operate in accordance with the understanding where there is good reason to. I do not mean that we have to follow every tradition just because it has always been like that. Where is the reason to say “for any factor the minister considers”? It is only there for one reason. It is there to protect the minister from the reach of the judicial oversight of the Federal Court of Canada. The government seems to be content to do that.

Where is the rule of law in that? The Conservatives will say they are obeying the law. Yes but they would have just changed it to make sure that the courts could not have any oversight. They would be following the law they had just made. That is what we see in the government. If it runs afoul of the law, if the Federal Court says it is doing something wrong, the Conservatives use their slim majority, which they call a strong mandate, to put through legislation that changes the law. If Conservatives do not like the law or they feel constrained by the existing legislation, then they change it. That is what we have.

●(1200)

I want to talk about the amendments because there are changes before us by way of the Senate. They are roughly related to the changes that were brought to the committee by the member for Mount Royal, but have been changed in some way.

I want to talk about how the State Immunity Act actually works. We do not have a lot of faith in this legislation. It had different lives in earlier Parliaments. It was at one time a bill called an act to deter terrorism and to amend the State Immunity Act. Conservatives went off that approach because it would not have any effect on deterring acts of terrorism against Canada and Canadians. The short title of the bill was the justice for victims of terrorism act. That perhaps comes a little closer to what the bill tries to do which is to give a right to Canadians to sue states or non-state actors for acts of terrorism.

It has been called a diplomatic minefield by some commentators. The way the act is written, it forces Canada to name countries that have sponsored terrorism. We cannot say we are suing country X because it has financed a particular organization that conducted a terrorist act that affected me or my family.

With ordinary torts, if we want to sue someone in our jurisdiction, we go ahead and sue them. However, we have to prove that they did the act. That person does not have to be on a list of people that some other body has put there. In this case, there is a list that is determined by the Government of Canada. Having that role of the minister of foreign affairs and the government to draw up and review that list from time to time is a diplomatic minefield.

For example, countries like Afghanistan and Pakistan are commonly seen as incubators of terrorism. Yet listing them could cause significant diplomatic problems as the Canadian government seeks to support the governments of these countries. Therefore, they are not put on the list. If Pakistan is supporting the Taliban, for example, and the Taliban commits an act that can be called terrorism under this legislation inside Afghanistan and a Canadian soldier or a civilian is injured, the relatives of that person cannot sue Pakistan even if they could prove that there was a direct relationship between the Pakistani government or military and the action of a particular group, unless Pakistan were put on a list.

We now have a government with the right to put a list together. Who is on the list? Which countries would be there? What is the experience of listing countries in other countries?

●(1205)

Other countries, such as the United States, have had a list. The U. S. experience is based on similar legislation, which has been in place for more than a decade. Only the listed countries can be sued. Currently, the listed countries are Cuba, Iran, Syria and Sudan. Interestingly, North Korea, Iraq and Libya were originally listed, but have since been delisted. Therefore, if a plaintiff were suing Libya in retaliation, say for example for the Lockerbie bombing, and was in the middle of a lawsuit and then Libya was delisted because the Americans decided they wanted to develop friendlier relations with Moammar Gadhafi, which they did in the mid-2000s, all of a sudden the lawsuit would be gone based on some action by that government to change the list.

A common problem that was identified, based on these torts, was that the defendants refused to recognize the jurisdiction of the American courts. As such, the defendants, whether it be the country of Iraq, Libya or whatever, would not appear. Then default judgments would be rendered and the debtor countries would ignore or refuse to pay. What is the point of having a lawsuit to get a judgment when the assets of the country are not accessible because it has refused to pay and is not part of the jurisdiction?

*Government Orders*

Therefore, recovery has become a major problem in the United States because many of these countries have limited assets held in the United States. In fact, the executive branch of the U.S. has been very reluctant to allow frozen assets to be used for this purpose and made available. What happened over time was as Congress attempted to create avenues for recovery, the executive resisted efforts over concerns of retaliation from the other countries against U.S. assets, for example, inside countries like Libya or other places. It was concerned about retaliatory measures and losing leverage over the country concerned, as well as potentially violating international law on state immunity. There was a whole quagmire of problems.

For example, in 1981, as a result of the Algiers accords, American embassy staff who were being held hostage by Iran were released. However, the hostages were then barred from initiating civil suits. Hostages had been taken in Iran, released by the agreement, but then as part of the deal, the government agreed that the hostages could not take civil action against Iran or the groups. The U.S. Congress sought to provide a right of action to those hostages through various laws. The executive resisted because of the international implications of such an accord being violated. Then Iraq changed the circumstances, causing the Bush administration to delist Iraq.

Under Saddam Hussein, Iraq was listed as a state that could be sued. A number of lawsuits had been successful wherein the plaintiff sought recovery by seizing Iraqi assets. However, after the invasion of Iraq by the U.S., the American government no longer had an interest in allowing such assets to be taken as it wanted them to be used for the benefit of the Iraqi people in rebuilding the country. Therefore, the victims of terror, or terrorist acts, who had been successful in suing Iraq would not get any redress. The assets, or whatever they had gained from their lawsuits, would now stay in Iraq because it suited the American government. As such, Iraq was retroactively delisted and many plaintiffs were unable to recover the money granted to them in judgments. That has been part of the U.S. experience with these political lists that are determined by the cabinet. All of these amendments, with one exception, implicitly recognize that these lists are key to whether a plaintiff can actually sue under this section of Bill C-10.

• (1210)

There would also be a situation where there would be limited seizable assets in Canada for any countries that might be expected to be listed on such a list. Victims would find themselves competing for the few if any assets available for recovery. The concerns outlined above with respect to retaliation appear to have come true in the American situation, as equivalent measures have been introduced in Cuba and Iran in consequence. What has happened is that not only the countries themselves do not have significant assets in Canada for action, but there are retaliatory measures in the countries that are put on the list.

We have a situation with the legislation that has been put forward that is well-meaning. In fact, there were proposals to make significant changes to it.

We heard from the Canadian Coalition Against Terror, which proposed that this whole approach be changed altogether, allowing suits against any foreign state that did not have an extradition relationship with Canada. In other words, it called it a negative list as

opposed to a positive list. It was concerned as well that placing a country on a positive list would expose Canada to ongoing political and diplomatic pressures. It said that the U.S. experience showed that factors unrelated to whether a country sponsors terrorism sometimes would become the determining factors. It would make the process unprincipled and would undermine the credibility of the government, the listing process and the bill itself.

The group went on to say that by not listing countries that objectively should be listed, Canada would be effectively be declaring them as non-sponsors of terror, which would undermine the deterrence object of the bill.

We have a situation where we have very complex legislation requiring very complex litigation. The difficulty is the bill then effectively becomes symbolic, although the government denies that.

The Toronto lawyer who works with the Canadian Coalition Against Terror admits that the litigation would be quite complex: classified information would be involved; the links between terrorists entering the states in question would have to be proven, which would be difficult; and showing causation would be challenging. For example, a government may provide funds to an organization involved in numerous activities from health care to terrorism and tracking where specific funds go could be time-consuming, costly and impossible. The complexities and difficulties associated with these types of lawsuits were acknowledged by the government, but its claim was that it was not just a symbolic gesture, but it recognized the great difficulties involved.

We have legislation that is fraught with political and diplomatic problems, ineffective solutions in terms of remedies and recovery and something we think is unwieldy and difficult for Canada to operate in a principled way, as I have discussed.

When we deal with the specifics of the individual states that are put on a list, that causes a lot of problems. The Canadian government would be in a much stronger position with the legislation if it took the stand that the courts would make that determination. It would be in a stronger position if it could take a stand on the terrorist sponsorship by a particular foreign state if the courts would make that determination. The government is affected by various other relationships with that state.

As pointed out with the American experience, things that have nothing to do with whether a state is sponsoring terror comes into play, such as the Iraqi experience, where even when people had judgments against the state of Iraq, they had no opportunity to get any redress because the government delisted the state. People who had been successful then got nothing, after having gone through the effort of ensuring they had a lawsuit.

• (1215)

The bill, as has been noted by the minister, includes a large number of provisions in various acts. Of the nine acts involved, four are public safety acts, four are Criminal Code related acts, one is the state terror legislation, the new tort. There is another on immigration, and I do not know why the Immigration Act is included.

*Government Orders*

As a result of the legislation, we have a piece that appears to be unrelated, but nevertheless is a part of it because it is an omnibus bill and the Conservatives figured they could add it and get away with it. That measure would give immigration officers another discretionary reason why they could refuse to allow an individual to come into our country, based on the instructions by Minister of Citizenship, Immigration and Multiculturalism. The minister could authorize officers to refuse work permits to foreign nationals who might be at risk of being subject to humiliating, degrading treatment, including sexual exploitation. We are not opposed to the visa application process being used as a tool to prevent human trafficking and to prevent exploitation. However, the emphasis should be part of a larger process. In an effort to prevent exploitation, the legislation is very vague and would be ineffective by itself in stopping trafficking. It would do nothing to strengthen the rights of workers in Canada, which is the source of the problem, and what would truly protect workers from exploitation.

We see examples of exploitation. The bill has been around for awhile in other forms and seems to have been mounted in response to some exotic dancers who were given visas to work in Toronto. The suggestion was that this was a cover for other activities and that this bill would now give discretion, under instructions from the minister, to refuse people entry into Canada if it was thought they would be subject to exploitation.

If people are eligible to get a visa to come to Canada and the fear is that they would be subject to exploitation, surely they should have the protection of Canadian labour laws that prevent them from being exploited in Canada. If there is a danger that people coming to Canada would be exploited, then the answer is to let those people come to Canada and ensure that their freedom of movement and their ability to choose employment are not compromised by criminal and exploitative activity. That is the dream.

People coming to Canada are not coming to be exploited. They are coming here because they may be given some information that their role or their job is one thing and then someone may try to exploit them once they get here. What is the answer? Is the answer to leave them where they are? Is the answer to say that they are entitled to come to Canada, but we will ensure that our laws protect them? We have a problem with the focus of the legislation being on this exotic dancer notion. However, all foreign workers are vulnerable. One example is live-in caregivers. We have a lot of them in our country. Agricultural workers, for example, are subject to potential exploitation.

• (1220)

Temporary labourers are another group that we have lots of experience with in this country going back to the building of the CPR. They are subject to exploitation. Temporary labourers are some of the most exploitable workers in Canada, but the bill is not likely to assist them because it is not part of a significant effort by the government to clamp down on the exploitation of workers in general. Indeed, I do not think the Conservative government takes that issue seriously at all.

We have support for our position on the bill from many different groups across the country. For example, the Canadian Bar Association expressed its concerns with several aspects of the bill,

both in media and press releases and in a 100-page brief presented to committee. It is concerned about mandatory minimums and the government's over-reliance on incarceration, and the constraints on judges' discretion to ensure a fair result in each case. It is concerned about the bill's impact on specific already disadvantaged groups and mentioned in its brief the effect on aboriginal Canadians.

In its extensive brief, the Canadian Bar Association talked about the changes to the Controlled Drugs and Substances Act, for example, including the provisions that would add to mandatory minimum sentences with respect to drugs. The association said it was opposed to the passage of what was then called Bill C-15 and opposed the same provisions appearing in Bill C-10 dealing with the Controlled Drugs and Substances Act. It believes that the public safety concerns could be better met with existing legislative tools. The association stated:

We believe the bill would not be effective, would be very costly, would add to strains on the administration of justice in Canada, could create unjust and disproportionate sentences and ultimately would not achieve its intended goal of greater public safety.

Now there is a statement:

—[The bill] would not achieve its intended goal of greater public safety.

I am not saying that because the Canadian Bar Association has said this that it is gospel. I am a former member of the Canadian Bar Association, as are many members of the House. This is an organization of lawyers across the country who represent not just one side of the bar but also prosecutors, defence counsel, people who work in the Department of Justice or justice departments and public prosecution services across this country as well, who are in the courts day in and day out prosecuting crimes, and people on the other side who are defending the accused. As our system is built around the rule of law, there are people who ensure that our system works, that people are innocent until proven guilty. There are two types of lawyers, and together they put this submission forward. When they say they do not think the bill would be effective in achieving the goal of greater public safety, that has to be taken seriously.

When the association talks about the mandatory minimum sentence with respect to marijuana plants, for example, it says that the bill would require mandatory minimum sentences even though the circumstances of the offence and degree of responsibility varied significantly.

The penalties in the bill are based on arbitrary factors and do not meaningfully distinguish the levels of culpability. For example, the clause that poses escalating mandatory minimum sentences for the production of marijuana is geared to the number of plants produced. If it is six plants or more, the sentence would be six months. The mandatory minimum would be nine months for the purpose of trafficking or the plants are on someone else's land. Then there is a one-year sentence for 200 plants, but less than 500. We are almost telling the judge to look at the list, with the number of plants on one side and the mandatory minimum on the other.

*Government Orders*

•(1225)

This in fact is an affront to the judges of our country. Many of them would say that one of their most important functions is to determine what an appropriate sentence is for a particular crime. This legislation says that the deciding factor is how many plants are involved. If a person has five plants, there is one sentence; if they have six plants, there is another; if they have 200 plants, there is another; and if it is on someone's else's land, it goes up even further, even if someone had only sprinkled a few seeds over a back fence and was growing the plants on that other person's land.

I can see why people do that. They might do it thinking they might not get caught, which is probably the idea. However, because it is on someone else's land, there is a higher mandatory minimum than if it happened to be on the own person's land. Does that make sense?

I am sure members here and all those listening are wondering if that makes sense or not. I go along with the Canadian Bar Association, which says that is arbitrary. It is totally arbitrary and has nothing to do with the degree of responsibility, the degree of guilt, the degree of punishment that is required.

When the Canadian Bar Association says this, it gives some bolster to the common sense of people who say there is something wrong with this picture when penalties have this arbitrary nature. For some reason, the government does not have faith in the judges who are appointed to decide what is fair and reasonable.

There is the case in Toronto of a judge who was dealing with a young man who had a loaded pistol in one hand and a computer in the other when the police broke into this apartment. The situation is actually rather ludicrous. I think the person was in his shorts with a computer in one hand and a loaded pistol in the other, and he was taking a picture of himself with his computer so he could put it on Facebook.

I have to confess I have no idea why someone would want to do that.

**Mr. Mike Wallace (Burlington, CPC):** Good question.

**Mr. Jack Harris:** The hon. member says it is a good question. Why would someone want to do that?

According to the law that the judge was dealing with, that was an offence coming under the category of offences where the person concerned was required to receive a sentence of three years. The judge decided that was pretty arbitrary, that the degree of responsibility involved and the stupidity of the act, or whatever one wants to call it, did not endanger anyone.

The judge was also concerned about what would happen to this person by putting him in jail for a minimum of three years. What would that do to him? Would that rehabilitate him? Would that help him to learn from his mistake?

**Mr. Pierre Lemieux (Glengarry—Prescott—Russell, CPC):** What about the victims?

**Mr. Jack Harris:** That is a very good question: what about the victims? I am not sure who the victims of that particular crime were. Not every crime has a victim.

This guy was going to take a picture of himself and put it on the Internet. I do not know who the victims are here. Obviously it is a crime against society, having a loaded pistol when the police come in.

According to the law, the minimum jail sentence was three years. The judge decided that that was arbitrary and did not meet the test of our law that punishment fits the crime. In fact, she determined that it was what the Charter of Rights calls cruel and unusual punishment. That is the same provision that was used by our courts to determine that capital punishment amounted to cruel and unusual punishment. That is why it is contrary to our law to this day and has been for 50 years.

•(1230)

That is the point here. The other side asks, "What about the victims", that we do not care about victims over here? I find that rather ludicrous, but it is also part of Conservatives' notion of dividing Canadians. They say, "We are in favour of victims and they are not". Not only do they say we are not in favour of victims but that we are also in favour of criminals and are standing with child predators or molesters. That is the kind of dynamism the government is trying to impose on sensible, common sense Canadians, but that is ludicrously wrong. In fact, it is so wrong, I need to explain it.

We came to the House and said we would like to carve out part 2, the sexual offences against children provisions, the new provisions on Internet luring, the new offence of showing pornographic pictures to children, as an aspect of the so-called grooming of children for sexual offences. We wanted to take them out, put them on the table and pass them right away. What did the Conservatives say over there? They said no, that we are just wasting time and want to delay things. In fact, we want to fast-track those things.

Why? I can go back to my speech on the day. I said that the New Democrats thought it should be brought in now because it would actually prevent other crimes of sexual assault and predation from being committed. Those provisions, which we support, would prevent crimes of sexual assault before they were committed. If someone were caught in the act of Internet luring, grooming or the other offences, and were arrested, they would not get to the point of sexual predation or sexual assault. They would have been caught before that. The experts and knowledgeable people on sexual offences know there is a process and that one thing leads to another. There is a continuum along which offenders go and this legislation would stop them. This was for the victims.

I want to say, by the way, to those over there who think that no one over here cares about victims, I am not prepared to listen to that. I spent seven years fighting for the victims of the Mount Cashel Orphanage scandal to get redress in the courts. That is what I did for seven years and I do not want anyone over there suggesting that this member or my caucus does not care about victims.

*Government Orders*

When it comes to justice for people before the courts who are being subjected to an injustice, they too deserve the protection of our law and of parliamentarians. I do not want to get caught up in the Conservatives' black hat-white hat mentality, saying that they are the only ones who care about victims and no one over here does. We care about justice and that the laws we pass give opportunities for justice to be achieved in this country.

There are groups in our society, non-governmental organizations and so-called civil society groups, who are also entitled to have their views heard. They have gone to committee and to the House. They have talked to members of Parliament. The Canadian Civil Liberties Association is an important body, a bit of a watchdog over laws that are being passed.

● (1235)

It expressed its concerns as well about the costs, both short and long term, of putting more people in jail, particularly in light of the increasing overrepresentation in Canadian prisons of aboriginal Canadians and offenders with mental health and addiction problems. The association expressed its concerns about that, and they are concerns which we echo.

There is a bad problem in this country with the failure to adequately address the mental health needs of Canadians. The Mental Health Commission is looking at ways of addressing that. The reality is that even though someone may be, as the legal term goes, not guilty by reason of insanity, there are people who end up before the courts because of their circumstances which are, in large measure, defined by their mental health problems or mental health diseases, concerns and afflictions. They end up in jail rather than in treatment. It is because they do not get the treatment they need that they end up in circumstances which put them in jail. That is a concern as well. That is a lack of justice for them.

Through better treatment programs for sufferers of mental health diseases or mental afflictions, we can make our streets safer, which is what the bill says it is about, instead of putting them in jail. Even those with mental health problems in jail do not get the help they need. They do not come out of jail in a position to make our streets safer.

On the issue of costs, the Canadian Centre for Policy Alternatives suggested that the costs of this crime agenda would be colossal. It said that a large part of it would be borne by the provinces which are responsible for implementing whatever is passed on. The provinces and territories would be expected to pay for additional courts, clerks, prisons, crown attorneys, judges, sheriffs, court reporters and so on, as well as the places in which the prisoners would have to be incarcerated. There have been significant objections from a number of provinces as to the passing on of those costs.

There were significant objections from the Government of Quebec. There were representations before our committee in November from Quebec's minister of justice and attorney general, Jean-Marc Fournier. He made a strong and passionate objection to the provisions of the bill, particularly as they relate to the Youth Criminal Justice Act.

This is the last opportunity this House will have to deal with the bill. We dealt with it at first, second and third readings under time

constraints. We were told it would go to committee and the committee would have all the time in the world to deal with it, but it rushed through the process. Witnesses in some cases were stuck with very short timeframes to give presentations, five minutes in most cases, to comment on a bill with 200 provisions. Some with 100-page submissions had five minutes to talk about it.

The bill was rushed through committee. The Conservatives tried to compress the consideration of the bill into two days, one two-hour day and the other day we were told, "We are here at 8:45, and we will finish it today". That suggestion came from the government members, which of course was not accepted by the opposition and a great deal of discussion took place over several hours as to why that was wrong. That changed and we did have another couple of days, but it was not very long, and as we pointed out, no amendments from the opposition were accepted.

● (1240)

The bill came back to this House for third reading and lo and behold, some of the amendments that were presented at committee by the member for Mount Royal were presented on the floor of this House by the minister himself. Guess what? They were ruled out of order by the Speaker for a very good reason. They were ruled out of order because they could have been dealt with in committee.

The fact of the matter is that the amendments were not dealt with in committee. For some reason the committee was told that because the amendments came from the opposition, they would not be accepted. Not only were those amendments not accepted, but no amendments were accepted. We had many amendments at committee. There was a whole package of amendments presented to the committee and debated, but they were not accepted. No amendments were accepted.

We have a government that is prepared to be arbitrary in its sentencing. It is prepared to give the Minister of Public Safety ultimate discretion on the liberty of Canadian citizens who are incarcerated abroad. It would give mandatory minimum sentences which have been determined to be arbitrary and in some cases unfair. We see a situation where the approach to drugs, particularly marijuana, would lead to greater criminal involvement, violence involving guns, gangs and criminal organizations as a result of the bill.

This is an approach which has been described as wrong. We have to start being sensible about it. We have to find a way to get away from this war on drugs that has failed in the United States and is failing also in Canada. It is not an easy road. I am not saying there is a simple solution, but this solution would make things worse, not better.

Mr. Speaker, if members opposite are wondering if I am running out of speaking notes, I have lots of speaking notes here.

*Government Orders*

The bill has generated more objections across the country than has any other piece of legislation that has been before the House since I first came here in 2008. We have received thousands and thousands of emails. People across the country are asking what is wrong with the government when it cannot see that criminality in our country in fact is going down. The violent crime rate has decreased. According to Statistics Canada, we have the lowest crime rate since 1973. That was 39 years ago. We have the lowest crime rate in almost 40 years, but we have a government that is saying it is time to be tough on crime because crime is exploding. It talked about violent crime exploding, drug crime, drug gangs and the proliferation of drugs, but that is not in fact the case. We have a government that is out of touch with reality. It is ignoring principles that have been part of our law.

Mr. Jean-Marc Fournier, Quebec's minister of justice and attorney general, said that for 40 years, "We have demonstrated that this system works. Our approach to youth criminal justice works. We are taking young people who could be headed down the path of crime and giving them an opportunity to be productive members of society. We have done a very good job of it and have had successes". He came to our committee pleading with the government not to make the changes that are in the proposed legislation.

• (1245)

Mr. Fournier proposed some changes. These proposals were put in the form of amendments by our party, but they were refused. I will mention some of the issues that were brought forward.

He said that maintaining the introduction of the principles of deterrence and denunciation specific to the adult system jeopardizes the distinct character of the youth criminal justice system and doing so appears to fundamentally contradict the teachings of the Supreme Court of Canada. He said that it is not enough to adapt the Criminal Code to young people as Bill C-10 appeared to do; rather, a balanced system truly suited to their situation from beginning to end of the judicial and extrajudicial process must be provided for.

These are words of wisdom. He talked about the fact that the bill would put pressure on public prosecutors with respect to the identity of a young person. Instead of what is there now, a blanket prohibition on making known the identity of young people, the prosecutors would now have to prove the identity of young people should be published because that means there is no option but to do that or be told that they are not doing their job.

In speaking on behalf of the citizens of Quebec, Mr. Fournier said that instead of the amendments to the current legislation, we should strive toward greater flexibility and a broader range of means that would enable stakeholders, the courts and the youth criminal justice system to apply the right measure at the right time for every young offender.

He was talking about flexibility. The bill talks about rigidity. He was very concerned, because Quebec said that its notion of the fundamental principle of rehabilitating young persons and reintegrating them into the community was designed to ensure the long-term protection of society as opposed to an immediate crackdown without sufficient follow-up. He said that these principles had enabled Quebec to post the lowest rate of recidivism in the country for decades.

When the minister spoke this morning he said that we needed to stop the revolving door. Well, the revolving door is what is called recidivism. One goes in, comes out, commits a crime, goes back in, comes out and goes back in again. The only solution the minister has come up with to stop the revolving door is to shut it when an offender is inside. There is no exit. They stay there longer.

What happens then? Do they come out better citizens or do they come out angrier citizens?

**Some hon. members:** Con college.

**Mr. Jack Harris:** Someone just called it con college. Do they come out better criminals? Are they more angry citizens, less willing to rehabilitate themselves or conform themselves to society's norms? Are they less able to participate in a meaningful role in society by getting a job? All of these things will be consequences of locking that door when they happen to be on the inside. That is what the bill would do, and at great cost.

We need to get rid of the notion that this is for the long-term protection of society, claiming that the streets would be safer. I think there is a little germ of an idea there that at least while offenders are inside they will not be able to commit crimes. That is the simplistic notion that the government throws out. I guess it does not really believe in rehabilitation.

The Conservatives say that while offenders are in jail the streets will be safer. The trouble is that is a false notion. The evidence as to how we make our streets safer when it comes to youth criminal justice comes from decades of experience in the province of Quebec. A minister from the province of Quebec came to see us and told us Quebec's approach to this. He spoke with great passion about how Quebec wanted to ensure that young people who were running afoul of the law would get a chance to rehabilitate themselves.

For decades, Quebec has posted the lowest rates of recidivism in Canada. Does the government want to learn from that? Does the government want to say that there is something happening there, we should study it and try to emulate it? If Quebec has the lowest recidivism rates in the country, we have a laboratory in which this approach has been tried par excellence, followed rigidly with the understanding of what it was doing. It was not just willy-nilly. It was not an accident. It happened as a result of Quebec's policies, its approach, its understanding of what works with young people and putting it into practice over decades.



*Government Orders*

● (1250)

If one has had the lowest rate of recidivism in Canada for 10, 20 or 30 years, would one not want to emulate that in Manitoba, in Newfoundland and Labrador, in Ontario and in British Columbia? We cannot forget about B.C. Do the people of Alberta not want to find out how Quebec has the lowest rate of recidivism in the country? Are they somehow or other less with it than the rest of the country? I do not think so. We should ask the people of Alberta if they would like to have young people, who are brought into contact with the traditional system, to come out, after being treated, and not commit crimes. Is that not what we would rather have or would we rather have them as they are now, part of a revolving door? Even if we lock them up longer, they will get out. We do not lock people up until they die. Even if they get a two year, three year, four year or five year sentence, they will get out.

When they do come out, what do we have? Do we have a person who is remodelled somehow, rehabilitated? Is that what we have the longer we put them in? That is not what any of the literature and the experts will say. It does not work. That is why we have this approach to rehabilitation, which is built into the principles of the Youth Criminal Justice Act. It was not designed primarily as a punishment, although there is some punishment.

● (1255)

Some offenders will be removed from society to what they call closed custody because some of these people are a danger. I have no illusions about that. Just because they are young people, it does not mean they cannot be a danger. Young people of the ages of 14, 15 and 16 can do terrible things, and they do. The question is what do we do with them. We will not put them in jail until they die. We will put them in jail, in custody or subject them to a system of criminal justice. However, what do we want to achieve? We want to achieve a safer society. We want to have a young person who is capable of being rehabilitated. We want to have a young person who may have to be given some program and some assistance to make up for the fact that he or she is where he or she is.

I am not saying that every person who commits a crime is somehow a victim of society. I have been around too long to think that. We have people from all walks of life who get into difficulty with the criminal justice system. However, many who do run afoul of the law have societal problems or poor backgrounds. Some may have difficult family lives or may have no proper home in which to live. They may be living in poverty and do not have the essentials of life. They may be in a home that is forced to go to a food bank. We know that by the number of food banks. We know by the demographics of this country that many people live in poverty, especially families headed by a single parent where the children do not have the opportunities that some of our kids have. They do not get the music lessons. They do not get to play hockey, join a soccer team or participate in extracurricular activities. They may have difficulty even having the right clothes to go to school and be accepted by their classmates and friends. They may grow up in an aboriginal community with a poor school. They may not have the things that make their life and their prospects something positive to look forward to and they may run afoul of the law one way or another and come into contact with the youth criminal justice system.

What attitude and approach do we want to take? The youth criminal justice system as it is written right now is telling us that the object of this act is rehabilitation, that based on that and based on the Quebec system and approach totally having the means, through its approach, for decades, and resulting in it, that this must be significant.

I do not know if this has been discussed in the House before but when we hear the Minister of Justice and the attorney general of Quebec saying that this approach has been used in Quebec for nearly 40 years and that for decades it has had the lowest rate of recidivism for young people in the entire country, I feel like yelling hallelujah. I am pleased that somebody has proven that rehabilitation works so let us get on the bandwagon and find out how we can replicate this from Newfoundland and Labrador to Yukon.

● (1300)

**Mr. Pat Martin:** Mr. Speaker, I rise on a point of order. First, for my hon. colleague from St. John's I mean no offence by this interruption or interference in what I find has been a very useful speech to date.

However, as a member of Parliament from the province of Manitoba, I have noticed that a number of times during the context of my colleague's remarks, he has cited Manitoba, in an argumentative way, to help flesh out a point that he was making regarding the way that certain provinces deal with their criminal justice system and their approach to recidivism. I have to argue that it is not fair, accurate or even allowable under the rules of order to put forward an argument on behalf of the province of Manitoba without any documentation or at least verification.

I do not mind my colleague using the province of Manitoba in the context of his remarks, but I did not hear him cite a chapter, or verse, or comment, or recommendation or submission that may have been made about the amendments by the province of Manitoba. Therefore, I have to ask him to be considerate and allow Manitobans to advocate on behalf of Manitoba in the context of the amendments to the bill.

**The Acting Speaker (Mr. Bruce Stanton):** I thank the hon. member for Winnipeg Centre for his intervention. I took care in listening to his explanation. I do not find it to be a point of order. It does actually speak to a debate on the facts, as it relates to the remarks of the member for St. John's East, so we will let the hon. member for St. John's East continue.

**Mr. Jack Harris:** Mr. Speaker, I thank the hon. member for raising that point, even though it has been ruled not a point of order. We have had in this debate, from time to time, the suggestion that some provinces like certain aspects of this bill. I do not doubt that. We like certain aspects of the bill. In fact, we asked for a whole section of it to be fast-tracked and passed because we believed in certain aspects of it, particularly the provisions dealing with sexual predators, Internet luring and most of that part.

*Government Orders*

I apologize if I let the member come to the conclusion, by not being specific and clear, that I was speaking on behalf of the people of Manitoba without any particular reference. The document I referred to was a document from the province of Quebec. Maybe I was speaking on behalf of the people of Alberta. I know a lot of people in Alberta. I spent three years there. I went to law school there. I have a great many friends in Alberta. I have really enjoyed spending time with them. I like their company. I have found the people of Alberta to be great Canadians.

In fact, it is such a great province that lots of Newfoundlanders go out there to work. Fort McMurray is a wonderful spot for many people from Newfoundland and Labrador to work and live. Some of them like it enough to live there year round and others go out for two weeks, come back for two weeks and then go out again and then return.

We see them on the planes all the time. In fact, an airplane goes from St. John's to Ottawa to Edmonton every day, and it is full. Some of us get off at Ottawa to go to work, others get off at Edmonton to get another plane to Fort McMurray. I have a great affinity for the province of Alberta and its people.

I said, and I think it applies to Manitobans as well, that I was sure if Albertans knew, and hopefully many of them are watching today, that the province of Quebec, by adopting a particular approach to the Youth Criminal Justice Act, had succeeded in having the lowest rate of recidivism in all of Canada, that they would ask why their government and their administration of justice, which is a provincial responsibility, could not achieve the same result.

I am sure the people of Manitoba would likely feel the same way. I do not have a document that says that. I am not as familiar with Manitoba as I am with Alberta. I have had the pleasure and honour of associating with the people of Alberta. There is a wonderful law school at the University of Alberta. A lot of students from our province go there for graduate degrees.

However, I think Manitobans would also ask themselves the same question if they knew Quebec had figured out an approach that lead to the lowest recidivism rate in all of Canada. They might ask if they could match it, emulate it, or learn something from it, so they would not have young people committing repeat crimes. They would not have the revolving door and the lock it while they were inside. They might want to know that there are ways of improving our criminal justice system. I am sure Manitobans would like that.

Unfortunately the government has failed to recognize that there are better ways of doing things than what it has proposed through this legislation. There are ways that are cheaper. As we know, the cost of incarceration is extremely high. The cost of programs for people who are affected by youth criminal justice are, by comparison, cheaper.

The government brings out statistics on the cost of crime, which are probably a little exaggerated. If the cost of crime is a concern, then one way to reduce it is to prevent crimes. Rehabilitation prevents crimes. Crime prevention programs that provide opportunities for young people in communities across the country prevent crimes.

●(1305)

I do not know how many members were approached by the members of the Canadian Federation of Municipalities over the last month or so. One of the issues it brought up to me was Bill C-10. It said that it was interested in infrastructure, but the infrastructure it was looking for had to do with the ability for smaller communities across the country to deliver programs for young people, recreational programs, opportunities for young people to have something to do, recreation centres, whether it be arenas, basketball courts or programs that would allow young people to do something positive that would make a difference in their lives and keep them away from other activities that could get them in trouble with the law.

That is prevention. That reduces the cost of crime because there will be fewer criminals, fewer crimes, fewer victims and fewer costs. I think we agree on that. I think we agree that the cost of crime is too high and it should be reduced.

The evidence shows that we can reduce the cost of crime and the number of criminals and keep our streets safer by an investment in prevention, rehabilitation and finding out whether we can change our drug laws so we do not encourage organized crime, criminals, violence and everything that goes with it. Can we do that? Can we increase support for people with addictions? Can we steer people away from a life of crime? Can we avoid the recidivism that leads to further crime and greater criminality? Or do we, as the government says, throw up our hands and say that we cannot do anything about that, but that we will get people who commit crimes and lock them up for longer at great public cost? That is the choice.

Conservatives have one solution—

**Mr. Paul Calandra:** We should let them out on the street. That's what you would like.

**Mr. Jack Harris:** They have one solution and we are saying we can reduce the number of crimes.

**Mr. Paul Calandra:** As long as criminals are on the street, the NDP is happy.

**Mr. Jack Harris:** We can reduce the number of criminals and we can reduce the number of victims. We can reduce the cost of crime and we can make our streets safer.

**Mr. Paul Calandra:** Nobody does anything, just let them out on the street.

●(1310)

**The Acting Speaker (Mr. Bruce Stanton):** Order, please. The hon. member for St. John's East has the floor. I am sure others would like to hear what the hon. member has to say, so we will have some order.

**Mr. Jack Harris:** Mr. Speaker, I will remind the hon. member I will not be speaking all day. He will have time to speak later.

That is the stark difference with the NDP's approach. I have a lot of material here because a lot of experts appeared before the committee. There were victims, and I am very respectful of them. When victims of crime came to the committee, I made a point of going over and thanking them for their submissions. I thought it was important that they be there.

*Government Orders*

**Mr. Paul Calandra:** No more victims under the NDP because then no one would go to jail.

**Mr. Jack Harris:** When we asked them whether they liked the bill, they really were not there for that purpose. They were there to say that they had been victims of crimes, that they thought people should be punished for the crimes they committed and that they believed the punishment should fit the crime. However, as far as the bill, they liked some parts of it and others they did not.

I am having a little trouble as I am being distracted, Mr. Speaker.

**The Acting Speaker (Mr. Bruce Stanton):** When a member has the floor, hon. members are asked to keep noise in the chamber to a minimum, at least to the point where it is inaudible.

The hon. member for St. John's East has the floor.

**Mr. Jack Harris:** Mr. Speaker, a number of victims and family members of victims testified at committee. There was a woman from Alberta who was part of a Mennonite group who worked with victims and the criminal justice system. Her son had been murdered. She believed that we should have a proper criminal justice system, but she also believed that our system ought to be based on rehabilitation. She was not out to get somebody put in jail for the longest period possible as part of retribution. She believed firmly that rehabilitation was extremely important. The witnesses were not all on one side or the other. People had varying views. I have the greatest sympathy for anyone whose child, spouse or parent is the victim of a violent crime. We heard from a woman whose son was shot dead in the street.

We on this side of the House abhor violent crime. We abhor the use of guns, the proliferation of guns in our society, illegal guns, shotguns that are sawed off and used to commit crimes. I would like to know more about what our police forces are doing to stop the illegal importation of guns. I would like to see a report on that.

It is shocking when we hear about the criminal acts that are occurring in our cities. Some are arbitrary acts. A passerby is murdered for no reason except that the person happened to be in the wrong place at the wrong time. The number of illegal guns that are available is an evil that has to be dealt with. There are people who think it is great to pack a pistol, but that is not the kind of society we aspire to in Canada. We need to ensure that our police forces are enforcing that.

A lot of people in government talk about deterrence and long sentences. All of the criminologists and experts, whether they be university professors, people who studied criminology, or people working in the field, testified that the greatest deterrence is the certainty of being caught. We need to support our police forces. If people think they are going to be caught and punished for a crime, that acts as a deterrent more so than the fact that they are going to get nine months or twelve months versus six months. People do not read the Criminal Code before they commit a crime. They do not sit down and decide on what crime to commit. That is a fact based on research and evidence. Mandatory minimum sentences rarely act as a deterrent, but the certainty of being caught is a deterrent and someone will be less likely to commit a crime.

This is an important problem at issue here. We like to urge the government from time to time to do things, and this is a good way of

doing that. We should have evidence-based decision-making. If our government is seeking to change laws and incur significant additional expenses for our criminal justice system and for our provinces, then it should at least be based on some evidence showing that it will work. We heard time and time again from the experts that these laws will not be effective in reducing the number of criminals, in reducing the amount of recidivism. They will not make our streets safer.

• (1315)

Rehabilitation is not just about the individual. As a member of society, I want somebody who is convicted of a crime and goes to jail, who is under the supervision of Correctional Service of Canada, to be rehabilitated for me. For the individual's sake I want him or her rehabilitated because that is a good thing. I want the person to be a productive member of society, but I also do not want the person to go around committing further crimes.

Rehabilitation is not only about doing good for the criminals. It is not about coddling criminals, which some like to say from time to time. Rehabilitation of an offender is about making our streets and communities safer and reducing the number of crimes that are committed. Rehabilitation is an important societal goal because it helps to make a better society. It helps to make our communities safer.

If people do not understand that, then they are not using their heads. Evidence-based decision-making is about using one's head. It is asking what works and what does not.

I do not get any pleasure from seeing someone commit a crime and then go to jail for a long time. Obviously, we want justice to take place. Someone who commits heinous crimes deserves serious and significant punishment. However, we have to be mindful of the fact that we cannot have a system that relies overwhelmingly upon punishment and retribution and does not recognize the importance of rehabilitation.

The Quebec experience is one which I believe ought to be a source of study by the Government of Canada. What Quebec is saying is that it regrets very much the moves that have been made by the federal government in dealing with the Youth Criminal Justice Act. Quebec has said what I just said. In the long term it is ultimately society as a whole that benefits from long-term protection. It is this notion that imposes an obligation to reflect on the way to detain, rehabilitate and reintegrate a young person so that he or she becomes a productive member of society, since the purely punitive consequences imposed will inevitably come to an end. A society that disregards the circumstances underlying a person's criminal behaviour cannot claim to be adequately protected for the future.

If one does not try to ameliorate the circumstances underlying a person's criminal behaviour, one cannot protect oneself in the future because one has not done anything to try to prevent those circumstances from causing further crime to take place. There are different ways of saying the same thing, but the point is that if a criminal is rehabilitated, one protects society. If one rehabilitates a young person, not only does one protect society, but one gives that young person a positive life, one that can improve over time.

*Government Orders*

In this bill there is a whole series of factors that are taken into consideration for increasing the length of sentences under the Controlled Drugs and Substances Act. I talked earlier about the arbitrary nature of these things. As the number of marijuana plants increases, for example, one starts adding to the mandatory minimum sentence. I think the Canadian Bar Association has made the submission, quite correctly, that the number of plants in and of itself bears no relationship to the seriousness of the offence in respect of the responsibility for the crime by the person who is charged with it.

We have an arbitrary system unfortunately, one which takes away and shows disrespect for a judge's rights and duties. One of a judge's principal duties is to focus on providing a sentence that is fit for the crime, fit for the criminal, fit for the circumstances of the offence and the offender.

● (1320)

Judges, the criminal courts and lawyers spend a lot of time on that. In fact, in many cases, the criminal trial amounts to a sentencing hearing, because a large number of offenders plead guilty. There is a system of disclosure now that is valuable. When someone is charged with an offence, before the person is even required to make a plea in some cases, the crown is required to disclose what information it has on which it is basing the charge.

Very often the jig is up because the person was caught red-handed or the evidence is very clear, or the person made a statement acknowledging guilt and handed over the stolen goods, et cetera. The question is not whether or not the person is guilty. The question becomes what a fit sentence would be. The crown prosecutor and the defence counsel will go before a judge and argue based on precedent, based on the law, based on other cases, based on the circumstances, what is a fit sentence for the crime. That becomes what the trial is all about. The trial is to determine the appropriate sentence for the individual.

Any judge will say privately, because judges do not have political opinions, that sentencing is very important for judges and they do not like to have their discretion narrowed to the point that they cannot fashion a sentence that is fit for the crime.

There is talk from time to time about some courts letting offenders get off lightly. I practised law for a long time. I was admitted to the bar in 1980. I did not practise criminal law exclusively, but I did a fair bit of criminal law work and studied it in university and law school. I read up on the subject and follow sentencing over time. Occasionally there are sentences which are shockingly high in some cases and shockingly low in others. That is the nature of the system. We have checks and balance for that.

We have an appeals system. If the provincial court judge gives a sentence that is out of whack, the person can go to the Supreme Court which decides whether it is right or wrong. If the person does not like that, the person can go to the Court of Appeal. There have been cases where sentences have been considered by the Supreme Court of Canada. The purpose of that system is to ensure that within an appropriate range of sentences a judge is not giving an inappropriate sentence.

That is a function of our judges that they value very highly and they are very good at it for the most part. Human nature being what it

is, not every sentence is exactly right, but that is what the appeal process is for. The overall thrust of this legislation is that something is wrong with our system, that somehow it is broken, that judges do not care about crime, that they do not take the victims into consideration.

We now have victim impact statements which are new in our law. They were brought in for the very reason of giving victims a say in the process. Some people felt that the criminal trial process was all about the offender. Well, it is all about the offender, because he or she is the person who is before the courts and who is expected to pay the punishment for the crime, if he or she committed it. Victims have a role. It was shocking when the victim was regarded simply as a witness and sometimes was not treated with respect. The victim would not be allowed in court while other people were giving evidence. Sometimes the victim would be thrown outside the courtroom to wait with the family and friends of the perpetrator.

● (1325)

This was shocking. It took some time before the victims' basic human rights were treated with respect and dignity. A person was the victim of crime, yet the whole system seemed to revolve around the crown prosecutor, defence counsel, judges and police, everybody but the victim. That has changed. In our province we have victims service organizations that assist victims of crime through the process.

As I mentioned earlier, I was engaged in a series of cases where I was not involved in the criminal process directly, but in the civil process. We sued governments, religious orders and individuals who were responsible for sexual abuse. These people were also prosecuted in the courts. In the courts, in order to recognize the needs of victims, there were counsellors available to help the victims confront the fact that they were sitting in a room next to the person who had abused them as a child some many years ago and that affected them on an ongoing basis.

I learned about PTSD. It is a very well-known acronym these days: post-traumatic stress disorder. We hear about it mostly when we talk about returning soldiers who have been to Afghanistan. We hear about it in the context of people who suffer from that kind of trauma. We recognize now how debilitating it is for soldiers in combat. When I started learning about it in 1989, I would not say that it was unheard of, but there was an awful lot to learn. The victims of child sexual abuse in this case were all suffering from PTSD. I learned a lot about it.

Those people, the victims of crime, were witnesses in the prosecution of the perpetrators of those crimes. They came to be treated with dignity and respect because the system responded to their needs and made counselling available. The system became sensitive to them.

Not only that, when convictions were obtained, when sentencing took place, those victims had an opportunity to come forward and give a victim impact statement and talk about the effect the crime had on them. In the civil suits, we took note of all of the effects that came from post-traumatic stress disorder, the need for rehabilitation and the effect on their lives because they were victims of a particular crime. Those people are suffering to this day from post-traumatic stress disorder that goes back to the time when they were young boys of 8, 9, 10 or 12 and they were victims of child sexual assault.

*Government Orders*

The place of victims is extremely important in our criminal justice system. It has advanced considerably. On this side of the House, we are very aware of that. We are very concerned about victims. I do not want that ever to be forgotten in this House. I do not want members opposite to say, "What about the victims?", with the implication that we do not care. We get that from the other side time and time again. They would say that they are fighting for the victims and we are fighting for the criminals. That is nonsense.

We are fighting for justice. I will acknowledge that the other side is too, but it has a funny way of doing it. The Conservatives have a despicable way of doing it from time to time. However, their notion of justice is wrong-headed in many respects. It does not take into consideration some of the facts that I am talking about here today.

● (1330)

What we really want is a system of justice that is fair and reasonable, but one that will also protect society best. We want to reduce the number of crimes, criminals and victims. There are different approaches to doing that. We believe that our approach has been proven to be better.

One of the strangest occurrences in our committee was when we had internationally renowned experts, people who had studied at significant universities around the world, coming forward to give testimony. One of the members of the committee on the government side had a habit of ignoring all of their qualifications. Rather, he would ask if they had ever been a victim of crime. These internationally renowned experts on criminology were scratching their heads and wondering what the purpose of this question was. The purpose seemed to be that if they were not victims of crime he did not want to hear from them, that their opinions were useless. The member was not concerned that they went to Harvard or Stanford but whether they had ever been victims of crime. Frankly, I found that rather astounding. The individuals said that they were all victims of crime of one sort or another over the years and asked what that had to do with anything.

One person who had gone to these universities was an internationally renowned expert in criminology. He could provide a factual basis for his opinions. People who are researchers, who write papers and are experts are not classified as such just because they have opinions. They have done the work. They actually look at the statistical history and effects of incarceration, whether it works, where it works and where it does not work. They are able to tell us the history of the war on drugs in the United States and what effects incarceration rates have had on crime, costs, et cetera. These are people who bring their knowledge to a committee of the House to inform legislation, to ensure we are taking initiatives that work, rather than just meeting the ideological needs of someone in the House or the government.

We are not supposed to be making criminal laws and criminal justice to suit the political or ideological needs of a political party because it wants to satisfy certain opinions out there. That is not the purpose of our legislation. We are here to argue against simplistic approaches. We are here to talk about what needs to be done to make our streets safer, rather than simplistically saying that what we need to do is incarcerate people longer and have minimum sentences so that we are tough on crime. We see that as the political objective of a

party so that it can go back to the public and its electors to say that it said it would be tough on crime and is tough on crime, regardless of the facts, expert opinions and experience, such as that presented by the Government of Quebec with respect to the youth criminal justice system.

We also talked a lot about the changes that were brought in and the costs. In addition to not making our streets safer, the legislation would cost a lot of money. Reporters ask us how much it will cost. I have to say that I do not know. We have heard estimates from here and there. Some provinces have said that it will cost a billion dollars, others have talked about a couple of hundred million dollars.

● (1335)

The government does not know either, because it never really tried to find out.

We had a report last week from the Parliamentary Budget Officer talking about one small aspect of one part of the bill, on conditional sentences. In part 2 of the bill, there is elimination of conditional sentences on all offences for which the maximum term of imprisonment is 14 years and over, and other indictable offences for which the maximum sentence is 10 years.

Conditional sentence is not meant to let an individual go free. The court has decided that an individual would be subject to incarceration, but instead of the sentence being served in prison, it would be served under the control and jurisdiction of the Correctional Services.

The Parliamentary Budget Officer looked at that provision only. The government had said it would cost the federal government nothing. The provinces did not know. The Parliamentary Budget Officer did an analysis with the help of very experienced and knowledgeable people. My colleague, the opposition House leader, who was then critic for justice, had asked the Parliamentary Budget Officer to estimate the cost of the mandatory minimums contained in the act and the elimination of the conditional sentences contained in part 2.

The Parliamentary Budget Officer did not have the resources to do all of the work on the mandatory minimums, as there were not enough staff and there did not seem to be a source of information. However, on the conditional sentences, staff got information from Statistics Canada, the provinces and the Parole Board. They concluded that this part of the act would cost \$8 million a year for the federal government and \$137 million more for the provincial governments.

A chart was produced as to cost by province. When these measures are estimated by governments, it is usually over a five year period. The estimate was a total cost of \$750 million just for one small provision of the act.

*Government Orders*

At the briefing, we asked why costs were not estimated for the whole act. Staff said they did not have the resources to do that, but had looked for the information. They asked Statistics Canada for the number of conditional sentences and what offences they were for. They expressed some surprise that they were actually going on untrodden ground. Nobody had been there before. The government had not.

As the Parliamentary Budget Officer does not just go off on a frolic of his own, he had started off by asking the government departments concerned to give him their cost analysis of the consequences of this bill. They did not get anything. When staff went looking for the information themselves, it was a green field. Nobody had asked before, so Statistics Canada actually came up with a methodology of getting the information, going back into its databases and coming back with the information.

This is interesting, in the context of whether there be more or fewer people convicted. The Parliamentary Budget Officer discovered that by removing conditional sentences, fewer people would be convicted of crimes. Why is that? When faced with the prospect of the mandatory minimum, a person who would otherwise plead guilty as part of some plea bargain or understanding with the Crown that he or she would get a conditional sentence, would serve a longer sentence. It was statistically shown that the sentence for a person incarcerated for a crime averaged 248 days, whereas a person who received a conditional sentence was sentenced to an average of 350 days.

• (1340)

They would therefore be under correctional supervision for a longer period of time. Otherwise, they would serve a shorter sentence and be out in the community with no supervision. About 15% fewer people would be convicted. Thus we had fewer people being convicted under less correctional supervision for a shorter period of time. The conclusion here had to be that this was not really working. Yes, we had them in jail, and of course the cost was 16 times as much. So we paid 16 times as much for fewer people to be convicted, but they would be incarcerated and under correctional supervision for a shorter period of time.

**The Acting Speaker (Mr. Bruce Stanton):** I see the hon. member for Winnipeg Centre is rising on a point of order.

**Mr. Pat Martin:** Mr. Speaker, I am having a very difficult time trying to follow the speech of my colleague from St. John's East. I am trying my best to follow his reasoning, but he is making reference to research papers and documents with some very complicated facts and figures, and even making reference to legal text et cetera. I am having a difficult time following the tone and content of his remarks and the conclusion he is coming to.

I would ask if it were possible for him to please table the documents, specifically the document he just made reference to where there is a cost factor with a ratio of 16:1. I would ask if he could expand on that, and also in the interests of elevating the political discourse on this particular bill and the amendments thereof, if he could table those documents so that we might all benefit from the same legal training and experience and reading of the authorities he enjoys. I find it is useful, if one is going to make reference to a document, to bring copies into the House of Commons and offer, in

the context of one's speech, to table those papers so that we all might start this debate with the same base level of authorities and documentation, which we could all discuss later.

In the absence of that, we could have more hecklers from the other side, which would also elevate the standard of debate in the House of Commons.

• (1345)

**The Acting Speaker (Mr. Bruce Stanton):** I thank the hon. member for Winnipeg Centre for his intervention. I would ask the House if there is unanimous consent for the member for St. John's East to table said documents.

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Acting Speaker (Mr. Bruce Stanton):** There is no consent in that respect and, of course, members are not obliged to do that, as ministers would be.

The hon. member for St. John's East has the floor.

**Mr. Jack Harris:** Mr. Speaker, I would like to thank the member for raising that point of order. As the Speaker has ruled, in the absence of unanimous consent it cannot be tabled. I note that the refusal to give unanimous consent came from the other side. This is a report of an officer of the House, the Parliamentary Budget Officer, whose job it is to assist parliamentarians find out the costs of government programs.

To table a report of that nature in the House would add to the debate, as the member said, but it has been refused. I do not really understand why. Is it that the Conservatives do not like the figures, that they do not like the truth, that they do not like the evidence? Do they not want to hear what the Parliamentary Budget Officer has to say?

One of the outcomes of the Parliamentary Budget Officer's exercise was to discover that the government did not have any figures. The only figures produced by the government when it was asked about the costs of the bill was that there was no federal cost and that it did not know what the provincial costs would be. Therefore, the Parliamentary Budget Officer asked recently if the government had any figures now. It said it did not.

We are imposing measures that will have consequences for provincial governments and the Government of Canada. They are measurable. The increased cost as a result of the bill, only for conditional sentences, would come from the larger number of hearings the parole board would have to hold. The government knew the number of hearings and the average cost per hearing. If we multiply one by the other we come up with \$8 million. It is not rocket science, but based on actual projections of the number of cases for each of these different offences.

*Government Orders*

It was a bit tedious, but for the last year in which reports were available, that is, 2008, Statistics Canada could find the exact number of people convicted of these particular offences during that year. The numbers were there, and the number of people who would actually be convicted and go to jail was extrapolated from that. All of these figures came out. However, we had someone on the other side saying that the Parliamentary Budget Officer had not been right yet. I guess there is a big difference between the \$750 million the Parliamentary Budget Officer came up with as the five-year cost of this provision and the government's figure, which is, "We do not know". The government's figure was, "We do not know" and the Parliamentary Budget Officer's figure was \$750 million over five years. That is the nature of this debate about the costs to Canadians of just one measure in the entire Bill C-10.

The government members do not want the Parliamentary Budget Officer's information and report to be tabled before the House, I guess because it is a bit of an embarrassment. It is not as if the amount of money over five years, the \$750 million, is going to break Canada. I am not suggesting that. However, if it is a difference between \$750 million and "We do not know", then that tells us something about what goes on over there when they are deciding to bring forward legislation.

They do not even bother to figure it out themselves, and they are the ones who seem to be interested in talking about parties' fitness to govern. Is that something we should be wondering about in terms of their fitness to govern here? Are these the fiscal managers, the people who tout themselves as the great fiscal managers of Canada, the ones whom Canadians should have faith in to run the country because they are so good at fiscal management?

• (1350)

We have a contrast here. The Parliamentary Budget Officer, who was appointed by the Prime Minister to advise parliamentarians on these issues, did a report at the request of a member of Parliament and said it was going to cost \$750 million over five years. That is just one measure in this huge bill.

The government says "We do not know." It has never bothered to try to find out, although it did claim it was going to cost the federal government nothing. The Parliamentary Budget Officer says it is going to cost the federal government \$40 million over five years in additional expenses and it is going to cost the provinces another \$710 million, or something in that range. The government is saying that it is going to cost it nothing, and it does not know what it is going to cost the provinces. It did not even try to figure it out.

This is what we are faced with in dealing with a government that is arrogant and out of touch with the realities of Canadian life.

**Mr. Paul Calandra:** It is so arrogant to put criminals in jail—

**Mr. Jack Harris:** It is out of touch with the consequences of what it is doing, whether it is fiscally, or—

**Mr. Paul Calandra:** Breaking the law puts them in jail. That is arrogant.

**Some hon. members:** Oh, oh!

**The Acting Speaker (Mr. Bruce Stanton):** Order. I would ask again that hon. members recognize the hon. member for—

Order, order. The hon. member for Oak Ridges—Markham will come to order.

The hon. member for St. John's East has the floor.

**Mr. Jack Harris:** Mr. Speaker, I am encouraged by the number of members now showing up to listen to my speech. I thank the members for the compliments on the speech. One hon. member said that he was suffering from insomnia. I guess it is better to suffer from insomnia than to fall asleep on the job. I thank him for his attention.

It is disturbing to know the enormous expense that comes with the bill. The Minister of Justice and the Prime Minister have from time to time said so what, that is the nature of the Constitution. They say that they have the responsibility for passing the criminal law and that the provinces have the responsibility for the administration of justice. If that is their constitutional responsibility, they say that they are prepared to let them take their responsibility and they will take theirs. However, that belies the nature of our Confederation. We have a country that depends on federal-provincial co-operation, or at least respect, at least consultation on matters like the cost.

The minister talked about how the government consulted. I do not deny that some provinces sought some of the measures that are in the bill but there is not unanimity among the provinces on the bill. Some are opposed and some are in favour. However, I think all are concerned that they would need to bear some of the additional costs that are associated with the bill.

The minister says that the government has increased its contributions to the provinces through transfer payments in the last year or so but they were not increased specifically to deal with this proposed legislation. There was no consultation on the cost of it. The Government of Canada did not say that it had some changes that would cost a considerable amount of money for some provinces in terms of additional incarceration costs. The provinces would need to build more prisons to keep more people housed in jails and that would cost some money. However, the federal government did not make the provinces aware of that. It did not give them an implementation schedule or say that it was prepared to consider ameliorating some of that cost. We did not hear that.

What we hear is that the government does not even know the costs. It is not even going to look at what the costs would be. It is not going to consult on the burden of the costs. It is just going to go ahead and say that it is the federal government's job to pass criminal law and that it is the provinces job to pay the costs of incarcerating people, the prosecutorial costs, the legal aid that is generated by the new provisions and the extra amount of trials that there would be to deal with the mandatory minimums. That would all fall on the heads of the provinces and the federal government would let them look after it because, after all, it is their constitutional responsibility.

*Statements by Members*

There is a nice intellectual argument that, yes, we can divide sections 92(a) and 92(b) in the Constitution, but the reality is that the Confederation of Canada involves a partnership and that partnership needs to be respected. The dignity and role of the provinces must be acknowledged and respected in terms of that imposition. I used the term “downloading” once and someone suggested that was wrong because the provinces had those responsibilities in the first place. However, if it is not downloading, it is creating new costs for the provinces that are not there now. The federal government is creating these costs because it would increase the number of people who end up in jail.

Someone opposite said that all the government was trying to do was put criminals in jail. If that is all it is trying to do, I could still argue on how long offenders will be put in jail. We could argue about whether jail was the best place for some of them or whether a rehabilitation program would make our communities safer. The assumption from members opposite seems to be just to put criminals in jail.

• (1355)

If the members on that side just want to put criminals in jail and want us to agree with them, that would not be much of a debate because that is not our responsibility as members of Parliament. Our responsibility is to examine the laws to see whether they will actually work and whether this is a bill to make streets safer or a bill that will result in more crimes, more criminals and more victims. That is our concern about the other side.

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## STATEMENTS BY MEMBERS

[English]

### FOREIGN AFFAIRS

**Mr. Mark Adler (York Centre, CPC):** Mr. Speaker, a month ago, I stood in the House to bring attention to the anti-democratic practices currently ongoing in Russia. Twice in the last three months, election fraud has been strongly alleged in the Russian federation, once in the Duma elections on December 4 and, most recently, this past Sunday in the Russian presidential elections.

Our Minister of Foreign Affairs recently noted with concern the identification of procedural irregularities that tainted the vote in nearly one-third of the polling stations. An observer for the Organization for Security and Co-operation in Europe stated:

There was no real competition and abuse of government resources ensured that the ultimate winner of the election was never in doubt

As the Prime Minister of Canada has said:

...one of the human rights we treasure most is the right to freedom of expression. Without it, there can be no democracy, no free press, no freedom of enterprise... and no free exchange of ideas, the universal catalyst for human progress.

I hope all members of the House will stand with me today and urge the Russian authorities to respect the rights of their citizens to demonstrate peacefully and for both sides to refrain from the use of violence.

[Translation]

### STATUS OF WOMEN

**Mrs. Sadia Groguhé (Saint-Lambert, NDP):** Mr. Speaker, International Women's Day is just two days away. I would like to take this opportunity to draw the attention of the House to the many abuses suffered by women in general, and refugee women in particular.

Around the world, women are victims of all manner of violence, particularly sexual violence used as a weapon of war.

In the 21st century, there should be no need to use terms such as “rape capital of the world” or “most dangerous place in the world to be a woman”. Women are forced to flee their countries to preserve their dignity.

Every year, Canada offers hope for a better life to persecuted women. We are known for being welcoming, compassionate and caring, values that we demonstrate by welcoming women who are victims of persecution. My heart goes out to refugee women who are victims of spousal abuse and who are excluded from our protection because of the narrow definition of the word “refugee”.

I hope that March 8, 2012, will inspire us to think about how we can better protect those women.

\* \* \*

• (1400)

[English]

### FREEDOM OF SPEECH

**Mr. Leon Benoit (Vegreville—Wainwright, CPC):** Mr. Speaker, universities in Canada are often thought of as the bastions of free speech and expression. Certainly they are the last places where censorship should occur. I wish this were true, but sadly, it is not.

When it comes to some of the most sensitive issues, such as pro-life issues, many universities are exactly the opposite.

For example, when students at Ottawa's Carleton University put up a pro-life display, some students found the photos offensive and complained. I expect that most Canadians would find such photos offensive but that was the point the group was making: that abortion and particularly late stage abortion is offensive.

What is of concern is how the university reacted. It demanded that the group remove its display and then charged the students when they refused.

Similar censorship has occurred at universities in Toronto, Calgary, Fredericton and, most recently, Victoria where students are banned from carrying out pro-life activities and were forced to apologize to groups that were offended by their display.

I call on all universities to truly become places where students and society can count on free speech and free expression being allowed and, in fact, encouraged.



*Statements by Members***SOUTH AFRICA**

**Hon. Irwin Cotler (Mount Royal, Lib.):** Mr. Speaker, I recently returned from a very moving and memorable trip to South Africa, which included a reunion with the leaders of the anti-apartheid movement and lawyers for Mandela, and meetings with government, parliamentary and civil society leaders, at an important constitutional moment, the 100th anniversary of the ANC. I have tabled a motion to remove our presumptively inadmissible visa policy and the 15th anniversary of the inspiring South African constitution that has drawn on our Charter of Rights and Freedoms whose 30th anniversary we will soon be celebrating; and where we have been the beneficiaries of this symbiotic constitutional relationship, as when I introduced the national justice initiative against racism and hate as justice minister; and where South African initiatives in areas of women's rights, freedom of expression and hate speech have inspired our own.

I am sure all colleagues will join me in extending best wishes to the ANC and to South Africa on these milestone anniversaries.

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**DECORATION FOR BRAVERY**

**Mr. Merv Tweed (Brandon—Souris, CPC):** Mr. Speaker, on June 8, 2009, Ms. Lana Mae Krieser of Brandon, Manitoba, rescued an 11-year-old boy who was electrocuted during a school trip.

While hiking, the boy and his friend had noticed something in the bush that piqued their interest and went off the main trail. After finding a dead deer, the boys were about to return to the main trail when one boy slipped on the wet grass, fell on the ground and came into contact with a live hydro wire. His friend ran to get help.

When Ms. Krieser arrived on the scene, she found the young boy in convulsions and a small brush fire burning close by. Without any concern for her own safety, Ms. Krieser pulled the young boy off the live wire, electrocuting herself in the process. Despite knowing the risks involved in moving a victim while he was still in contact with the power line, her selfless actions saved this boy's life.

It is with pride that I share with the House that Ms. Krieser was recently awarded the Governor General's Decoration for Bravery for her courageous act. I wish to recognize Lana Mae in the House as her actions are an example for us all to follow.

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[*Translation*]

**VOLUNTEERISM**

**Mr. Jean Rousseau (Compton—Stanstead, NDP):** Mr. Speaker, on February 21 I had the honour of attending the Eastern Townships' Gala du Mérite organized by the Sherbrooke newspaper, *La Tribune*. Among the honourees were a professor from Bishop's University, a young farmer from Bury, an athlete from Coaticook and several other deserving individuals and volunteers.

In rural settings, volunteerism is crucial to the survival of leisure activities, culture and sometimes even the communities themselves. This was clearly demonstrated the day after the gala, when I visited a small village of 768 residents, Saint-Isidore-de-Clifton. I received a very warm welcome and had the pleasure of speaking with elected officials, elementary students, business people, ordinary residents

and volunteers. I was quite moved by the vitality of such a small village.

Furthermore, it is not the only municipality in my region that depends on its volunteers. The town of East Angus was created on March 14, 1912, and, thus, will be celebrating its centennial next week. The celebration will last for the rest of 2012. These festivities would not be possible without the hard work of dedicated volunteers. I would like to congratulate them on their courage, their tenacity and their pride, and I wish East Angus another 100 years of prosperity and community spirit.

Long live the volunteers in my riding.

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● (1405)

**STATUS OF WOMEN**

**Ms. Joyce Bateman (Winnipeg South Centre, CPC):** Mr. Speaker, this week, we are celebrating women in Canada and around the world.

Yesterday I attended the very first conference organized for International Women's Day by the Viscount Alexander French immersion school in my riding of Winnipeg South Centre.

The goal of the conference was to prepare young girls and boys for the world of work by introducing them to women in professions they are interested in.

It was my great pleasure to speak to the young people about my work as a member of Canada's Parliament. I was very impressed by their questions and the quality of their French.

I hope this is the start of a tradition, because I am sure that many of the young people I met are the leaders of tomorrow.

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[*English*]

**OREO COOKIE**

**Mr. Joe Daniel (Don Valley East, CPC):** Mr. Speaker, I rise today to celebrate the 100th birthday of one of the world's most recognizable cookies, the Oreo.

Manufactured by Kraft Canada, whose headquarters are located in my riding, the Oreo is sold in more than 100 countries around the world.

On March 6, 1912, the Oreo was born and today, 100 years later, dozens of countries are celebrating.

The popularity of the Oreo is evident from the 25 million Facebook friends the Oreo has, 900,000 of whom are Canadian.

In 2011, global Oreo sales hit the \$2 billion mark. Over one billion Oreos were made here in Canada alone.

I congratulate Dino Bianco, president of Kraft Canada, the management and employees for their hard work and dedication to the Oreo.

I hope all hon. members will join me in wishing the Oreo a happy 100th birthday. "Mr. Christie, you make good cookies".

*Statements by Members***STATUS OF WOMEN**

**Ms. Chris Charlton (Hamilton Mountain, NDP):** Mr. Speaker, on the eve of International Women's Day, I want to give a shout out to the Hamilton and District Labour Council which will once again host the Norma Berti women's breakfast to celebrate International Women's Day.

Each year we get together to celebrate the successes of women and girls in challenging stereotypes and in breaking down barriers to their full equality, but we also remind ourselves of the battles yet to be won.

Globally, women and girls continue to face violations of their basic human rights. In too many parts of the world women die because they cannot access safe and legal abortions or even information on family planning. Girls are prevented from going to school. Crimes of sexual violence continue with horrific impunity.

In Canada too, women are losing ground. The Conservatives continue to attack women's equality rights. They have cut funding to organizations like Status of Women, Sisters in Spirit, and groups that help newcomers. They have failed to invest in child care and affordable housing. They ignore pay equity rights.

That is why in Hamilton we celebrate International Women's Day by committing to fight on. We know that all women deserve fairness, affordability, opportunity, equal pay for work of equal value, a decent standard of living, and the freedom to live without fear.

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[*Translation*]**LAURENT DUBREUIL**

**Mr. Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC):** Mr. Speaker, in Quebec there are young athletes who are passionate about their sport and dedicated to their training.

This deep passion for speed skating and the desire to excel have put Lévis's Laurent Dubreuil on the podium and in the history books.

Laurent Dubreuil mastered the balance and speed needed to become the very first Quebecker to win the world junior title for 500-metre long track speed skating this past weekend, in Obihiro, Japan.

Laurent has become a positive role model that many passionate young athletes can identify with, a model—

**The Speaker:** The hon. member for Vancouver Kingsway.

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● (1410)

[*English*]**CHARLIE SANG NOW QUAN**

**Mr. Chungsen Leung (Willowdale, CPC):** Mr. Speaker, I rise today to pay tribute to the life of Charlie Sang Now Quan who was one of Canada's last surviving head-tax payers. Charlie Quan passed away peacefully on February 23 at the age of 105.

At 16 years of age, Charlie was forced to pay a \$500 head tax to enter Canada simply because he was Chinese. Throughout his life, he dedicated himself to speaking out against the racist policy that

was later expanded under the Chinese Exclusion Act of 1923 which banned all Chinese immigration into Canada.

For years, Charlie sought recognition from the Government of Canada for the humiliation caused by the head tax. Finally in 2006, Charlie witnessed the Prime Minister issue a historic official apology to all head-tax payers in the House of Commons. Charlie and other head-tax payers finally had their dignity restored.

Despite all the difficulties he faced in his life as an immigrant, Charlie was a proud Canadian. On behalf of all Canadians, I thank him for his contribution to the building of our pluralistic society.

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**JUNIOR CANADIAN RANGERS**

**Ms. Judy Foote (Random—Burin—St. George's, Lib.):** Mr. Speaker, I rise today to honour a group of youth from the town of Gaultois in my riding of Random—Burin—St. George's.

This year marks the 10th anniversary of the Junior Canadian Rangers in Gaultois, an isolated community with a population of 180. While the Gaultois Junior Rangers are comprised of just 12 youth, their commitment and enthusiasm is second to none. The dedicated youth who join this organization learn skills that equip them to become responsible in the outdoors. Many of them become members of first responder organizations, either as volunteers or professionals.

In rural Canada, the Canadian Rangers are known for their expertise in search and rescue operations and as a valuable asset to local law enforcement. The Junior Rangers program provides many young men and women in rural Canada with exposure to the adult organization.

I ask all members to join me in showing our admiration for all youth who are members of this exemplary organization and in congratulating the Gaultois Junior Canadian Rangers on the occasion of their 10th anniversary.

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**STATUS OF WOMEN**

**Mrs. Susan Truppe (London North Centre, CPC):** Mr. Speaker, the Minister for Status of Women has launched International Women's Week by announcing this year's theme, "Strong Women, Strong Canada – Women in Rural, Remote and Northern Communities: Key to Canada's Economic Prosperity".

To support this theme, the minister today announced government support for new projects to support women living in communities outside Canada's urban centres. These projects will help reduce violence against women and girls and increase their economic security. We believe women's safety goes hand in hand with their economic security, and the economy remains our government's number one priority.

*Oral Questions*

I encourage all Canadians to play their part so we can deliver on the goal of strong women and a strong Canada.

\* \* \*

[Translation]

**THE CONSERVATIVE GOVERNMENT**

**Mr. Mathieu Ravignat (Pontiac, NDP):** Mr. Speaker, gala dinners, golf tournaments and Caribbean cruises are but a few examples of the lavish gifts that Royal LePage gave public servants to try to coax them into granting the company a billion dollar contract. What is next—champagne and caviar?

The Conservatives were elected on a promise that they would put an end to the scandals. But all we hear about is election fraud with a distinctly Conservative flavour, the in and out scandal and the robocall scandal. That is not what Canadians expect from their government. Canadians want leadership. They want a responsible and trustworthy government that addresses Canadians' real priorities, such as the environment, old age security, health, employment insurance and the status of persons with disabilities.

Canadians can count on the NDP's leadership. The New Democrats can put an end to the scandals of the Conservatives and their predecessors.

\* \* \*

[English]

**CANADA-UNITED ARAB EMIRATES RELATIONS**

**Mr. Rob Clarke (Desnethé—Missinippi—Churchill River, CPC):** Mr. Speaker, yesterday His Highness Sheikh Abdullah bin Zayed al Nahyan, the foreign minister of the United Arab Emirates, completed a two day visit to Ottawa. The successful visit was a strong signal of the warming relations between the two countries and reciprocated the generous hospitality extended by the sheikh to the Minister of Foreign Affairs last fall.

During their meetings, the two ministers discussed a wide range of issues, including shared concerns about the humanitarian situation in Syria and regional peace and security, as well as opportunities to expand person-to-person ties between our two countries. The productive trip also resulted in yesterday's announcement of negotiations on a joint nuclear co-operation agreement, which would create business opportunities for Canada's nuclear industry and create jobs in both countries.

The United Arab Emirates is a strategic ally and valued commercial partner for Canada and our biggest trading partner in that region. This is a welcome step forward in boosting exchanges of all types and a sign that our bilateral relations are getting even stronger.

\* \* \*

●(1415)

**EDUCATION**

**Mr. Don Davies (Vancouver Kingsway, NDP):** Mr. Speaker, I rise to highlight a serious crisis in public education in Canada.

As I speak, there is a province-wide job action by teachers in British Columbia. Thousands of women and men who teach our

children feel so strongly about the erosion of standards in our classrooms that they have taken the ultimate step of withdrawing their services. They have good reasons for doing so.

Class sizes are excessive. Special needs children are not getting the attention they deserve. School boards are cutting teachers, librarians, ESL specialists and programs of all types. While provincial Liberals and federal Conservatives spend billions on corporate tax cuts, convention centres, stadium roofs and prison cells, they say they have no money for the people who instruct our children.

We New Democrats stand in full support of all Canadian teachers. They deserve fair compensation and our respect for the valuable work they do. We know that a strong education system is the cornerstone of a sound economy and a fair society.

**ORAL QUESTIONS**

[Translation]

**41ST GENERAL ELECTION**

**Mrs. Nycole Turmel (Leader of the Opposition, NDP):** Mr. Speaker, last week, when I asked the Prime Minister questions about fraudulent calls, he said, "...only the Liberal Party made such calls from the United States" via American companies. We know that this is not true and that the Conservative Party also used American companies.

Will the Prime Minister admit that he was wrong? Will he admit that the Conservatives made fraudulent calls?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, I gave clear answers about the Conservative Party of Canada's activities. Since the beginning, all of our information has been made available to Elections Canada. Now it is time for the opposition, which spent millions of dollars on hundreds of thousands of phone calls, to turn its information over to Elections Canada.

**Mrs. Nycole Turmel (Leader of the Opposition, NDP):** Mr. Speaker, the Prime Minister also said that the calls in question were made by the Conservative Party to its supporters. It makes no sense that the party would have called its supporters to notify them of phantom location changes.

And were the bills for those calls also phantom bills? They were not even declared.

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, I think I just answered that question.

[English]

Of course I answered questions very clearly about the activities of the Conservative Party of Canada. Those calls are all very well documented. All that documentation is available to Elections Canada, and has been available since the beginning.

*Oral Questions*

What is not available is all of the information that is coming from the opposition, the NDP in particular. There is a complete lack of transparency on the hundreds of thousands of calls that they made. They should give that information to Elections Canada.

**Mrs. Nycole Turmel (Leader of the Opposition, NDP):** Mr. Speaker, I do not think that 35,000 contacts to Elections Canada is a frame.

A Conservative MP blamed Elections Canada for illegal calling. The Prime Minister's very own parliamentary secretary says that all calls were from the Liberals. RMG, Campaign Research, RackNine, are these Liberal companies?

The Conservative Party paid them, even though the bills have not been reported. RackNine also got a cheque from the Government of Canada. Does the Prime Minister know why? Can he answer this—

**Some hon. members:** Oh, oh!

**The Speaker:** The right hon. Prime Minister.

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, there is a serious report of a non-reporting of an expense in Guelph. That is a matter in which the Conservative Party is helping Elections Canada with the investigation.

In terms of the Conservative Party of Canada and its national campaign, all of those calls are recorded; they are all reported. We have documentation on all of them. Those are available to Elections Canada.

What remains unavailable is the substance of the NDP's allegation and the information on its own activities. It should provide that information.

• (1420)

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, we do not know who paid RackNine to make the phony calls into Guelph, because they do not show up on the Conservative campaign expenses.

We do know that somebody else shows up, the Responsive Marketing Group, RMG, for \$15,000. Yesterday the government refused to tell us what business contacts it has had with RackNine.

Will it tell us today what business the Government of Canada has done with RMG, the Responsive Marketing Group? What services has it purchased? Which government departments? Were they tendered or sole-source contracts? What is the total dollar value—

**The Speaker:** The hon. Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs.

**Mr. Dean Del Mastro (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC):** Mr. Speaker, let us be clear. These exaggerated allegations demean millions of voters who cast legitimate votes in the last election.

The opposition paid millions of dollars to make hundreds of thousands of phone calls. Before continuing these baseless smears, they should prove that their own callers are not behind these reports.

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, we know that the links between the Conservatives and RMG run long

and deep. In fact Conservative bon vivant Tom Flanagan credits them with their 2006 campaign victory.

We also know that the Mike Harris government showered many lucrative contracts on RMG. Members have to admit that the front bench of the government looks eerily like the Mike Harris government.

We do not want any smartass gibberish from the member for Peterborough. We have had enough of that. We want to know the full extent of the—

**Some hon. members:** Oh, oh!

**The Speaker:** I do not know if that kind of language is helpful in the exchange.

Order. Order.

I appreciate all of the assistance. If the hon. member wants to rephrase that aspect of his question and stay away from that type of language, I will let him finish putting it.

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, I will simply ask, what is the full extent of the relationship between the Government of Canada and RMG, or any of their subsidiaries or their American parent company Xentel?

**Mr. Dean Del Mastro (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC):** Mr. Speaker, when the member makes comments like that, he does not just demean this House but is in fact demeaning the millions of voters who cast legitimate votes in the last election.

The opposition paid millions of dollars to make hundreds of thousands of phone calls. Before continuing these baseless smears, the baseless smears the member is making again right now, they should prove that their own callers are not in fact behind these reports.

**Hon. Bob Rae (Toronto Centre, Lib.):** Mr. Speaker, I wonder if getting the same answer twice qualifies as a robo-answer.

I would like to ask the Prime Minister a very simple question. Since the premise of a great deal of what goes on is that we need to follow the money, and the Prime Minister himself has said there is a need to follow the money with respect to what happened in Guelph, can the Prime Minister please explain to us why the Conservative members on a committee refused to give the Chief Electoral Officer the powers that he was asking for with respect to doing audits and getting a hold of financial information from political parties?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, once again, we have been very clear from the beginning. We have been assisting Elections Canada with any information it requires in this matter. We consider the activities that apparently took place in Guelph to be totally unacceptable, and we want to see that matter investigated and solved.

At the same time, the Liberal Party has now made all kinds of allegations, frankly, that appear to be about its own calls into ridings. It should provide Elections Canada with the information on its own calls.

*Oral Questions*

[Translation]

**Hon. Bob Rae (Toronto Centre, Lib.):** Mr. Speaker, I have a hard time understanding the Prime Minister when he says that, as the leader of the Conservative Party, he wants to ensure that Elections Canada has all the facts. While that is what he says in the House of Commons, the Conservative Party is adopting a completely different position in committee. It refuses to give Elections Canada the additional powers the agency says it needs. Why? The question is simple.

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, on the contrary, in this case, all Conservative Party documentation is available. That is not the case with the opposition. The opposition has made allegations, but to date, it has not turned any information over to Elections Canada, and it needs to do so.

•(1425)

[English]

**Hon. Bob Rae (Toronto Centre, Lib.):** Mr. Speaker, with great respect, the Prime Minister has simply not answered the question.

The Chief Electoral Officer has asked for additional powers with respect to the Elections Act. We approved of those additional powers. The New Democratic Party approved of those additional powers. The Conservative Party refused to give him those powers.

Why would the Conservative Party refuse to give powers to an officer of Parliament who is seeking to look at the electoral process in this country? What are they afraid of?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, once again, as we have repeatedly said, and of course as we have said to Elections Canada, all of the information on this matter that we have is all very well documented by the party and is all available to Elections Canada.

The real question here is why the leader of the Liberal Party would make allegations about calls purporting to come from Liberals without checking his own records and providing those to Elections Canada? Why is he afraid to do that?

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, it is obvious that the government is scrambling to divert attention from electoral fraud.

First they blamed the kid in Guelph. Then they blamed Elections Canada. Now they are blaming the other parties, when they are the only party being investigated. The fact is that only the Conservatives, or in fact a dozen ridings, hired RackNine and RMG and only the Conservatives tried to keep payments to RackNine a secret from Elections Canada. Keeping payments secret, that is what crooks do.

Why did the Conservatives try to mislead Elections Canada?

**Mr. Dean Del Mastro (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC):** Of course, Mr. Speaker, we have done no such thing. We are in fact assisting Elections Canada. This member knows that full well.

These exaggerated allegations demean millions of voters who cast legitimate votes in the last election. The opposition paid millions of dollars to make hundreds of thousands of phone calls. Before continuing these baseless smears, it should prove that its own callers are not in fact behind these reports.

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, there we go. That is the athlete caught doped up on steroids laughing at the people who ran the race fairly. Conservatives think this is about winning at all costs, but this is about fraud and this is about cheating.

Let us go back to the facts. We know that the Conservatives gave over \$1 million to RMG. This is the company that controls and operates the Conservative call list. This is the company that Tom Flanagan credited for the Conservatives' 2006 victory.

As the Elections Canada investigation expands, will the government come clean and tell the House what business it has been doing with RMG?

**Mr. Dean Del Mastro (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC):** Mr. Speaker, of course, we know that because the Conservative Party has been fully transparent in disclosing its expenses.

However, these exaggerated allegations demean millions of voters who cast legitimate votes in the last election. The opposition paid millions of dollars to make hundreds of thousands of phone calls. Before continuing these baseless smears, it should prove that its own callers are not behind these allegations.

[Translation]

**Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP):** Mr. Speaker, shifting the blame to others is the most pathetic attempt to evade the issue I have ever seen. The members opposite keep burying their heads in the sand and pretending that everything is just fine.

The truth is that Nipissing—Timiskaming is now under investigation by Elections Canada. The truth is that their friends are being subpoenaed left and right. The truth is that while the rest of the country is outraged over widespread, disgusting electoral fraud, this government is shrugging its shoulders and pointing the finger at others.

Are you finally going to listen to the indignation out there? Are you going to get rid of your broken record and start giving real answers?

**The Speaker:** I would remind the hon. member to address his questions to the Speaker and not directly to his colleagues.

The hon. parliamentary secretary.

**Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC):** Mr. Speaker, these false allegations demean millions of voters who cast legitimate votes in the last election. The opposition paid millions of dollars to make hundreds of thousands of phone calls. Before continuing these baseless smears, the opposition parties should prove that their own callers are not behind these allegations.

*Oral Questions*

**Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP):** Mr. Speaker, trying to prevent people from voting undermines the democratic process.

Why did RackNine receive a cheque from the government? Silence.

What did RMG do to get tens of thousands of dollars from the campaigns in Quebec? We do not know. Silence.

Why were payments to RackNine not declared in the Conservative campaign report in Guelph? Silence. We do not know.

Who is hiding behind Pierre Poutine and the thousands of fraudulent calls made during the last election campaign? Silence.

When we talk about electoral fraud, the Conservatives start shaking. What is this government afraid of? Why is it refusing to disclose everything?

• (1430)

**Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC):** Mr. Speaker, before continuing these baseless smears, the opposition should prove its own callers are not behind these allegations.

These false allegations demean millions of Canadians who cast legitimate votes in the last election. The opposition paid millions of dollars to make hundreds of thousands of phone calls. They are the ones who should be answering questions.

**Mr. François Lapointe (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, NDP):** Mr. Speaker, if we have understood today's robo-answers correctly, robocalls are the norm for the Conservative Party.

After Fernand Coulombe, two other people contacted *Le Devoir* and said that they had been subject to aggressive solicitation. In all cases, the number used was reported for harassment. These people were harassed by the Conservative Party's fundraising arm, which, we should remember, has the same address as RMG in Toronto.

Are harassing calls the norm and are they recognized and supported by the Conservative Party?

**Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC):** No, Mr. Speaker.

[English]

**Mr. David Christopherson (Hamilton Centre, NDP):** Mr. Speaker, I will quote part II.1 from the report of the Chief Electoral Officer following the 40th general election, which states:

[The] Chief Electoral Officer does not receive any documentary evidence of the expenses reported in the election expenses return. Nor does the Act provide the Chief Electoral Officer with the authority to request that a party provide such evidence. Therefore, he has no means to verify the accuracy of the reported expenses on which the reimbursement is based.

We, in the opposition benches, voted to give the Chief Electoral Officer that power. The government said “no”. Why?

**Mr. Dean Del Mastro (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC):** Mr. Speaker, the Conservative Party is assisting Elections Canada. We have already indicated that we will make all documents in this regard available to it. However, these exaggerated allegations demean the millions of voters who cast legitimate votes in the last election.

The opposition paid millions of dollars to make hundreds of thousands of calls. This fact is not in question. What is in question? Before continuing these baseless smears, those members should prove their own callers are not in fact behind these reports.

**Mr. David Christopherson (Hamilton Centre, NDP):** Mr. Speaker, the member needs to know that this has to stop. There is a legitimate, separate question being asked here. The government has an obligation to provide an answer about why it denied the Chief Electoral Officer the power he requested to ensure that everybody in here was telling the truth.

Every province in the country has given that power to their chief electoral officer, but the Government of Canada is refusing to give the federal Chief Electoral Officer these powers. I ask this again: defend yourself. Why are you denying the Chief Electoral Officer the right to have the—

**Some hon. members:** Oh, oh!

**The Speaker:** Order, please. I would like to remind that hon. member as well to address his comments through the Chair and not directly at his colleagues.

The hon. Parliamentary Secretary to the Prime Minister.

**Mr. Dean Del Mastro (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC):** Mr. Speaker, I have no idea why you would do any such thing. Let us be clear. The former chief electoral officer, Jean-Pierre Kingsley, has said that Elections Canada does have all the investigative ability and authority that it requires in this matter. This is yet another example of exaggerated allegations, which demean the millions of voters who had cast legitimate votes in the last election.

What is clear is that the opposition paid millions of dollars to make hundreds of thousands of phone calls. Before continuing these baseless smears, those members should prove their own callers are not behind these reports.

\* \* \*

[Translation]

**INTERGOVERNMENTAL AFFAIRS**

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, this government is making very bad decisions. Yesterday, the Quebec premier said that this government is making unilateral decisions on an unprecedented scale and without consultation. The prison bill will cost Quebec taxpayers \$600 million. The Conservatives want to download irresponsible expenditures onto the provinces.

Why must Canadian families always pay for the Conservatives' bad decisions? Why not put people first for once?

*Oral Questions*

● (1435)

**Mrs. Shelly Glover (Parliamentary Secretary to the Minister of Finance, CPC):** Mr. Speaker, the federal government's financial support for the province of Quebec has reached unprecedented levels. Transfers to Quebec will be more than 44% higher than under the Liberal government. We have clearly indicated that the increases will continue. Our government has done its part, and we expect the Government of Quebec to also make an effort.

[English]

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, there is nothing responsible whatsoever about balancing the books on the backs of the provinces.

The Conservatives' costly prison bill will cost the people of Ontario an extra \$1 billion. That is more money for prisons, less resources for health care and services that families need. Why do they think taxpayers in Ontario, Quebec, in the west and Atlantic Canada should pay for their irresponsible choices? Why do they not put Canadian families first for a change?

**Mrs. Shelly Glover (Parliamentary Secretary to the Minister of Finance, CPC):** Mr. Speaker, when we are talking about federal support to Ontario, it is at an all time high in the history of this government. In fact, we have increased their transfers by 77% from what the Liberal government used to provide. We have said that these increases will continue, but the McGuinty government clearly has a fiscal problem.

We have done our part. We expect the McGuinty government to do its part as well.

\* \* \*

**41ST GENERAL ELECTION**

**Mr. Frank Valeriote (Guelph, Lib.):** Mr. Speaker, in Guelph it was the Quebec Street Mall. In Kingston voters were misdirected to St. Joseph's Church. In Saanich—Gulf Islands it was St. John's United Church. In Sydney, Cape Breton a voter was misdirected to New Waterford, 30 kilometres away. Even the member for Windsor—Tecumseh was misdirected to St. Anne's Church.

This could not have been one lone Conservative rogue in Guelph. This required collaboration and resources across Canada. This is a pattern of voter fraud that simply cannot be denied.

Will the Conservatives now provide their phone logs and scripts?

**Mr. Dean Del Mastro (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC):** Mr. Speaker, we have indicated that we will make all of these materials available to Elections Canada and assist it in any regard. However, these exaggerated allegations demean millions of voters who cast legitimate votes in the last election.

The opposition has in fact paid millions of dollars to make hundreds of thousands of phone calls. Before continuing these baseless smears, those members should prove their own callers are not in fact behind these reports.

**Mr. Marc Garneau (Westmount—Ville-Marie, Lib.):** Mr. Speaker, it bears repeating. There is no actual evidence of any expenses of RackNine in the Conservative campaign in Guelph.

The deputy program manager for that campaign, Mr. Andrew Prescott, says the reason is because it is covered in part of the \$1,100 in personal billing expenses that he sent out.

We know that this is against the Canada Elections Act. Why does the government not save us time and shed some light on exactly what happened in Guelph.

**Mr. Dean Del Mastro (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC):** Yes, Mr. Speaker, we have been made aware of an Elections Canada investigation in the riding of Guelph, and we are assisting Elections Canada in this regard.

What is alleged to have happened in Guelph is unacceptable. Our records are always available to Elections Canada.

**Hon. Carolyn Bennett (St. Paul's, Lib.):** Mr. Speaker, former employees of RMG in Thunder Bay have told the police that they were instructed to lie to voters and give out false polling locations. RMG is the largest Conservative Party call centre firm, doing \$1.3 million in contracts to candidates and countless millions to the national campaign.

What will the government do to ensure that Elections Canada and the RCMP have full access to all scripts, phone records and recordings in the custody of RMG and that the Conservative Party will comply fully with this investigation?

**Mr. Dean Del Mastro (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC):** Mr. Speaker, I have great news for the member. In fact, I feel like I am repeating myself.

The Conservative Party will assist Elections Canada and make all of these materials available. However, these exaggerated allegations demean millions of voters who cast legitimate votes in the last election.

The opposition paid millions of dollars to make hundreds of thousands of phone calls. Before continuing these baseless smears, those members should prove their own callers are not in fact behind these allegations.

\* \* \*

● (1440)

**HEALTH**

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, the Conservatives are balancing the books on the backs of provinces. Without any consultation, the Conservatives unilaterally rewrote the formula for federal health transfers. Their plan means higher costs to provincial budgets and fewer front-line health services for families.

Provinces deserve to have a say. Why will the Conservatives not get back to the negotiating table and why are they playing hardball with the provinces on health care?

*Oral Questions*

**Mrs. Shelly Glover (Parliamentary Secretary to the Minister of Finance, CPC):** Mr. Speaker, our government is committed to a publicly funded, universally accessible health care system. We all use the health care system. Our families use it and our friends use it. We want to see a strong, sustainable health care system in Canada, and that is when we need it most.

Let us be clear. Under our government, health care transfers are at record levels, from \$20 billion when we formed government to \$27 billion this year. Unlike the old Liberal government, we have not and will not slash funding to provinces for health care.

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, why did the Conservatives make unilateral decisions? The fact is that health care costs will be higher for the provinces because of their decision.

On another important health care issue, there have been warnings for the last year and a half about severe drug shortages, which many critically ill patients are now facing. What did the minister do in response? She created a website. That is cold comfort for those who need those prescriptions.

Will the minister now concede that this plan was completely ineffective and will she explain what the government will do to address these recent shortages?

**Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC):** Mr. Speaker, our government is playing a leadership role when it comes to dealing with these drug shortages. We are doing our part to ensure that information about drug shortages is made available as quickly as possible.

For example, the minister asked industry to work together to establish a national one-stop drug shortages monitoring and reporting system. If some industry players do not meet the responsibilities in providing information in a timely manner, we will consider all options to address that.

[*Translation*]

**Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP):** Mr. Speaker, not only are the Conservatives imposing the future costs of the health care system on the provinces and territories, but they are also unable to ensure the quality of drugs on the market. The Quebec company Sandoz had to slow down its drug production because it was not meeting the quality standards. The result is that hospitals have had to postpone surgeries and the public is paying the price. The Conservatives' solution is to import more drugs. That is wonderful.

Before going to our neighbours for help, why do the Conservatives not start by guaranteeing the quality of our drugs in order to avoid another—

**The Speaker:** The hon. parliamentary secretary.

[*English*]

**Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC):** Mr. Speaker, we are closely monitoring the situation with Sandoz to help ensure that the right information gets to the right hands at the right time. This means doctors, pharmacists and patients get enough advance notice of developments to help them adjust to treatment plans, if required.

Sandoz has committed to posting current and potential future drug shortage information on its website. We will also quicken the approval process, if required.

[*Translation*]

**Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP):** Mr. Speaker, the problem is that there are people today who are experiencing delays in their health care because of this shortage, which is due to the government's lack of responsibility. Today, just on the other side of the river in Gatineau, people are being forced to wait. The minister told these people not to worry, and that she will speed up the importation of foreign drugs, but that worries me. The public is also worried.

Will the Minister of Health do what is necessary to put an end to this shortage and prevent such shortages from happening again?

[*English*]

**Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC):** Mr. Speaker, we are working with our partners. The provinces and territories buy prescription drugs for their hospitals, their best place to know which drugs they require when taking into consideration a level of demand.

We have made available a list of companies in Canada that are already authorized to make drugs that are in some shortages. Provinces and territories could begin discussions immediately with any of these companies and discuss whether or not they will begin production.

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**FOREIGN AFFAIRS**

**Hon. Laurie Hawn (Edmonton Centre, CPC):** Mr. Speaker, members of Canada's armed forces last year joined with allies to help the Libyan people find freedom and a better future without the dictator Moammar Gadhafi.

This week the graves of Canadian and allied troops killed in north Africa during the Second World War were vandalized in a Benghazi cemetery. Could the Prime Minister please inform the House of the government's response to this shameful desecration of the graves of heroes?

● (1445)

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, I think all Canadians were appalled and saddened when we heard about the vandalism of the graves in Libya. These are brave men who served the cause of peace, democracy and freedom and they deserve better.

I note that the government of Libya has apologized and has committed to find those responsible. We have instructed officials to make the repair of these gravesites a priority.

We will always take steps to honour our veterans and those who have served our country.



*Oral Questions***FISHERIES AND OCEANS**

**Mr. Fin Donnelly (New Westminster—Coquitlam, NDP):** Mr. Speaker, east coast fishers are worried. The government is about to eliminate the long-standing fleet separation policy. It is talking about handing over the fragile inshore fishery to big corporate interests.

Coastal communities depend on the inshore fishery, yet the government will not even consult with them. Corporate concentration in B.C. has been a total disaster. That fishery has never recovered.

Will the minister stand with independent fishers and oppose this corporate sellout?

**Hon. Keith Ashfield (Minister of Fisheries and Oceans and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, only from the NDP can we expect to hear cries like the fishery is broken, but please do not fix it.

We are consulting with fishers and Canadians. Our fisheries is in dire need of an overhaul. The waste that we have in our fisheries management now needs to be improved for all fishers so they can earn a proper livelihood.

[*Translation*]

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** Mr. Speaker, Crosbie is back.

Fleet separation and owner-operator policies protect jobs and prevent the concentration of power in the hands of a few companies. These policies enable coastal fishers and communities to make a living from fishing. It is not an easy livelihood, but coastal fishers are proud of it.

The minister is conducting consultations, but fishers do not want the law to change.

Will the minister respect the will of independent fishers and coastal communities rather than putting the interests of big corporations first?

[*English*]

**Hon. Keith Ashfield (Minister of Fisheries and Oceans and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, consultation is seeking advice. That is exactly what we are doing.

The fishing industry is made up of thousands of very capable entrepreneurs who were held back by rules and regulations that disallowed them from making an honest buck because of government policies. The fishermen I know are happiest when they are pulling their nets and not dealing with bureaucracy.

**Mr. Jack Harris (St. John's East, NDP):** Mr. Speaker, independent fishermen are the heart and soul of the east coast fisheries. Yet the government is about to pull the plug and eliminate fleet separation and owner-operator policies. The minister talks about consultation, but the only ones in the room are big business. Fishers in Newfoundland and Labrador staged protests to try to get the government's attention, but it is not listening.

Will the minister assure the fishermen of the east coast that these policies which protect the inshore fleet and coastal communities will be retained and even strengthened?

**Hon. Keith Ashfield (Minister of Fisheries and Oceans and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, we must regain our global competitiveness and provide harvesters with an operating environment where they can actually make a living. To do that we are seeking the input of Canadians. The NDP is not in favour of seeking input obviously.

We will consult, we will take advice and we will listen.

**Mr. Robert Chisholm (Dartmouth—Cole Harbour, NDP):** Mr. Speaker, once again the only people who are complaining about the state of the fishery are the corporate investors and the financiers who want a piece of the pie.

The inshore fishery in Atlantic Canada and Quebec fought back against corporate interests in the 1990s. However, it looks like it is going to have to do it again as a result of what this minister is intending to do.

I ask the minister, will he stand with New Democrats in Quebec and Atlantic Canada for inshore fishers and their communities?

**Hon. Keith Ashfield (Minister of Fisheries and Oceans and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, the member can rest assured that I will never stand with the NDP.

We are looking at how we can improve our fishery in this country. It is in decline and we have to do something to ensure that it is sustainable in the future and that all fishers can make a proper living.

\* \* \*

• (1450)

**HEALTH**

**Hon. Hedy Fry (Vancouver Centre, Lib.):** Mr. Speaker, emergency departments, ICUs and ORs are cancelling elective surgeries because of worsening drug shortages. Liberals flagged this as an urgent problem nine months ago. We got an unsatisfactory answer from the minister who claimed that companies will give voluntary warnings about shortages. Warnings, no matter how early, do not get medications to patients who need them.

Why will the minister not support a full-scale investigation into this problem as the U.S. government is doing? Patients' lives are at stake.

**Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC):** Mr. Speaker, the health of Canadians is our priority. That is why the minister is continuing to monitor the effectiveness of the system to determine if changes are needed and to make sure that Canadians have access to the information they need. We are going to be acting within our authority and with our partners.

This is an international situation. We are doing better than the United States and many other countries. We are going to work to improve alternatives and facilitate information sharing. Unfortunately, we do not have the ability to force companies to produce drugs.

*Oral Questions*

[Translation]

**INTERGOVERNMENTAL AFFAIRS**

**Hon. Stéphane Dion (Saint-Laurent—Cartierville, Lib.):** Mr. Speaker, I have a question for the Minister of Intergovernmental Affairs, if this government even has such a minister.

After unilaterally slashing health transfers to the provinces, although it had promised not to do so and is simply getting the provinces to pay for its delusional prison plan—which the provinces denounce as wasteful and ineffective—now the government is considering forcing the provinces to bear the cost of social assistance until the age of 67.

What other ridiculous policies do the Conservatives plan to get the provinces to pay for? My question is for the Minister of Intergovernmental Affairs and President of the Queen's Privy Council for Canada.

**Mrs. Shelly Glover (Parliamentary Secretary to the Minister of Finance, CPC):** Mr. Speaker, as I have already said, we are protecting transfer payments to the provinces. In fact, health transfers will continue to grow by 6% and social transfers will continue to grow by 3%. The Liberals were the ones responsible for shameful and brutal cuts to transfers to the provinces and territories.

Unlike the Liberals, we will ensure that the provinces and territories are able to provide health care, education and any other services that Canadian families need.

\* \* \*

[English]

**VETERANS AFFAIRS**

**Mr. Peter Stoffer (Sackville—Eastern Shore, NDP):** Mr. Speaker, Mr. Harold Leduc served his country with pride and distinction. He now serves on the Veterans Review and Appeal Board. He actually served his country and knows what veterans are talking about. However, he was warned by the Veterans Review and Appeal Board that if his favourability rate was too high he would be called upon the carpet. Now his personal information has been scattered throughout the department. He feels like Sean Bruyeyá did when his information was scattered without his permission.

Will the ministry now apologize to Harold Leduc, remove the Veterans Review and Appeal Board, and put that money back into programs and services for our honoured veterans?

**Hon. Steven Blaney (Minister of Veterans Affairs, CPC):** Mr. Speaker, the member knows the tribunal is an arm's-length organization. It is important to show respect to veterans, but what is really at stake in the House is who really cares and supports our veterans. Instead of supporting red tape and an improvised and wasteful bureaucracy, the NDP member should support our budget initiative, support our government and vote for the veterans.

**Mr. Peter Stoffer (Sackville—Eastern Shore, NDP):** Mr. Speaker, arm's-length should not mean out of reach. It is still the Minister of Veterans Affairs who is responsible for that department. He has the right as minister to stand up and apologize to Harold Leduc. If he does not, and stays seated, your silence will be good enough.

Tonight we have a motion to actually help the department avoid cuts in the budget. Will the government now stand with the NDP and other parties to ensure that the budget for Veterans Affairs is not subject to the March 29 cuts?

[Translation]

**Hon. Steven Blaney (Minister of Veterans Affairs, CPC):** Mr. Speaker, our veterans deserve respect, as do all parliamentarians. What is important, and I would like to repeat it for the member, is that our Conservative government will maintain veterans' benefits. It will also cut down on red tape and creeping bureaucracy, which are burdening our veterans and their families.

If he truly wants to stand up for our veterans, I invite the member to support our Conservative budget and our initiatives to improve veterans' quality of life.

\* \* \*

● (1455)

[English]

**ABORIGINAL AFFAIRS**

**Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC):** Mr. Speaker, our government has demonstrated its commitment to supporting strong, healthy first nations communities. We know that a quality education is key to this. Since 2006, we have built 34 new schools on reserves across the nation and have done major renovations on 22 more. More projects are ongoing.

Could the minister tell the House what recent steps have been taken to ensure that first nations children have access to quality education?

**Hon. John Duncan (Minister of Aboriginal Affairs and Northern Development, CPC):** Mr. Speaker, Attawapiskat First Nation has just awarded the construction contract for a new school. Chief Spence and I—

**Some hon. members:** Oh, oh!

**The Speaker:** Order, please. The hon. Minister of Aboriginal Affairs has the floor.

**Hon. John Duncan:** Mr. Speaker, Chief Spence and I issued a joint press release today in which she said:

Shannen Koostachin's dream was, in part, a safe and comfy school. We are happy that this part of her dream will soon be realized. I wish to extend thanks to all those involved, including the working group that has worked diligently for the past year to bring us to this stage

This demonstrates what can be achieved when we work together.

\* \* \*

**RAIL TRANSPORTATION**

**Hon. Ralph Goodale (Wascana, Lib.):** Mr. Speaker, the federal rail service review began in 2008. The Conservative hand-picked panel reported in 2010, calling for legislation to offset the abuse of market power of the railways. In March 2011, the government agreed. Last October, Jim Dinning was appointed to develop the template, but that process is going nowhere fast.

*Oral Questions*

All the data is now four years old. What will be done to update the facts and figures? Will the minister guarantee his promised legislation will be tabled in the House before we adjourn in June?

**Hon. Denis Lebel (Minister of Transport, Infrastructure and Communities and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC):** Mr. Speaker, for 13 years they waited for this work. As the member said, I have appointed Jim Dinning. He has held many meetings with stakeholders. The facilitator's work will inform the legislation that our government is committed to introducing. We will continue and we will deliver the job.

\* \* \*

[Translation]

**QUEBEC CITY ARMOURY**

**Ms. Annick Papillon (Québec, NDP):** Mr. Speaker, the government had promised that plans for the future Quebec City armoury would be unveiled in the fall of 2011. The plans are ready, but the Prime Minister's Privy Council is refusing to release them. The Conservatives are refusing to confirm the project schedule. They are refusing to tell us the total project cost and the costs to date. In short, once again there is a code of silence.

What are the Conservatives hiding? Can the Conservative government tell us how much it will cost? Why such a lack of transparency?

[English]

**Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC):** Mr. Speaker, I know there is a great deal of interest in Quebec City for this project, for good reason. It is one of our historical treasures in Canada. As the member may know, transparency has been obvious. There have been a number of public consultations with all of the stakeholders involved. We are very excited about the renovations and rehabilitation of the *manège*. I ask her to be patient. We will make those details known very soon.

\* \* \*

**JUSTICE**

**Mr. Merv Tweed (Brandon—Souris, CPC):** Mr. Speaker, recently our government increased user fees for pardons, soon to be known as criminal record suspensions, to reflect the real cost to the taxpayer. Law-abiding Canadians are required to pay their own way and we believe that criminals should as well. Some have complained that these measures are too harsh on criminals and that pardons should be handed out more freely.

Could the Minister of Public Safety please comment on the recent changes to the pardon system?

**Hon. Vic Toews (Minister of Public Safety, CPC):** Mr. Speaker, I thank the member for his work on this matter. Pardons are not a right and that is why our government implemented a process where criminals pay their own way rather than being subsidized by taxpayers. Canadians gave our government a strong mandate to stop the troubling practice of putting criminals' interests ahead of the rights of victims. We will not apologize for ensuring only the deserving receive pardons.

• (1500)

[Translation]

**TELECOMMUNICATIONS**

**Mr. Pierre Dionne Labelle (Rivière-du-Nord, NDP):** Mr. Speaker, the Conservatives are reducing the number of services offered in Service Canada centres because they are improving the availability of online services. Or so they say. Yet the Conservatives are also planning to cut CAP, a program that gives communities affordable Internet access. How does that make sense?

Can the Conservatives explain how people who cannot afford a home Internet connection are supposed to continue accessing government services? Will the Conservatives promise to maintain funding for CAP?

**Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC):** Mr. Speaker, we have made major investments in connecting communities. As everyone knows, we created the rural and remote broadband access program. By the time the program is fully implemented, 98% of Canadian homes will have access to high-speed Internet.

The surprising thing is that, once again, the NDP voted against this historic program.

\* \* \*

**INTERGOVERNMENTAL AFFAIRS**

**Mrs. Maria Mourani (Ahuntsic, BQ):** Mr. Speaker, with the federal budget just around the corner, it is becoming increasingly clear that this government will not consult anyone and will do whatever it wants, even though its choices will create a huge shortfall for Quebec. Regardless of the enormous burden imposed on Quebec because of the government's unilateral decisions with respect to health care and the cost of the omnibus crime bill, the Conservatives keep saying the same thing: suck it up.

Does the Minister of Finance understand that it is not up to the people of Quebec to pay for his government's absurd choices?

**Mrs. Shelly Glover (Parliamentary Secretary to the Minister of Finance, CPC):** Mr. Speaker, as I said earlier, our government has provided more financial support to the Province of Quebec than any other government in the history of Canada. Quebec will receive, once again, \$17.2 billion in transfers from our government this year. That represents an increase of nearly 44% compared to the previous Liberal government's transfer payments.

We are doing our part, but we expect the Government of Quebec to do its part, too.

\* \* \*

[English]

**PRESENCE IN GALLERY**

**The Speaker:** I would like to draw to the attention of hon. members the presence in the gallery of the Hon. Brad Wall, Premier of the great province of Saskatchewan.

**Some hon. members:** Hear, hear!

*Government Orders***GOVERNMENT ORDERS***[English]***PROTECTING CANADA'S IMMIGRATION SYSTEM ACT**

**Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC)** moved that Bill C-31, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act, be read the second time and referred to a committee.

He said: Mr. Speaker, I am pleased to have the opportunity to begin debate on Bill C-31, an act to protect Canada's immigration system.

Canada has a proud tradition as a welcoming country. For generations, for centuries, we have welcomed newcomers from all parts of the globe.

*[Translation]*

For more than four centuries, we have welcomed new arrivals, economic immigrants, pioneers, farmers, workers and, of course, refugees needing our protection. We have a humanitarian tradition that we are very proud of. During the 19th century, Canada was the North Star for slaves fleeing the United States. We accepted tens of thousands of black Americans and offered them freedom and protection.

Throughout the 20th century, we welcomed more than one million refugees, including those who fled communist governments, like the people of Hungary in 1956, when we welcomed 50,000 Hungarian nationals. In 1979, we accepted 60,000 Vietnamese nationals, refugees who were fleeing that decade's communism. We are very proud of our tradition. With this bill, this government is going to reinforce and enhance our tradition of protecting refugees.

● (1505)

*[English]*

I am pleased to say that our government is increasing by some 20% the number of resettled refugees, UN convention refugees who are living in camps in deplorable circumstances around the world. We will now accept them and give them a new life and a new beginning here in Canada. We are also increasing by some 20% the refugee assistance program to assist with the initial integration costs of government assisted refugees who arrive here.

We continue to maintain the most generous and open immigration program in the world since our government came to office, welcoming more than a quarter of a million new permanent residents each year, the highest sustained level of immigration in Canadian history, adding 0.8% of our population per year through immigration, representing the highest per capita level of immigration in the developed world.

However, for us to maintain this openness, this generosity toward newcomers, both economic immigrants and refugees, we must demonstrate that our immigration and refugee programs are characterized by fair rules and their consistent application.

Canadians are a generous and open-minded people but they also believe in fair play. Canadians insist, particularly new Canadians,

that those who seek to enter Canada do so in a way that is fully respectful of our fair and balanced immigration and refugee laws.

*[Translation]*

That is why Canadians are worried when they see large human smuggling operations, for example, the two large ships that arrived on Canada's west coast in the past two years with hundreds of passengers, illegal migrants who paid criminal networks to be brought to Canada in an illegal and very dangerous manner.

Canadians are also worried when they see a large number of false refugee claimants who do not need Canada's protection, but who file refugee claims because they see an opportunity in Canada's current refugee system to stay in Canada permanently and have access to social benefits even though they are not really refugees in need of our country's protection.

*[English]*

Canadians want Parliament and this government to take strong and meaningful action to reinforce the integrity and fairness of our immigration and refugee systems, which is why we tabled Bill C-31.

The bill has three principal elements: First, it includes essentially all of the provisions of the bill currently on the order paper known as Bill C-11, a bill designed to combat human smugglers from targeting Canada and treating this country like a doormat; second, it includes important revisions and improvements to our asylum system to ensure that we grant fast protection to bona fide refugees who need Canada's assistance, but that we remove from Canada false asylum claimants who seek to abuse our generosity; and third, it would provide for the legislative authorities for the creation of a new biometric temporary resident visa program which would be the single-most important advance in immigration security screening and the integrity of our system in decades.

● (1510)

*[Translation]*

With regard to the first question, as I was saying, the destination for major voyages organized by criminal networks in Southeast Asia and human smugglers was Canada. Only two major voyages have reached Canada in the past two years. Thanks to the efforts of our intelligence and policing agencies and the co-operation of the countries of transit of the illegal migrants from Southeast Asia, we managed to prevent a number of other human smuggling voyages from reaching Canada.

*Government Orders*

[*English*]

Thanks to the strong investigatory police and intelligence operations of our agencies in Southeast Asia and in West Africa, we have succeeded in preventing several large planned voyages of illegal smuggled migrants to Canada. I know some members of the opposition categorize these as humanitarian missions of hapless refugees but we need to be clear on what we are talking about. The networks targeting Canada were typically gunrunners running illegal armaments and weapons into the Sri Lankan civil war. They were profiteering from one of the deadliest civil wars around the world in recent decades. When the war ended, they needed a new commodity to move so they took on people. Every year around the world, thousands of people die in dangerous illegal human smuggling operations, whether they are marine migrants off the coasts of Australia, or people being smuggled in cargo containers who suffocate to death as they cross the British Channel, or people who are dying while trying to cross the Mexico–U.S. border under the guidance of coyotes of illegal smugglers.

[*Translation*]

Every year, thousands of people die as a result of human smuggling networks. We therefore have a legal and moral obligation to put an end to these dangerous human smuggling operations and prevent the deaths that occur each year.

[*English*]

I do not want to be the Minister of Citizenship, Immigration and Multiculturalism on whose watch we have a large vessel of illegal smuggled migrants headed to Canada in a leaky vessel that goes down in the Pacific Ocean at the great cost of human life if we have not done everything within our power to prevent human smugglers from targeting this country.

The anti-smuggling provisions of Bill C-31, which were previously included in Bill C-11, would give us additional tools to combat the smugglers. First, it would impose stronger penalties, both in financial fines and prison sentences, on the shipowners and the smugglers, although, admittedly, it is very hard to prosecute the smugglers because they typically operate offshore.

Second, the bill would enhance detention provisions for smuggled migrants who arrive in an operation that would be designated by the Minister of Public Safety as a designated irregular arrival or smuggling event. This is because when hundreds of people arrive in such an operation without documents, without visas, having arrived illegally in violation of several immigration and marine laws or other statutes, we need the time to be able to identify who they are. We need to know whether they are admissible to Canada and whether they constitute a security risk to our country. We cannot practically do that for a large number of smuggled migrants overnight.

[*Translation*]

We have to be able to keep illegal immigrants in custody, in a completely humanitarian way, so that they can be identified. However, let us be clear: Bill C-31 continues to give migrants, even illegal and smuggled migrants, the right to file a claim for refugee protection with the Immigration and Refugee Board. We will therefore not refuse anyone access to our asylum system, even in cases where people arrive in the country in illegal ways.

The bill proposes humanely detaining migrants who arrive through illegal smuggling operations for up to 12 months without review.

● (1515)

[*English*]

That again would allow our intelligence agencies to do the necessary background checks on such individuals.

I should mention that these provisions are far more modest than those used in most other liberal democratic countries like Australia, New Zealand, the United States, the United Kingdom and most European countries.

Finally, we would disincentivize illegal migrants from paying often tens of thousands of dollars to criminal gangs in order to be smuggled to Canada by indicating that even if they get a positive protection decision at the IRB, if they arrived in a designated irregular smuggling event, they would not receive permanent residency for at least five years. They would receive protection. They would not be refouled to their country of origin. We would be fully respectful of our legal and moral obligations under the United Nations universal conventions on refugees and torture, as well as our obligations under the Charter of Rights and Freedoms, as defined by the Supreme Court of Canada in the Singh decision and other jurisprudence.

We would fully respect our absolute obligation of non-refoulement of people deemed to be facing risk to their lives or persecution in their country of origin, but we are not obliged to give immediate permanent residency to such individuals. With immediate permanent residency comes the privilege, not the absolute right but the privilege, of sponsorship of family members. The reason is that many smuggled migrants, we know from our intelligence, calculate that they will be able to pay the \$40,000 or \$50,000 obligation that they have made to the smuggling network by sponsoring subsequent family members to help them pay off the debt. We need to create some doubt in the minds of would-be smuggled migrants that they would be able to benefit from such provisions as family reunification. That is what the bill seeks to do.

[*Translation*]

Second, let us look at the changes to the asylum system proposed in the bill.

I would first like to remind the hon. members that, in June 2010, this House approved important and balanced reforms to the asylum system in order to make it fair and effective, but the current system is broken. It is not working. It takes almost two years for refugee claimants to get a hearing before the IRB. That means the real victims of persecution must wait almost two years to be certain that they have Canada's protection. That is unacceptable.

*Government Orders*

However, we are seeing an increasing number of false claims for refugee protection in the system. More specifically, since the bill on balanced reforms to the asylum system passed in 2010, there has been rising tide of false asylum claims filed by nationals from countries that are completely democratic, liberal and respectful of human rights. I am speaking specifically about countries in the European Union. Frankly, I find it a bit strange that we are receiving more refugee claims from the European Union than from Asia or Africa. It does not make any sense.

Last year, we received 5,400 refugee claims from European nationals, almost none of whom attended their hearings before the Immigration and Refugee Board. That means that almost all European claimants abandon or withdraw their own refugee claims.

[English]

Virtually all of these European asylum claimants are abandoning or withdrawing their own asylum claims. They are not even showing up for the hearing. However, what almost every single one of them does show up for is the initial interview that is required to get the status document as an asylum claimant which qualifies them for an open work permit, full interim federal health care benefits, which are better than the health benefits available to most Canadians, provincial welfare payments, and several federal cash grants for programs.

We stand for the protection of real refugees. We stand against the abuse of Canada's generosity. That is why these measures are necessary. They take a balanced approach. I regret to see members of the opposition turn a blind eye to what is widespread abuse of the system. That is not my opinion. That is a reflection of the fact that in too many cases the applicants do not show up for their hearings, but they do show up to collect Canadian social benefits.

What we seek to do is strengthen the reforms adopted in 2010 by allowing the minister to more quickly designate certain countries which are known not normally to produce refugees, which countries would see an abandonment rate at the IRB of 60% or more, or a rejection rate by the IRB of cases heard of 75% or more, and/or which countries are respectful of human rights and are signatories to the UN convention on refugees, which have an independent judiciary and allow independent NGOs to operate. These are the kinds of countries we are talking about. Claimants from those countries would receive a hearing at the IRB in a delay of about 45 days and that is it. They would receive no further appeals.

Under the current system, with the redundant administrative appeals and post-claim recourses, a manifestly unfounded asylum claimant is able to stay in Canada often for up to five or six years or longer and claim benefits that whole period of time. This is a positive incentive for false claimants to abuse and clog up our system, while delaying protection for the bona fide refugees who do need our protection.

I reiterate that the bill would also create the new refugee appeal division. The vast majority of claimants who are coming from countries that do normally produce refugees would for the first time, if rejected at the refugee protection division, have access to a full fact-based appeal at the refugee appeal division of the IRB. This is the first government to have created a full fact-based appeal.

I find it ironic to hear members of the opposition complain that this government is insufficiently concerned about the procedural rights of refugees when the Liberals in particular refused to create the refugee appeal division. We are putting it in place because we want to ensure that real refugees get Canada's protection. That is why we are actually strengthening this dimension of the system.

Finally, the bill includes legislative authorities to allow the government to require foreign nationals to submit biometric data, particularly fingerprints and a digital quality photo, when applying for a temporary resident visa. In doing so, we would be adopting the same approach as Australia, the United States, the United Kingdom, and increasingly the European Union to harness new technology to facilitate the movement of legitimate visitors, travellers, business people and students to Canada, yet we would be able to better detect those who intend to do this country harm. I have a long list of criminals who have come back to Canada, some as many as 10 times, on fake documents and fake passports. One was deported eight times on more than 30 counts, including theft and fraud, and kept coming back to Canada on fake documents. With biometric visas, that would no longer be possible.

I hope this bill will lead to serious consideration of these important measures to protect our proud humanitarian tradition of refugee protection and our large and open immigration system, but also to maintain the integrity and fairness of that system. That is something we owe all Canadians and new Canadians now and in the future.

● (1520)

**Mr. Kevin Lamoureux (Winnipeg North, Lib.):** Mr. Speaker, the minister has attempted to portray himself as an advocate for refugees. However, I think there has been a great deal of concern that the government, more than any other government, sees fit to try to demonize that particular community, when the Minister of Citizenship, Immigration and Multiculturalism stands at the back of a ship with the Prime Minister to say that refugees are bad and that the human smuggling bill is the best way to resolve issues of this nature.

Why does the minister feel that refugees have to be singled out, and from the government's perspective, the system is in such disarray that if the government does not take this kind of action the whole system will fall apart?

Perhaps the minister could explain that in a nutshell.

● (1525)

**Hon. Jason Kenney:** Mr. Speaker, quite frankly, the member's question portrays such a fundamental misunderstanding of refugee protection that I am virtually speechless. I will explain a very basic concept that I hope the member can grasp.

*Government Orders*

Canadians, our law and this government are absolutely for the protection of bona fide refugees, but we are absolutely against the abuse of our system by people who are not bona fide refugees. We are absolutely against illegal and dangerous human smuggling. It is a very simple concept to grasp.

That is why we are increasing by 20% the number of UN convention refugees that we will accept. We are increasing their support by 20% when they get here. We are creating the refugee appeal division so that there is a full fact-based appeal for failed asylum claimants, which the member's party refused to create. At the same time, we are going to deter the majority of claimants who are found not to be in need of Canada's protection, including virtually all of those coming from the safe democratic liberal European Union.

**Mr. Don Davies (Vancouver Kingsway, NDP):** Mr. Speaker, as the minister well knows, there are two ways that refugees can legitimately come to a country. One way is to be settled through the UNHCR process and the other way is to make their way to a country of safe haven by whatever means they can.

The UN convention on refugees says in article 31 that it is a violation of the convention for a country to impose penalties on refugees who come to a country through irregular means. For people who come to our shores and whom the minister designates as irregular, the bill would prevent them from making permanent resident claims for five years, would prevent them from sponsoring their family for five years, and would detain them without review for up to a year. These are clear differences from how the government would treat refugees coming in through the UNHCR process.

Is the minister not concerned that by imposing these penalties on refugees who arrive in Canada under irregular means, many of whom could be legitimate refugees, that we potentially would be in violation of article 31 of the UN convention on refugees to which Canada is a signatory?

**Hon. Jason Kenney:** Mr. Speaker, I am not concerned about that because the premise of the question is completely false.

If someone arrives in a designated smuggling operation and deposits an asylum claim, he or she goes before the Immigration and Refugee Board which reviews his or her case. The board would determine if indeed that individual had a well-founded fear of persecution on such grounds as race, religion, sex, national origin or political opinion. If the person is deemed by our legal system to be a bona fide refugee, he or she would immediately be released from immigration detention. We would not detain refugees. We would only detain people who, up to that point, are illegal smuggled migrants.

**Mr. Rick Dykstra (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC):** Mr. Speaker, the speech by the minister was well detailed and documented. It certainly speaks very strongly to the importance of why Bill C-31 is in the House today.

The minister used the term "biometrics". It is important for folks who are watching the discussion on Bill C-31 to have a clear understanding of why biometrics is so important in terms of the bill and what it would bring to the ministry's ability and Public Safety's ability to track, review and ascertain the identification of an individual trying to come into Canada as a refugee.

● (1530)

**Hon. Jason Kenney:** Mr. Speaker, the new normal around the developed world is to enhance immigration security screening by requiring that foreign nationals submit biometric data, because there is such a large amount of fraudulent migration based on fake documents.

We have had serious crimes committed in Canada by people who had been deported as foreign criminals but who then re-entered the country on false documents, fake passports. As long as our system is based simply on biographic data, that is to say papers and names, we cannot absolutely verify the identity of someone.

A biometric system would allow us to identify, for example, Mr. Edmund Ezemo who was deported eight times for more than 30 counts, including theft and fraud, and kept coming back. With biometrics, that would be impossible. The doors of Canada would be shut to repeat foreign criminals who had been deported.

[*Translation*]

**Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP):** Mr. Speaker, I am pleased to rise in the House once again to debate Bill C-31. I would like to ask the minister a question.

We now know that refugee families who unfortunately are smuggled into Canada will be targeted and punished by this new Conservative bill. The NDP has a number of concerns, including the fact that these families will be put in jail: the parents, who have had to resort to extreme measures in trying to flee their country, and also their children, who will be kept in detention centres.

If the children remain with their parents, will the minister ensure that these children receive appropriate psychological care and also the education to which they are entitled? Can he give us that assurance?

**Hon. Jason Kenney:** Madam Speaker, the premise of the question is completely wrong. We do not have jails for immigrants. There are immigration detention centres that often receive families and are equipped to care for families and children.

Having said that, I would like to point out two things. First, almost all democratic and free countries use immigrant detention much more than Canada. Even after the bill passes, immigrant detention will be very minimal. We will be moving an amendment to Bill C-31 to allow minors under the age of 16 who are not accompanied by their parents to be released from detention if they have been smuggled into the country. I imagine they would become the responsibility of provincial child welfare agencies.

*Government Orders*

[English]

**Mr. Devinder Shory (Calgary Northeast, CPC):** Madam Speaker, on behalf of the constituents of Calgary Northeast, I thank and congratulate the minister for his effective management of the tough immigration issues. Whether it was to reduce the backlog ballooned by the Liberals or to bring in skilled workers in an expedited manner, whether it was to help the families by allowing their parents to come in under super visas, and now, to deal with those who put their lives at risk and also pay thousands of dollars to the human smugglers criminal network.

Are there measures in the bill for those people who come to Canada and, after obtaining their permanent residency, go back immediately to the same country they—

**The Deputy Speaker:** The hon. minister has about 30 seconds left for a response.

**Hon. Jason Kenney:** Madam Speaker, the answer is yes. Too often we see situations where people who claim persecution from a country receive Canada's protection and immediately go back to that country that was supposedly the source of persecution.

We have clarified in the bill that, under the current law, the minister may apply to the IRB for an order to cessate the protected person status of someone who does go back right away. The bill simplifies it so that an application to cease protected person status can also be joined with an application to revoke the person's permanent residency. If someone were to fraudulently obtain a protected person status, we would now have a streamlined process to revoke both the protected status and the fraudulently obtained permanent residency.

• (1535)

**Mr. Don Davies (Vancouver Kingsway, NDP):** Madam Speaker, I am pleased to stand and debate this bill and present the position of the official opposition, the New Democratic Party of Canada, on Bill C-31, improperly and inaccurately named “protecting Canada's immigration system act”, because this bill would do damage to Canada's immigration system legally, socially, morally and internationally.

I want to talk about the omnibus nature of this bill which, just from a structural point of view, is something that is a disturbing feature of the Conservative government. Canadians saw already in this Parliament, the government take nine separate pieces of serious and complex crime legislation and put them into one omnibus bill and then put that before parliamentarians to discuss and debate. Now we see the minister take two separate major pieces of legislation, as well as another serious issue, which is that of biometrics, and combine those into one bill.

For Canadians who may be watching this, I want to explain a bit about what those bills are. By introducing this bill, the minister has taken Bill C-11, which was introduced in the last Parliament, debated, went through committee, was amended and passed in this very House, went through all three readings at the Senate committee and passed there, received royal assent and was waiting to be implemented this June, and the minister has stopped that bill from being implemented this June. I will tell members a bit more about what the minister had to say about that bill in a few moments. That bill was geared toward reforming Canada's refugee system.

About that bill, in June 2010 the minister said:

We have, in good faith, agreed to significant amendments that reflect their input, resulting in a stronger piece of legislation that is a monumental achievement for all involved.

These amendments, I am happy to say, create a reform package that is both faster and fairer than the bill as it was originally tabled.

Those were the comments by the Minister of Citizenship, Immigration and Multiculturalism on Tuesday, June 15, 2010. The minister has now taken the original bill that he had tabled in the previous Parliament, before those amendments that made it fairer and faster, and has thrown the amendments in the garbage and reintroduced the original bill, the very bill that he said was inferior to the amendments that were made by all parties of this House. The minister has, not unsurprisingly, neglected to explain that.

In addition, one of the first bills the Conservatives introduced in this Parliament was Bill C-4, again inaccurately and unconscionably titled a bill concerning human smuggling. It has been going through debate in this place but the minister has taken that bill and put it into this current Bill C-31. There is no explanation as to why he would take a bill, which has already been introduced and is moving through the system, slow it down and put it back into this legislative process, basically putting us behind where we would have been. I have a theory as to why that may be the case. Bill C-4 has been roundly condemned by virtually every group and stakeholder involved in the immigration system in this country, from lawyers, refugee groups, churches and immigrant settlement services across the board. I cannot name any group that has sent any message that it supports Bill C-4.

As well, the government has taken another issue, biometrics, and put that into the bill. What is puzzling about that is that approximately 30 days ago we commenced a study in the Standing Committee on Immigration and Citizenship on biometrics. We have had a handful of meetings and are in the middle of our study of biometrics and the government introduces legislative steps on the very thing we are supposed to be studying. I wonder what that says about the government's view of the work of standing committees and the experts and witnesses who appear before our committee when it actually comes to a conclusion before we have heard all the evidence.

I want to talk about the substance of Bill C-4. Bill C-4 was hastily drafted by the government when Canadians witnessed the spectre of two boats coming to the shores of British Columbia carrying some of the most damaged and wounded people on earth, people fleeing, as the minister has rightly pointed out, one of the worst civil wars in the world in Sri Lanka.

• (1540)

Some 550 people were on those boats. And, never ones to pass up a good photo op, the Minister of Immigration and the Minister of Public Safety were there doing news conferences outside accusing the people on those boats of being bogus and of harbouring terrorists. They said that publicly. They also accused them of queue jumping.



*Government Orders*

What anyone going through the immigration system knows up to now is that there is no queue jumping. It is a normal part of our refugee system for people to make their way to a country by regular means and make a refugee claim, and the Minister of Immigration knows that. No queue is being jumped. The Minister of Immigration actually went into immigrant communities where they were suffering long delays in their applications for permanent residency to sponsor their parents and preyed on their frustrations at his government's inability to deal with that backlog and wait time and tried to foster resentment from those immigrants toward these refugees.

We always want to be careful with our analogies but we need to consider the Jews when they were fleeing Nazi Germany during World War II. When they made their way into a neighbouring country through the dark of night, they did not arrive with a visa. They did not come through any UNHCR process because there was none at the time. They just made their way to safety. Those people were not bogus. They were not jumping any queue. They were escaping for their lives. That is what people do and that is what those people were doing on those boats.

To make the claim that those people were terrorists before there was an adjudication is as incendiary and as inflammatory as it is wrong. To this day, of 540 people, none have been deemed to be terrorists. Also, if anyone has any kind of question about their origin, there are less than a handful.

What would Bill C-4 do? It would allow the minister to concentrate his power. The Minister of Immigration wants the power to designate people as irregular arrivals. Under the bill, it just says a group. It does not define how many. We presume it is two or more. What happens to those people? Those people could be detained for up to a year without review.

I will talk about the legality of that. The identical provision has gone to the Supreme Court of Canada in the security certificate cases and it has been deemed unconstitutional, yet the government puts it right back into this bill. Moreover, the minister says that they can come out if they are deemed to be refugees. That is true but that assumes that we have a refugee determination system that would make that determination in under a year. If it does not, people could be stuck in detention for up to a year. Even if those people are deemed to be bona fide refugees, this part of the bill would still prevent those people from being able to make a permanent residency application for five years or sponsor their family for five years. I will say right now that that is a violation of the UN convention on refugees and a violation of the UN Convention on the Rights of the Child.

I will explain for the minister why that is the case. I put the question to him and he avoided answering the question. It is because the UN convention on refugees says that signatories, which Canada is, are not to put penalties on people who arrive at our shores by irregular means. If people who are deemed to be refugees are then prevented from sponsoring their families for five years or prohibited from making a permanent residency application for five years, they are absolutely being penalized because of their irregular entry.

The minister said that if they make a successful refugee claim they would be let out within the year. That is true but what about the five year bans? The minister refuses to answer that. That is the

differential treatment of someone who comes through in the other process and it is a violation of the UN convention on refugees.

In terms of the rights of the child, the *Ocean Lady* and the *Sun Sea*, the two boats came to Canada's shores, included children who were travelling unaccompanied. The UN Convention on the Rights of the Child obligates signatories, of which Canada is one, to put the best interests of the child first and foremost in our determination, and that includes in the immigration system. If we have a 14-year-old or a 12-year-old child who comes to our country and is deemed by the minister to be an irregular arrival, he or she would be prohibited from sponsoring his or her parents for five years. That is not in the best interests of that child. I say that there is a violation there.

● (1545)

Lawyers across the country from the Canadian Bar Association to the Canadian Association of Refugee Lawyers have all said that the detention without review process will be attacked as a violation of the charter in three different ways. The act will go to the Supreme Court of Canada, mark my words.

Let us talk about the Bill C-11 component. All parties in the House in the last Parliament worked in good faith to reform Canada's refugee system. I will grant the minister that there was need for reform. The minister is correct when he says that the old system is not working. People make a refugee claim, they are denied, they appeal. Then they make a H and C application and they are denied the appeal. Then they make a pre-removal assessment application and they are denied the appeal. It can take too long to remove people who do not have valid claims.

That is why the parties rolled up our sleeves last Parliament and worked on a streamlined quick process to make those determinations. The New Democrats proposed, as we have for a long time, through our hard work, that the government actually put in place a Refugee Appeal Division, which I will give the minister credit for doing. The Liberals never did do it and the current minister did. However, it was pushed by the New Democrats all the way.

The problem with the bill is that the minister then wanted to deny access to the appeal division of people that he determined to come from so-called safe countries. The minister wanted the sole power to determine what was a safe country. Again, that is too much power concentrated in the hands of one person. The opposition asked why he did not have an independent panel of experts to guide him with firm criteria and the minister accepted that change. In fact, he praised it. He said that it made the process of designation more transparent. Those are not my words, they are the minister's words in the last Parliament. Now today, the minister has thrown that panel out and he wants to go back to the original proposals so that he alone determines what is a safe country.

*Government Orders*

As well, the minister wanted to deny access to the appeal division to people who came from what he deemed to be safe countries. In the last Parliament, we persuaded the minister and we said that everyone had a right to appeal. We cannot have a justice system where some people have a right to appeal and some do not. Imagine how Canadians would feel if we said that if they went to court, their neighbour could appeal the decision, but they could not, depending on where they came from. We were successful in saying that everyone had a right to appeal no matter where they came from.

While I am on this subject, a fundamental difference between the Conservatives and the New Democrats is that New Democrats believe that every country in this world is capable of producing a refugee. There are cases where some countries or more or less likely, but every country is capable of that. In particular, on the LGBT community, 100 countries have some form of legal discrimination against the LGBT community. Governments change.

The minister said that there were EU countries that had refugees and they had to be safe. Right now the far-right government of Hungary is currently passing laws before its parliament to have the power to pass laws in 24 hours, with 6 minutes of debate accorded to the opposition parties. It is amending the constitution. There is the situation of the Roma in Europe. Everyone knows in World War II that Jews were rounded up because of their faith and ethnicity. Roma were rounded up because of their ethnicity as were disabled and communists. These were historically discriminated against, including Roma. There is a long history of established discrimination against Roma, and those people come from Hungary. They come from the Czech Republic, from Romania, from countries that are members of the EU in some cases and those people have a right to make their claim.

The minister has thrown out the panel of experts to advise him. I ask why? If the minister is so confident that he can choose which countries are safe countries, why would he not want the benefit of advice from experts in human rights, the very idea he praised and thought was a good idea 18 months ago?

The Minister of Citizenship, Immigration and Multiculturalism may have great faith in his own judgment, but to have one person make such important determinations as to what country is safe or not, which country is or is not capable of producing refugees and who is an irregular arrival who will be subject to detention for up to a year without review and penalties that might keep their families apart for a decade. That is too much power for one person. We should build in checks and balances and that would be the case no matter who would be the minister of immigration, including a New Democrat. I do not know who would make the argument that the system is not better served by having that kind of check and balance.

● (1550)

In terms of the biometrics, biometrics is a system whereby this legislation would have people who apply for a visa to come to this country provide their fingerprints and pictures. That is a model we should be looking at, but there are significant privacy considerations and the Standing Committee on Immigration is looking at those very considerations right now.

The privacy commissioner has already testified and she says that providing a fingerprint for the purposes of identification to ensure

that people presenting at our borders are who they say they are is fine. However, taking that fingerprint and comparing it to a wide database for other purposes or sharing that information with other countries or other bodies raises serious privacy concerns. We are in the middle of looking at those and those are issues that the government would be well advised to pay attention to before we proceed down that path.

I want to talk about a few other things that the bill would do.

The bill would prevent someone who has been convicted of a jail sentence of more than 10 years from making a refugee claim. I have raised this issue as well. Nelson Mandela was convicted of a crime for which he received a sentence of more than 10 years. Under the legislation, were that to happen today, Nelson Mandela could not make a refugee claim in Canada. He might be able to make a humanitarian and compassionate claim but no refugee claim. I have not heard the government explain that.

The bill would also, for the first time, give the minister the power to refer to the IRB the case of a refugee who had now become a permanent resident. The minister would have the power to strip that refugee of his or her permanent resident status if it were determined that circumstances had changed in the country from which the refugee escaped. That is unacceptable. People come to this country seeking safety and yet they find themselves, under this legislation, perhaps looking at being stripped of that status.

I would like to move the following amendment. I move:

That the motion be amended by deleting all of the words after the word "That" and substituting the following:

this House declines to give second reading to Bill C-31, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act, because it:

- (a) places an unacceptable level of arbitrary power in the hands of the minister;
- (b) allows for the indiscriminate designation and subsequent imprisonment of bona fide refugees for up to one year without review;
- (c) places the status of thousands of refugees and permanent residents in jeopardy;
- (d) punishes bona fide refugees, including children, by imposing penalties based on mode of entry to Canada;
- (e) creates a two-tiered refugee system that denies many applicants access to an appeals mechanism; and
- (f) violates the Canadian Charter of Rights and Freedoms and two international conventions to which Canada is signatory.

● (1555)

**The Deputy Speaker:** The amendment is in order.

Questions and comments, the hon. Minister of Citizenship and Immigration.

**Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC):** Madam Speaker, I am afraid I cannot agree with any of the remarks by my colleague from Vancouver Kingsway. I clearly do not have enough time to rebut the various specious arguments that he offered. I hope to do so throughout the course of the debate.

I will say two things.

*Government Orders*

First, I found the suggestion that human smuggling was a “normative” part of a refugee process shocking. It is not normative. It is not normal. It is a despicable crime and we must do everything we reasonably can to deter people from going into smuggling operations. The member has offered no alternative. If the NDP members want to be critics, that is fine. If they want to be a government in waiting, they have to offer responsible alternatives that would, in this case, deter smugglers from targeting Canada. What are the member's alternatives?

Second, I wonder if the member realizes just how extraordinarily far out of the mainstream he and his party have become. Is he aware that, as a matter of policy, the left-of-centre social democratic government of Australia detains all asylum claimants, not just smuggled asylum claimants, until their claims are determined? Is he aware that the social democratic labour government of the United Kingdom created a law to detain all asylum claimants coming from designated safe countries? Is he aware that the social democratic government of Portugal, for example, deals with claims coming from designated safe countries in nine days? Is he aware that the position of his sister parties across the democratic west is far faster and less respectful of asylum rights than what we propose in this bill?

**Mr. Don Davies:** Madam Speaker, the clever words of a sophist are always difficult to deal with. I never said that I am protecting human smugglers. The minister uses these shifts of language quite often. I was making a distinction between the irregular movement of refugees and human smuggling. There are cases where sometimes refugees organize themselves together and leave a place on boats sometimes.

There are tens of thousands of people from Vietnam in my riding of Vancouver Kingsway. Does the member know how many of them left Vietnam on a boat? Does he know how many of them paid someone to help them leave on a boat? Under the minister, those people would be criminals. They would be victims of human smuggling.

Let us look at Australia. We had an immigration professor at UBC, who did her doctorate in Australia, give testimony before our committee last week. She testified that the very same system the minister wants to impose in Bill C-31, which would penalize entrance to Canada for regular arrivals by detaining them, had not worked in Australia. It had not deterred anyone from going to Australia. Those are the facts, but facts are a challenge for the government.

What is out of the mainstream is an extreme right-wing approach to immigration that seeks to be incendiary and uses language such as “bogus refugees”, when some of the most vulnerable people on earth, people who have a well-founded fear of persecution and are fleeing countries, deserve to have their claims treated with respect. It is unseemly for the minister of immigration to continue to use inflammatory language that misleads. People may not have a valid claim—

• (1600)

**The Deputy Speaker:** Order please. I see many people rising and I would like to give them an opportunity also.

The hon. member for Bourassa.

[*Translation*]

**Hon. Denis Coderre (Bourassa, Lib.):** Madam Speaker, I would like to thank the member for Vancouver Kingsway for his speech.

The problem is that we are caught between two ideologies. On the one hand, those subscribing to a right-wing ideology want to erase everything the Liberals did. We know that Canada is a nation that welcomes immigrants and that every case is unique. When we start generalizing and labelling everything, we end up with problems and people fall through the cracks.

On the other hand, the NDP thinks that everything is rosy and nice, but that is not reality. As a former immigration minister, I know that it is not easy, and I know that the minister has to deal with certain cases.

I would like the member for Vancouver Kingsway to comment on the problem with this bill, which is that a minister will decide whether a country is safe or not. We know that there can be problems in places like Mexico or even Hungary. Recently, an intellectual left Hungary because of anti-Semitism. If the minister decides that Hungary is a safe country, then no refugees from Hungary will be allowed in.

Without indulging in labelling and ideology, if the member were the immigration minister, what would he do?

[*English*]

**Mr. Don Davies:** Madam Speaker, it is pretty difficult to determine the question in that statement.

One thing on which I will agree with the Minister of Citizenship, Immigration and Multiculturalism is that the previous Liberal government sat back and made a complete mess of our system. When the government took power in 2006, it inherited a backlog of some 850,000 people. That does not sound like a model of success by the previous Liberal government.

Let us settle more refugees through the UNHCR process. Let us try to do a better job at bringing people to Canada and settling them here. Let us get a quick determination process of refugee status and give the refugees the support they need. Let us have a system that is fair. I think we can have both an efficient refugee determination system and one that respects Canadian domestic law and our international agreements.

The problem with the bill is that it does not achieve that balance, and the NDP will continue to fight for a refugee determination system that is fair, quick, legal and compassionate. That is what Canadians want, and that is not out of the mainstream.

*Government Orders*

[Translation]

**Mr. André Bellavance (Richmond—Arthabaska, BQ):** Madam Speaker, an exceptional thing happened, and I am sure the member who just spoke took part in it. It was in 2010, when we passed an amended version of Bill C-11. All the parties examined the issue and improved the government's bill. Even the minister was pleased, because he said that once the bill was amended, it was an essential tool for safeguarding the integrity of Canada's immigration and refugee systems. The bill, as amended by the Bloc Québécois and the other parties, had a provision to accelerate the application process. It also provided the right to appeal for all refugees, without exception. With Bill C-31, the government is removing all that.

I wonder if the government is trying to send a message to refugees the world over, telling them not to come to Canada, that they are not welcome. That is the feeling we get from Bill C-31. What does my colleague think?

[English]

**Mr. Don Davies:** Madam Speaker, it is true that the Bloc did play an instrumental role in building Bill C-11 in the previous Parliament. It is only fair to point that out.

It does seem like the government is trying to target refugees. One of the problems with Bill C-4 is that although it is directed punitively at human smugglers, it actually penalizes the refugees. That is what everyone is pointing out.

What happens if a refugee comes here? We will lock them up. We will prevent them from sponsoring their family for five years. We will prevent them from making an appeal application for five years. That is not targeting the smugglers but the refugees.

That is the problem with this bill. This bill also prevents someone from making a humanitarian and compassionate claim for up to one year, and it forces someone who arrives on our shores to make an election within 15 days between whether they make a refugee claim or a humanitarian and compassionate claim. These are people who often cannot speak English and have no access to legal advice. This is another serious structural flaw in the bill.

[Translation]

**Mr. Matthew Dubé (Chambly—Borduas, NDP):** Madam Speaker, I will be brief because I want to give my colleague a chance to comment further on one of the very important points he raised. He said that some countries might be considered safe when that is not necessarily the case, particularly certain countries in Europe where widespread discrimination is causing problems. If we took the time to examine ethnic conflicts, we would find several examples in Eastern Europe, particularly in Hungary, as the member mentioned. I would like to give him the opportunity to comment further on this problem and the prejudices against some countries.

• (1605)

[English]

**Mr. Don Davies:** Madam Speaker, as I said in my speech, every country in this world is capable of producing a refugee. It depends on the particular political situation at the time. It depends on the government of the day. It depends on the cultural norms of that particular place. For example, how a country may treat gay people varies widely in this world.

Even in our own country, we are capable of producing refugees in a particular context at a particular time, and so these kinds of determinations should not be prejudged.

The bill stereotypes a group of people. If people come from a particular country, none of them have access to refugee appeal division. It does not matter how meritorious their case may be. It does not matter what the facts are.

That is not a typical characteristic of a modern, democratic legal system. One does not make a determination on who has access to the court system or appeals in advance. One should let the merits of the case make that determination, and this bill does not do that.

**Mr. Kevin Lamoureux (Winnipeg North, Lib.):** Madam Speaker, I would like to start by making reference to what the minister started his speech with, that there has been great value from immigration. We in the Liberal Party have recognized over the years the importance of developing a balanced approach to dealing with immigration. We believe it is important to get not only good numbers but also the right mixture. We believe there is value in refugees. We believe there is value in families and family reunification. We see the value in terms of economic development. It is about getting the right mixture, and this is something on which we have been very successful in the past in what we have been able to achieve.

One of the greatest programs in the province of Manitoba has been the provincial nominee program.

**Mr. Rick Dykstra:** The member is welcome.

**Mr. Kevin Lamoureux:** Madam Speaker, I will inform the member that it was actually a Liberal government that brought it in, but if the member for St. Catharines wants to try to take the credit for that, I will give him some credit.

What the government can take credit for is the huge backlog of refugees that has been generated. Remember that it was the Conservatives who did not fill the necessary positions at the refugee board to hear the numbers, and that is what started the backlog in the refugee system. Yes, improvement has been needed but members will find that through the years there has been movement, with a good mixture of immigrants and a progressive immigration policy that includes refugees.

We in the Liberal Party value the contributions that refugees make to our country. We have had refugees who have made it to Governor General of Canada, and to every economic, business, societal, non-profit and for-profit organization. Ninety-five percent plus of refugees who settle here in Canada go on to contribute immensely to our country and nation. We recognize that and are not scared to talk about it. The government and this minister in particular, on the other hand, have a totally different objective, an objective that demonizes the refugees in our great country.

The Liberal Party does not support Bill C-31, and for a good reason. Bill C-31 is in essence Bill C-4 and Bill C-11, with one major compromise in Bill C-11. The compromise took out the idea of an advisory group that would determine and advise the minister on which countries would be on the safe list. That was good enough when the Tories had a minority government but now that they have a majority government, they are going back to the Reform ways in how they are trying to deal with refugees in our country.

*Government Orders*

The minister wants to say what is a safe country. Think of the consequences of that. The minister wakes up one day and says that country X is no longer a safe country. As result, someone who comes from that country and claims to be a refugee will in all likelihood be gone before any sort of an appeal can be heard. That person will not even be in Canada but will have had to leave the country in order to make any sort of appeal.

The minister also wants to say who is an irregular arrival. That goes back to Bill C-4. There have been arguments about that. I know the minister will often write off the Liberal Party or the New Democrats as just being the opposition speaking. I would like to provide a specific quote about the government's behaviour on that particular line, and this comes from lawyers across our country.

•(1610)

**Hon. Jason Kenney:** Immigration lawyers who rally to the cause of immigration lawyers, you have to love that.

**Mr. Kevin Lamoureux:** Well, I am listening to some lawyers, Madam Speaker. The Minister of Citizenship, Immigration and Multiculturalism would do well if he also listened to some lawyers periodically. Maybe he should be listening—

**Hon. Jason Kenney:** Stand up for the immigration lawyers.

**The Deputy Speaker:** Order, please. I would like the hon. member to direct his comments through the Chair and all members to wait until questions and comments before intervening.

The hon. member for Winnipeg North has the floor.

**Mr. Kevin Lamoureux:** Madam Speaker, I do not blame the Minister of Citizenship, Immigration and Multiculturalism for getting a little excited about that particular statement. Here is a response to the government on Bill C-31, a quote that makes reference to Bill C-4:

—[The] proposed mandatory, unreviewable, warrantless, year-long detention is patently unconstitutional. The Supreme Court of Canada decided this issue in the clearest of terms.

This is not coming from the Liberal Party but a third party stakeholder that is trying to give advice to the Minister of Immigration. It is like talking to a brick wall. The minister has his own personal agenda and it is one that I do not think most Canadians would support.

I would like to read some comments made about Bill C-4 in some letters from Faith Academy school:

I urge you to take a tremendous stand against this bill.

Another reads:

You have to understand that the main reason refugees leave their countries is because they seek shelter from abuse, persecution and civil unrest. However, under this bill, refugees—including children—are only subjected to more persecution, fear of authority and denied rights.

If Canada's main concern truly is catching smugglers, why create a bill that only appears to punish refugees? Instead, let us join together in creatively seeking a way to deter smugglers without victimizing legitimate refugees.

That is a profound statement that the minister should really listen to.

I will read some more: “The bill forces refugees to be detained and they have come from their poor quality of life only to enter a similar one. Surely we have more integrity than that. There must be a more

efficient way to keep track of them. Also the rule that the family can't come for five years after the refugee is allowed is absolutely absurd.” Another says, “I think let them come but make them wait for a certain time to gain residence, but the time should be reduced. Like what if you had to be put in that situation? Think it's still right?” A further one states, “The protection they wanted for Canada is great, but making other people and even innocent children feel like they are criminals or are committing something wrong is unfair.” Finally, “Bill C-4 is a punishment to refugees and is discriminatory since they will serve a mandatory sentence of one year and they will be denied the right to family reunification for five years.”

These are letters by young adults at Faith Academy school who have actually taken the time to read Bill C-4 and to voice their concerns regarding it.

I could go back to some of those statements by the Canadian Association of Refugee Lawyers. I mention the word “lawyers” and the minister laughs. I would suggest again that the minister would do well to listen. The association states:

Refugee claimants who are put on the designated safe country list are subjected to even shorter deadlines to submit a written claim, and will not have access to an appeal.

The Minister need not justify why he deems a country safe, nor does he have to take account of the differential risk faced by certain minorities in a country that is “safe” for others. Refugees will be vulnerable to the political whims of the Minister and the government.

The last time I had the opportunity speak to the bill, I challenged the government in my question to the minister. It was a very telling picture for me when I saw in a newspaper the minister, along with the Prime Minister, standing on the back of a ship, the *Ocean Lady*, making a statement.

•(1615)

He did it again today. At the beginning of his speech, he made reference to the fact that illegal immigrants pay to be brought here on two large ships, with a high number of bogus claims. He likes to refer to those queues, which is, I argue, the demonizing of the refugee.

He went on a boat with the Prime Minister and he talked about profiteers and how the government would get tough on human smugglers. This bill would have more of an impact on refugees. In essence, individuals are leaving their countries and putting their lives in danger by getting on some of these crafts to come to Canada. They leave for a wide variety of reasons. Their lives might be in danger. Who knows? At the end of the day, they are putting their lives at risk in order to land on our shore. The minister said he does not mean just boats. It could be people arriving by plane or car. The minister said the first thing to be done is to put these people in detention.

The last time I spoke on this bill, there was a lot of discussion about how to justify putting a 14-year-old or an 8-year-old in detention. To the minister's credit, and I do not give him very much credit, but in this case I will give him some credit, he said people under 16 years of age will not be detained. I am not 100% clear. I think he attempted to address it in his remarks. How does that apply if it involves a family? I believe he said it is only youth who are 12 or 14 years old and might not have a parent who would not be held in detention.

*Government Orders*

I was a little more clear going into this debate than I am now, because of the minister's remarks. I would look to him to provide some clarification. In terms of the legislation, the government is still saying one year of detention. That is fairly strong in terms of charters, constitutional rights, et cetera. We believe the government is moving in the wrong direction and there has to be an alternative.

The minister is often quoted as referring to or implying the notion of bogus refugees. I have had the opportunity to speak with refugees. Many people come to Canada with genuine fears. Just because they might not necessarily meet the criteria of refugees does not mean that they come to Canada wanting to commit fraud. When we start to label people by saying bogus, it is to the detriment of the refugee community. The minister needs to seriously consider how he chooses his photo ops when he talks about human smuggling, for example, or when he makes general statements about bogus refugees. His definition might not necessarily be the same definition as the many individuals who come to Canada fleeing persecution.

There was another issue that the critic for the New Democrats raised that I want the minister to comment on. It is incorporated in this particular bill and it is the biometrics.

•(1620)

We have been looking into this issue at the citizenship and immigration committee. Individuals have come before the committee to make presentations. Now the minister has brought this in out of nowhere and put it into the legislation. Some might argue that he undermined the work of the citizenship and immigration committee. There is some very strong merit in that argument.

We had another review to deal with the backlog of immigration. On November 4, halfway through it, the minister announced a freeze so that people could not sponsor their mom and dad from India or the Philippines or any other country for at least two years. He said we were not to worry because the government has this super visa program, which would compensate for the freeze.

The government has abandoned the whole concept of family and the valuable role that plays in the mixture of immigrants to Canada. We oppose this. What amazed me was that the minister announced the 10 year super visa, and then on December 1 he provided the details of the program.

Initially I was quite supportive of the concept of the super visa. However, the details of it probably excluded the parents of over 80% of immigrants because of the financial and health requirements put into place by the government. I would argue it was ultimately a manipulation. Much like with biometrics, this was another attempt by the Minister of Citizenship, Immigration and Multiculturalism to undermine what the citizenship and immigration committee was doing.

I look to the government, and in particular this Minister of Citizenship, Immigration and Multiculturalism, to reassess what it is actually doing within the immigration department. There is a need for change. We recognize that. When asked, for example, about the role biometrics could play, we believe that biometrics can play a role. We were quite willing to discuss this, and to hear what other Canadians and other stakeholders had to say on the issue. That is why we ultimately supported the committee to deal with that issue.

There is strong merit for biometrics. The minister himself has made reference to them, in terms of individuals who were able to come to Canada, put in a claim, leave and re-enter. There is no doubt biometrics would deal with issues such as that. There is no doubt that countries around the world are trying to get a better sense of the role of biometrics in a nation's security and the integrity of our immigration system, not only for refugees but also for temporary visas for visitors, students or possibly workers. We are open to that.

We are surprised that the minister would have taken this time to bring in that legislation when in fact we have a committee that is supposed to be studying the issue. One could ultimately ask why we are looking at that issue if in fact the minister seems to be going in a certain direction.

That brings me right back to some of my opening comments.

•(1625)

We in the Liberal Party believe that there has to be due process. We need to ensure that there is an appeal mechanism that would enable people to be in Canada while that appeal is being heard. That would not happen under Bill C-31.

We would like to see the minister make the change that he previously agreed to. He acknowledged that there was value to it. We would like to see that change.

**Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC):** Madam Speaker, a number of the member's remarks were factually inaccurate but I do not have time to identify all of those now.

The member just said that the government has abandoned the whole concept of family reunification. If the member studied this issue at all, he would know that the opposite is true. The government has increased this year and next the number of parents and grandparents who will be sponsored into Canada as permanent residents by 60%, going from the average under his government of 17,000 admissions under that program up to 25,000. That is a huge increase, not a decrease.

Similarly, he repeated his outrageous smear that I and the government somehow stigmatize refugees. The opposite is true. It is true that I visited one of the smuggling boats that dangerously brought people to Canada for profit in violation of all of our laws. I have also visited thousands of refugees in Canada. Just last week I visited with some of the Iranian homosexual refugees we have welcomed here with our special program. The week before that I met with some of the Karen Burmese out in British Columbia.

That is why this government is increasing by 20%, by 2,500, the number of Convention refugees settling in this country. We are increasing the support they get under the refugee assistance program by 20%, something that member's government never did.

*Government Orders*

With respect to the asylum question, the member is criticizing us because we will not give rejected claimants coming from safe, democratic countries access to the refugee appeal division. The Liberal government was opposed to creating the refugee appeal division at all. Under these reforms, the vast majority of failed claimants would have, for the first time, access to a full fact-based appeal, something that the member and his party denied all failed refugee claimants. How does he explain that basic hypocrisy?

**Mr. Kevin Lamoureux:** Madam Speaker, I give the minister additional credit for his ability to spin things as if the government were doing something good in immigration.

As the population grows, one would think that we would be able to sustain more refugees.

The minister should visit a gurdwara anywhere in Canada and explain how his statement about getting more parents and grandparents into Canada reconciles with the fact that if someone wants to sponsor his or her mom and dad today, that cannot be done. An application cannot be put in. That is the reality of today. The minister said that over this year and next 17,000 parents and grandparents will be admitted to Canada. Maybe he should take a look at how many were admitted in 2010 and other years.

The minister is very selective. I would welcome a public debate with the minister anywhere, any time on the immigration issue. I suspect he would never take me up on it because he knows he would not win.

• (1630)

[*Translation*]

**Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP):** Madam Speaker, I would like to congratulate my colleague on his speech. I would also like to take this opportunity to say that the Minister of Immigration has some pretty strange ideas about asylum seekers and refugees, people who are persecuted and hunted, whose rights are trampled on and whose safety is in jeopardy. The minister talks about these people as though they could simply take their credit card, buy a plane ticket, make their way to the airport and come here to seek asylum or refugee status.

Sometimes, they have to do very difficult things. Sometimes, desperate times call for desperate measures. In response, the minister would punish them, accuse them and throw them in jail. Bill C-31 says that only the minister can designate countries as safe or unsafe. That is very dangerous because it creates a two-tiered system. I would like to know what my colleague thinks of this situation. What would be a more reasonable alternative?

[*English*]

**Mr. Kevin Lamoureux:** Madam Speaker, my colleague has made a wonderful comment and has asked a great question.

All we need to do is look at Bill C-11. There was a consensus that there should be an advisory group of professionals, individuals who really understand the issues of human rights and so forth, to determine what could be classified or deemed as a safe country. That is a critical component to refugee policy.

Under this proposed legislation, the minister wants sole discretion to choose which countries are safe.

The consequence of the minister saying that a certain country is safe is that whoever comes from that country will not be able to get a legitimate appeal here in Canada. That is totally unacceptable.

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Madam Speaker, I also will be opposing this legislation on numerous grounds.

For instance, I find it worrying that under this legislation refugees who arrive at our border would be detained for a full year. This would include young people 16 to 18 years old who should still be protected under international law on the protection of the rights of the child.

I particularly want to ask my friend from Winnipeg North about the concern that has been raised that under this legislation refugees who have been settled in Canada, who have been granted permanent residency and who have committed no offence nor have misled anyone about obtaining that status, could be stripped of that status and deported even years after arrival.

**Mr. Kevin Lamoureux:** Madam Speaker, the member has raised an issue on which I would love to elaborate, if I had more time.

The reality is that if a refugee is on that safe list, comes here, is in detention for a year and then gets out of detention, the person could wait four more years before he or she could sponsor a family member. Ultimately it could be an additional three or four years at least before the child might be able to join the person in Canada. That is the type of policy direction the government is moving toward with Bill C-31. That is why I would say it is far from being a family-oriented bill. This legislation would cause all sorts of despair within the refugee community, especially for someone who gets the unfortunate label of being an irregular or coming from a safe country.

[*Translation*]

**Ms. Hélène LeBlanc (LaSalle—Émard, NDP):** Madam Speaker, I would like to say that in the riding I have the pleasure of representing, there are many people with refugee status. There is a lot of confusion, and many people are worried. These people's stories are disturbing, and I am very upset and worried about them.

I have a question for my colleague from Winnipeg North because he is a member of the Standing Committee on Citizenship and Immigration. First there was Bill C-4, which was studied in the House. Now we have Bill C-31, and before that, there was Bill C-11. Is my colleague concerned that all of these changes will make the refugee claim process even more cumbersome?

• (1635)

[*English*]

**Mr. Kevin Lamoureux:** Madam Speaker, given how the minister has undermined the current study and previous study regarding immigration policy at the citizenship and immigration committee, the minister would have been better advised to have Bill C-4 go to the committee, or at least the issues that are now within Bill C-31, and let the committee deal with them. The committee could have had witnesses and stakeholders from across the country make presentations on that. It would have been far more transparent.

*Government Orders*

Ultimately, I am sure the member would likely agree that we would have had a much better progressive piece of legislation than what is before us today. The bill would have had a much better chance of being built on a consensus and maybe we could have done away with some of the very strong problem areas that are currently in the bill.

BILL C-31—NOTICE OF TIME ALLOCATION MOTION

**Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC):** Madam Speaker, the bill that is currently being debated, Bill C-31, would protect and strengthen our immigration and refugee determination systems and it needs to be passed by June 29.

I would like to advise the House that an agreement could not be reached under the provisions of Standing Orders 78(1) or 78(2) with respect to Bill C-31, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act.

Under the provisions of Standing Order 78(3), I give notice that a minister of the Crown will propose at the next sitting a motion to allot an additional five days for the consideration and disposal of proceedings at the said stage.

That will result in a total of six days on which this bill will be debated. This is my best assessment of the time necessary to debate the bill fully, after I consulted the House leaders from the opposition parties.

\* \* \*

**SAFE STREETS AND COMMUNITIES ACT**

BILL C-10—NOTICE OF TIME ALLOCATION MOTION

**Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC):** Madam Speaker, I also note that our government made a clear commitment in the last election to pass the safe streets and communities act within 100 sitting days. We are on track to meet that commitment. All that remains before the House is to agree to the six amendments that were passed in the other place dealing with civil remedies for terrorism. I understand that all the opposition parties actually support these amendments, yet they somehow seem determined to keep them from coming into force.

Therefore, I would like to inform the House that an agreement could not be reached under the provisions of Standing Orders 78(1) or 78(2) with respect to the amendments made by the Senate to Bill C-10, An Act to enact the Justice for Victims of Terrorism Act and to amend the State Immunity Act, the Criminal Code, the Controlled Drugs and Substances Act, the Corrections and Conditional Release Act, the Youth Criminal Justice Act, the Immigration and Refugee Protection Act and other Acts.

Under the provisions of Standing Order 78(3), I give notice that a minister of the Crown will propose at the next sitting a motion to allot a specific number of days or hours for the consideration and disposal of proceedings at the said stage. I intend to move that motion tomorrow.

**The Deputy Speaker:** Before resuming debate, 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 Charlesbourg—Haute-Saint-Charles, Employment Insurance; the hon. member for Beauharnois—Salaberry, Border Crossings; the hon. member for London—Fanshawe, Industry.

\* \* \*

**PROTECTING CANADA'S IMMIGRATION SYSTEM ACT**

The House resumed consideration of the motion that Bill C-31, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act, be read the second time and referred to a committee.

**The Deputy Speaker:** Resuming debate, the hon. Parliamentary Secretary to the Minister of Citizenship and Immigration.

**Mr. Rick Dykstra (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC):** Madam Speaker, it is with great pleasure that I rise to speak to Bill C-31.

First, there are a couple of aspects that were brought up by the critics from the Liberal Party and the NDP with regard to Bill C-11, the balanced refugee reform legislation which was passed in the last Parliament. They claimed that bill is on hold, that it has not been implemented and that no acts within that bill have actually been processed. I want to clarify that they are factually incorrect. It needs to be identified in the House and on the record that there are two very important components of that bill that have continued.

The first is that prior to passing Bill C-11, there was a backlog in this country of over 60,000 refugee claimants. The process set in place by Bill C-11 would see that reduced significantly. In fact, that has happened. The backlog has been reduced to below 45,000 refugee applicants, which is a very critical component to the direction Bill C-11 was moving toward, which is to ensure that we do not have a tremendous backlog that would put us in an extremely difficult position in terms of processing applications.

The second is a point which the minister brought up during his speech. With the implementation of Bill C-11, we would see an additional 2,500 refugees, which is 20% on top of the current average. An additional 2,500 refugees would be able to settle in our country. We would accept those additional 2,500. Five hundred would be government-sponsored refugees and 2,000 would be privately sponsored.

I know what the Liberal Party and NDP critics' jobs are, but to hear them say that Bill C-11 has not moved forward and has not helped refugees or those in need is completely false. I suggest that when they get the opportunity, they should acknowledge that they supported two parts of that bill without reserve, and those parts continue to move forward today.

Turning now to Bill C-31, Canada welcomes more refugees per capita than any other G20 country in the world. I mentioned the additional 2,500 refugees that will settle in this country. They will, through the United Nations and private sponsorship, begin to come to this country.



*Government Orders*

The facts speak for themselves. In 2011, Canada received a total of 5,800 refugee claims from people in democratic, rights-respecting member countries of the European Union. That is an increase of 14% from 2010. It means that 23% of the total refugee claims come from the EU. That is more than Africa and Asia. In fact, Hungary is the top source country for people attempting to claim refugee status in Canada. Hungary is an EU member state. That means 4,400 or 18% of all refugee claims in 2011 came from Hungary. That is up 50% from 2010.

What is even more telling is that in 2010, of the 2,400 claims made by Hungarian nationals, only 100 of them were made in countries outside Canada. That means Canada received 2,300 of those claims, 23 times more than any other country in the world. That is not by accident. Those claims are being made for a reason. What is most important is that virtually all of these claims are abandoned, withdrawn or rejected. Refugee claimants themselves are choosing not to see their claims to completion, meaning they are actually not in genuine need of Canada's protection. In other words, these claims are bogus. They are false. They are untrue. These bogus claims from the EU cost Canadian taxpayers over \$170 million a year.

• (1640)

At the federal level, we throw figures around in millions of dollars on a regular basis. However, if the average cost of a refugee claim is \$55,000 and upwards of only 38% of those claims are actually approved, we can see what we now accept and have to deal with. It costs \$170 million to deal with bogus claims and claims that are withdrawn or abandoned. That money should not go to defend and try to articulate and determine whether these are actual refugees. It should go to refugees who are in fact approved and need the assistance, whether it be for settlement services, education or whatever it may be to help them acclimatize and learn about our Canadian system.

Bill C-31, the protecting Canada's immigration system act, is part of our plan to restore integrity to our asylum system. It would make Canada's refugee determination process faster, fairer, stronger and more appealing. It would ensure that we would go through this process in a faster way so that legitimate refugees would be able to settle into the country and be approved. As well, we would remove bogus claimants in a much quicker, more expedient way so that we could actually deliver services to those who deserve them.

The monetary aspect is not why we are moving forward with the legislation. However, with the implementation of Bill C-31, over the next five years, we will see a savings to taxpayers across the country of close to \$1.65 billion.

Bill C-31 would also help speed up refugee claims in a number of ways. One major component is the improvements to the designated countries of origin provisions. It would enable the ministry to respond more quickly to increases in refugee claims from countries that generally did not produce refugees.

The minister and I spoke earlier of what we saw in the European Union. That is specifically why we will be able to ensure with a safe country that we can process and work through the response in a period of up to, and no more than, 45 days. That is compared to a

process which now takes upward, and in many cases exceeds, 1,000 days. It goes on and on.

Much of the determination of which countries would be designated would be determined on criteria clearly outlined in both the legislation and within the ministerial order. For example, for a country to be considered relatively safe, more than 60% of its asylum claims are withdrawn or have been abandoned by the claimants themselves, or more than 75% of asylum claims are rejected by the independent Immigration and Refugee Board. If that is not an objective, neutral test, I am not sure how the opposition could actually come up with one.

Because there will be countries that do not have a threshold in terms of the numbers who come to our country and claim refugee status, where there are not enough of those claims to make an objective quantitative assessment, clear qualitative criteria will be applied to determine the likelihood that a country would produce genuine refugees. This criteria will include, for example, an independent judicial system that recognizes and respects democratic rights and freedoms and whether civil society organizations exist and operate in that country.

In fact, unlike the Balanced Refugee Reform Act, which had both quantitative and qualitative criteria specified only in regulation, Bill C-31 would have its qualitative factors enshrined in legislation, while the quantitative factors would be set out in a ministerial order. In this way, the criteria used to trigger a country for review for designation would be more transparent and more accountable than under the Balanced Refugee Reform Act. It is an important criteria and important aspect to keep in mind as we debate the bill.

• (1645)

The designated country of origin provisions included in Bill C-31 would bring Canada in line with peer countries, like the United Kingdom, France, Germany and Switzerland, recognizing that some countries were safer than others.

The opposition likes to use the United Nations as an example, or at least as the leadership that we should follow in terms of how we recognize refugees and how we are supposed to stay in line with what should happen in dealing with refugees in our system, in our program in our country.

However, if I could just quote from the United Nations High Commissioner for Refugees, Antonio Guterres, who has himself acknowledged, "there are indeed Safe Countries of Origin and there are indeed countries in which there is a presumption that refugee claims will probably be not as strong as in other countries". He also has agreed that as long as all refugee claimants have access to some process, it is completely legitimate to accelerate claims from safe countries.

*Government Orders*

Under Bill C-31, every refugee claimant would continue to receive a hearing before the independent and quasi-judicial Immigration and Refugee Board regardless of where he or she may have come from. Furthermore, every refugee claimant in Canada would have access to at least one level of appeal. This is contrary to the opposition statements. These procedures exceed the requirements of both our domestic law and our international obligations.

Unfortunately, what is lost in a lot of the debate on the bill is the other equally important positive aspect that it will have. Not only will it result in fewer bogus claims abusing our generous immigration system, it will also allow for legitimate refugees who are in need of Canada's protection to receive that protection much sooner than they do now.

I want to stop at this point for a moment. Under Canada's current refugee determination system, it takes an average of two years before refugee claimants receive a decision on their case. Our system has become so backward that legitimate refugees are not in a position to move forward in a much quicker way. Our system has been overwhelmed by a backlog of cases. We have started to work toward a reduction of those cases, but we have not done enough and we need to do more, which is why we are debating Bill C-31.

It is important to remind the House and all Canadians that bogus refugee claims clog up our system. They result in legitimate refugees who are in genuine need of Canada's protection waiting far too long to receive that needed protection.

Bill C-31 would further deter abuse of Canada's immigration system by providing the government the authority to collect biometric data from certain foreign nationals who wanted to enter into Canada. The minister brought forward countless examples of serious criminals, human smugglers, war criminals and suspected terrorists, among others, who had come into this country in the past, sometimes repeatedly, up to eight times, even after having been deported. As fraudsters become more sophisticated, so too must the countries that are to protect their citizens. Therefore, biometrics will improve our ability to keep violent criminals and those who pose a threat to our country out.

Foreign criminals will now be barred entry into Canada thanks to biometrics. It is an important new tool that will help protect the safety and security of Canadians by reducing identity fraud and identity theft. Biometrics, in short, will strengthen the integrity of our system and help protect the safety and security of Canadians while helping facilitate legitimate travel.

Using biometrics will also bring Canada in line with other countries that are already ahead of us in that regard, the United Kingdom, Australia, European Union, New Zealand, United States and Japan, among others.

• (1650)

I would like to point out that while other countries around the world are using biometrics, opposition members voted against the use of biometrics and the funding to implement it, to assist with the safety of both Canadians and those entering our country. They determined they were not going to support what Canadians, if we

were to ask them, probably believed should already have been implemented.

It is not likely surprising to anyone that I certainly do support the bill and that all of the government's efforts to improve our immigration system move us in the right direction.

However, what is telling about the bill is that a large number of experts and immigration stakeholders also support the bill. I heard from both critics, from the NDP and Liberals, that all lawyers across the country did not support the bill.

• (1655)

**Mr. Kevin Lamoureux:** I wouldn't say all.

**Mr. Rick Dykstra:** They sure made it sound like they meant all. However, that is not the case. I hear what the opposition is saying now. One says that we need to refer to the lawyers when we are making these decisions. Now I hear from another who says who cares about lawyers. I am not sure where they stand now.

**Mr. Kevin Lamoureux:** The records show the New Democrats said that.

**Mr. Rick Dykstra:** No wonder the Liberals were in so much trouble prior to us coming into government. They could not make a decision to save their life on this issue.

However, Richard Kurland, who was a witness at our committee, said the following:

Finally someone recognized that the open wallet approach of the past, offering free education, free medicare, and a welfare cheque to anyone who touched Canadian soil making a refugee claim was not the right thing to do. So I'm glad to see today that finally, after several years, someone has the political courage to take the political risk of saying, if you're from a European country and you can land in London or Paris or Berlin, fill out paperwork, and legally live there, work there, pay taxes there, you shouldn't be allowed to make a refugee claim in Canada. Butress that with this reality check. Over 90 percent, and in some years 95 percent, of [claimants from Hungary] didn't even show up for their oral hearings. They rode on the taxpayer.

Julie Taub, also an immigration lawyer and a former member of the Immigration and Refugee Board, probably appointed by the previous Liberal government—

**Mr. Kevin Lamoureux:** That would've been a good appointment, no doubt.

**Mr. Rick Dykstra:** The Liberal critic says that she was a great appointment. I am sure she was. Let me quote what she said about the bill. She said:

I can tell you from theory and practice that the current refugee system is very flawed, and cumbersome, and definitely needs an overhaul. It takes up to two years to have a claimant have his hearing. And there are far too many bogus claims that clog up the system, and use...

She used the word "bogus".

**Hon. Jason Kenney:** So does the *Toronto Star*.

**Mr. Rick Dykstra:** So does the *Toronto Star*, as the minister has indicated. Therefore, to say that this word should not exist in this process is bogus.

Let me return to the quote. She said:

And there are far too many bogus claims that clog up the system, and use very expensive resources at a cost to Canadian taxpayers.

*Government Orders*

Who pays for those expensive resources? The taxpayers of our country. She went on to say:

I...like the fact that [the minister] is going to fast-track [some] claims, so they do not clog up the refugee system for genuine claimants. I have clients who've been waiting since 2009, early 2010 to have their hearing, and I represent many claimants from, let's say Africa, the Mid East countries, who base their claim on gender violence or Christian persecution in certain Middle East countries, and they have to wait, because the system is so clogged up with what I consider to be unfounded claims from citizens of safe country of origin.

Since I only have a minute left, I will not use anymore quotes. I have a feeling I will be able to use these over the next six days as we debate this to show that there are professionals involved in this industry who support what we are going with respect to the legislation.

I listened very closely to both the NDP and Liberal critics present their speeches. They told us who did not support the bill. Let me end with this. Millions upon millions of Canadians sent us here. In some respects they believe we did not go far enough. Canadians support the action we are taking with respect to C-31 and in terms of balancing refugee reform in the country. We will continue on their behalf.

[*Translation*]

**Mrs. Sadia Groguhé (Saint-Lambert, NDP):** Madam Speaker, this bill gives the minister alone all the power to determine which countries are safe, while in the former Bill C-11, that task belonged to a panel of experts that included human rights specialists. Bill C-11 was sponsored by the Minister of Immigration at the time.

Why is the government creating two classes of refugees and how can it guarantee that any single country in the world is completely safe from persecution?

• (1700)

[*English*]

**Mr. Rick Dykstra:** Madam Speaker, it continues to boggle my mind that the opposition keeps suggesting that there are two levels of refugees in the world. That is wrong. There is only one. There are those who seek asylum and deserve it, and there are those who seek asylum and do not deserve it.

I appreciate the fact that the member works extremely hard on the immigration committee, and I respect her being here this afternoon, but she was not here in the previous Parliament when we passed Bill C-11 and moved toward a more balanced approach. Bill C-31 would make the process of safe country more transparent and more accountable. How that process would work is spelled out in the legislation and regulation, as is how and when the minister would be able to undertake the issue of safe country.

I come back to the original point of what the refugee system in this country is supposed to be about. It is supposed to be about assisting those who genuinely need the help of this country to seek a new life, to seek a new country and to seek new opportunity but it is for those who deserve it, not for those who attempt to get it under bogus means.

**Mr. Kevin Lamoureux (Winnipeg North, Lib.):** Madam Speaker, the member and I sit on the citizenship and immigration committee where we are studying biometrics right now. I want to give the member a hypothetical situation that may be an analogy.

Let us say, for the sake of argument, that the government will buy some F-35s for billions of dollars. The Minister of National Defence says that the government is buying those planes no matter what. However, someone on the committee says that maybe we should study F-18s and other alternative aircraft. I suspect that would be a stupid thing to do because the government has already committed to buying the F-35s, even if it is not in the best interests of taxpayers.

I will e now go back to biometrics. The minister has already decided on what he will do with respect to biometrics. The member and I sit on the committee. Is not the minister undermining what we do on the committee by not even listening to what was being said or not even waiting until the committee was done before presenting this legislation?

**Mr. Rick Dykstra:** Madam Speaker, I like to think of it in the opposite. I like to think that the minister views this from a completely different perspective.

At noon today, I and my committee colleagues on this side of the House presented our report that contains 10 recommendations on how to work through the backlog. I have no doubt whatsoever that the minister will look at those recommendations take them seriously. We were going to recommend the super visa for parents and grandparents but the minister did not wait for us to finish our report and said that it was such a good idea that he would implement it now. The minister did not wait to fix the problem like the Liberals did when they were in government. He acted immediately. What more can one ask for?

As for the F-35s and the F-18s, what about the chance that a previous government already passed that and said that those were the planes Canada would buy?

**Mr. Brad Butt (Mississauga—Streetsville, CPC):** Madam Speaker, I thank the minister for coming to Mississauga—Streetsville on Friday and making an important announcement on marriage fraud, which we applaud and appreciate.

I would like the parliamentary secretary to respond to this quote and tell me if he agrees. It reads:

We want a fast, fair system where we can give a sanctuary to people who need it quickly and we can weed out the people who don't have valid claims, get them through a fair process. And if they're not valid at the end of the day, deport them out of Canada swiftly.

That was said by the NDP immigration critic, the member for Vancouver Kingsway. Would the parliamentary secretary agree with that quote?

**Mr. Rick Dykstra:** Madam Speaker, I thank the member for Mississauga—Streetsville who is doing an amazing job as a member of Parliament in that riding.

If the minister acted quickly on the implementation of super visas for parents and grandparents to come to Canada, that member was one of the first to quickly assemble a town hall meeting to ensure that the people of his community understood what the super visa meant and what the advantage would be. He told the people of his riding at the town hall meeting that if he could help them in any way that he would be there for them. It is good to know that Mississauga—Streetsville has one more Conservative member of Parliament to stand for residents in a way that will assist them.

*Government Orders*

I agree with the quote by the NDP critic. It is a great quote.

• (1705)

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Madam Speaker, there is much in this legislation that is deeply concerning to me and other members of the Green Party across Canada. I know the parliamentary secretary has referred to what happened in previous Parliaments, but I was not in the House at that time. However, I am deeply concerned about the approach that will be taken on refugees who arrive by what is called irregular entry.

Since Bill C-4 was introduced earlier this year, Bill C-31 appears to subsume Bill C-4 and provide it in a different fashion. I note now that we will not be interning children under 16 years of age, but what will happen to refugee families that arrive on our shore? Apparently, parents and anyone over the age of 16 who arrive at our shore will to be interned for a year. What will happen to children under the age of 16?

**Mr. Rick Dykstra:** Madam Speaker, I appreciate that the leader of the Green Party spends a lot of time in the House doing her job as a member of Parliament, but she also went across this country saying time and time again that she was not coming to Parliament to criticize, that she was coming here to work with the government. I would say to her, with all due respect, that if we are going to use words like “internment”, they be used in their proper context. That is not what Bill C-31 represents. In fact, it is far from it.

When it comes to the detainee aspect of this bill, I will put into perspective the types of lives individuals coming to this country to seek refugee status have led up to that point. How they are treated here is humane, proper and, in fact, in almost every case is better than any type of treatment they received from the country they come from if they are true refugee applicants. If they are not true refugee applicants, they should not be here in the first place.

[Translation]

**Ms. Hélène LeBlanc (LaSalle—Émard, NDP):** Madam Speaker, I would like to point out once again that many people in LaSalle—Émard are in extremely difficult situations precisely because they are trying to claim refugee status. I have heard some very troubling stories.

I wonder if the Parliamentary Secretary to the Minister of Citizenship and Immigration could tell us why the government decided to amend the legislation and introduce Bill C-31, which, in the end, creates two categories of refugees and makes judgments regarding different refugee cases?

[English]

**Mr. Rick Dykstra:** Madam Speaker, when Bill C-11 was passed and we anticipated an implementation date of June 29 of this year, there was an expectation that we would have rooted out the issues of false claimants, that we would have put a process in place that would have exemplified to individuals thinking about claiming refugee status in Canada that if they did not have a true refugee claim, they would not be welcome in Canada, or it would not be approved and would be done so in a very expeditious manner.

What we learned, whether it was through crooked consultants or advice from individuals who understand how to manipulate and work around our process, is that they were not being scared off or

they did not see the fear in applying in Canada. They simply found additional loopholes. Bill C-31 would eliminate, once and for all, the loopholes that allow bogus refugee claimants to come to Canada to seek refugee status. In fact, we will be assisting those who truly need help.

• (1710)

[Translation]

**Mrs. Sadia Groguhé (Saint-Lambert, NDP):** Madam Speaker, I will be sharing my time with the hon. member for Laurentides—Labelle.

A policy without justice is an inadequate policy. Bill C-31 completely jeopardizes refugee rights. Never in human history have refugee rights been as threatened as they are under the Conservatives and never has our democracy been as discredited as it is under the Conservative government, which is unable to respect the compromises reached in consensus with the other parties.

The government seems to forget that our ratification of international conventions on refugee rights and human rights requires us to bring our laws and policies into line with the provisions of these international conventions.

Canada is a signatory to the 1951 Geneva Convention on Refugees. Bill C-31, intended to protect Canada's immigration system, respects neither the spirit nor the letter of the Geneva convention. Having read the bill, one wonders whether the Canadian Charter of Rights and Freedoms, adopted by the House in 1982, is still in effect in Canada.

Let us not forget that Bill C-31 is an omnibus bill, which seeks to amend the Immigration Refugee Protection Act by unfortunately incorporating into Bill C-4 the most unreasonable provisions of the former Bill C-11, which received royal assent in June 2010.

The government had three main goals in mind for this bill: revoking the majority of the compromises included in the former Bill C-11, Balanced Refugee Reform Act, which received support from all the parties; reintroducing Bill C-4, the Preventing Human Smugglers from Abusing Canada's Immigration System Act; and finally, introducing the use of biometrics into the temporary resident program.

Bill C-31 raises some serious concerns in addition to the those already raised by Bill C-4, the unconstitutional nature of which we have raised and highlighted in our previous interventions.

In my speech today, I would like to draw the attention of the House to some of the concerns that Bill C-31 raises. In reaction to the introduction of Bill C-31, the Canadian Association of Refugee Lawyers says that like the sorry Bill C-10, Bill C-31 is extremely complicated.

The most draconian measures in Bill C-4 have been integrated into Bill C-31. Let us look at a few examples. Bill C-4 provided for mandatory detention for one year for people fleeing persecution in their country of origin and entering Canada without identity documents in their possession. Also, Bill C-4 eliminated review of detention for refugees who are smuggled into Canada.

*Government Orders*

The provisions pertaining to detention found in Bill C-4, which are being reintroduced in Bill C-31, are a direct violation of our Constitution. Furthermore, the jurisprudence constante of the Supreme Court is categorical in this regard.

Why are the Conservatives attempting to put themselves above the rule of law, which is a key principle of our democracy, even though they are familiar with the precedents of our high court? Why are they attempting to mislead the House by proposing that it pass laws that they know violate not only our Constitution, but also the Canadian charter and human rights conventions that our country has signed? *Pacta sunt servanda* is a principle of international law. Signed conventions have to be respected.

Furthermore, lawyers specializing in refugee rights have said that they are deeply troubled by the short time frames that Bill C-31 gives refugee claimants to seek Canada's protection. They find that Bill C-31 drastically changes Canada's refugee protection system and makes it unfair. Bill C-31 imposes unrealistic time frames and unattainable deadlines on refugee claimants and uses the claimants' inability to meet those deadlines to exclude them from protection.

In fact, under the terms of Bill C-31, refugee claimants have only 15 days to overcome the trauma of persecution, find a lawyer to help them, gather the documentary evidence to support their allegations, obtain proof of identity from their country, scrape together the money for legal fees, present an articulate and coherent account of their life, and so forth.

Is there a woman who has been raped and traumatized who would be willing to tell her story to a stranger? I am a psychologist and I know that is impossible in the time provided.

• (1715)

Unsuccessful refugee claimants will have 15 days within which to file an appeal under Bill C-31. As everyone can see, the time frames imposed on refugee claimants are not long enough to allow them to make full answer and defence.

Under our justice system, the greater the risk to life, the longer the time frames given to the person being tried to prepare his defence. Bill C-31 does not respect this principle of fundamental justice.

I am also deeply concerned not only about the new term—designated country of origin—that Bill C-31 introduces into our legislation but also about the undemocratic nature of the process for designating the countries in question. Under Bill C-31, the minister alone has the power to designate safe countries of origin, without first defining the designation criteria for these countries.

According to the Canadian Association of Refugee Lawyers, the designated safe country list and the unilateral power granted to the minister dangerously politicize Canada's refugee system.

Refugee claimants who are on a designated safe country list have even less time to submit their written arguments and will not be allowed an appeal.

Bill C-31 also relieves the minister of the obligation of justifying why a country is safe and considering the differential risks that certain minorities face in a country that is safe for others.

If Bill C-31 is passed, refugees will become more vulnerable because their fate will depend on the political whims of the minister and the government. Failed claimants from designated countries of origin can be deported from Canada almost immediately, even if they have requested a judicial review of the decision. In other words, a person can be deported before his case is heard.

This shows us that the government has no understanding at all of the Geneva Convention relating to the Status of Refugees, which was adopted on July 28, 1951. The convention insists that the individual concerns of victims of persecution be taken into account. The Geneva convention does not state anywhere that international protection is granted to the victim of persecution based on the country in which the persecution was experienced.

Persecution of religious minorities does not occur solely in non-democratic countries, nor does discrimination based on sexual orientation occur solely in non-democratic countries. Race-based persecution can happen anywhere in the world. All signatories to the European Convention on Human Rights are democratic countries, but the jurisprudence of the European Court of Human Rights is teeming with rulings that condemn democratic states for abuses of individual rights.

If that is the case, by what objective criteria can the minister deny a person international protection based on the fact that he or she is from a particular country and claims to have been persecuted because of his or her sexual orientation or religion?

The process of designating countries of origin is not carried out by an independent, democratic entity. The government is judge and jury. It has the power to designate countries of origin considered safe, and it has the power to refuse protection provided for in the Geneva convention on refugee status without examining the merits of a given case.

I would also point out that under subclause 19(1) of Bill C-31, the government can, if it chooses, withdraw the international protection due to victims of persecution on the grounds that circumstances have changed in the refugee's country of origin. Under this provision, the government could now decide to send people to whom it granted international protection during the first and second world wars, for example, back to their countries of origin.

Subclause 19(1) also adds new terms to the section concerning loss of permanent resident status. It states that the existing criteria for withdrawing protection from asylum seekers can be grounds for loss of permanent resident status.

I will conclude with one final concern about changes that Bill C-31 makes to claims made on humanitarian grounds. Such claims enable a person to stay in Canada even if he or she is not eligible on other grounds. Unfortunately, under Bill C-31, applicants awaiting a refugee appeal division decision cannot simultaneously apply on humanitarian grounds.

*Government Orders*

This bill is unjust and cruel. It is antithetical to Canadian values of compassion for victims of persecution, and it must be defeated.

• (1720)

[*English*]

**Mr. Kevin Lamoureux (Winnipeg North, Lib.):** Madam Speaker, Bill C-11 ultimately established an advisory group that would be made up of professionals, people with a human rights background, for example, to recommend to the minister which countries could be listed as safe countries. Now that the Conservatives have a majority government, they have made the determination that it is better to have the minister make that decision. We in the Liberal Party oppose that and would like to see it amended. I wonder if the member could provide comment on that.

[*Translation*]

**Mrs. Sadia Groguhé:** Madam Speaker, I thank my colleague for the question.

I would like to respond with a very simple answer. I think it is important to be impartial in these kinds of decisions. When addressing these kinds of issues, if one makes unilateral decisions, this does not make for a fair and transparent system. I completely agree that it should be up to a committee to decide which countries should be designated.

**Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC):** Madam Speaker, I thank the hon. member for her intervention.

She noted that there is a limit to the appeal process for unsuccessful refugee claimants. I would remind the hon. member that the only thing required by the Canadian Charter of Rights and Freedoms and the UN Convention relating to the Status of Refugees is that we give all asylum seekers a hearing and that we consider their claims. That is all.

In the current system, there are several avenues of recourse when a claim is rejected by the IRB. We are proposing a new refugee appeal division for most failed claimants. Yes, we are limiting the appeal process for people who filed claims that are clearly unfounded or who come from countries that are not generally a source of asylum claims.

We are under no obligation to provide an appeal process, but we are creating such a process for most claimants. We are not limiting any rights. We are adding the right to appeal in the bill.

Does my colleague not support creating this appeal division, which is something completely new?

**Mrs. Sadia Groguhé:** Madam Speaker, I thank the hon. minister for his question.

In response, I would simply like to say that it is important to ensure that legal recourse is available to everyone. Given the situations facing refugees and asylum seekers who—as we all know—are fleeing persecution or situations in which their lives are at risk or their freedom is jeopardized, I think we need to maintain a position where everyone has the right to appeal. I think maintaining that is crucial.

**Ms. Hélène LeBlanc (LaSalle—Émard, NDP):** Madam Speaker, I want to commend the hon. member for Saint-Lambert on her

excellent work and her excellent presentation and on the remarkable job she does within the NDP as the deputy immigration critic.

I would like her to elaborate a bit on the issue of the countries that would be put on a list, on the fact that the list would be developed only by the minister and how this process might go off the rails given that any decision would be the responsibility of just one person.

**Mrs. Sadia Groguhé:** Madam Speaker, I want to thank my colleague for her comments and question.

I just want to remind the House that in the former Bill C-11, there was the possibility of having a committee, including human rights experts, meet in order to make this designation.

I think that in a democratic country, it is important to ensure that these powers are not given unilaterally to one person, but that a committee makes this type of decision in a transparent and impartial fashion.

• (1725)

**The Deputy Speaker:** Resuming debate, the hon. member for Laurentides—Labelle. I must inform him that I will have to interrupt him at 5:30 p.m., in five minutes, to call a vote.

**Mr. Marc-André Morin (Laurentides—Labelle, NDP):** Madam Speaker, what I cannot stand about this debate are all the rather extreme terms used by the government, as if Canada were being invaded by bogus refugees. We are just trying to warn them about certain realities.

I am sure that everyone empathizes with Syrians, who are going through an absolutely horrible crisis at present. However, almost 2 million Kurds live in Syria, and about 400,000 to 500,000 of them have no papers. For the past 30 years or so, Syria has refused to register the birth of Kurdish children and has refused to issue passports and identification papers to Kurds. If Kurds are trying to flee Syria right now, we would have to tell them to come to Canada, where they will be detained in a lovely prison for perhaps five or six years.

There are concrete examples to back up our concerns and our questions. In my riding, an Algerian family is facing deportation simply because their claim was not legitimate. They were threatened for several years, but those who were threatening them were armed on only one occasion. The government now considers the situation in Algeria to be stable. However, these people are here with their two children who were born in Algeria and their third who is a Canadian citizen. They are wondering if they are going to be able to stay. They are model citizens who have successfully integrated into their community. They have the support of their entire town. Nevertheless, they may be forced to return to Algeria and face the people who tried to steal their business.

Letting ministers make arbitrary rulings on all sorts of situations is risky. There are examples here in our country. One minister looks at a garden shed in Attawapiskat and says that it is a house. He sees two trailers pushed together and that becomes a school or a community centre. We are wondering whether people who are living in similar conditions in another country and who want to come here would be eligible for refugee status.

Europe is full of lovely law-abiding countries with very advanced legal systems like ours, where life is wonderful unless you are Roma. In fact, in France, Italy and everywhere in Eastern Europe, the Roma are persecuted. They are imprisoned, their camps are destroyed and their vehicles are seized. Hungary, which according to the minister is a beautiful, safe country, is infested with right-wing extremist, neo-Nazi and homophobic groups. That may be why, all of a sudden, many people want to leave.

We have to ask ourselves some questions. What type of country do we want to become? Do we want to be a country that imprisons minors? A country that goes after permanent residents who have successfully integrated into the community? A country that deports children who were born here? We do not want to be added to the list of countries that are not safe for refugees. Our country sees everything from a trade and investment perspective. International trade is a good thing, but it was not so long ago that the brother-in-law of Tunisia's president and an investor, Mr. Trabelsi, was welcome here. He bought a mansion in Westmount. Libya was a good place to invest. Today, Gadhafi huggers are much less popular.

\* \* \*

● (1730)

**BUSINESS OF SUPPLY**

OPPOSITION MOTION—VETERANS AFFAIRS

The House resumed from March 5, consideration of the motion and of the amendment.

**The Deputy Speaker:** It being 5:30 p.m., pursuant to order made Monday, March 5, the House will now proceed to the taking of the recorded division on the amendment to the motion relating to the business of supply.

Call in the members.

● (1810)

[English]

(The House divided on the amendment, which was negated on the following division:)

(Division No. 142)

**YEAS**

Members

Allen (Welland)  
Angus  
Aubin  
Bélangier  
Bennett  
Bevington  
Blanchette-Lamothe  
Borg  
Boutin-Sweet  
Brousseau  
Caron

Andrews  
Atamanenko  
Ayala  
Bellavance  
Benskin  
Blanchette  
Boivin  
Boulerice  
Brahmi  
Byrne  
Casey

Charlton  
Chisholm  
Chow  
Coderre  
Côté  
Crowder  
Davies (Vancouver Kingsway)  
Day  
Dionne Labelle  
Duncan (Etobicoke North)  
Dusseault  
Eyking  
Freeman  
Gameau  
Genest  
Giguère  
Goodale  
Groguhé  
Harris (St. John's East)  
Hsu  
Hyer  
Julian  
Lamoureux  
Larose  
Laverdière  
LeBlanc (LaSalle—Émard)  
Liu  
Marston  
Mathysen  
McCallum  
McKay (Scarborough—Guildwood)  
Moore (Abitibi—Témiscamingue)  
Morin (Notre-Dame-de-Grâce—Lachine)  
Morin (Saint-Hyacinthe—Bagot)  
Murray  
Nicholls  
Pacetti  
Patry  
Pilon  
Quach  
Rafferty  
Raynault  
Rousseau  
Scarpaleggia  
Sgro  
Sors  
Sitsabaiesan  
Stewart  
Sullivan  
Tremblay  
Turmel

*Government Orders*

Chicoine  
Choquette  
Christopherson  
Comartin  
Cotler  
Cuzner  
Davies (Vancouver East)  
Dion  
Dubé  
Duncan (Edmonton—Strathcona)  
Easter  
Foote  
Fry  
Garrison  
Genest-Jourdain  
Godin  
Gravelle  
Harris (Scarborough Southwest)  
Hassainia  
Hughes  
Jacob  
Kellway  
Lapointe  
Latendresse  
LeBlanc (Beauséjour)  
Leslie  
Mai  
Masse  
May  
McGuinity  
Michaud  
Morin (Chicoutimi—Le Fjord)  
Morin (Laurentides—Labelle)  
Mourani  
Nantel  
Nunez-Melo  
Papillon  
Péclet  
Plamondon  
Rae  
Ravignat  
Regan  
Sandhu  
Sellah  
Simms (Bonavista—Gander—Grand Falls—Wind-  
sor)  
St-Denis  
Stoffer  
Thibeault  
Trudeau  
Valeriote — 122

**NAYS**

Members

Adams  
Albas  
Alexander  
Ambler  
Anderson  
Ashfield  
Bateman  
Bezan  
Block  
Braid  
Brown (Leeds—Grenville)  
Brown (Barrie)  
Butt  
Calkins  
Carmichael  
Chisu  
Clarke  
Daniel  
Dechert  
Devolin  
Duncan (Vancouver Island North)  
Fantino  
Findlay (Delta—Richmond East)  
Flaherty  
Gallant  
Glover  
Goldring  
Gosal

Ablonczy  
Adler  
Albrecht  
Allison  
Ambrose  
Armstrong  
Aspin  
Benoit  
Blaney  
Boughen  
Breitkreuz  
Brown (Newmarket—Aurora)  
Bruinooge  
Calandra  
Cannan  
Carrie  
Chong  
Clement  
Davidson  
Del Mastro  
Dreeshen  
Dykstra  
Fast  
Finley (Haldimand—Norfolk)  
Galipeau  
Gill  
Goguen  
Goodyear

*Government Orders*

Gourde	Grewal
Harris (Cariboo—Prince George)	Hawn
Hiebert	Hillyer
Hoback	Hoepfner
Holder	James
Jean	Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)	Kent
Kerr	Komarnicki
Kramp (Prince Edward—Hastings)	Lauzon
Lebel	Leitch
Lemieux	Leung
Lizon	Lobb
Lukiwski	Lunney
MacKenzie	Mayes
McColeman	McLeod
Menegakis	Menzies
Merrifield	Miller
Moore (Port Moody—Westwood—Port Coquitlam)	
Moore (Fundy Royal)	
Nicholson	Norlock
O'Connor	Obhrai
Oda	Oliver
Opitz	Paradis
Payne	Penashue
Preston	Rajotte
Rathgeber	Reid
Rempel	Richards
Richardson	Rickford
Ritz	Saxton
Schellenberger	Seeback
Shea	Shipley
Shory	Smith
Sopuck	Sorenson
Stanton	Storseth
Strahl	Sweet
Tilson	Toet
Toews	Trost
Truppe	Tweed
Uppal	Valcourt
Van Kesteren	Van Loan
Vellacott	Wallace
Warawa	Warkentin
Watson	Weston (West Vancouver—Sunshine Coast—Sea to
Sky Country)	
Wilks	Wong
Woodworth	Yelich
Young (Oakville)	Young (Vancouver South)
Zimmer — 147	

## PAIRED

Nil

**The Deputy Speaker:** I declare the amendment defeated.

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Deputy Speaker:** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Deputy Speaker:** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Speaker:** In my opinion the yeas have it.

*And five or more members having risen:*

• (1820)

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

*(Division No. 143)*

## YEAS

## Members

Allen (Welland)	Andrews
Angus	Atamanenko
Aubin	Ayala
Béllanger	Bellavance
Bennett	Benskin
Bevington	Blanchette
Blanchette-Lamothe	Boivin
Borg	Boulerice
Boutin-Sweet	Brahmi
Brousseau	Byrne
Caron	Casey
Charlton	Chicoine
Chisholm	Choquette
Chow	Christopherson
Coderre	Comartin
Côté	Cotler
Crowder	Cuzner
Davies (Vancouver Kingsway)	Davies (Vancouver East)
Day	Dion
Dionne Labelle	Dubé
Duncan (Etobicoke North)	Duncan (Edmonton—Strathcona)
Dusseau	Easter
Eyking	Foote
Freeman	Fry
Gameau	Garrison
Genest	Genest-Jourdain
Giguère	Godin
Goodale	Gravelle
Grogulé	Harris (Scarborough Southwest)
Harris (St. John's East)	Hassainia
Hsu	Hughes
Hyer	Jacob
Julian	Kellway
Lamoureux	Lapointe
Larose	Latendresse
Laverdière	LeBlanc (Beauséjour)
LeBlanc (LaSalle—Émard)	Leslie
Liu	Mai
Marston	Masse
Mathysen	May
McCallum	McGuinity
McKay (Scarborough—Guildwood)	Michaud
Moore (Abitibi—Témiscamingue)	Morin (Chicoutimi—Le Fjord)
Morin (Notre-Dame-de-Grâce—Lachine)	Morin (Laurentides—Labelle)
Morin (Saint-Hyacinthe—Bagot)	Mourani
Murray	Nantel
Nicholls	Nunez-Melo
Pacetti	Papillon
Patry	Péclet
Pilon	Plamondon
Quach	Rae
Rafferty	Ravnignat
Raynault	Regan
Rousseau	Sandhu
Scarpaleggia	Sellah
Sgro	Simms (Bonavista—Gander—Grand Falls—Wind-
sor)	
Sitsabaiesan	St-Denis
Stewart	Stoffer
Sullivan	Thibeault
Tremblay	Trudeau
Turmel	Valeriote — 122

## NAYS

## Members

Ablonczy	Adams
Adler	Albas
Albrecht	Alexander
Allison	Ambler
Ambrose	Anderson
Armstrong	Ashfield
Aspin	Bateman
Benoit	Bezan
Blaney	Block
Boughen	Braid
Breitkreuz	Brown (Leeds—Grenville)



Brown (Newmarket—Aurora)	Brown (Barrie)
Bruinooge	Butt
Calandra	Calkins
Cannan	Carmichael
Carrie	Chisu
Chong	Clarke
Clement	Daniel
Davidson	Dechert
Del Mastro	Devolin
Dreeshen	Duncan (Vancouver Island North)
Dykstra	Fantino
Fast	Findlay (Delta—Richmond East)
Finley (Haldimand—Norfolk)	Flaherty
Galipeau	Gallant
Gill	Glover
Goguen	Goldring
Goodyear	Gosal
Gourde	Grewal
Harris (Cariboo—Prince George)	Hawn
Hiebert	Hillyer
Hoback	Hoepfner
Holder	James
Jean	Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)	Kent
Kerr	Komarnicki
Kramp (Prince Edward—Hastings)	Lauzon
Lebel	Leitch
Lemieux	Leung
Lizon	Lobb
Lukiwski	Lunney
MacKenzie	Mayes
McColeman	McLeod
Menegakis	Menzies
Merrifield	Miller
Moore (Port Moody—Westwood—Port Coquitlam)	
Moore (Fundy Royal)	
Nicholson	Norlock
O'Connor	Obhrai
Oda	Oliver
Opitz	Paradis
Payne	Penashue
Preston	Rajotte
Rathgeber	Reid
Rempel	Richards
Richardson	Rickford
Ritz	Saxton
Schellenberger	Seeback
Shea	Shipley
Shory	Smith
Sopuck	Sorenson
Stanton	Storseth
Strahl	Sweet
Tilson	Toet
Toews	Trost
Truppe	Tweed
Uppal	Valcourt
Van Kesteren	Van Loan
Vellacott	Wallace
Warawa	Warkentin
Watson	Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)
Wilks	Wong
Woodworth	Yelich
Young (Oakville)	Young (Vancouver South)
Zimmer — 147	

PAIRED

Nil

**The Deputy Speaker:** I declare the motion defeated.

*Privilege*

[*Translation*]

**PRIVILEGE**

REFERENCE TO STANDING COMMITTEE ON PROCEDURE AND HOUSE AFFAIRS

**The Deputy Speaker:** The House will now proceed to the taking of the deferred recorded division on the question of privilege in the name of the Minister of Public Safety.

● (1825)

[*English*]

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

(*Division No. 144*)

**YEAS**

Members

Ablonczy	Adams
Adler	Albas
Albrecht	Alexander
Allen (Welland)	Allison
Ambler	Ambrose
Anderson	Andrews
Angus	Armstrong
Ashfield	Aspin
Atamanenko	Aubin
Ayala	Bateman
Bélangier	Bellavance
Bennett	Benoit
Benskin	Bevington
Bezan	Blanchette
Blanchette-Lamothe	Blaney
Block	Boivin
Borg	Boughen
Boulerice	Boutin-Sweet
Brahmi	Braid
Breitkreuz	Brosseau
Brown (Leeds—Grenville)	Brown (Newmarket—Aurora)
Brown (Barrie)	Bruinooge
Butt	Byrne
Calandra	Calkins
Cannan	Carmichael
Caron	Carrie
Casey	Charlton
Chicoine	Chisholm
Chisu	Chong
Choquette	Chow
Christopherson	Clarke
Clement	Coderre
Comartin	Côté
Cotler	Crowder
Cuzner	Daniel
Davidson	Davies (Vancouver Kingsway)
Davies (Vancouver East)	Day
Dechert	Del Mastro
Devolin	Dion
Dionne Labelle	Dreeshen
Dubé	Duncan (Vancouver Island North)
Duncan (Etobicoke North)	Duncan (Edmonton—Strathcona)
Dusseault	Dykstra
Easter	Eyking
Fantino	Fast
Findlay (Delta—Richmond East)	Finley (Haldimand—Norfolk)
Flaherty	Foote
Freeman	Fry
Galipeau	Gallant
Gameau	Garrison
Genest	Genest-Jourdain
Giguère	Gill
Glover	Godin
Goguen	Goldring
Goodale	Goodyear
Gosal	Gourde
Gravelle	Grewal
Groguhé	Harris (Scarborough Southwest)

*Private Members' Business*

Harris (St. John's East)	Harris (Cariboo—Prince George)
Hassainia	Hawn
Hiebert	Hillyer
Hoback	Hoepfner
Holder	Hsu
Hughes	Hyer
Jacob	James
Jean	Julian
Keddy (South Shore—St. Margaret's)	Kellway
Kenney (Calgary Southeast)	Kent
Kerr	Komarnicki
Kramp (Prince Edward—Hastings)	Lamoureux
Lapointe	Larose
Latendresse	Lauzon
Laverdière	Lebel
LeBlanc (Beauséjour)	LeBlanc (LaSalle—Émard)
Leitch	Lemieux
Leslie	Leung
Liu	Lizon
Lobb	Lukiwski
Lunney	MacKenzie
Mai	Marston
Masse	Mathysen
May	Mayes
McCallum	McColeman
McGuinity	McKay (Scarborough—Guildwood)
McLeod	Menegakis
Menzies	Merrifield
Michaud	Miller
Moore (Abitibi—Témiscamingue)	Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)	Morin (Chicoutimi—Le Fjord)
Morin (Notre-Dame-de-Grâce—Lachine)	Morin (Saint-Hyacinthe—Bagot)
Mourani	Murray
Nantel	Nicholls
Nicholson	Norlock
Nunez-Melo	O'Connor
Obhrai	Oda
Oliver	Opitz
Pacetti	Papillon
Paradis	Patry
Payne	Péclet
Penashue	Pilon
Plamondon	Preston
Quach	Rae
Rafferty	Rajotte
Rathgeber	Ravignat
Raynault	Regan
Reid	Rempel
Richards	Richardson
Rickford	Ritz
Rousseau	Sandhu
Saxton	Scarpaleggia
Schellenberger	Seeback
Sellah	Sgro
Shea	Shipley
Shory	Simms (Bonavista—Gander—Grand Falls—Wind- sor)
Sitsabaiesan	Smith
Sopuck	Sorenson
St-Denis	Stanton
Stewart	Stoffer
Storseth	Strahl
Sullivan	Sweet
Thibeault	Tilson
Toet	Toews
Tremblay	Trost
Trudeau	Truppe
Turmel	Tweed
Uppal	Valcourt
Valeriotte	Van Kesteren
Van Loan	Vellacott
Wallace	Warawa
Warkentin	Watson
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)	
Wilks	
Wong	Woodworth
Yelich	Young (Oakville)
Young (Vancouver South)	Zimmer — 268

NAYS

Nil

PAIRED

Nil

**The Deputy Speaker:** I declare the motion carried.

It being 6:30 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

**PRIVATE MEMBERS' BUSINESS**

[Translation]

**PORT OF QUÉBEC**

The House resumed from December 6, 2011, consideration of the motion.

**Hon. Denis Coderre (Bourassa, Lib.):** Madam Speaker, I rise to comment on Motion M-271, moved by the member for Beauport—Limoilou, which reads as follows:

That, in the opinion of the House, the government should: (a) recognize that the Port of Québec is of vital importance as a hub of international trade in opening new markets for Canadian business, creating jobs, generating significant economic benefits, particularly in terms of tourism, and ensuring the vitality of small and medium businesses in Quebec City and the surrounding areas; and (b) support key projects for the upgrading of port assets and the development of equipment, taking into account the climatic and environmental challenges of this particular section of the St. Lawrence River.

I agree with my colleague from Saint-Léonard—Saint-Michel, who spoke earlier in support of this motion. As Quebecers and Canadians, we understand the importance of Quebec City and its port. That is why Liberal governments have always invested in infrastructure and the environment, which are important to the Liberals.

We also believe, just like the member for Beauport—Limoilou does, that it is important to equip the Quebec City region, and the Port of Québec in particular, with the necessary tools. We will therefore support the motion. It is not complicated. We need to invest in and make a commitment to infrastructure because, with regard to basic infrastructure—whether for transportation by air, land or sea—these tools serve as the pillars of the community's economy. The Port of Québec is a very important port. In order to protect Quebec City, an international heritage site, we must provide it with the necessary tools.

As for the Port of Québec, I know that extraordinary work has been done and that there is a team on site that is quite fantastic and is doing great work. However, the Canadian government's role is to ensure, through the Department of Transport, that the necessary investments are made, especially in infrastructure.

Everyone knows that if we want to invest in infrastructure, in terms of sustainable development, it is necessary and vital that we be fully engaged in the decontamination effort, if necessary, and that we have infrastructure that will enable us to have the necessary tools to ensure the sustainability of this infrastructure.

*Private Members' Business*

I will close by simply reiterating our support. The Liberal Party of Canada is the party that has supported infrastructure since 1993. By reviewing programs, it also played a role in returning certain infrastructure such as ports, wharves and airports to municipalities and municipal governments. We believe that the Port of Québec, like the Port of Montreal, must have the necessary tools for its economic development. It is important for tourism, it is important for the economy, and it is important for transportation. Therefore, we will proudly support the member's motion.

• (1830)

[English]

**Mr. Blake Richards (Wild Rose, CPC):** Mr. Speaker, I rise today to continue the discussion in response to the member's Motion No. 271, which proposes that the federal government recognize the importance of the Quebec Port Authority and support its various projects.

The member for Beauport—Limoilou tabled a motion that calls upon the federal government to recognize that the port of Quebec is important for international trade, in creating jobs, in generating economic benefits and in ensuring the vitality of businesses in Quebec City and the surrounding areas. The motion also calls upon the federal government to support key projects at the port, for the upgrading of port assets and for the development of equipment.

I stand here today to state that the current legislative and policy regime established by Canada's national ports already recognizes the strategic role that the port of Quebec plays in the regional, local and national economy.

Our government does not support this motion for a number of reasons. First, the motion is simply not necessary. Second, supporting the motion could create conditions and expectations that go against the spirit and stated intentions of the Canada Marine Act, the legislation that governs the federal national port system.

First and foremost, let me say unequivocally that the government recognizes the importance of the port of Quebec in terms of its key role in supporting international trade. As this country's fifth largest port authority, it plays a critical role in getting our goods to the global marketplace. In terms of its key role in supporting tourism and jobs in Quebec, there is no question the Quebec Port Authority is an important hub in the region and as a national port as well.

The port of Quebec is a key component of the continental gateway. I will say a few words about this worthy initiative. The goal of this initiative is to maintain and build upon Ontario's and Quebec's world-class transportation system so that it remains a key driver of international trade and economic growth for the future. The continental gateway is focused on developing a sustainable, secure and efficient multi-modal transportation system that keeps Canada's economic heartland competitive and attractive for investment and trade. It includes strategic ports, airports, intermodal facilities and border crossings, as well as essential road, rail, and marine infrastructure that ensure this transportation system's connection to and seamless integration with Canada's other gateways: the Asia-Pacific and the Atlantic.

The Quebec Port Authority is a key part of that because it is of strategic importance to Canada's international trade, with markets all

over the world, including the United States, South America, China, Europe and the Middle East.

The Quebec Port Authority is also a top port when it comes to the cruise industry. It is a leading port of call for cruise ships plying the waters of the St. Lawrence. For example, on one day alone, to be specific, on October 14 of last year, there were nearly 8,500 visiting international cruise passengers and 3,241 crew members visiting the port. There were a total of five cruise ships docked at the port that day. In fact, the port of Quebec recorded its best season ever in 2010, welcoming more than 100,000 passengers and nearly 35,000 crew members. I also understand that the famous *Queen Elizabeth* and the *Queen Mary II* have visited the port. Quebec is, indeed, a top destination for passengers discovering the Quebec to New England route, because Quebec City lives up to the expectations of all tourists.

The numbers say it all. Over the years, the port of Quebec has welcomed 500,000 passengers. Quebec's international cruise industry generates direct economic spinoffs of nearly \$86 million, including \$25 million in the Quebec City area. As the chairman of the parliamentary tourism caucus, I will be the first to say that that kind of impact as a point of entry for Canadian tourists is an incredibly valuable contribution to the health and prosperity of Canada's tourism sector.

In Quebec and across the country, tourism is one of the most unique sectors of our economy. It creates jobs in all areas: urban, rural and remote locations. Approximately 600,000 direct jobs are derived from tourism nationally and it drives key service industries, including accommodations, food and beverage, passenger transportation, recreation, entertainment, and travel services. Together, these industries account for 9.2% of total employment in Canada.

• (1835)

In Quebec alone, a study commissioned by the Tourism Industry Association of Canada shows that 38,850 tourism businesses are operating there. They create or support more than 391,000 jobs in the province. In the riding of the member for Beauport—Limoilou, who sponsored the bill, there are 401 tourism businesses that support 6,330 jobs.

We can see the importance of the port of Quebec to tourism in that province and we recognize the spinoff effects the port has for tourism right across the country as a high profile point of entry to Canada for international visitors.

More than 2.84 million international travellers visited Quebec in 2010 according to the Canadian Tourism Commission. In total, some 28 million people from Canada and abroad visited the province that year. These visitors contributed \$11 billion in tourism receipts for a \$7.8 billion contribution to Quebec's GDP. It is obvious that we do not need to have a motion to recognize the importance of the Quebec port's contribution to tourism. Hordes of tourists already do, and they are the ones that really count.

*Private Members' Business*

On the international trade side, again the evidence is there. Quebec handled over 24.5 million tonnes of cargo in 2010, serving markets all over the world.

The Government of Canada not only recognizes the importance of the Quebec Port Authority but it is committed to its success. It is also committed to the entire system of Canada Port Authorities.

The Canada Port Authorities was established in 1998 under the new Canada Marine Act. One of the purposes of this act is to, and I quote directly from the legislation, “promote the success of ports for the purpose of contributing to the competitiveness, growth and prosperity of the Canadian economy”. The key element here is the use of the plural, ports, not just one port. The act requires that we recognize the importance of all ports in the national port system together. Now the question is: are we doing that? Let me point out some of the initiatives and a few facts and figures that illustrate how we promote the success of all of our port authorities.

First, the federal government has provided targeted support for key infrastructure, environmental and security initiatives, through allowing Canada Port Authorities access to national funding programs. These programs include the gateways and border crossings fund, the Asia-Pacific gateway and corridor initiative transportation infrastructure fund, the infrastructure stimulus fund, the freight technology demonstration fund, the marine shore power program and the marine security contribution program.

The ports applied for these programs and met the criteria for them. They applied on equal footing with each other and with other entities that applied. Between 2005 and 2011, ports received close to \$380 million from the federal government. Quebec ports received over \$140 million of that under these various programs. This funding was for important environmental sustainability projects and for improving security. It was also used for key upgrades to aging infrastructure and strategic investments for expansions in response to market demands.

It is important to note that while the government provided key support for these projects, the ports also had to contribute. Like any other business, they financed these projects through borrowings on the commercial market.

The key point to remember is that while the federal government provided funding, it also ensured that the ports continued to adhere to the basic tenets of the Canada Marine Act. These basic tenets are financial self-sufficiency, commercial discipline and responsiveness to its users in order to remain competitive in a global economy.

We have provided funding through tough economic times to assist our port authorities in positioning themselves strategically for the future.

We had to fight hard against the opposition parties, including the official opposition, who at the time was slightly less official, to help our corporate and industrial partners like the port of Quebec create jobs. If the port authority was so important for the NDP, it should have supported the actions by our Conservative government then. Sadly, the economy and job creation was not its top priority.

We support all of our port authorities. The port of Quebec, like all other port authorities, has demonstrated time and again that it has the

experience and capacity to meet the challenges of the global marketplace and continues to offer competitive services to Canadian port users that rely on the port to move their goods.

The current legislative and policy framework for our national ports has proven to be sufficiently flexible to maintain the balance between commercial discipline and targeted initiatives that support the transportation system.

● (1840)

[*Translation*]

**Ms. Éline Michaud (Portneuf—Jacques-Cartier, NDP):** Mr. Speaker, I have the pleasure of rising in the House today to speak in support of motion M-271 on the Port of Québec. This motion was moved by the hon. member for Beauport—Limoulou, and I would like to commend him on the excellent work he does for his constituents both in the House and in his riding.

Since I am a member of Parliament from the greater Quebec City region, this motion is particularly important to me. We all know the key role that the port plays in my region's economy, and it is very important to officially recognize that role in the House.

The motion asks the government for two main things. First, it asks that the government recognize the Port of Québec as a hub of international trade in opening new markets for Canadian business, creating jobs, generating significant economic benefits, particularly in terms of tourism, and ensuring the vitality of small and medium businesses in Quebec City and the surrounding areas.

Second, we want the government to formally support key projects for the upgrading of port assets and the development of equipment, taking into account, of course, the climatic and environmental challenges of this particular section of the St. Lawrence River.

The motion thus clearly states the key role that the port plays in Quebec City's economy. The people here are well aware of it. The Quebec City region is an important part of the marine and port infrastructure of both Quebec and Canada as a whole. The Port of Québec's facilities are among the largest in the country and it handles a very large amount of traffic.

The Port of Québec is unique in that the deep waters that surround it and its strategic location between the Great Lakes and the Atlantic Ocean allow it to accommodate different types of ships and provide a wide variety of services. Generally speaking, it is very competitive in the market. It is also the only deep-water port along the St. Lawrence with a multi-modal transportation system.

*Private Members' Business*

On average, the Port of Québec generates \$3.6 million a year in profit and provides the region with \$786 million in economic spinoffs. It also pays \$163 million in taxes a year. The port generates a lot of revenue, and approximately 100,000 direct and indirect jobs are related to its activities.

Unfortunately, the Port of Québec's infrastructure is currently in disrepair and in urgent need of upgrades. The current facilities are exposed to particularly harsh weather conditions, a factor which helps explain the great need for investments in this port's infrastructure.

According to Mario Girard, president and CEO of the Quebec Port Authority, \$150 million in investments would be needed to bring the port facilities up to standard. If the port infrastructure is not modernized soon, we run the risk of losing a number of contracts to U.S. ports, which would not benefit anyone here.

The problem is that the Port of Québec does not generate enough revenue to maintain its infrastructure and develop new infrastructure. The port does not have the means to finance the necessary work to remain competitive.

The marine sector is essential to the economy in many Canadian cities, a number of which are in my riding in fact. Despite this importance to our economy, the means for funding the marine sector are relatively limited. There is no real liquidity, businesses have a low borrowing capacity and there are no real subsidy programs specific to the ports.

In that context, it is excessively difficult, if not impossible for ports to proceed with the upgrades needed to maintain their current facilities and develop new infrastructure and modern equipment. Currently, the Port of Québec is operating at almost full capacity, which is far from a bad thing.

However, as I said, it is impossible for the port to invest in its own infrastructure to renew itself, which is going to greatly hinder its ability to seize all the business opportunities that open up on the domestic and international markets. To a government that is so concerned about the economy and that expects our businesses to be competitive, this situation should seem unacceptable to everyone.

●(1845)

To try to generate new revenues, the Port of Québec would like to make several major investments, including the construction of a deep water wharf in Beauport for liquid bulk, a new grain silo to be located in Pointe-à-Carcy, the modernization of solid bulk storage equipment and finally, updating the Louise Basin, a rather large basin in the Quebec City area.

These projects, which are very important to ensuring the long-term viability of the Port of Québec, would cost a total of around \$250 million, much of which would be covered by private investments. That is important to emphasize. Entrepreneurs in the Quebec City region are prepared to invest in modernizing the port infrastructure. However, we cannot move forward on it without a clear commitment from this government, as called for by the motion before us here today.

I would like to share the comments of Marc Dulude, executive vice-president of IMTT Québec, a company specializing in liquid

bulk. He said recently that the business community of Quebec City is prepared to contribute financially to the modernization of Quebec City's port facilities, but he also urged the government do its share.

This represents equitable cost sharing. I think everyone should contribute to this port facility, which is very important not only to the Province of Quebec, but to the entire country. Without government investments, our crumbling port infrastructure could continue to hinder commercial development, particularly that of the Atlantic gateway. Tourism, which is very important to Quebec, could also be negatively affected.

In 2011, the Port of Québec expected 20,000 fewer tourists than in 2010. In that context, the lack of federal investment in port infrastructure is very troubling, no matter what anyone says in this House. If the government insists on maintaining the status quo, the infrastructure will only continue to deteriorate.

For several months now, the NDP has been calling for more investment in Canada's infrastructure, since much of our aging infrastructure needs to be updated. We believe that investments in infrastructure must be at the heart of any strategy for Canada's economic recovery. Any projects to repair and update our infrastructure would create many new jobs, which could help maintain and develop Canada's economic vitality.

For that reason, the NDP wants to encourage the development and renewal of Quebec City's port facilities. I hope that the government is willing to work with us to that end. The government's support is vital to the completion of the work required to ensure the sustainability of the Port of Québec's infrastructure. However, I have some concerns. In various negotiations with local stakeholders, the government has not been very flexible. I hope that things will soon change. I mention this fact because, in my riding of Portneuf—Jacques-Cartier, the municipality of Portneuf has been involved for more than two years in negotiations with Transport Canada on the future of the Portneuf wharf, the country's longest deep water wharf.

This facility is very important to the region because of its recreation and tourism activities and the revenue that the wharf will generate for Portneuf and the neighbouring municipalities. The town is trying to purchase the wharf to further develop the economy. If unable to gain ownership of the infrastructure, the town would be willing to accept government guarantees that the public would continue to have access to the wharf and that it would be renovated. Negotiations were broken off by Transport Canada because of the need for significant repairs to the wharf.

I hope that this situation will not have an impact on the current activities of the Port of Québec. We must invest more in our infrastructure and improve the economy of the region of Quebec City and all the neighbouring municipalities. I hope the government will support this motion.

*Private Members' Business*

• (1850)

[English]

**Mr. Mark Adler (York Centre, CPC):** Mr. Speaker, I am really pleased to continue discussion on private member's Motion No. 271.

This motion, in brief, proposes that the federal government recognize the importance of the Quebec Port Authority and provide support for the various projects that are being proposed.

The member for Beauport—Limoilou tabled a motion that, in summary, calls on the federal government to recognize that the port of Quebec is important for international trade, creating jobs and generating economic benefits, particularly in the area of tourism. The motion also calls upon the federal government to support key projects at the port for the upgrading of port assets and the development of equipment.

Before I proceed into the heart of this important debate, let me first provide a brief history of the port of Quebec and say a few words on its importance.

The Quebec Port Authority, as it is officially referred to, is one of Canada's oldest ports, dating back several centuries. Even before the arrival of the French, the aboriginal peoples used this site for trading. When the city of Quebec was founded in 1608, the commercial role of the port was predominant as a result of the furs that accounted for 60% of the value of exports to France.

Since then, the port has gone through many changes over the years, but one thing never changed. The reason for the port's existence has always been to serve Canada's foreign trade. Today the port is part of a national network of Canada port authorities.

The Quebec Port Authority was established in 1999 under the new Canada Marine Act, which set up a new framework for Canada's national ports to operate under. Essentially this new framework provided the ports with more local authority for decision-making, and established a sound commercial footing for their operations, all with the objective of ensuring that port authorities remained efficient and responsive to their users. One of the aspects of this principle was that the costs were shifted from the taxpayer to the users, who would in turn decide on the services they were willing to pay for. This ensures that investment decisions are targeted and based on business principles.

Canada port authorities have prospered under this regime, and I have concrete evidence of this. Canada port authorities' operating revenues increased from \$264 million in the year 2000 to \$390 million in 2009. As another example, the aggregate net income of Canada port authorities increased from \$30 million in 2000 to \$64 million in 2009, an annual increase of 8.7%. Indeed, the Quebec Port Authority was part of that success: it grew from handling just over 17 million metric tonnes of cargo in 1990 to handling almost 25 million in 2010, with revenues of \$25 million. In addition to cargo, the Port of Quebec is one of the top cruise ports. In fact, 2010 was its best year ever. The port welcomed more than 100,000 passengers and nearly 35,000 crew members.

What makes this port so attractive and successful? For one, the Port of Quebec has a natural deep water harbour. This competitive advantage allows the various areas of the port to welcome Panamax-

sized vessels. A single cargo of up to 150,000 tonnes can thus be loaded or unloaded from the vessel. This means that shippers wishing to move goods through the port can enjoy the economies of scale available when goods are transported in large volumes. Indeed, the average size of cargo vessels throughout the world is constantly increasing. For this reason, deep water is one of the greatest advantages that a port like Quebec can offer its clients.

As a transshipment port, Quebec complements the diverse activities of other ports or industries located around the Great Lakes. Thus the Quebec Port Authority receives bulk cargo on lakers, which is then transshipped to deep draft ocean-going vessels and vice versa.

Another reason for the Port of Quebec's success is that it is fully intermodal. It provides direct access to the major rail systems and to a highway network leading directly to the major urban centres in the eastern United States and the Midwest.

Quebec Port Authority also enjoys a strategic advantage just by its location. Quebec is a gateway to the Great Lakes, being located approximately 1,400 kilometres from the Atlantic and only 250 kilometres from the Great Lakes. The port therefore provides a link between the industrial and agricultural centre of North America and the rest of the world. In fact, it provides the shortest route by sea between Europe and the Great Lakes market. This strategic location allows the port and the region to benefit in economic and commercial terms from the presence of these industries. Through its infrastructure and port services, the marine community enables the region to connect with some 60 or more countries that import or export goods originating in or destined for the Great Lakes basin.

• (1855)

The reason I am going on at length about the port is that it is relevant to the discussion. I am making the point that we do not need to have a motion to recognize the importance of the Quebec Port Authority, because all of tourists who visit there on a cruise, all of the people who benefit through economic spin-offs or through a job there, and all the importers and exporters who use the port to get their goods to market already know this.

In addition, the Government of Canada recognized the importance of the Quebec Port Authority in legislation when the port became a Canada port authority under the new Canada Marine Act in 1999. Under this legislation there are specific criteria spelled out that a port has to meet to be eligible to become a Canada port authority. One of those criteria is that the port must be of strategic significance to Canada's trade.

The Quebec Port Authority certainly meets those criteria. Members can see that just by its qualifying to be a Canada port authority and becoming one, the port is formally recognized as being of strategic importance to Canada's trade. As the member for Beauport—Limoilou said, it is of vital importance as a hub of international trade in opening new markets for Canadian business, creating jobs and generating significant economic benefits.

By supporting this motion the government could be seen as favouring one Canada port authority over all the other 16 port authorities located across the country. This was not and is not the intent of the Canada Marine Act, which established a system of national ports based on commercial principles of financial self-sufficiency, transparency and responsiveness to customers, those being the shippers, exporters, importers, terminal operators and the ocean carriers.

In addition, the ports can access national federal government programs in three key areas, including environmental sustainability, security and the capital cost infrastructure.

The ports have participated in these programs. Between 2005 and 2011, they secured approximately \$300 million from the federal government through various funds: the Asia-Pacific gateway and the border crossings fund, the infrastructure stimulus fund, the Asia-Pacific gateway and corridor initiatives transportation infrastructure fund, the freight technology demonstration fund, the marine shore power program and the marine security contribution program. All ports were eligible to secure funding under these national programs as long as they met the same criteria that all others who applied had to meet. Quebec ports received over \$70 million under these various programs. The Port of Quebec received \$5.6 million.

In summary, the Port of Quebec is already recognized by its customers and by the federal government as being of strategic importance to trade and the economy. The Port of Quebec has received support for its projects through established national programs.

● (1900)

**Mr. Kevin Lamoureux (Winnipeg North, Lib.):** Mr. Speaker, I just want to add a few words. In listening to the discussion on this particular motion, I felt it would be a good opportunity for me to talk about how important the Quebec port is.

I listened to the member talk about the need for the motion. I am very sympathetic to the need for the motion because there is a very important port in the province of Manitoba, the port of Churchill. When I think in terms of the government's commitment in trying to solicit and reinforce what is important to our economy, motions of this nature deserve to be debated and, ultimately, to be voted on. We try to find out where the government is on our important economic infrastructures. The member made reference to the historical perspective of the Quebec Port Authority. We understand and appreciate the phenomenal economic impact the port has on the entire province of Quebec and, in fact, all Canadians. I would not want to do anything to underemphasize just how important that port is.

I want to take this opportunity to plug the port of Churchill. It is of great concern for a lot of people in the province of Manitoba, especially now with the government's bill to kill the Canadian Wheat Board. The long-term impact that is going to have on the port of Churchill is going to be fairly profound. Ultimately, it could close down that port or, at the very least, prevent many shipments of our prairie merchandise or commodities in the future.

I would like to think that the government would look at our ports across the country. When there are motions of this nature, I would like the government to recognize the value of allowing members to

### *Private Members' Business*

express themselves. Here, it was in recognition of that particular port. The primary reason I stood was not only to recognize the value of the Quebec port. Given what has happened over the last number of months, many Manitobans and people outside the province of Manitoba have concerns regarding the future of the port of Churchill, which is critically important to Manitoba's economy.

● (1905)

[*Translation*]

**Mr. Denis Blanchette (Louis-Hébert, NDP):** Mr. Speaker, as the member for Quebec City, I am pleased to speak to this debate on the motion this evening.

The founding of Quebec City, the oldest inhabited city in North America, owes its roots to its port. Before the arrival of the French in 1535, various first nations tribes used this site for bartering. Quebec City's port was a link between two continents and under the French it became the fulcrum for trade.

In 1666, thanks to Jean Talon, the first shipyards appeared in the region. Davie Shipbuilding is the inheritor of a long tradition of shipyards in the Quebec City area.

Port activities intensified considerably in the 19th century with the increased demand for wood to be shipped to England and with the massive influx of immigrants at the port. Between 1800 and 1850, some 30,000 immigrants made landfall at Quebec City each year, often in the harshest of conditions.

When the construction of wooden ships was at its height in Quebec City, between 1850 and 1869, some 2,000 ships were built there annually and almost 100 shipbuilders were located there, employing some 5,000 workers. At the end of the 19th century, competition from the railway and access for large trans-Atlantic ships to the Port of Montreal created new challenges for the Port of Québec. The 20th century saw the opening of the Anse-au-Foulon sector of the port, enabling the port to export manufactured goods, and the construction of the Beauport sector of the port, enabling the port to become a transshipment point for bulk cargoes destined for ports on the Great Lakes.

In 2002, the Quebec Port Authority opened its cruise ship terminal in the Pointe-à-Carcy sector. This new facility allows the area to benefit fully from significant changes and many economic spinoffs.

In 2008, for the fifth consecutive year, the Port of Québec broke a record for volumes handled, handling close to 27 million tonnes of cargo and receiving over 100,000 passengers. That is wonderful, but could it do even more?

In the House on December 6, the hon. member for Ottawa—Orléans said:

The Canada Marine Act provides port authorities with a high level of autonomy and allows them to manage their infrastructure and services in a businesslike way that considers and reacts to their users' input and needs.

If I were to support the opposition motion, it could eventually compromise the system, and we would risk finding ourselves with the same problems we had before the Canada Marine Act was passed, namely, ineffective ports that are over capacity and dependent on government subsidies.

*Private Members' Business*

That statement by the member for Ottawa—Orléans reveals his and his government's complete failure to understand the Port of Québec's current situation. The Port of Québec has reached the limits of its operating capacity, generating profits that are small compared to its need for cash to finance improvements to facilities to make the most of new opportunities. Unfortunately, there are no programs to support the improvements the port authority would like to make. The port authority is merely managing day-to-day operations; it cannot think of the future.

Despite the fact that port activities are less central than in the 19th century, they still play an important role in the economy of the greater Quebec City region. What exactly does that mean?

We have heard these numbers before: 5,000 direct and indirect jobs in the region related to port activities; nearly \$800 million in economic benefits; 20% of port facilities dedicated to recreational and tourist activities; over 100,000 cruise ship passengers; over 27 million tonnes of merchandise; and \$160 million in taxes paid.

These numbers seem impressive, but it is important to note that there is no room for improvement given the current state of affairs unless the Port of Québec can modernize and upgrade its infrastructure. In a constantly changing world, those who do not move forward fall behind.

In other economic sectors, we have seen the disastrous effects of neglecting long-term infrastructure needs. Maintenance and upgrades done when needed always cost less than neglect followed by massive eleventh-hour investment. We have seen examples of this recently.

• (1910)

Given the circumstances, we must not bury our heads in the sand. We must immediately address the challenge posed by the changing nature of our ports, specifically the Port of Québec, the subject of this motion. This motion was moved because Quebec City was born as a seaport. Its geography and history are associated with the river, the water and all related activities.

Modern and forward-looking infrastructure is the cornerstone that will allow our domestic companies to make the most of the opportunities available. That is why, in my opinion, it is unthinkable to neglect the renewal of this type of infrastructure. The Port of Québec must be able to seize all opportunities. The future begins today.

We must also preserve the intermodal aspect of transporting people and goods by considering various factors such as costs, environmental protection, infrastructure preservation and the flexibility of transportation solutions. The Port of Québec contributes to this intermodal capacity.

Given that we live on a planet that is over 70% covered by water, in a country that is bordered by three oceans, and in a region where the Ontario-Quebec continental gateway allows access to a market of over 135 million consumers, we cannot neglect any of our assets, and the Port of Québec is one of them.

Economic players in the Quebec City region want the federal government to be proactive about existing projects, whether it be the construction of a deep-water wharf or a new grain elevator, the

modernization of storage equipment or the redevelopment of the Louise Basin. That is why it is essential that the House recognize the importance of the contribution that the Port of Québec makes to the region's economic activity and that it support the port infrastructure renewal projects.

We are obviously talking about the Port of Québec here but when the NDP speaks on behalf of one person, activity or port, we speak on behalf of all. I therefore ask the House to support this motion.

**Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP):** Mr. Speaker, I commend my colleague on his excellent speech.

Quebec City is Quebec City. Quebec City is different. We are located in Charlesbourg—Haute-Saint-Charles. Beauport—Limoilou is between these two ridings and is represented by my colleague, the member who moved this motion. The Port of Québec is different. The Port of Québec is different from the Port of New York. The Port of Québec is different from the Port of Marseille. The Port of Québec is different from the Port of Montreal. It is also different from the Port of Vancouver.

In fact, the Port of Québec is a model for other ports. To begin with, every year it awards the gold-headed cane to the first vessel that arrives there in the new year. Foreign vessels race to get there first. They are always proud to receive the famous gold-headed cane. This prestigious award for freighters already makes the port unique.

Also, the Port of Québec is different because it is an integrated model that is unmatched anywhere else. Let me explain. Of course, members will say that I love my city. Yes, I do love my city. I really love Quebec City. It is in my bones. I travel around the city and I enjoy it. However, the port is different because it is an integrated and sustainable model of development. In fact, it is different because of its economic focus: the port is a transport hub for grain, freight and goods. It is intermodal. Another economic focus is tourism, big cruise ships, for example. There are also a host of cultural activities that take place around the port, such as Robert Lepage's show of images projected on the silos and all the performances that take place in the square at the port, which is unlike anything else in the world. Sports-wise, there is biking, skating and sailing. All of this is integrated into infrastructure that looks entirely different to most ports. We do not just have boats, freight and grime. Our port is clean. Our port is developing, and doing so in a way that integrates with urban life.

It is an honour for me to rise in the House today in order to support the motion moved by my colleague, the member for Beauport—Limoilou.

As the proud elected representative of the riding of Charlesbourg—Haute-Saint-Charles, I can say that my colleague's motion concerns the quality of life of a large number of constituents I represent, and I intend to make their voice heard today through my remarks.



As stipulated in the wording of the motion, I am of the opinion that the government should recognize that the Port of Québec is of vital importance as a hub of international trade in opening new markets for Canadian business, creating jobs, generating significant economic benefits, particularly in terms of tourism, and ensuring the vitality of small and medium businesses in Quebec City and the surrounding areas.

The government should also support key projects for the upgrading of port assets and the development of equipment, taking into account the climatic and environmental challenges of this particular section of the Saint Lawrence River.

In order to understand how important this motion is to the constituents of the greater Quebec City region, it is important to describe the setting. The Port of Québec is the second-biggest port in Quebec after Montreal, and it receives over a quarter of the province's goods. This infrastructure makes Canada more competitive in terms of international trade and also greatly contributes to the region's prosperity.

The port infrastructure is increasingly outdated, however, and the revenue generated by the port's commercial activities falls well short of what is required to cover the substantial renovation and maintenance costs.

According to estimates by the CEO of the Port of Québec, approximately \$400 million is required to carry out upgrades to the site that will maximize its effectiveness and meet current social and environmental standards.

If the situation is not rapidly addressed, this major problem may end up having a negative impact on Canada's trade.

Another worrisome fact worth mentioning is that, because of its letters patent, the port's borrowing capacity is capped at \$45 million.

In spite of its annual profits, the port is unable to raise the required money to carry out the upgrades because of the borrowing limit, and also because the federal government is offering no assistance.

The port, however, is not only about trade. Approximately 20% of the port's facilities are geared towards tourism.

● (1915)

The tourist port of Quebec City welcomes thousands of tourists every year. Competition in the cruise liner vacation sector is very strong, and the infrastructure must be up to the best international standards. Quebec City also risks losing tourist traffic if money is not invested in its port. Already, only 80,000 cruise ship passengers visited the city this year, which amounts to a slight drop of 20,000 tourists compared to last year.

In addition to economic, tourism and social considerations, the environment must be taken into account. Indeed, our country's port facilities contain contaminated sites that absolutely must be dealt with to minimize the impact on our environment, while simultaneously developing the port. The Port of Québec is no exception, and it is our duty to provide safe and uncontaminated facilities for our workers and fellow Canadians.

### *Private Members' Business*

For all these reasons, I believe that my colleague's motion is right on the mark. On the one hand, it recognizes the crucial role the Port of Québec plays as an economic springboard and the uniqueness of its facilities by virtue of its location and natural characteristics, such as its deep water. On the other hand, the motion calls on the government to back the development of the port by supporting upgrades that will guarantee sustained economic development in the region.

On another note, I would like to draw the House's attention to the economic benefits of an effective and modern port that meets the maritime sector's international standards. Overall, approximately 5,000 direct and indirect jobs are tied to the activities of the Port of Québec. That amounted to approximately \$800 million in economic spinoffs for the region and \$163 million in taxes in 2010. Also of note is that the port pays annual fees of approximately \$900,000 to the federal government.

Imagine, therefore, how many jobs could be created, taxes collected and fees paid if the port were renovated and if it increased its level of activity. Also worth considering is the number of jobs that would be created in the construction and renovation sector to carry out the work.

This government cannot claim that the current economic situation in Canada is optimal. Nor can it claim, when an economy is fragile, that the state should refrain from stepping in and that the laws of the market should rule the economy, because that is exactly what this government is doing with its economic recovery plan. It invested in infrastructure in order to create jobs. It certainly was not enough, but it did so nevertheless. Why not do the same thing for the Port of Québec? Why not support the motion that aims to make Canada's maritime sector even more competitive?

The NDP strongly believes that the development of Canada's key economic sectors is achieved through innovation and quality infrastructure. This enables companies to prosper and, in turn, gives Canadians access to the goods and services they want.

This can be achieved effectively without compromising our economy, our environment, and our quality of life in general. These investments are crucial in order to generate even greater economic spinoffs. It is simply a matter of looking at the options.

I therefore strongly encourage all of my colleagues to support the motion moved by the member for Beauport—Limoilou. The motion makes good sense and will help Quebec become a springboard for global economic development.

● (1920)

**Ms. Alexandrine Latendresse (Louis-Saint-Laurent, NDP):** Mr. Speaker, I am pleased to join with my colleagues from the province of Quebec and support the bill introduced by the member for Beauport—Limoilou. What is less pleasant is the fact that, once again, this debate is emblematic of this government's fundamental problem. The NDP is reacting to a situation that could become urgent in the very near future, and immediately, the Conservative government attacks us and hurls insults at us.

*Private Members' Business*

The Port of Québec needs financial assistance to modernize its infrastructure. It is the second largest port, after Montreal. I need not remind the hon. members that, historically, it is Canada's very first port. All of the ancestors of the people of Quebec arrived in New France through the Port of Québec. However, the past has nothing to do with what concerns us here today.

Indeed, it is more important that we look towards the future. Although the Port of Québec was once the only active port in the country, that is obviously no longer the case and, yes, the government does need to consider the needs of nearly 20 ports across the country. We understand that. However, the fact that the second largest port in the province cannot pay for its own renewal and that the federal government refuses to allow it any options is really unacceptable.

Now that we are seeking free trade with Europe, it is absolutely crucial that Quebec City have a modern, efficient port so it can enjoy all the benefits that will come from increased shipping trade.

During the first reading of this motion, the member for Nepean—Carleton accused the NDP, not unlike in the McCarthy era, of being a socialist party that wants to give millions of dollars to everyone. Promoting trade and regional development in a competitive, progressive spirit was not, as far as I know, very common behind the iron curtain. What was common, however, in countries forced to suffer communist tyranny was reckless, destructive industrial exploitation, prison sentences for every little thing and making a farce of democracy through the use of fraud. Does that sound vaguely familiar?

We were then told—in the same tone the government used when it blamed the Attawapiskat community for costing too much and not knowing how to manage itself—that the federal government had invested \$1.8 million from the infrastructure stimulus fund.

The government is signing a free trade agreement with the European Union, knowing full well that Canada does not have much to gain. Furthermore, it is refusing to develop Quebec's port facilities. What a farce. But the government is obsessed with civility and European civilization. Civility is a rare commodity in the Reform Party, where good manners make an impression and trump common sense.

How many ports does the European Union have? The list includes Rotterdam, Hamburg, Riga, Gdansk, Piraeus, Barcelona, perhaps even Kiev and Istanbul. Do you believe that Brussels provides only \$1.8 million dollars for its ports without worrying about the future? I doubt it. As I have said before, Europe is more competitive than Canada.

If a concerted and effective plan were put forward, we can imagine the golden opportunities that could result from this free trade agreement. Europe is a huge market, and the Quebec City region, with its modern and adapted infrastructure, would immediately benefit from such an opportunity. The people in Quebec City and on the shore opposite need no business lessons. But where are Quebec's Conservative members to defend the business acumen of the people of Lévis and Beauce? If nothing is done for the Port of Québec, it will quickly fall into disrepair and shipping trade will

move to Montreal. The port in Quebec's capital city is not important enough in the eyes of the government. What does this mean?

In closing, modernizing the Port of Québec would have incredible benefits, from a number of perspectives, for the region's economic development. The NDP does not understand why the Conservative government is so disinterested in Quebec's prosperity. For that reason, we invite all our colleagues to support the motion of the member for Beauport—Limoilou.

● (1925)

**Mr. Raymond Côté (Beauport—Limoilou, NDP):** Mr. Speaker, the government gives us “words, words and more words”. I am beginning my response with lyrics from a French song sung by the late Dalida because, frankly, how can the Conservative government claim to recognize the strategic importance of the Port of Québec without taking any tangible action at all?

Oh yes. I forgot. It did agree to grant \$1.8 million from the infrastructure stimulus fund for sufficient pump capacity in case of fire. But we are talking here about regular maintenance. The government has nothing to brag about. Installing this infrastructure was the very least the government could do to support the Port of Québec. To come back to Dalida, all the government offers is “words, words, words”.

It is all well and good to have legislation that recognizes the importance of a basic piece of infrastructure for our country, but if the infrastructure is merely mentioned in the legislation and no resources are allocated to it, we cannot achieve results. Given the trust the people in the Quebec City region have placed in me as an elected member of Parliament, I refuse to work for nothing and insist that tangible improvements be made to the Port of Québec, which has enormous needs. Although part of the port may be protected against fire, the wharves are crumbling. If the port were a house, the windows would be leaking and the doors would no longer close. As with the Prime Minister's residence, the Conservatives prefer to neglect the issue and spend all their time talking. On our side, we are proposing tangible support for this important piece of infrastructure.

I am against the approach the government proposed, saying that the players have to get involved. While in Canada we are seriously neglecting support, maintenance and development of our fundamental infrastructure, other countries in the world like Brazil, China or even the United States, which are dealing with much bigger economic problems than we are, are investing massively in infrastructure. They do not look at the costs of developing and maintaining basic infrastructure, such as ports, as a burden. They look at them as an investment in the future, a legacy to be left to the people around us, to our children and our grandchildren.

The Port of Québec has been a typical port in the Ontario-Quebec continental gateway for decades. It has been neglected and abandoned. How can we continue to tolerate this?

Given the current government's high-handed attitude toward those who come looking for handouts, it is embarrassing to think that the Port of Québec will likely not be able to handle the new influx of goods under the projected Canada-Europe free trade agreement. As an elected representative of the Quebec City region, that is something I refuse to accept.

*Adjournment Proceedings*

It is truly a shame to see Canada in general miss the boat when it comes to the infrastructure upgrades needed to position our country in the community of nations after years of negligence. It is not just this government during its six-year mandate, but also previous governments that thought it was good management to cut budgets and leave the problems to future generations.

On May 2, 2011, the Quebec City region did not accept words without action. The Quebec City region will continue to reject empty words.

I hope I have managed to get the members opposite to listen to reason. I hope they were listening. I presume so, because I have a lot of respect for them, just as I do for all the people in my riding.

• (1930)

I invite all hon. members of this House to do something practical and exemplary for the country and all of its ports.

[*English*]

**The Acting Speaker (Mr. Bruce Stanton):** It being 7:30 p.m., the time provided for debate has expired. Accordingly, 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 (Mr. Bruce Stanton):** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Acting Speaker (Mr. Bruce Stanton):** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Acting Speaker (Mr. Bruce Stanton):** In my opinion the yeas have it.

*And five or more members having risen:*

**The Acting Speaker (Mr. Bruce Stanton):** Pursuant to Standing Order 93, the division stands deferred until Wednesday, March 7, immediately before the time provided for private members' business.

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## ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*Translation*]

### EMPLOYMENT INSURANCE

**Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP):** Mr. Speaker, a few weeks ago, I asked the Minister of Human Resources and Skills Development if she was prepared to acknowledge that the backlog in processing claims at Service Canada was because of cuts and bad decisions made by her government.

In her response in this House, she said that, under the economic action plan to deal with the global recession, quite a number of additional personnel were engaged on a short-term basis at Service Canada. She added that, since the unemployment rate was down, those people were no longer necessary. For all practical purposes, Canadians who needed Service Canada—for instance, to obtain their EI benefits—should have seen their claims processed in a timely manner.

I would like to know where the minister gets her data, given that, according to Statistics Canada, in December 2011, the unemployment rate rose by exactly 0.1% to 7.5%. In January 2012, the Canadian unemployment rate rose by 0.1 % once again to 7.6%.

This figure is much higher than the government's predictions of rapid economic recovery suggested. Moreover, we are a long way from the 6% unemployment rate that prevailed in 2007, just before the global recession began.

I would like the minister to explain her government's actions, given that the Service Canada cuts fly in the face of the numbers, the facts and Canadians' needs, while our economic situation remains fragile.

Thousands of Service Canada jobs have been cut since last spring. Canadians do not understand the government's actions, but they do know that those cuts have had a major impact on service quality and efficiency. How else can we explain the incredibly long delays in claims processing just when families need support, when they need their employment insurance benefits?

Do we need to remind the government that Canadians pay for these services out of their taxes and that, when they contribute to an employment insurance plan, they expect it to be available when they need it? For example, one of my constituents who works for SNC Lavalin has to collect employment insurance every winter because that is the nature of his work. He submitted his claim on November 28. He finally received his employment insurance benefits on February 24, 2012, which is a delay of nearly three months. He says that this is the most unreasonable delay he has experienced in 35 years.

After 13 weeks with no income, his reserves were long past depleted. How can the Conservatives justify the fact that this man had to max out his credit cards to make ends meet and provide for his family? Do they know many people who can cover the cost of 13 weeks with no money coming in?

If Service Canada cannot provide satisfactory service within a reasonable period of time right now, we are headed for catastrophe if the unemployment rate goes up. How does the government plan to deal with the potential service bottleneck? Canadians demand transparency and accountability. I want to get that for them.

*Adjournment Proceedings*

• (1935)

[English]

**Ms. Kellie Leitch (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC):** Mr. Speaker, I am pleased to respond to the member for Charlesbourg—Haute-Saint-Charles on the subject of employment insurance.

During the economic downturn, our government geared up quickly to meet the increased demand for EI benefits by adding temporary employees.

[Translation]

Although jobs were created, the economic future remains uncertain.

[English]

We have been given a clear mandate to eliminate the deficit and return to balanced budgets, with the additional challenge of making our services more effective and efficient, exactly what my constituents in Simcoe—Grey want.

As announced on August 19, 2011, Service Canada will continue to modernize employment insurance by increasing the automation of EI claims from 44% fully or partially automated at the beginning of 2010-11 to 70% fully or partially automated by the end of 2012-13.

With continuous improvements to our business model, such as increased automation, improved e-services, national workload management, and document imaging, Service Canada is positioned to manage its workload in a more cost-efficient way.

[Translation]

Service Canada employees work very hard to ensure that Canadians who rely on employment insurance get the benefits that they deserve.

[English]

In 2007 and 2008, we began to consolidate our EI processing sites for greater efficiency. Over the next three years, EI processing will be consolidated into 22 large regional centres and we will ease the transition to a smaller workforce through attrition, reassignment and retraining. Affected employees will be considered for other available positions.

Ultimately, modernizing our services will allow for better, faster and more cost-efficient services for Canadians and it will help us build a better delivery system for employment insurance for today and for generations to come.

[Translation]

**Mrs. Anne-Marie Day:** Mr. Speaker, Statistics Canada also reported in December 2011 that 43,000 more people were working in part-time jobs, but noted that 26,000 people had lost their full-time jobs. In short, some jobs were created, but that does not mean good jobs or full-time jobs. Also according to Statistics Canada, employment increased the most among women aged 55 and over. This alarming tendency speaks volumes not only about our aging population, but also about women nearing retirement age, or who may be retired already, but are forced to return to the labour market because of their precarious financial situation.

What does the government plan to do for this demographic group?

• (1940)

[English]

**Ms. Kellie Leitch:** Mr. Speaker, we want to create a service delivery system that is modern, efficient and focused. As such, we are continuing with our EI modernization initiative and increasing automation.

[Translation]

Our goal is to eliminate the deficit while improving the services we provide.

[English]

We are moving forward with the consolidation of EI processing sites from smaller, more costly sites to larger, more efficient regional sites over the next three years. We are establishing a call centre network that will better manage the fluctuation of demand.

Over the last number of weeks, we added over 400 employees to our processing efforts and shifted 120 staff from part-time to full-time, as well as substantially increasing our use of overtime.

We are creating a better, faster and more cost efficient way to service all Canadians. That is what Canadians want.

[Translation]

## BORDER CROSSINGS

**Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP):** Mr. Speaker, in November 2011, I asked the Minister of Public Safety a very simple question: why was he closing Canadian border crossings, such as the Franklin border crossing in my riding, when the Americans were investing in their border infrastructure in order to improve security and the flow of goods?

All I received from the government in response were facile and arrogant judgments about the NDP's platform. I would like to quote the Minister of Public Safety. He said: "...what we know is that the New Democrats are focused on shutting down the Canadian economy...The New Democrats want to shut down not only the province of Quebec, they want to shut down industry right across Canada." We want to shut down the province of Quebec? This is news to me. Where did the minister come up with such nonsense? How does this empty answer help to move the debate forward?

In December, the Canadian and U.S. governments released the details of a border action plan entitled "Perimeter Security and Economic Competitiveness". This plan involves greater information-sharing between the two countries and the harmonization of border security regulations. Some aspects of the plan will improve the flow of goods between the two countries. However, other measures create sovereignty issues for Canada and decrease the level of security on the Canadian side of the border.

In a working document that was leaked to the media in December, the Canadian and U.S. border agencies revealed a border crossing restructuring plan. This joint plan sets out the two countries' intentions to share the facilities at 35 border crossings, to close 11 others—more closings—and to share the hours of operation of 30 border crossings or to close 23 and replace them with surveillance cameras.

*Adjournment Proceedings*

Surveillance cameras? Really? That is laughable. Are we really talking about border security? This is not even a bad joke.

Closing these border crossings and replacing them with surveillance cameras may have very serious effects on the level of border security. Already, in Dundee in my riding, there has been an increase in criminal activity, such as the smuggling of weapons, cigarettes and drugs. And it is not just me who is saying this; it is the RCMP officers, residents and mayors in the area. In fact, the RCMP has said that the closure of the Franklin border crossing has made its job more difficult since there is now less surveillance and no customs agents are present.

This flies in the face of the fight against terrorism and crime that this Conservative government says it wants to wage. The action plan states: "Addressing threats early is essential to strengthening the shared security of both countries and enabling us to make the flow of legitimate people, goods and services more efficient than ever across the Canada-U.S. border."

Is closing border crossings not a contradiction of the very objectives of this action plan?

I am therefore asking the government to reopen some of the key border crossings, such as the one at Franklin, and to harmonize their operating hours with those of the U.S. crossings.

[*English*]

**Ms. Candice Hooppner (Parliamentary Secretary to the Minister of Public Safety, CPC):** Mr. Speaker, this is not the first time we have addressed this question. This has been addressed in question period and it also has been addressed previously in adjournment proceedings in the House. As well, the former president of the CBSA appeared before the Standing Committee on Public Safety and National Security over a year ago to discuss this issue. However, for the benefit of my new colleague and in response to the question put forward by the hon. member, I would like to reiterate some key facts to put things into some much-needed perspective so that we can stop the spin and fearmongering.

There are approximately 1,200 border ports of service across Canada. Any service decision is made after a lengthy and detailed review has been completed, taking into account the cost effectiveness and operational needs. The two ports of entry in question, Jamieson's Line and Franklin Centre, were underused ports of entry that simply did not warrant being operational any longer. When reviewed, Jamieson's Line had only 12 travellers per day. With a 24/7 port of entry a mere 10 kilometres away, it made no economic sense to maintain this operation. The second port of entry, Franklin Centre, saw only 56 travellers per day and there is a 24/7 point of entry only 16 kilometres away. Clearly, these decisions are in line with what is always our goal: the most effective and efficient use of taxpayers' dollars.

We are focused on ensuring our shared border is secure while easing the flow of legitimate travel and trade. Where it makes sense, we are investing in border infrastructure to support this objective, including new lanes at the busiest crossings. In fact, just last week the Minister of Public Safety announced the official opening of the NEXUS lane at the Queenston-Lewiston Bridge. As the minister stated, "This NEXUS lane is very good news for businesses, tourists

and other travellers alike, as it will improve the flow of legitimate trade and travel, while enhancing security".

These decisions are proof that any decision made which affects travellers is done carefully and with the utmost consideration for border security and the economy. When faced with the reality of tighter budgets and the requirement to align scarce resources in a responsible and cost-effective way, difficult decisions must be made.

While the decisions made for the CBSA's strategic review were difficult ones, they were the right ones. They were the right ones for the economy because it now means that taxpayers' dollars are being put to better use and Canadians are being served better.

I am sure my hon. colleague will now agree that in these uncertain times, this makes sense.

● (1945)

[*Translation*]

**Ms. Anne Minh-Thu Quach:** Mr. Speaker, what I find to be completely pathetic is that as we were closing the Franklin border crossing, the United States was investing millions of dollars in a new facility. When we say that we have to continue asking questions it is because the answers are not satisfactory.

Once again, RCMP officers continue to say that they have an increased workload and that there is a resurgence of crime at the border because the border crossing was closed.

Furthermore, here is an economic example. Leahy Orchards is a company located in Franklin that has 225 local employees and it exports tonnes of products to the United States. Not just security, but the economy is affected as well, and the customs officers at that location have also lost their good jobs.

Not only is this a flaw in the action plan, but it also does not help the economy and it does not enhance security. Both are being destroyed. The operating hours of other border crossings have been reduced. Some crossings have closed and at others there is no point of entry.

The Conservatives brag about making economic recovery a priority. What will they do to keep our border jobs and, at the same time, to help us maintain border security, which is very much threatened right now?

[*English*]

**Ms. Candice Hooppner:** Mr. Speaker, the facts have been presented and they are clear. Our government is focused on ensuring our borders are secure while easing barriers on the legitimate flow of travel and trade. We are investing in border infrastructure to support this objective, including new lanes at the busiest crossings. We continually look at all of our programs while demonstrating sensitivity to the realities of field operations and the demand to exercise a national mandate for border services.

*Adjournment Proceedings*

CBSA always uses its expertise to ensure that the best possible solutions are put forward. These are solutions that not only continue to ensure the safety and security of Canadians but also ensure that their tax dollars are being used properly. Canadians can expect that the CBSA will continue to provide us with the best possible border services to keep us safe and will continue to do so in a cost-effective and efficient manner.

● (1950)

## INDUSTRY

**Ms. Irene Mathysen (London—Fanshawe, NDP):** Mr. Speaker, what we most desperately need are good paying jobs in Canada so our families, our communities and our country can thrive. What we need to do is to protect those jobs now. We can no longer allow the Conservative government to simply watch, while good jobs disappear across the border.

Many of the members across the aisle on the government benches have shrugged off any suggestion that we are in the midst of a manufacturing sector crisis in our country. However, the figures from Statistics Canada do not lie. Canada has lost nearly 400,000 manufacturing jobs since the Conservative government took office in 2006. We have lost over 40,000 jobs in the manufacturing sector in the last year alone. We are currently at an historic low in terms of manufacturing jobs, going back to when these statistics were first gathered in 1976.

I would like to note that this low is quite significant because both our labour force and population have grown significantly over the same period. In other words, there are fewer manufacturing jobs in Canada now than there were in 1976.

Just a quick reminder that most of these job losses have come under the watch of a Conservative government led by the current Prime Minister. It is clear that tax breaks to big business do not keep or create manufacturing jobs in Canada. We need a new strategy. We need an intelligent strategy.

The government cannot continue to ignore the fact that manufacturing jobs are declining at a rapid rate in our country. Most of these jobs are landing in China. A Statistics Canada report found that China had become the world's centre of manufacturing employment. The number of workers in manufacturing in China was estimated at 109 million in 2002, which represents more than double the combined total of 53 million in all the G7 member countries.

My community of London has been hit particularly hard. The city's manufacturing sector has been shrinking at a rapid rate and auto sector jobs have all but disappeared. Electro-Motive Diesel was one of those few plants offering good jobs that was still in operation. They were good paying jobs, jobs that helped support a family, jobs that supported an entire community.

The EMD closure has been a hard lesson. What we have learned with the depletion of our manufacturing sector is that tax cuts to corporations are not a job creation strategy. Nor do they keep good paying jobs in Canada. We have also learned that there are serious flaws in the Investment Canada Act that need to be addressed if we are to protect the remaining manufacturing jobs in Canada.

We need to take action now. Communities across Canada are begging the government to keep our jobs here. The families hurt by

the loss of Electro-Motive Diesel do not wish any other families to suffer.

I would like to know what the government plans to do to protect manufacturing jobs in Canada? It is very clear that what the government is doing, or not doing, is not working.

**Ms. Kellie Leitch (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC):** Mr. Speaker, first, I would like to express my disappointment in the company's decision to close the plant in London and I sympathize with the workers affected by this closure. Let me be clear. The decision to close the facility was taken by the company alone. The federal government does not get involved in the day-to-day operating decisions of private companies.

The manufacturing sector in our country remains a vibrant and important part of the Canadian economy. Canada is a highly competitive country for investment and business.

Our government has taken significant actions to create jobs in manufacturing and improve the business climate. In the last 12 months, more than 200,000 full-time jobs were created economy wide and employment has returned to pre-recession levels.

We have reduced production costs for companies, encouraged innovation and enhanced our ability to compete in global markets. We are providing tax relief, enacting a 50% straight-line capital cost allowance rate for machinery and equipment. We eliminated tariffs on machinery and equipment and industrial inputs. We have invested in skills training and infrastructure. We continue to support research and efforts to commercialize innovation.

In budget 2011 our government took further action to help Canadians stay in the workforce, including providing a temporary hiring credit for small business to encourage hiring and extending training and employment programs through the targeted initiative for older workers program.

Through these and other actions, almost 610,000 more Canadians are working today than when the recession ended in July 2009. While we remain concerned about the number of Canadians who are still out of work, we are one of only two G7 countries to regain more than all of the output and jobs lost during the downturn.

Our government will continue working to attract investment and open new international markets and will improve Canada's regulatory and marketplace frameworks, promoting competition and reducing the administrative burden faced by businesses.

We are moving forward. We encourage our colleagues opposite to follow our lead and support our upcoming budget and all the initiatives that will support manufacturing in our country.

• (1955)

**Ms. Irene Mathysen:** Mr. Speaker, I am sorry but temporary measures and sympathy will not do it. We need a government willing to act to protect jobs. The figures I quoted from Statistics Canada show very clearly that there is a crisis in the manufacturing sector in Canada. The numbers speak for themselves.

Canada has lost nearly 400,000 manufacturing jobs since the government took office in 2006, and it is no surprise that we have lost this many jobs. In Canada we have government policies and practices that allowed a Caterpillar to disregard workers, grab patents, close up shop and ship those good jobs out of the country. We have nothing in place to protect workers in this country and the government has made it very clear that it intends to do nothing to protect jobs and pensions.

We need only look to the insult the government paid to the workers at EMD in London and the insult to the workers at Canada Post all across Canada to see where its priorities lie and it is not with the average Canadian.

#### *Adjournment Proceedings*

**Ms. Kellie Leitch:** Mr. Speaker, as I mentioned before, our government has taken significant action to create jobs, in fact, 610,000 net new jobs since the downturn, many of those in manufacturing in an improved business climate.

We will continue to do this, even when the opposition votes against our measures to create jobs in the manufacturing sector. Opposition members voted against the 50% straight line capital cost allowance. They voted against the hiring credit for small businesses. They want to impose a job killing tax hike that would devastate our country's economy. We have reduced production costs for companies, encouraged innovation and enhanced our ability to compete internationally. Through those and other actions, almost 610,000 new jobs have been created for Canadians. They are working today, which they were not in July 2009.

We will stay focused on job creation and economic growth. We encourage the opposition to do the same.

**The Acting Speaker (Mr. Bruce Stanton):** The motion that the House do now adjourn is deemed to have been adopted. Accordingly, the House stands adjourned until tomorrow at 2 p.m. pursuant to Standing Order 24(1).

(The House adjourned at 7:58 p.m.)





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