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(HANSARD)

Tuesday, October 18, 2005

—

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Tuesday, October 18, 2005

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

• (1000)

[*English*]

ORDER IN COUNCIL APPOINTMENTS

Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I am pleased to table, in both official languages, a number of order in council appointments recently made by the government.

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QUESTIONS ON THE ORDER PAPER

Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I would ask that all questions be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

* * *

REQUEST FOR EMERGENCY DEBATE

WESTERN HEMISPHERIC TRAVEL INITIATIVE

The Speaker: The Chair has notice of a request for an emergency debate from the hon. member for New Brunswick Southwest.

Mr. Greg Thompson (New Brunswick Southwest, CPC): Mr. Speaker, as you know, I hand delivered to you last evening a request for an emergency debate. In accordance with the requirement of the Standing Orders, I will simply step through what that letter stated. I think that will probably abbreviate the issue, so to speak, and hopefully you can quickly make a ruling on this.

The letter that I delivered to you yesterday, Mr. Speaker, reads as follows:

In accordance with the requirement of the Standing Orders, I hereby give notice that I will, at the next sitting of the House, make application for an emergency debate on actions taken by the United States of America that will have long lasting and negative consequences for the Canadian economy. With the potential to create more destruction in our trading relationship than the Softwood Lumber issue or BSE.

Mr. Speaker, I am referring to the Western Hemispheric Travel Initiative (WHTI) often referred to as the passport initiative. This initiative will require the use of passports by all U.S. Citizens leaving and returning to their country, this Mr. Speaker would also require Canadians to have the same form of identification ie passports [for travel to the United States]. Thus far Mr. Speaker, Canada has been somewhat silent on this issue, despite the fact that the economic consequences for our country will be great. As evidenced by the statistical information the various sectors of our economy have stated. (Statistical information on this issue would overburden you...but it is information that has been gathered by the Auto and Trucking Industries, Universities, Banks and Corporate Businesses, Border Commissions and Councils [including, obviously, the tourism council] and Provincial Governments.)

This debate I believe...is critically important because under the American Congressional Rules [and it is important for us to understand this] "there is a period of comment" where Canadians are allowed to comment on the impending legislation. In other words Mr. Speaker, it is an opportunity for Canadians to register their thoughts and in fact, have an impact in the implementation of these new rules. Mr. Speaker this debate would allow all Parliamentarians to register their concerns on this very controversial piece of Legislation. The comment period ends on October 31, 2005 and I therefore submit that the timing is critically important [on this issue]...

The former Premier McKenna, now our Canadian ambassador to the U.S., stated, "this is the sleeper issue that will dramatically affect Canadian business and trade".

If there is any other clarification required I am prepared to provide it but I believe it is an issue that will affect the Canadian economy in a way that would be catastrophic. I suppose it depends on one's definition of the word "catastrophic" but one example is that the tourism people, associations and councils across Canada suggest that the first year of implementation would cost their businesses \$2 billion. In fact, they are suggesting that it has a negative impact today because a lot of Americans chose not to visit Canada this year simply because they believed the legislation was in place and that passports were required to visit Canada. Therefore, it has already had a negative impact.

This year, as we know, a couple of weeks ago in fact, we hosted the Americans on the Canada-U.S. interparliamentary group. We had our annual meeting in St. Andrews, New Brunswick. Every American legislator, senators and congressmen, believes this was poorly thought out legislation and never realized the impact it would have.

I am suggesting we have an opportunity to debate it and add comment and, hopefully, we will have an impact on changing that which would work to the benefit of all.

• (1005)

SPEAKER'S RULING

The Speaker: The hon. member for New Brunswick Southwest has explained his position and perhaps was going on a little long, so it is time to come to a decision on this matter.

Government Orders

I recognize the importance of the issue but I note that in his own letter to me, and as quoted by him in his remarks this morning, the hon. member for New Brunswick Southwest indicated that the comment period ended on October 31. I therefore do not see the urgency for an emergency debate at this point in time but there may come a day in the next few weeks when there would be some urgency and therefore emergency in terms of this debate.

However I would invite him, rather than ask me to order an emergency debate tonight, to have a discussion with his House leader and the other House leaders. They can agree on a take note debate which would satisfy his demands entirely and maybe arrange a date that is convenient for them rather than one that is convenient for him or for me.

Accordingly, I am declining his request at this time. I am well aware of the fact that there is a deadline and he may make a further application should his discussions not bear fruit. I will leave it at that.

GOVERNMENT ORDERS

•(1010)

[*Translation*]

CRIMINAL CODE

Hon. Paul Harold Macklin (for the Minister of Justice and Attorney General of Canada) moved that Bill C-65, An Act to amend the Criminal Code (street racing) and to make a consequential amendment to another Act, be read the second time and referred to a committee.

He said: Mr. Speaker, I rise to speak in support of the government Bill C-65.

The bill contains a set of amendments to the Criminal Code regarding street racing. It is inspired by private member's Bill C-230, which was tabled by the late Mr. Chuck Cadman, who, until his untimely passing, was the member for Surrey North.

In summary, the government bill, as did private member's Bill C-230 that inspired it, specifies that street racing is an aggravating factor when a court is setting a sentence for certain offences. Also, as with Bill C-230, where street racing is found to accompany the offence, the government bill makes a driving prohibition mandatory. Unlike Bill C-230, the government bill does not call for the system of higher minimum and maximum periods of driving prohibition based on a repeat aggravating factor of street racing. I will speak more about that shortly.

[*English*]

I note that the four offences to which these reforms apply are the same in this government bill as in the late Mr. Cadman's private member's bill, Bill C-230. These offences are: dangerous operation of a motor vehicle causing bodily harm; dangerous operation of a motor vehicle causing death; criminal negligence causing bodily harm; and criminal negligence causing death.

Some members across might be asking themselves why government members had spoken against Bill C-230 in the earlier iteration of that bill during an earlier Parliament. I can say that the reasons for

not supporting the private member's bill were based entirely upon principled objections to important sentencing aspects of the private member's bill and upon the practical difficulties in implementing certain key elements of the private member's bill.

One such principled concern that arises from the private member's bill is that for a first offence involving street racing—and most offenders appear in court for a first offence—the maximum driving prohibition is only three years. The current driving prohibition found in the Criminal Code is discretionary, but where it is imposed, the court may order a period of driving prohibition up to a maximum of 10 years for a case of dangerous operation of a motor vehicle causing bodily harm, dangerous operation of a motor vehicle causing death or criminal negligence causing bodily harm.

In the case of criminal negligence causing death, where a court chooses to impose a driving prohibition under the existing provisions found in the Criminal Code, the maximum period is a lifetime ban. The government bill maintains these current maximum driving prohibitions that currently can be used on a discretionary basis, but it does so in the context of a new provision for a mandatory driving prohibition.

Again, the maximum driving prohibition in the government bill for three of the offences is 10 years. With a lifetime driving ban as the maximum prohibition for the offence of criminal negligence causing death that involves street racing, the government bill's prohibition is ever so much higher than the three year maximum driving prohibition that is in Bill C-230 for a first offence of criminal negligence causing death that involves street racing.

For the second offence of dangerous driving causing bodily harm or criminal negligence causing bodily harm that involves street racing, the government bill's maximum driving prohibition is higher by five years than the proposal within the private member's bill, Bill C-230, for a second offence of dangerous driving causing bodily harm or criminal negligence causing bodily harm. The maximum driving prohibition in the government bill for the two offences just named is, once again, 10 years.

The private member's bill, Bill C-230, would have created a scheme of higher minimum and maximum driving prohibitions that are based upon the repetition of the aggravating factor of street racing. The minimum in the private member's bill would have been a one year driving prohibition on any first offence of criminal negligence causing death, dangerous driving causing death, criminal negligence causing bodily harm, or dangerous driving causing bodily harm where there is an aggravating factor of street racing.

Government Orders

On the second offence of dangerous driving causing bodily harm or criminal negligence causing bodily harm with an aggravating factor of street racing, Bill C-230 would have created a minimum driving prohibition of two years. On a third offence of dangerous driving causing bodily harm or criminal negligence causing bodily harm where street racing was an aggravating factor, the private member's bill would have had a minimum driving prohibition of three years. On a second or subsequent offence, if either the first or the current offence involves street racing and a death, the only penalty under the private member's bill would have been a lifetime ban.

●(1015)

Because of very significant practical obstacles, the government bill does not create a scheme that relies upon the prosecution proving a repetition of the aggravating factor for subsequent offences followed by a higher minimum driving prohibition. This is because it would be very difficult to implement a scheme, since aggravating factors are not recorded by the Canadian Police Information Centre. Therefore, the only cases where a subsequent offence scheme could be used would be those cases where the prosecutor is fortuitously alerted to the existence of the aggravating factor of street racing in a prior offence and successfully obtains a certified transcript of the sentence hearing.

This would be difficult in many cases where a prior aggravating circumstance of street racing arose in another city or even in another province. The end result would be an inability to implement consistently the higher minimum and higher maximum driving prohibitions scheme that is envisaged by the private member's bill, Bill C-230.

The mandatory minimum driving prohibition in the government bill for an offence involving street racing equals that proposed for a first offence within the private member's bill, Bill C-230. The minimum driving prohibition in the government bill is also a one year driving prohibition.

In order to be very clear, I wish to summarize that the government bill provides for the following. In every case involving one of the four listed offences with street racing, the offender will have a mandatory driving prohibition. The minimum driving prohibition will be one year and judges will have the discretion to make an order up to the maximum of 10 years' driving prohibition for dangerous driving causing bodily harm, dangerous driving causing death or criminal negligence causing bodily harm. In the case of criminal negligence causing death, the judges will have the discretion to order up to the maximum driving prohibition of a lifetime ban.

The government bill on street racing should be supported. It specifies that street racing is an aggravating factor in the four offences already noted and it makes a driving prohibition mandatory for such cases that involve street racing. The minimum and maximum driving prohibitions in the government bill are workable because they avoid the higher minimum and maximum driving prohibition periods for repeated aggravating factors found in Bill C-230.

Again, a system that by necessity requires proof that there was an aggravating factor in a prior offence in order to obtain the higher minimum and maximum driving prohibition leads to inconsistency

of application because the police system does not record aggravating factors and show them on the criminal record.

This government bill is, I believe, relatively straightforward, and police and prosecutors will be able to use it in a very easy way. I urge hon. members of the House to support the bill.

●(1020)

Mr. Myron Thompson (Wild Rose, CPC): Mr. Speaker, I will ask a pointed question and I would like to get some answers straight to the point.

Knowing personally what Mr. Cadman's intentions were in regard to solving the problems that exist with these issues, when I look at the legislation I would like to ask the member who just spoke why, when the government is dedicating this legislation to Mr. Cadman's memory, did it go to such effort to water it down from the version that Mr. Cadman presented to the House on a number of occasions?

Just why is it watered down? And I ask the member to please not use the charter excuse.

Hon. Paul Harold Macklin: Mr. Speaker, clearly the hon. member needs to reflect on the terms of this piece of legislation, I think, because in fact this is not watered down legislation. As I have just pointed out, it does expand the breadth of opportunity to be able to deal with those who would offend.

I think it clearly brings forward the concept that we want to have these individuals brought to justice. We want the court that deals with the matter to be able to find that there is an aggravating factor and to be able to give maximum penalties that could reach up to life, in the case of death.

I believe that the other bill clearly did make an attempt, but I think the attempt failed to reach out and ultimately succeed at the goal, because in fact, as I mentioned, CPIC does not carry incidents of aggravating factors in previous convictions. As a result, the other bill would have been more watered down in the sense that it would have been less enforceable than this bill.

We believe that Bill C-65 in fact is stronger and does put more teeth behind the opportunity for the court to give a sentence that is actually proportional to the crime. I believe that in this particular case the bill certainly does meet that request and need.

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, I appreciate the opportunity to comment on this bill.

It is a regrettable time in the House of Commons. Just a few short days ago, members opposite voted against raising the age of consent from 14 to 16. It is a regrettable time when justice issues are so watered down that in actual fact it renders things very ineffective, especially in memory of the member of Parliament for Surrey North, who spent so much of his time fighting for justice issues.

I listened to the comments by members opposite. They talked about the private member's bill being less enforceable. The comment made by the member who just spoke was that he wants this to be enforceable. I have a problem with that when the gun registry money cannot be shut down to put front line officers on the street. The government is totally out of whack when it comes to the justice issues.

Government Orders

Could the member opposite please comment on, number one, how in the world this enforcement would occur when we do not have the police resources to take care of the everyday things that are happening? Number two, again, why this bill was watered down when the former member of Parliament was so zealous and so adamant about the specific things that needed to be in it?

• (1025)

Hon. Paul Harold Macklin: Mr. Speaker, as I have just stated, this is anything but a watered down bill. The reality is that we are trying to make certain that when the police and those law enforcement officers on the street actually catch someone street racing, in particular where there has been bodily injury or death, there will be a successful prosecution, a prosecution that will lead to a higher sentence that is proportionate to that particular crime.

I think the way in which the former member's bill was designed meant that it would not necessarily have that ultimate effect, especially looking at subsequent offences, when in fact we could not track, through the system we have currently in place, prior convictions where street racing was an aggravating factor.

I believe this bill is an appropriate bill. It does bring with it mandatory driving bans and prohibitions. I think that is what most members on the other side have been asking for: that there be mandatory positions taken. In this case, that is within the bill.

I believe that the court then would have the opportunity to assess both the conduct of the offender and any mitigating circumstances and could try to end up with a sentence that would be proportional to the crime committed. I believe that in this case there would be ways and means of implementing this, because if street racing is an aggravating factor it would be taken into consideration at that time. Clearly there would not be anyone falling through the cracks because the system did not report prior indications that street racing had been an aggravating factor in another incident.

I think this bill is an excellent bill. As I say, I think it will give the courts the opportunity to impose sentences that will meet the requirements of the particular crime that has been perpetrated. I believe the courts will take it seriously. I do believe that they will bring along penalties that meet the particular crime.

With respect to these individuals, we absolutely must make sure that they are taken off our streets. There is no doubt about it. I know all hon. members in this place are convinced that we need to take action to make certain that individuals who participate in that sort of conduct are treated with the severity of sentence they deserve. I believe that we are giving the opportunity to the courts to do that with the mandatory sentencing within this bill.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I very much support the bill, but I do have a question about one aspect with regard to linking the street racing activity to a consequence of some aggravating circumstance causing death or criminal negligence.

I think the question that the public may want to address is with regard to the offence of street racing itself, even in the absence of causing bodily harm or some other criminal negligence. I am wondering whether or not the issue of the repeat offender in terms of the street racing issue, which raises a risk to the public at large in

terms of the event itself, should not also have been a focus of the bill to the same extent.

Hon. Paul Harold Macklin: Mr. Speaker, as I previously stated, I believe street racing is an activity that we are clearly focusing on in the bill. We are trying to find ways and means to make certain that through the process of our existing criminal legislation under our Criminal Code and with this bill it will be more than adequate to meet the needs of the law enforcement officers on the street.

The focus in the bill tends to deal more with the multiple offender. However, within our Criminal Code we have the ability to deal with first offenders. By indicating where this activity is seen in a negative light within our system and by showing and demonstrating that on multiple offences we even take it more seriously with more severe penalties associated with the crime, we are sending a message to our judiciary that we want this treated with the seriousness it deserves.

Clearly, street racing has proven to be a deadly affair within our various communities. None of us wish to see it pursued. There are other ways for people to test their cars such as on lawful tracks where there are opportunities to share in their high performance cars. However, we want to send the message that street racing within our communities is something we will not permit. I believe we are doing that.

It will be dealt with seriously. We hope the courts will deal with it seriously and ensure that the sentences will be proportional to the crime.

• (1030)

Mr. Mark Warawa (Langley, CPC): Mr. Speaker, it is an honour to stand today to speak to Bill C-65 which deals with street racing.

It is a particular honour for myself because I considered Chuck Cadman a friend. The government has introduced Bill C-65 as a bill to honour Chuck Cadman and in his memory. It was just a few months ago when many members of the House were at a funeral in Surrey, British Columbia to remember Chuck and his fight for a safer Canada and for victims' rights.

Chuck spent the last years of his life fighting for a better and safer Canada. During that fight, while he was in Parliament, he introduced Bill C-338 and Bill C-230. The Liberal government opposed those bills. We heard the parliamentary secretary say that the reason for that was sentencing principles. The government does not believe in the principle of mandatory sentencing. It does not believe in creating legislation with teeth. Without consequences and without legislation with teeth, a disrespect for the rule of law is bred.

There have to be consequences built into legislation to be able to respect the law. The vast majority of Canadians do respect the law in Canada, but a smaller group of people do not. That creates huge problems, one being street racing.

What is a street racer? The typical street racer has changed over the generations. Right now street racing involves people with high powered cars. Their hobby is to spend their paycheques on high performance vehicles. They soup them up and then they have races. Sometimes the races are in lonely areas of the communities where there are not a lot of people around. With cellphone technology and through the Internet, they talk to one another about where they will go to race.

Government Orders

They have spotters who watch for police cars. If they see any, they forward a message to the people to scramble. They will have a number of people observing and having fun. There is drinking and partying going on as they are racing down the streets. This has resulted in a lot of people being seriously injured or killed.

Another form of street racing that creates havoc and deaths is the hat race. A hat race is when hot cars gather together. The owners of the cars and some of the passengers throw money into a hat. They will be given a destination and the first person to that destination wins the money in the hat. They disregard stop signs and go as fast as they can, racing through communities so they can win the money. It exciting and exhilarating to them. Their adrenalin flows as they tear through our communities.

Hat races and street races are all part of the street racing phenomenon we have been experiencing with these high performance vehicles and our technology. People are dying. In that vein, Chuck Cadman wanted to do something, so he created these two private members' bills. He fought hard for them in the House.

Canadians grieve still the tragic loss of his life. The Prime Minister spoke at his funeral. I am glad we were there to remember Chuck and acknowledge his hard work. The Prime Minister promised he would introduce bills to remember Chuck. We have Bill C-65 on street racing and Bill C-64 on vehicle theft and changing VINs, which we will speak about shortly. These two bills were really important to him. I talked with Chuck's wife, Donna, and I promised that would speak to this bill. I will report on what she said in a moment.

● (1035)

Bill C-65 is to honour Chuck. Dane Minor also was a very close friend to Chuck. He wrote a letter to the editor of the *Surrey Now* newspaper in British Columbia. I would like to read it into the record. Dane Minor was Chuck Cadman's former campaign manager who worked for years with Chuck on issues. He was very excited to hear that the government was going to honour Chuck with Bill C-65 and Bill C-64. He read an article of October 1 about "Chuck's Bill likely will be law". When we saw that we thought maybe the Prime Minister and the government were really going to do something to finally honour Chuck. I and Dane were excited about this.

He writes:

I read [this] article...with a growing sense of disgust. Several weeks ago the Prime Minister announced on the front pages of national and local papers that his Government would pass Chuck's private member bill into legislation as an honour to Chuck. My immediate response was a positive one. It would be a fitting memorial to Chuck. Then the Justice Minister announced his watered down version. This isn't Chuck's bill in either intent or in design. It is a cynical attempt by the Liberals to use Chuck's good name while doing little or nothing to change the existing laws.

One of the things that drew Chuck into the political arena in the first place was a visit by a former Justice Minister to supposedly discuss the Young Offenders Act with Chuck. The man blew into town spent five minutes getting his picture taken shaking Chuck's hand and went back to Ottawa saying meetings with the victims showed his government cared about victims and the faults of the YOA. Chuck was disgusted and it was incidents like these that led him to become an MP to truly change things.

This "new" legislation from the Liberals is the same kind of political stunt. [The] Justice Minister said his government tweaked both bills to comply with the Charter of Rights and Freedoms and to address "operational deficiencies". [Baloney]. Chuck had one of the best legal advisors in Ottawa on his staff and his bills were well within the Charter. The ultimate ridiculousness of [the justice minister's] version was the reason for removing the penalties for repeat offenders, "because the police across this

country don't have tracing and tracking records so we know if it was a first, second or third tracking offence".

If the Liberals truly want to honour Chuck Cadman I suggest that they pass his laws as written and actually give the police the resources to find out how many previous offences there were. If they don't have the courage to do that, at least have the decency to stop using his name in a self-serving bid to gain political points.

After reading the letter, I talked to Dane. I asked him for permission to present it today. He was glad to have it read in the House of Commons.

I also talked with Chuck's wife yesterday. I asked Donna what she would like me to tell the House. She said that I should tell the government not to water down Chuck's bill. If it did, it would create Mickey Mouse legislation and it would protect the criminals.

I have a background ICBC, as did Chuck. I was in loss prevention. I worked to find out where crashes were happening, why they were happening and where the crime was happening. Chuck and I both had a passion. I feel as though I am carrying on the torch for him to fight for safer communities, particularly regarding automobiles. Chuck wanted to deal with this. It was an important issue to him.

● (1040)

When we talked to the public, we were encouraged to share the three *es*: education, engineering and enforcement. When we have a problem in a community through policing, whether we are an engineer, a police officer or politician, if we look at the three *es*, that usually will guide us into finding a solution to the problem. Let us apply the three *es* to street racing.

The first is education. We educate through the school systems, through the Internet, through movies. Before a movie starts, there are trailers. In the movie theatres we see these trailers warning people that if they drive fast, the forces between 50 k.p.h. and 60 k.p.h. actually double. The impact doubles between 50 k.p.h. and 60 k.p.h.

It is often students who drive the hot cars. Through education we tell them that there are only four little pieces of rubber which hold the car to the pavement and if they drive extremely fast, the forces are tremendous and they could lose control and they could kill themselves and other people. We know that education has worked somewhat.

The second is engineering. Street racing is a problem. Some communities have put in speed humps, bumps and strips on the road. They know of some of the areas where people are racing cars and they wet the streets. They are trying through engineering design to keep street racing to a minimum and to stop it. Through education and engineering we are trying to do what we can to stop street racing.

The third is enforcement. The enforcement aspect of it is our responsibility in the House. We need to have legislation that provides a stop to street racing. It is our responsibility and that is what Chuck was trying to do, the enforcement.

Government Orders

Why are we opposed to it? We are using Chuck Cadman. If we want to have Chuck Cadman's memory on it, then let us have Chuck's bills which include the teeth.

There was a recent announcement on crystal meth, a dangerous drug and is now schedule 3. What are we going to get for it? No teeth. It is a phony announcement.

The child pornography bill, Bill C-2, was passed by the House. Everyone was excited because our children would be protected. Again, it appears it was a phony announcement. It has just been sitting on the Prime Minister's desk for the last five months. I asked the justice minister yesterday why it has not been enacted and why is it not legislation. He would not answer.

We now have more phony bills using Chuck Cadman. It is shameful. We should honour Chuck and pass Chuck's bill. Promises were made by the Prime Minister to honour Chuck.

We need to change this bill. We need to give Chuck's bill the honour it deserves. Chuck wanted mandatory driving prohibitions in the bill, so that if people street race, there will be consequences. He also wanted increased punishment for repeat offenders. If people get caught, there will be a consequence, which is what Chuck wanted. If they do it again, it will be a more severe penalty and a more severe consequence. Each time they reoffend, there will be an additional increasing consequence.

Chuck was right on. We need to honour his bill. Bill C-65 is a phony bill and the Conservatives will be opposing it. Let us honour Chuck and let us oppose this phony bill.

•(1045)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the member has identified the issues very well. As he well knows, through the legislative process at committee stage and report stage the House has the opportunity to address those concerns and to make its argument. I am certainly not giving up on this bill.

I do note that the definition of street racing in the bill is not as strong as I would like to see it. It almost uses its own terminology to define itself. I hope that in some aspect it will clarify exactly what racing is, at what point it happens, and how it ties in to the laws as they currently exist.

Part of Bill C-65 deals with the concept of aggravating circumstances. I can recall a change to the Criminal Code that I had something to do with in respect to assault or abuse of a child or a spouse. The law had a certain penalty regime associated with assault, but to the extent that it involved the assault or abuse in a trust relationship, being a parent with a child, or a spouse, that was even more serious. In terms of providing the courts with some latitude, aggravating circumstances is already present in many laws in Canada. It should not be discounted in terms of addressing where there is bodily harm or other negligence.

The member referred to Chuck Cadman's bill. This really comes down to whether or not the House is of the view that street racing, in the absence of any consequences such as no accidents or no one is hurt, is to be dealt with more harshly under the laws of Canada. The second part of that obviously is with regard to the number of offences that may have occurred.

Is the member suggesting that street racing in the absence of any accidents or bodily harm should be a serious offence under the law? What additional seriousness should be added to it if there are repeat offences?

Mr. Mark Warawa: Mr. Speaker, that is a good question.

Motor vehicle acts are under the jurisdiction of the provinces. I represent Langley in British Columbia. I dealt with the motor vehicle act in British Columbia for years. Federally, Bill C-65 deals with street racing causing death by criminal negligence, causing bodily harm by criminal negligence, causing death by dangerous operation of a motor vehicle, or causing bodily harm by dangerous operation of a motor vehicle. Those are the federal offences and that is what we are talking about with Bill C-65.

The member asked what if no harm was done during a street race. That is under the jurisdiction of the provinces and their motor vehicle acts. If someone is caught street racing in British Columbia, the vehicle will be seized, towed and stored for a week. There are storage costs. The person will be charged under the motor vehicle act and will have to appear in court. The person could lose his or her licence for a year or a month, but that is left up to the courts.

What we are talking about here is what would happen if somebody is seriously hurt or dies as the result of a street race. What is the consequence going to be? What is our responsibility?

Right now, the typical sentence is a conditional sentence. There was a high profile case in British Columbia. There was a street race. A woman was killed. The case spent many years in court. The individual served the sentence in the comfort of his home, watching television, putting back some six packs, or doing whatever. Was that a just consequence for killing a woman while street racing?

Canadians say no. That is why we are having this debate. The government has to have some guidelines. The courts need guidelines, and the government has to provide legislation with teeth.

•(1050)

Mr. James Lunney (Nanaimo—Alberni, CPC): Mr. Speaker, on the issue of street racing, Bill C-65 has been called Chuck's bill. We saw the headlines. I want to congratulate the member on drawing this out.

In British Columbia this bill has been trumpeted as Chuck's bill. What the Liberals have introduced here is something that is not Chuck's bill. It is a very weak illusion. Illusion might be a good word. It is like so many other issues, in that it sounds good, it gets a good headline, but when we look at the substance, it is misleading.

Government Orders

The government will not raise the age of sexual consent. It will not outlaw child pornography. It will not implement consequences against violent crime. It will not bring in legislation that deals with gun play. Instead, it wants to licence duck hunters and bring in a wasteful gun registry.

I wonder if the member agrees that the Liberals are back to the smoke and mirrors game, creating an illusion rather than taking genuine action.

The member outlined that Chuck's bill would bring in mandatory sentences, mandatory prohibition of driving for these offences and would increase severity with repeat offences. The member serves on the justice committee. From his past experience in the insurance industry, he just demonstrated his knowledge about crimes of this nature in British Columbia.

The parliamentary secretary recently talked about how the new legislation would provide the courts with a tool because they could give a life sentence as a maximum sentence for a serious crime involving serious injury. The member mentioned conditional sentences which are also provided by the law. Is he aware of any instances when maximum sentences have ever been imposed for anything?

Mr. Mark Warawa: Mr. Speaker, Canadians wish they could see some evidence of that.

We did some research on the marijuana issue, a high profile issue that people are looking at. We could not find one example of maximum penalties being issued.

There was a recent announcement during the summer that crystal meth is becoming a schedule 1 drug with a penalty of life imprisonment for traffickers. As the member said, it was smoke and mirrors. It was a phony announcement that the government will get tough on dealers in crystal meth with a maximum penalty of life imprisonment. A typical sentence for a schedule 1 drug is three and a half years, and that is the most severe.

Canadians are frustrated that the sentences are not adequate. The government has to do some soul searching and ask, are Canadians happy with the sentencing the courts are providing? We are hearing that they are not. When I went door knocking this summer, the number one issue was the inappropriate sentences handed down by our courts for very serious crimes.

Street racing is a serious offence if people are killed. There has to be a consequence. Serving a sentence at home is not adequate. Chuck was right. We need to honour Chuck.

Hon. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, it is time to reflect on the bill and to look at the comparisons between Chuck's bill, Bill C-230, and the existing bill. We need to be very fair and forthright about it. We need to look at the suggestion that was in Chuck's bill, Bill C-230, regarding a death on a first offence.

On a first offence of street racing and a death occurs, Chuck wanted a mandatory minimum penalty in terms of a prohibition against driving of one year. The government bill provides the same. Chuck's bill provided for a maximum of three years of prohibition.

The government bill provides for a maximum of lifetime prohibition. How is that watering down the bill?

• (1055)

Mr. Mark Warawa: Mr. Speaker, I will continue on reading what the parliamentary secretary omitted, which I hope was not deliberate.

With respect to prohibition, part of Chuck's bill recommended:

(a) for a first offence, during a period of not more than three years plus any period to which the offender is sentenced to imprisonment, and not less than one year;

(b) for a second or subsequent offence, if one of the offences is an offence under section 220 or subsection 249(4), for life;

(c) for a second offence, if neither of the offences is an offence under section 220 or subsection 249(4), during a period of not more than five years plus any period to which the offender is sentenced to imprisonment, and not less than two years; and

(d) for each subsequent offence, if none of the offences is an offence under section 220 or subsection 249(4), during a period of not less than three years plus any period to which the offender is sentenced to imprisonment.

In short, Chuck wanted an escalating consequence. For a repeat offender there would be a more severe consequence. Chuck was right. That is why we are opposing the bill, because it does not honour Chuck's memory.

[*Translation*]

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, it is a pleasure for me to speak today on Bill C-65, an act to amend the Criminal Code (street racing) and to make a consequential amendment to another act. This bill will toughen current legislation and sentencing with regard to street racing.

Before I begin specific consideration of Bill C-65, I want to say that street racing has been a problem in Montreal, among other places, for a number of years. Many police forces throughout Quebec but especially in Montreal are working to stamp out this scourge, which is ultimately a danger to the public in the Montreal region.

I also want to take this opportunity to congratulate the neighbourhood police station No. 24, just off Decarie Boulevard. In recent years, this police force has tried hard to put a stop to street racing, which endangers the lives of the public. Police forces have, in part, the means to counter this scourge, which is endangering people's lives.

Currently, under the highway safety code, anyone caught street racing or modifying a motor vehicle, may be fined \$400 and lose 6 demerit points. The police have adopted a three-pronged approach in order to put an end to street racing.

First, the police are trying to raise public awareness about not souping up motor vehicles for use on highways and Montreal streets. They are reminding the public that it is illegal to modify the exhaust manifold and other components in order to soup up vehicles for races that are completely illegal on Montreal streets and Quebec highways.

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Furthermore, as I mentioned, the police have, in part, the means to hand out fines and crack down on street racing. They have tried to crack down on what is known as aggressive driving. This is similar to street racing, but it is also already highly illegal under the highway safety code. So the police have done what they could.

It should be remembered that street racing started around 1998 near the Technoparc in Montreal, where some automobile racetracks opened up. A few years later, however, these racetracks closed down. So the races now take place on the streets of Montreal in two different locations. One is a location with which Montrealers are very familiar, the Orange Julep, at the corner of Décarie and Paré, and the other is near des Sources Boulevard in Pointe-Claire, in restaurant parking lots open at 10 o'clock at night.

People gather in these places. They set rather vague rules, their own rules, thereby contravening the highway safety code. As I said, they modify their vehicles, which is in direct contravention of the highway safety code.

Sometimes these races are quite well organized and planned. Other times, it is just aggressive driving. One person stops his vehicle at a red light alongside another, opens his window and says, "My car is faster than yours". As soon as the light turns green, the two vehicles start tearing in and out through the streets of Montreal.

• (1100)

The Montreal police forces have gone to considerable lengths to try to prevent this while maintaining a respectful posture. There is station No. 24 in Montreal, which is not in my riding but which has done wonders in this regard. I think now, though, that the law needs to be toughened. These sentences, which used to be at a judge's discretion, need to be made mandatory.

That is what is proposed in Bill C-65, which deals with three aspects of the Criminal Code. First, it defines what street racing is, because the Criminal Code is far from clear in this regard. Second, it states clearly that these street races are an aggravating circumstance. Third, it introduces a requirement for judges to revoke the driver's licence of individuals who are found guilty for a minimum of one year.

At the present time, there are four Criminal Code offences that apply to street racing. First, there is criminal negligence causing death; second, dangerous operation of a motor vehicle causing death; third, criminal negligence causing bodily harm; and fourth, dangerous operation of a motor vehicle causing bodily harm.

Under the Criminal Code as it currently stands, judges can revoke the driver's licence of an individual if that person was driving under the influence. In cases of dangerous driving and criminal negligence, judges have discretionary power.

In short, Bill C-65 includes a mandatory prohibition from driving for not more than ten years and not less than one year. I believe the law must be given some teeth. Our late colleague, Mr. Cadman's, battle over the past few years must not be in vain.

I have heard certain colleagues in this House say they would vote against this bill because it does not go far enough. It may not go far enough for the Conservative Party, who would like it to be more severe, but it is certainly a step in the right direction, one that

provides us with more ammunition. The Criminal Code has an important role to play here. It will further criminalize this scourge, this phenomenon, which we have so far not managed to control with prevention.

Some people may wonder if it makes any sense for people to be able to use our streets as race tracks. The answer is no. There are alternative solutions for people who do want to race. There are places set aside specifically for that. For about \$20, people can become members at a track where they can practice what they consider their sport. There is no need to use the streets and highways of Quebec and Canada to practice this sport, which can put others at risk.

We have to realize that this phenomenon is spreading. As I said, our police forces are trying to use the means available to them to fine racers and those who soup up their cars. But the reality is that this approach has not been successful.

I feel that this amendment is exactly what the government ought to have come up with.

• (1105)

The Criminal Code must apply precisely for such cases in Quebec and Canada.

As I was saying, individuals do not hesitate to make changes to their vehicles. People are currently entitled to modify their exhaust pipes to make their cars louder. There is not only a safety risk, but also an environmental risk. How can we allow modified vehicles on the road when we, on this side of the House, are in fact proposing changes to automobile manufacturing standards to make cars less polluting?

We cannot say one thing and do another. We cannot allow these activities on the streets of Montreal when we are proposing stricter pollution standards.

The same is true of noise pollution. Can we allow people to use the streets in residential and urban areas at midnight as racetracks? The answer is no.

Safety should definitely be a motivating factor for strengthening the legislation, but so should the environment.

We wholeheartedly support this bill. We support it because we believe we must provide the police with the tools to do their work. We believe that public safety must be improved. For safety reasons the streets of Montreal or the roads of Quebec must not be used as racetracks. The private sector provides facilities for individuals to practice their sport safely. At the very least it is safer for the public; for those who practice the sport it is another story. That is why we wholeheartedly support Bill C-65.

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•(1110)

Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ): Mr. Speaker, I listened with great attention to the hon. member for Rosemont—La Petite-Patrie. Some aspects of his speech are of greater interest to me, given what we heard in the speech from the Conservatives.

The hon. member from the Bloc Québécois did mention in his speech that there is a big difference between the Bloc Québécois and the Conservatives in terms of how they look at things. Right away, the Conservatives want to get tough. They believe that that is what danger calls for. But efforts have to be made in terms of prevention, education, information and so on. In his speech, the hon. member talked about the need to go further. The discretionary powers of judges have allowed this phenomenon to expand over time. It is spreading more and more in cities, but also in rural and other areas in Quebec.

I would like to hear the hon. member expand on the Conservative perspective, as compared to ours. As far as I am concerned, the Bloc Québécois has a much more balanced perspective. On this issue, the solutions reside not in extremes, but rather in taking action with respect to enforcement and awareness. We have to give police forces and the judiciary tools to curb street racing.

Mr. Bernard Bigras: Mr. Speaker, in Quebec we do indeed apply a somewhat different approach in Quebec.

We do not consider police forces to be merely agents of enforcement or repression. We have, moreover, modified the way the Montreal police force is organized in order to focus more on day-to-day community policing. The police must not just enforce the law; they must also be in contact with the public, reminding them of the risks involved in certain behaviours and attitudes.

As far as street racing in particular is concerned, I refer to a memo from the Montreal police force, in which they acknowledge that their role and responsibility is to ensure compliance with the current legislation, including the highway safety code. They point out, however—and this is equally important—that there is a responsibility to prevent accidents by taking a preventive approach and communicating with members of the public and various organizations.

Quebec therefore considers prevention and enforcement of equal importance. This does not apply only to our police services, but also to our health services, where there is an equal focus on treatment and prevention. Similarly, the police focus as much on prevention as on enforcement.

As my colleague has said, this is the main difference between the proposals of the Conservative Party and the Bloc Québécois. Once again, this pinpoints Quebec's difference and the model applied under the highway safety code, along with the importance of protecting public safety. Prevention must continue.

Although we will be called upon, perhaps in a few days or a few months, to give the Criminal Code more teeth as far as enforcement is concerned—I would stress that point—police forces must never stop communicating with the public to remind them that safe driving is fundamental to a society that wishes to guarantee its members a certain number of safety standards.

Enforcement is one thing but prevention is just as important, although at present we are giving more power to the Criminal Code.

•(1115)

[*English*]

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, I was not going to enter the debate on this bill that is before us, an act to amend the Criminal Code as it relates to the serious and growing problem of street racing. However, I listened very carefully to the member for Rosemont—La Petite-Patrie who has just spoken, and I know that my colleague in the NDP caucus, the justice critic, will be speaking to indicate our support for the bill. I was very much moved by the comments made by the member to speak briefly and pose a question to him. It arises out of two things.

I think it is the case that we are trying to reflect, hopefully all members in this House, upon the quiet dignity of Chuck Cadman, who carried this campaign forward to strengthen the laws arising out of a deeply personal tragedy. The comments made by the member for Rosemont—La Petite-Patrie are a reflection of that.

One had the sense that Chuck Cadman, in his determination and his humility, really an attribute with which a lot of us in this House are not overly endowed, was always concerned not about wreaking revenge but about trying to do everything possible to establish a preventive framework. He wanted to ensure that the horrible tragedy in the loss of his and his wife Dona's son was never repeated because we failed to put in place the legal mechanisms to serve as a deterrent and preventive measure.

I had a similar episode in my own life which did not result in the same tragedy. My mother, at the age of 70, was driving her older sister on her 75th birthday on a country road when a drunk driver who was involved in street racing, highway racing, with another drunk driver literally hit them head-on on a hairpin turn and sliced the car in half. The fact that they were not both killed was really beyond a miracle.

My question arises around the issue of how to strike that balance. I remember my mother was very reluctant to go to court because it was not about revenge. It was about taking responsibility, so that no one else would ever face the unbelievable threat to their safety that they encountered resulting in even worse consequences. The question often arises around how we use mandatory sentencing. Often, the demands for severe mandatory sentencing provisions arise out of a sense of revenge as opposed to a framework which would give a judge the leeway to apply that experience, wisdom and judgment to ensure that it is driven out of a sense of prevention. I am wondering—

The Acting Speaker (Mr. Chuck Strahl): The hon. member for Rosemont—La Petite-Patrie.

[*Translation*]

Mr. Bernard Bigras: Mr. Speaker, I assume that my answer will have to be very brief.

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Within the next few days, we will be asked to vote on proposed amendments to the Criminal Code. I do not think that the law can be made tougher without at the same time implementing preventive strategies. That is why I insisted on prevention in my response to my hon. colleague's question. The police have to play that role with traffic offenders. There can indeed be some danger involved in the performance of these duties. It is not about carrying a big stick. However, offenders have to be warned.

In Montreal, once a week, the police visit the places where street racers gather. Each evening, they have to give out 90 tickets to car owners who have modified their cars to increase performance in street races.

There is therefore a need to prevent street racing and to indicate what modifications can or cannot be made to the cars. The police force has to play its full role in educating and raising awareness. Then, the highway safety code can be enforced. For example, drivers can first be warned that their cars have been illegally modified and be fined \$400. Later, if this approach is not successful, the illegal modification of vehicles will become a criminal act.

At present, the places where these drivers gather are easy to find. In Montreal for instance, every Thursday night, young people converge on specific locations to participate in street races. So, there has to be prevention combined with fines. If need be, the Criminal Code should be used as a last resort. I believe that individual citizens have to be made aware of the risk that the Criminal Code could be used.

• (1120)

[*English*]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, on March 10, 2004, the hon. Chuck Cadman, member for Surrey North, rose in the House to say:

Yesterday in Surrey, B.C. just before the evening rush hour, an 18-year-old lost control of his muscle car at an estimated speed of 140 kilometres per hour. He demolished a bus shelter, critically injuring a 71-year-old woman. Another car was spotted fleeing the scene, making it obvious to all concerned that this was yet another tragic result of a street race.

As warmer weather approaches, street racing incidents will likely increase and participants are confident they will not spend a day in jail even if they kill or injure. Nationally, insurance claims resulting from street racing more than doubled between 2000 and 2002. A message must be sent to the courts that these crimes are to be treated more seriously.

I urge all members to maintain support for Bill C-338, which the House passed and sent to the justice committee. It will make street racing an aggravating factor for sentencing. If we are really serious about deterring this irresponsible criminal activity, Bill C-338 must become law before the end of this Parliament.

That is what we are talking about and what Chuck wanted us to talk about, and I believe Bill C-65 would give us the instrument to take the essence of his concerns. Bill C-338 was a bill in the 37th Parliament and he brought it back in this current Parliament, now Bill C-230. As he introduced that at first reading I thought it would be interesting just to read maybe what he was thinking the day he came back to the House and decided to put it again. He stated:

Street racing continues to kill or seriously injure innocent people in Canada.

I am reintroducing this legislation to amend the Criminal Code specifically to provide that street racing is to be considered an aggravating factor for the purposes of sentencing a person convicted of dangerous operation of, or criminal negligence involving a motor vehicle.

In addition, the bill provides that any person convicted under these provisions who was involved in street racing must be subject to a regime of mandatory national driving prohibitions ranging from one year to life, to be served consecutively to any other sentence imposed.

The bill received broad support in the last Parliament and I hope that will continue to be the case.

If members would reflect on Mr. Cadman's bill and his statements to the House, I think they would find that Bill C-65 embraces the principles that Chuck included in his bill. There are some differences but the differences are not to an extent that would cause the House some difficulty.

In fact, when I looked at Bill C-65 and I compared it to Bill C-230, and members will know because they are amendments to the Criminal Code, that the bill does not read as a story book, like here is the beginning and the end. One actually has to look at the Criminal Code and look at the context that it is in, and determine whether or not the continuity of the changes make some sense given the historic evolution of the Criminal Code.

Indeed, the Criminal Code is a very complex document. I once tried to print it out from the Internet and I think it was about a foot tall and, quite frankly, was maybe not something one would want to do too often.

One of the points Mr. Cadman raised in the bill had to do with aggravating factors. I do not think there is any disagreement in the House that street racing, where it ultimately leads to bodily harm or criminal negligence causing death, is identified as an aggravating factor in both the bills. That is not a contention.

However there also is the issue of making the prohibition of street racing mandatory.

• (1125)

The differences between Bill C-65 and Bill C-230 are quite stark. Under the Cadman bill, Bill C-230, the maximum penalty for the first offence is three years but under Bill C-65 the maximum penalty can be a life prohibition. It is a more serious recognition of the offence than was contemplated by Mr. Cadman.

There are four offences that are dealt with in these bills to which the reforms apply and the most frequent offences charged in cases involving street racing where death or injury results. This is where the key is. In the discussion with one of the previous speakers, it was noted for the House that street racing as an offence, where there is no death, injury or damage caused, is a provincial jurisdiction and there are laws to deal with the offence of street racing. We are not just talking about street racing in a vacuum. We are talking about street racing where death or injury results.

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Obviously these offences are serious. They involve the dangerous operation of a motor vehicle causing bodily harm, dangerous operation of a motor vehicle causing death, criminal negligence causing bodily harm and criminal negligence causing death. Those are the four main issues.

The maximum driving prohibition that is proscribed in Bill C-230 for a first offence involving street racing is a three year ban. It would result in a drastic reduction of the maximum driving prohibition that is currently available under the Criminal Code. There should be a change to that and it would be a change that I am sure Mr. Cadman would have supported.

In this regard, the current Criminal Code discretionary driving prohibitions provide for a period of up to a maximum of 10 years in the case of the dangerous operation of a motor vehicle causing bodily harm, dangerous operation of a motor vehicle causing death or criminal negligence causing bodily harm. The difference is that in the case of criminal negligence causing death, the existing provisions provide for a discretionary maximum period of a lifetime ban on driving.

I think the fact that we are talking about that incident of criminal negligence causing death is the example Chuck used back in the 37th Parliament and I know that it is the one that motivated him to say that enough was enough and that we needed to deal with this.

Bill C-65 maintains these current maximum driving prohibitions but it does so in the context of a new provision imposing a mandatory driving prohibition period. This aspect of a mandatory penalty has been one that has come up many times in this place with regard to criminality. I think the House recognizes that there are circumstances in which minimum mandatory sentencing may be appropriate. I have argued that in this place myself and we have other legislation in which mandatory minimums are in the laws of Canada now.

The argument about whether or not mandatory minimums are effective and are a deterrent has been passed. That is no longer the point of discussion. It is in fact in current laws and it reflects, not just that there should be a deterrent, and I understand what deterrence is, but I am not sure I understand what people say when they say that minimum mandatory sentences are not effective. They are not effective for what?

● (1130)

In the example of a commercial marijuana grow house operation we have been told time and time again that after a certain number of plants, all of a sudden we are talking about a commercial operation which, more often than not, is involved in other criminal activity, usually organized crime in which the money is being used to fund other criminal activity that is detrimental to society as a whole.

I do not think there is a disagreement with regard to the mandatory side. I am raising these issues because it is quite important not to get distracted by the politics or the partisanship with regard to whether or not the bill is identical. It is important that we take the opportunity to use Bill C-65 as a tool to address the items that our former colleague raised in this place so often. We should continue to consider this as Chuck's bill. I think the House would agree unanimously that it is something we want to make happen. Rather

than members saying why they cannot support the bill, they should identify areas in which we could say how we can support the bill and make the bill fit a little closer. I cannot see that it is that different.

Let me move on to the second offence of the four, which is dangerous driving causing bodily harm or criminal negligence causing bodily harm that involves street racing. The maximum driving prohibition in Bill C-65 is higher than in Bill C-230 by five years. The maximum driving prohibition in Bill C-65 for the two offences just named is 10 years. It is incorrect to say that the bill is not as tough. In fact, it is in many respects tougher than what was proposed, maybe not inappropriately as well. I am sure that had the bill had the opportunity to come to the House for debate and to go to committee and be dealt with, we could have resolved some of the questions that are being raised today.

Some members are of the view that a repeat offender scheme similar to what is proposed in Bill C-230, which would create a scheme of higher maximum or minimum driving prohibitions, would be a preferred model but I am not sure. Certainly, with regard to the principle of whether or not there is a repeat offender, there is no question the courts could take that into account. I can recall being in a courtroom watching proceedings and there was a fellow who was charged with auto theft and other theft of auto parts. After they read out the litany of events on this guy's rap sheet, his lawyer argued that the rate of incidence of these crimes was going down. So that is a good thing and we should say that this guy is doing well because he is not stealing as much as he used to.

With some of the problems that we try to address, I sometimes wonder whether the courts do not take them as seriously as we do. I am not sure why but I have heard many anecdotal cases where the courts have not had the resources, or somehow have allowed cases to be thrown out, or summarily dismissed, and arguments where the courts cannot do their job.

We have a serious problem. When we do have laws and we do enforce them but the courts cannot dispose of them in the fashion that was provided for by the legislators, then why are we making laws in the first place? They are either important laws that should be enforced and adjudicated or they are not. However it appears that half of the problem or maybe more than half the problem is with the courts themselves.

● (1135)

I think that is a very important question and I know it crosses jurisdiction in many cases. However, when we pass laws that we ask the provinces, through their provincial police, to enforce, what do we do when they do not have the resources? Do we now have a responsibility to ensure that the laws that we make are in fact enforced?

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We have so many cases of marijuana grow houses. In my own community of Mississauga South the chief of police tells me that the police cannot even follow up on all of the tips that they get from people that there are grow houses there. They cannot even investigate them because they do not have the people who are properly trained to deal with those dangerous situations. Why is that? Why is it when we know that most of the moneys that are coming out of these commercial size grow-ops are going to finance organized crime, prostitution, hard drugs, and all of these other terrible things that are placed in our society? It is because communities do not have the resources to have the policing.

I think it is evident as well in the kinds of things that we see even in Chuck Cadman's bill. There are things that we cannot do for some odd reason. I would rather say that I do not want an explanation of why we cannot do it. I want an explanation of how we can.

I always like to come to this place and talk for something and not against something. I want to talk in favour of Bill C-65 because for me it is still Chuck's bill. The arguments that he brought, the statements that he made, the passion that he brought to this place, and the inspiration that he has been not only to members in this place but to Canadians as a whole are the things that we should remember when talking about why we should make this instrument work.

We should deal with it quickly. I want to encourage members to reflect on what we are doing and why we are doing it. To the extent that we discover bottlenecks, pitfalls or some other problems, we have the ability to change them. We can change things at committee stage after second reading. We can change things at report stage if necessary.

If members are still not happy with what comes out of committee, members can pass a motion at third reading to revert it back to committee to reconsider it on certain aspects. We have tools to work with and I would rather say that we can, rather than we cannot.

I think that members are quite familiar with the bill. There is a question that has come up and I would like to perhaps rhetorically pose the question and see if I can provide the answer. It has to do with CPIC and it comes up a lot.

The question is, why is it possible to have higher minimum and maximum driving prohibitions for impaired driving but not for street racing? The answer, whether we like it or not, is that the Canadian Police Information Centre, CPIC, does maintain on the criminal record convictions for the offence of impaired driving. Therefore, it is possible to quickly see a prior conviction, given the offender notice and a higher penalty for a repeat offence, but not with regard to street racing.

That is a mechanical problem. It is a functionality problem that I think we need to consider. I know that the justice committee always has CPIC present at the table. If we are told that CPIC cannot do what we would like it to do, why do we not find out how we can do it, so that we can pass Chuck Cadman's bill?

• (1140)

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Mr. Speaker, I thank the member for Mississauga South for sharing the information with us today. I will try to get to a question as soon as I can.

In the points he made he suggested that perhaps the problem was with the courts themselves in enforcing the current laws and that this bill would somehow assist by having a stronger maximum sentence. The point is that if they are not enforcing the sentences that exist now, how will increasing maximum sentences help the courts enforce it more?

We both know, and I think the member knows deep down inside, that the true answer is in the minimum, not the maximum. The true answer is in the first offence and the elevation for the second and third offences. It is in the minimum sentence that is given to people who commit bodily harm or kill someone through street racing. The protection of the innocent is the reason for these laws. People are being killed and hurt on our streets by street racers.

We talked about how much tougher it is because of the maximum sentences. I guess I will ask the question again. Who has been given the maximum sentence? The courts are not enforcing this to any degree and we know people are not getting the maximum sentence, so the importance is in the minimum sentences.

The member stated that we need to get behind this legislation, that it is great legislation, and that we should get behind the memory of Chuck Cadman. And if we indeed wanted to change it, we could change at committee, debate it in the House, and maybe even at third reading send it back to the committee again. I ask the obvious question. Why not just bring good legislation to the House in the first place?

Trying to get it changed after the fact is just a way of dealing with the problem the member mentioned of trying to print off the Criminal Code. He said he was a foot deep in paper. I will suggest that he was a foot deep in water because he and his party have watered down the Criminal Code in this country.

I will out and out ask him to not talk about maximum sentences. We know the courts are not giving them. Let us talk about minimum sentences. Does he truly believe that the setting of minimum sentences is the true action and the true way of reflecting what Chuck Cadman might have wanted?

Mr. Paul Szabo: Mr. Speaker, first of all, let us be careful in being clear on what we are talking about. If we are talking about minimums and maximums, are we talking with regard to driving prohibitions or are we talking about jail time? There is a difference. The member is not clear, so I cannot answer the question.

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He knows, however, that where there is bodily injury or death in a motor vehicle accident of any kind, whether street racing is involved or not, there are laws covering it. The issue comes down to what street racing is in the scheme of determining the penalties. I think there is some agreement, whether it be through Bill C-230 or Bill C-65, that it is an aggravating circumstance which should be taken into account.

I think the courts already have the penalty regime. The issue now is, what are the courts doing with the penalty regime they already have? If the member's assertion and the House's opinion is that the courts are not applying the laws to the extent they should, that they are not reflecting the passion that Chuck Cadman brought to this place and laid out this problem, then maybe we have to find out what we can do to deal with that problem which is not on the floor before us and clearly is a problem not only for Bill C-65 but many other pieces of legislation.

I must tell the member that I do not disagree with him, but I cannot fix it in Bill C-65. It is a whole other subject. Why not have a take note debate on how we are going to deal with providing the resources that our policing authorities at all levels need and what direction we have to give to the courts to ensure that the legislation we pass is not only good legislation but is enforced and properly adjudicated?

• (1145)

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, as I was listening to the member opposite speak today about Bill C-65 and how important it is, Mr. Cadman's name keeps coming up all the time. I must admit that I was a little taken aback when the announcement was made on front pages of newspapers across the country that Cadman's private member's bill would be honoured and brought forward.

Yet this morning we are debating the bill and talking about the inadequacies. We are talking about the lack of enforcement. We are talking about things that should have been in the bill and things that our very honourable former member of Parliament had very close and near and dear to his heart.

We have to be very careful when we address issues in this House. As a former justice critic for Manitoba and as the mother of a police officer, I listened to so much rhetoric and eloquent speeches from the other side of this House from the government. It saddens me because we have, as I said before, within these last few days had members opposite vote against raising the age of consent and talk about trafficking in persons. We have had nothing about the gun registry being shut down to put those much needed forces on the street, those front line police officers. Now today we are dealing with the street racing issue.

Street racing is primarily a provincial jurisdiction until someone is seriously injured or killed. If anyone has ever been in a police force or seen how police work, they have a list of priorities before they get to the street racing. If there is a murder, a stabbing, or a break-in, they take priority. So we can have the cars racing on the streets until something happens. We do not have the police resources to deal with it.

Members opposite are not putting the teeth into the justice system, and not coming up with the solutions. It has been over a decade that

this government has been in power. There is a lot of consternation among the public. In my city, we have the highest homicide rates in the country. Can the member please tell this House why Mr. Cadman's private bill was not adequate, in view of the discussions we have had this morning.

Mr. Paul Szabo: Mr. Speaker, I am sorry but I do not agree with the member at all. I wish I could give my speech again, then maybe she would understand why I could make that comment.

In fact, Bill C-65 is more punitive than Bill C-230 in every aspect of offence and repeat offence. The only problem, and I raised it at the end, was the fact that it was possible to have higher minimum and maximum driving prohibitions for street racing as for impaired driving. That was a problem with the CPIC.

Again, I do not disagree with the member when she says that we are not giving it any teeth. Even the laws we have now are not being enforced in many cases to the fullest extent possible. We often see cases thrown out or we see conditional sentencing or house arrest and this kind of thing. Those are the kinds of things that we should talk about. We have talked about this, and I have talked about this, many times in this place. It is an issue that is important to the House. It is important to many pieces of legislation current and past, and we have not dealt with it.

If the opposition thinks that one bill, Bill C-65 or whether it is Bill C-230 is going to do it, or if we put Chuck's Bill C-230 through as is, it will not change the fact that unless the adjudication of these cases is handled to the fullest extent that was provided within the laws and fairly takes into account the aggravating circumstances, then we have not made any accomplishment on what the member wishes to accomplish.

I am with the member. If she wants to begin dealing with the issue of resources for policing authorities and with the directions to the courts, I would be happy to work with anybody in this place who wants to find out how we can. Do not ever tell me why we cannot, just tell me how we can.

• (1150)

Mr. Rick Casson (Lethbridge, CPC): Mr. Speaker, before I get started on my comments on Bill C-65, I would like to respond to the previous speaker who said he was open to any suggestions about how we could improve policing and the courts.

He has been part of a government that has been in control of this country for the last 12 years. His government has wasted billions of dollars on a gun registry. Maybe those billions should have gone to policing. That could have stopped street racing.

The government could have done all kinds of things. All kinds of suggestions have been brought forward in the House, so as for him standing up and asking for ideas on how to do this, let me say that we have given him a lot of ideas. Taking the \$2 billion that was thrown away on a gun registry and putting it toward front line police would have been a great start and it would have helped Mr. Cadman in his pursuit of more justice in this country.

Mr. Speaker, in addressing the issue of Bill C-65, I will be splitting my time with the member for Vegreville—Wainwright.

Government Orders

Mr. Speaker, we were talking a little about Chuck Cadman. You and I were colleagues of his. There is a reason why Chuck was successful. We all have talked about it to some degree here today. On all the issues he brought forward to the House in a personal way in his private member's bills and through his support on the justice committee and others, the fact was that when he took on dealing with an issue he was right.

His perspective, his ideas and his amendments to the Criminal Code were exactly what is needed to create a safer society for the citizens of Canada. That was his approach. He wanted to make Canadians feel safer and actually be safer in their homes and in their lives. Many of the issues that he brought forward, and the issue that brought him to the House of Commons in the first place, which he campaigned on for many years, did just that. He wanted to make changes to the Criminal Code that would bring in stronger laws and provide more deterrents just to make Canadians safer in their homes and safer on the streets.

When Chuck brought an issue forward, there were a number of things that he went through. He was very resourceful. He was very pointed. His issues were well researched. He did not bring anything forward that was not of substance and that he had not looked into from all angles. He researched the Criminal Code and consulted widely with Canadians and experts in these areas. So when he brought an issue forward, it was always one that people would take note of. We only wish the government had taken note more often of some of the things he brought forward.

He did this in such a way that there was little to argue with. He would counter all of the arguments. He would do the research. He would make sure that when he made a suggestion about an amendment to the code it would stand alone and stand the test of scrutiny. With these things in mind, Chuck would formulate ideas and changes, as he did with the bill on street racing.

He did not stop there. He had a way of managing the situation when it came to the House. We have all brought private members' bills forward, but when he brought his bills forward he would work with members of all parties. He was not afraid to consult with the party critics or committee members from all parties to see how they felt, to see if he could garner their support.

In many cases, I believe, he did alter what he was working on to some degree to make sure it gained the support of the other parties in the House. He was willing to do that. He did it in his style, which was not at all one of confrontation. His style was one of working together to come up with the best possible scenario for Canadians as a whole. That was his main mandate.

The fact is that the main function of a government is to ensure the safety and security of its citizens. I think that was very high on Chuck's list of important issues. He worked hard to maintain that type of focus. He felt that if we were actually going to protect Canadians, then we had better do it in a meaningful manner.

I do not appreciate the fact that people stand in the House and say that the law is the law, but then we have the justice system we do, especially when that is said by a member of the government that appoints the senior judges in this country, a government that is responsible for seeing that resources are in place to protect

Canadians. As for them saying that, it is all fine and dandy, but the justice system is failing. We know that it is.

•(1155)

That is why we need changes such as those that Chuck Cadman brought forward, changes to strengthen laws and to have strong minimum sentencing to deter people from committing crimes.

Let me talk about what he said when he introduced his bill. I have retrieved the comments that he made back in October of 2003 on Bill C-338, the predecessor of Bill C-230. He went into all of the issues that had brought him to bringing forward the bill. There was the fact that on the streets of the big cities there had been slaughter from street racing, that innocent people had been mowed down and killed, and there was the fact that there seemed to be enough disposable income among car enthusiasts so that they could soup up these cars to do extraordinary things.

I am an old hot rodder myself; I still have an old muscle car that I tour around in and take to shows. That horsepower has to be treated with respect because it is dangerous, but these modern vehicles are something else. The technology that can be put into a very small car to make it go fast is unbelievable, and people will do it. In most instances, the people behind the wheel do not have the experience or the driving capability to handle that kind of horsepower.

The government tries to address these issues in Bill C-65, but I believe it fails because of its sentencing aspects. The basic premise of the bill, of course, is to make sure that street racing is added to the list of aggravated instances and crimes. That is the right thing to do, but in the end, as we have seen time and time again with this Liberal government, it completely fails to deliver the goods when it comes to the sentencing.

For the government to tie Chuck's name to this I think is right because this is an issue that he brought forward, but the government fails him miserably when it comes to putting forth the very essence of what he was trying to do. The fact is that the legislation the government has brought forward is going to fail and does not go as far as Chuck would have wished it to go. The bottom line in what he was trying to do was protect Canadians. He tried to send a message to the government through his private member's bill that this is exactly what the government needed to do.

We can argue all around the issue and say that the bill is on the right track, and maybe it is a small step in the right direction, but if we are going to make it work, if we are going to really have some teeth in it, then the issues and the progressive sentencing and penalties that Chuck had researched and come up with are, I believe, exactly what need to be put in the bill.

The précis the minister put out even indicates that Mr. Cadman's bill included an additional clause with progressively longer periods of mandatory driving prohibitions for repeat offenders lasting from one year to life. He indicates in his own documentation that this was not something that the government was willing to do.

Government Orders

Here is the quandary we always find ourselves in. A small step is good, and if it is the right direction then it is something we basically should support, but when the government totally fails in regard to the original initiative that was brought forward, then that is something we have a problem with and we cannot support.

One thing really made me pay attention here. One of the sentences that Chuck would have had imposed for a first offence was this: “for a first offence, during a period of not more than three years plus any period to which the offender is sentenced to imprisonment, and not less than one year”.

He was saying that if the person who committed the crime were put in prison, then the driving prohibition would happen after the person came out. I think the government carried that forward, but Chuck would imposed a pretty serious sentence to start with. If people are going to contemplate street racing and they know that the result of their actions is going to put them in jail and take their drivers' licences away for one to three years on the first offence, and longer if they get a second offence or hurt somebody for life, I would say that these are meaningful sentences which would be a deterrent.

• (1200)

As I pointed out, when Chuck Cadman brought a bill to the House of Commons, it was well researched and well thought out. He looked at the whole scope of what effect it would have on society, not only on the perpetrator but on society in general. I believe he was on the right track with what he brought forward. I believe the government has let him down somewhat in the version it has brought forward.

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, I want to thank my colleague for that very insightful speech, in which some very important comments were made. One to which I paid special attention was about the fact that it has been over a decade since the current government has been in charge of the laws of the land concerning justice issues.

This morning we are dealing with a very special bill that was pre-empted by a very important person in the House of Commons, Mr. Cadman, the member for Surrey North. The spirit of the bill, its intention, and what is needed here, is the enforcement issue.

At the beginning of the member's speech I heard some reference to the fact that we have all been here to listen and to give advice, but we have seen what has happened with all the justice bills that have come through since the session began. Could the member please comment on the credibility aspect and the feeling Canadians have about the political will of the government to enforce laws that protect our citizens, including laws on the issue of street racing?

Mr. Rick Casson: Mr. Speaker, as my colleague indicated earlier, she comes from a city where crime is a serious issue and the safety of citizens is also of major concern.

The main purpose of a government is the safety and security of its citizens. If a government fails in that, then I think it has failed in every other aspect of government.

I will try to relate the questions of the hon. member to some of the comments Chuck Cadman made. In wrapping up the debate on his earlier bill, he indicated that he brought forward the issue of street racing for some of the victims. He named them in his speech, and I will not do that, but he indicated “and others [who] lost their lives to

the deliberate actions of selfish, irresponsible and self-centred individuals in hot cars”.

I think that speaks volumes for the kind of guy Chuck was. He was very pointed about the people he wanted the legislation to target, but he also thought of the other side and worried about the people who had become victims. As we know, the issue of victims' rights is what brought him to the House, and we continue that. Many of his initiatives dealt with victims' rights.

This is about the issue of the rights of the criminal versus the rights of the victim. The best way to have rights for victims is for them not to become victims. The issue is this: if we are going to worry about the rights of victims, then let us not make them victims. Let us have laws in place that stop them from becoming victims. Let us have amendments to the Criminal Code such as those Chuck proposed and which this bill partially addresses. Then we will not have as many victims to deal with.

We can argue about the justice system and the sentencing that exists, but we feel that minimum sentences, with progressively stiffer sentencing, must be put into the Criminal Code in many places.

In closing, I will mention one instance when Chuck and I were together. In Banff we were at a caucus retreat right after we were elected for the first time in 1997. Somebody gave Chuck a message, calling him Mr. Cadman. When Chuck replied, he was referred to as “sir”. He had a pretty good sense of humour and he said, “Boy, that's sure not what they were calling me the last time I was in Banff”. In his earlier life he had played in a band and was hitchhiking across Canada in the 1960s. I think the authorities in Banff took exception to Mr. Cadman at that time, so it just goes to show us. At one time the authorities invited him to leave town and the next time he came back as a member of Parliament.

This is quite an incredible country when we think of the Chuck Cadman story.

• (1205)

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Speaker, today we are debating Bill C-65, which is an act to amend the Criminal Code regarding street racing and to make consequential amendments to another act.

This bill has been touted by the government as a bill which will enact Mr. Cadman's private member's bill, the most recent version of which is Bill C-230 which he introduced roughly a year ago. Bill C-65 does not do that. Later on I will talk specifically about why it does not do that. Like so many others who have spoken here today I want to talk about the contributions that Chuck Cadman made to this place and to this country.

Chuck was a tireless fighter for the people of North Surrey and for the rights of victims of crime right across the country. One of Chuck's priorities in the last number of years was to address the growing concerns about the misuse of motor vehicles. Part of that was his private members' bills on street racing, and his actions day to day to try to make our streets safer and reduce the number of victims. It was a proactive effort.

Government Orders

One of the things that caused Chuck to be respected by members of all political parties is that he really was not politically partisan. He worked with people from all parties in any way he could to further a cause which was important to him, because he knew it was important to other people in his constituency and across the country. Chuck Cadman was a rare individual in this House for his ability to work in a non-partisan fashion.

Personally from time to time I would chat with Chuck and say to him, "Couldn't you just beat up on them a little more? Couldn't you just be a little more partisan? We are right and they are wrong". That was not the way Chuck was. He gained a great deal of respect from members of all political parties because of that. He was extremely effective, partly because of his hard work and partly because he worked in a non-partisan fashion in this place. We could all learn from that.

The bill that was introduced by the justice minister includes an essential element of Mr. Cadman's recommendations, namely the provision to increase the length of any mandatory driving prohibition for repeat offenders. That is what the government is pointing to, but the government's version of the legislation really does not enact what Mr. Cadman was calling for. It is really important that we point that out.

Chuck's proposed amendments targeted street racing by introducing mandatory driving prohibitions for a number of serious criminal offences and vehicle theft, by making it a crime to tamper with motor vehicle identification numbers. Unfortunately, while over the years Chuck fought so hard for these amendments, the Liberal government consistently rejected any form of mandatory licence prohibitions similar to the type that Mr. Cadman recommended. The government ignored the recommendations relating to vehicle identification numbers which were an important part of Mr. Cadman's package.

While the Liberals continue to soft pedal efforts to confront crime, it is important to make it clear that the Conservative Party is committing to see genuine crime fighting efforts like those put forward by Mr. Cadman make it into the criminal law of Canada. Unfortunately, the two pieces of government legislation do not do that. I want to speak to Bill C-65 specifically and point out in a little more detail what this bill is intended to do.

●(1210)

The bill amends the Criminal Code by defining street racing and by specifically identifying the involvement in street racing as an aggravating factor during sentencing for the following offences: dangerous operation of a motor vehicle causing bodily harm; dangerous operation of a motor vehicle causing death; criminal negligence causing bodily harm; and criminal negligence causing death. It also provides for a mandatory prohibition order if street racing is found to be involved in one of those offences.

The intent of the bill is to prevent street racing by sending a clear message to those who endanger the public that they will face tough long term consequences. The bill also aims to make the streets safer for Canadians. The stated intent of the bill is what Mr. Cadman had in mind. A little later I will get into how we could amend the bill to make it work, but when we look at it, Chuck Cadman had been attempting to legislate changes to street racing since December 2002.

Previous versions of the bill included Bill C-338, but the most recent version is Bill C-230, which is the one to which I referred.

The government refused to support the legislation because it called for mandatory driving prohibitions and increased the punishment for repeat offenders. These are measures that the Conservative Party has always supported, will continue to support, and in time, will enact, and the sooner the better.

Bill C-65 is truly a neutered version of Mr. Cadman's past bills. It is touted as being an enactment of them but it is not and I will explain why. Although it provides for mandatory driving prohibitions and the inclusion of street racing as an aggravating factor for sentencing, it fails to include the clauses on repeat offenders which were an essential part of Mr. Cadman's bill. There are amendments which could be made that would fix the bill. I would hope that the House would choose to enact the amendments, or similar amendments, so that the bill would do what Mr. Cadman intended his private members' bills to do.

The amendments would replace proposed paragraphs (a) and (b) of subsection 259(2.1) with the following: "(a) for a first offence, during a period of not more than three years plus any period to which the offender is sentenced to imprisonment, and not less than one year; (b) for a second or subsequent offence, if one of the offences is an offence under section 220 or subsection 249(4), for life; (c) for a second offence, if neither of the offences is an offence under section 220 or subsection 249(4), during a period of not more than five years plus any period to which the offender is sentenced to imprisonment, and not less than two years; and (d) for each subsequent offence, if none of the offences is an offence under section 220 or subsection 249(4), during a period of not less than three years plus any period to which the offender is sentenced to imprisonment".

I believe there would be a lot of support on both sides of the House for these amendments. If these amendments were enacted, I believe that the legislation would do much of what was intended by Mr. Cadman. I certainly hope there is a will in the House to do it. I sense that there is and I hope party discipline will not get in the way. Maybe this is the time for members from all political parties to decide to have a little bit of that non-partisan approach that Chuck Cadman took in his bill.

●(1215)

Chuck Cadman has left a very strong impact on the people of his constituency and on all of us. I certainly hope the House will recognize that by enacting the legislation he fought so hard to have enacted.

Mr. Jeremy Harrison (Desnethé—Missinippi—Churchill River, CPC): Mr. Speaker, the presentation by the member for Vegreville—Wainwright was very well done. The member is a strong advocate for justice issues and does a very good job.

Government Orders

Perhaps the member would comment on what we have seen to be a pattern of government behaviour in its opposition to mandatory minimums, its opposition to positive justice measures. The week before last, the government voted against changing the age of consent from 14 to 16. This is unbelievable. The Minister of Justice said he did not want to criminalize puppy love. I do not know how there can be puppy love between a 14 year old and a 50 year old. There has been a pattern of behaviour on the part of the government in opposition to strong justice measures.

Mr. Leon Benoit: Mr. Speaker, it seems to be an underlying theme with the government. It has caused great concern to me for the 12 years I have been in this place and it has been getting worse as time has gone on. The fact that it is happening is undeniable. The fact is it is hurting our society. People not only feel more vulnerable, but in fact they are, due to this weakness on the part of government. It is undeniable that is happening.

As to the motives for allowing that to happen, I simply do not understand the motives. Liberal members often say it is because of the charter that they are taking weak measures instead of the strong measures that we suggest which would make a real impact. I would suggest that the government is hiding behind the charter and is abusing the intent of the charter. On many occasions the Liberals are using the charter as a smokescreen, as a way to avoid taking tough action, or as a way to distort reality. They treat the charter as some document more holy than a holy book in this country.

Many Canadians have a great deal of respect for the charter. I would suggest that the government's use and abuse of the charter shows a lack of respect. This lack of respect for the charter is something I cannot understand. The Liberals talk about how important it is to them. They should show it by respecting the intent of the charter. They simply do not. As a result we see weak measures and the charter is used as a smokescreen.

I simply cannot answer the member's question. I cannot understand the motives. This does not seem to make any sense.

The member used the example of the age of consent. We wanted to increase the age from 14 to 16 years when it comes to adults of any age having sex with children, and yet the government refused to do that. The Liberals said that is wrong somehow. I would like them to explain to me how it can be wrong to increase the age of consent for our children to have sex with adults. A 50-year-old man having sex with a 14-year-old girl is legal in our country. I have a problem with that. I see that as wrong.

It is time the government started to take tough action. It can start with Bill C-65. It should do the right thing for a change. Put in place the tough sections of the bill that will make it really work. Do not hide behind the charter or whatever the government is going to hide behind this time.

The member asked a good question, but I really cannot answer it because I cannot imagine what the Liberals' motives are.

•(1220)

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Mr. Speaker, I rise today to express support for Bill C-65, an act to amend the Criminal Code.

Over the past few years there have been horrific instances of innocent people being injured or even killed as a result of street racing. Despite the potential of death or serious injury, as well as criminal sanction, this dangerous phenomena of street racing continues on our streets.

I am pleased to state that the Criminal Code does already have offences that criminalize fatal and injurious collisions where street racing is involved. These existing offences include criminal negligence causing death, which carries a maximum penalty of life imprisonment; dangerous driving causing death, which carries a maximum of 14 years imprisonment; criminal negligence causing bodily harm with a maximum of 10 years imprisonment; and dangerous driving causing bodily harm with a maximum of 10 years imprisonment.

There have been cases where the courts have recognized street racing as an aggravating factor at sentencing, although there is presently no requirement under the Criminal Code that they consider this fact as an aggravating factor. An aggravating factor typically has the result of increasing the sentence that a court would otherwise impose if the factor did not exist.

Furthermore, the courts currently have the discretionary power under the Criminal Code to order a period of driving prohibition if a person is convicted of one of these four offences. These current discretionary periods do not have a minimum period of prohibition and they do allow for a 10 year maximum period where there is a conviction for the offences that I mentioned before.

The goal of Bill C-65 is to make this existing legislative scheme stronger in a balanced consistent manner. In achieving this objective, the government proposal would amend the Criminal Code to explicitly provide for street racing if found by the sentencing judge to be present there is an aggravating factor in sentencing for those convicted of the four noted offences; namely, criminal negligence causing bodily harm or death and dangerous operation of a motor vehicle causing bodily harm or death.

Bill C-65 would also include mandatory driving prohibitions where the noted offences are found to involve street racing. There would be a new mandatory minimum driving prohibition period of one year for dangerous driving causing bodily harm, dangerous driving causing death and criminal negligence causing bodily harm. The maximum driving prohibition term would remain 10 years.

In the case of criminal negligence causing death, the proposal would provide a minimum prohibition of one year and the maximum would remain a lifetime ban.

In all cases, the mandatory minimum driving prohibition would be in addition to any period to which the offender is sentenced to imprisonment.

It is important to recognize that these periods of mandatory driving prohibitions are reflective of those periods which are currently found in section 259, concerning the Criminal Code, that deals more generally with driving prohibition orders.

For the purpose of clarity, under Bill C-65 street racing means operating a motor vehicle in a race with another motor vehicle on a street, road, highway or other public place.

Government Orders

Some members of the House will certainly recall Bill C-230 brought forward by our late colleague, Chuck Cadman. Bill C-230 was in fact the inspiration for Bill C-65 but there are notable similarities and as well notable differences.

First, it is key that the offences to which the reforms apply are the same as in Bill C-230. Furthermore, both bills specifically identify street racing as an aggravating factor for the purposes of sentencing and make a driving prohibition mandatory where street racing is found to accompany the offence.

With regard to the differences between this bill and Bill C-230, in Bill C-230 mandatory prohibition periods are tied to second and subsequent offences committed by the same accused. Bill C-65 does not adopt this scheme because the proposed changes pose several practical obstacles

● (1225)

Furthermore, Bill C-65 does not include the mandatory lifetime driving prohibition that was proposed in Bill C-230 for a second or subsequent street racing offence where one of the offences was either dangerous driving causing death or criminal negligence causing death. However this does not mean that Bill C-65 fails to take street racing as seriously as Bill C-230 did. On the contrary, Bill C-65 proposes a maximum driving prohibition for an offence involving street racing which is seven years higher than that proposed by Bill C-230 for a first offence or dangerous operation of a motor vehicle causing bodily harm, death or criminal negligence causing bodily harm.

In addition, the government's proposal to adopt a maximum lifetime driving ban for the offence of criminal negligence causing death that involves street racing is significantly higher than the three year maximum driving prohibition proposed by Bill C-230 for the first offence. Bill C-65 also provides a maximum driving prohibition for a second offence of dangerous driving causing bodily harm or criminal negligence causing bodily harm involving street racing of 10 years, which is higher by 5 years than that proposed by Bill C-230 for a second offence of dangerous driving causing bodily harm or criminal negligence causing bodily harm.

Therefore, Bill C-65 and Bill C-230 are based on the underlying objective of ensuring that those who street race and commit one of those listed offences are dealt with more severely while also providing for a mandatory period of driving prohibition with a goal of keeping our streets safe.

I would like to now briefly discuss why Bill C-65 does not adopt a subsequent street racing offence scheme which has been requested. If Bill C-65 is passed, offenders who participate in street racing and commit one of the four offences will be convicted of criminal negligence causing bodily harm or death or dangerous operation of a motor vehicle causing bodily harm or death.

The finding that an offender has engaged in street racing in the commission of an offence is a factual finding made by the judge. It is not an element of the offence itself and, therefore, not reflected in the charge against the accused. This factual finding is not recorded on CPIC and, therefore, will not show up on the criminal record of the repeat offender.

The only situations where a crown prosecutor would be aware of a previous conviction involving street racing would be where he or she has a practical familiarity with the offender or the facts in the previous prosecution. If this were the case, the crown prosecutor would likely be required to obtain a certified copy of the sentencing hearing transcript or reasons for decisions in the hope that the sentencing judge verbally or in writing expressed the finding that street racing was involved. It would not be readily ascertainable from the charge history of the accused.

It is practically unworkable. As a result, a prosecutor would have great difficulty in knowing whether he or she is dealing with a repeat offender and, therefore, would not know to inform the sentencing judge that this was a repeat offence. As such, a scheme based on repeat offences could not be perfectly effective at achieving its aims. Further, it would likely lead to inconsistent application of the repeat street racing offender scheme. For these reasons, it was not adopted in Bill C-65.

In taking into account repeat offenders when they are known, Bill C-65 proposes a higher maximum driving prohibition period than was proposed in Bill C-230. Furthermore, sentencing judges routinely consider the existence of previous convictions in setting an appropriate and fit sentence even where this is not explicitly required. This element of Bill C-65 is therefore based on practical considerations and achieves a balanced approach.

There are existing tools in the Criminal Code that can be called upon to ensure that these amendments are implemented to their fullest. There may be concerns that driving prohibitions currently imposed are not being respected as certain drivers subject to such orders continue to drive.

● (1230)

Currently, the Criminal Code provides that anyone who operates a motor vehicle while he or she is disqualified to do so is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years or is guilty of an offence punishable on summary conviction. The driving prohibition orders which would be imposed as a result of Bill C-65 apply to this offence provision as well.

Furthermore, it is important to state that the existing provisions of the Criminal Code that deal with seizure and forfeiture of offence related property upon conviction will also apply for any of the four noted indictable offences, as well as for the indictable offence of driving while disqualified.

I am sure we would all agree that this power of seizure and forfeiture, when used, should certainly deter those with existing driving prohibition orders from getting behind the wheel of a car.

Government Orders

In summary, the bill specifies that if street racing is found by a sentencing judge to be involved in an offence of dangerous operation of a motor vehicle causing bodily harm or death and criminal negligence causing bodily harm or death, then the street racing is to be considered as an aggravating factor in setting the sentence.

Furthermore, the bill provides that if street racing is found to be involved in these listed offences, then a period of driving prohibition must be imposed. The range of driving prohibition is 1 year to 10 years for driving causing bodily harm or death and criminal negligence causing bodily harm. The range is one year to a lifetime ban for an offence of criminal negligence causing death. These prohibition periods would follow any period of imprisonment imposed.

The approach adopted in Bill C-65 is based on practical considerations and is aimed at achieving the objective of making our streets safer. Those who engage in street racing must be discouraged from engaging in this dangerous behaviour and those who street race and ultimately cause bodily injury or death to anyone must be dealt with appropriately. Bill C-65 achieves this objective and, therefore, it has my full support.

I would urge all members to support Bill C-65 so that our police and crown prosecutors will have strong tools to fight against this dangerous phenomena.

Mr. Jay Hill (Prince George—Peace River, CPC): Mr. Speaker, I listened with great interest to my hon. colleague's submission on Bill C-65. I certainly support the intent to which he alluded. We need to get tougher with people who commit these types of crimes, and make no mistake about it, these are crimes.

When people wilfully and flagrantly disregard speed limits and participate in street racing, they ultimately not only put their lives at risk but also the lives of their passenger. All too often they take innocent lives, people who are crossing streets at crosswalks. We have to be assured that the laws are respected. If they are not respected, then we have to get tough with those who would commit these types of offences and take innocent lives.

I am constantly reminded of how often this happens in my home province of British Columbia. Almost every week we hear about another tragedy, in particular in the city of Vancouver and the surrounding communities such as Surrey where Chuck Cadman lived. It continues to be a very serious problem in that community as well as others across our land.

I want to be very clear about this. To my Liberal colleague's credit, he referred to the fact that there was a major difference between Bill C-65 and Mr. Cadman's private member's bill, Bill C-230. When it comes to a second offence of either dangerous driving or criminal negligence causing death, Mr. Cadman wanted to send a message to those who would do such a thing that it was intolerable and unacceptable in our society. He wanted to send the message that those who would do such a thing would lose their driving privileges for life. He felt this was serious.

Bill C-65 would provide a range for judges and courts to consider. That was not Chuck Cadman's intent. He wanted to send a message that if someone was convicted of the second offence, they would lose their licence. He felt if they caused an innocent death, they

should lose their licence forever. They should lose the privilege of having a licence. It is a privilege, not a right. We do not have a right to drive a vehicle on our roads. It is a privilege to have a driver's licence. We have to take a test to get it. We have to prove that we can operate a motor vehicle in a safe and responsible way. People who commit these crimes do not do that.

With all due respect to my colleague, I believe the government is once more trying to pull the wool over Canadians eyes. Those members say that they are getting tough with a very serious crime when they are not. Bill C-65 would not do that. It still would leave a wide range for a judge or the courts to interpret. The maximum sentence will never be used.

My colleague said that the government had increased the maximum from what Chuck intended in his bills. The point is the maximums are not used in our court system. That is why we need mandatory minimums.

We in the Conservative Party are always careful about the word minimum because it could be misconstrued by the Canadian public. They might think that somehow minimum means a lesser sentence. They need to understand that a mandatory minimum is a threshold. No judge, no jury, no court can go below that threshold. It is a mandatory sentence. We are trying to send the message to people who would conduct themselves in this manner that their behaviour is unacceptable in our society. If they participate and if something goes wrong and innocent lives are taken, they will face that mandatory sentence.

For a second offence of dangerous driving, criminal negligence causing death, Chuck Cadman wanted that sentence to be a lifetime driving prohibition. I do not understand why that member, who I know takes this issue very seriously, would not support amending the bill back to the original intent that Chuck wanted to see.

• (1235)

Mr. Rodger Cuzner: Mr. Speaker, the point in Bill C-65 is that under the current provisions and under the laws as they stand today, the judge sentencing has the opportunity to apply a lifetime ban. When we look at dangerous operation of a motor vehicle causing bodily harm or death, or criminal negligence causing bodily harm or death and when we look at street racing as an aggravating factor, that would play into the judge's ability to go to a maximum sentence. This would apply to driving prohibitions and time incarceration.

Through this legislation the courts would have that type of latitude and would be able to reach and address those repeat offenders. I think we are all united in this House that we want this to be addressed. We certainly want the courts to have an impact on this dangerous phenomena. I believe it is within the realm of the judges to provide for those sentences.

Government Orders

•(1240)

Mr. Jay Hill: Mr. Speaker, I realize that time is short for the questions and comments but I cannot let this go by. Again, with all due respect to my colleague, he just made my point. He used the words “latitude” and “range”. The judge would have that ability to impose a harsh sentence or a maximum sentence. That is not the same as what Chuck intended. Chuck intended to send a message of deterrence to those would be criminals. He intended to send the message that if they did this, this is what they would face.

We are not going to leave it to the judges to determine if it is an aggravating factor, that if they street race every weekend and finally they kill people in a couple of different instances that they may get the maximum sentence or they may face a life without driving privileges. It is not may. It is they will face that.

That is the whole point. That is the part where I as a friend of Chuck's take personal exception to the very fact of the matter that the government is calling these bills the Chuck Cadman legacy bills. I hear this all the time. Yet the intent of what Chuck was trying to do was send this strong message of deterrence so a judge could not say that the young man had a troubled childhood so it would not be fair to take his licence away forever or that it was a couple of mistakes and that it happened to everyone when they were young.

It is a second offence, that is it, they walk for the rest of their life or take the bus.

Mr. Rodger Cuzner: Mr. Speaker, I believe Canadians have great reservation when we talk about minimum sentencing. If we look at instances, every case is different.

We do not have to look any further than at the Robert Latimer case. If minimum sentences were imposed, I am sure some of the jurors in the Latimer case would have ruled somewhat differently and rendered a different verdict had the judge not had that flexibility.

I believe the flexibility is in here. As well, I believe the meat and the teeth are in the legislation that will provide our judges with the opportunity to rule on these repeat offenders, the people who cause death and bodily harm through criminal negligence.

[*Translation*]

Mr. Guy André (Berthier—Maskinongé, BQ): Mr. Speaker, first, I want to congratulate my Bloc Québécois colleague on his pertinent remarks this morning on this bill. The member for Rosemont—La Petite-Patrie expressed some relevant thoughts about this problem, which relates to public safety and also, as he said, the environment.

I will try today to make my own contribution to this debate, which affects the people of Quebec and Canada.

I have the pleasure of speaking on Bill C-65, which was introduced by the Minister of Justice on September 28. It seeks to amend the Criminal Code with regard to street racing.

As we know, Bill C-65 is based on Bill C-230, a private member's bill introduced by Mr. Cadman on October 20, 2004. Unfortunately, Mr. Cadman died of cancer in July. This bill has become part of his legacy in the House of Commons, even if, as some Conservative colleagues claim, this bill is not as tough as his. The Bloc Québécois feels, however, that it is a step in the right direction.

The purpose of Bill C-65 is to amend the Criminal Code by clearly defining street racing, that is, operating a motor vehicle in a race with another motor vehicle on public property, and by specifically identifying the involvement in street racing as an aggravating factor during sentencing for offences involving criminal negligence and dangerous driving. I say “specifically” because when someone is found guilty of one of the four offences currently listed in the Criminal Code, namely, criminal negligence causing death, dangerous operation of a motor vehicle causing death, criminal negligence causing bodily harm, and dangerous operation of a motor vehicle causing bodily harm, the court in imposing a sentence must take the fact that the individual was involved in street racing into account as an aggravating factor in the commission of the offence.

Furthermore, this bill requires the judge to suspend for at least one year the driver's licence of anyone found guilty of such offences committed during street races. As we know, the mandatory automatic suspension of a driver's licence has applied only when a person was found guilty of impaired driving.

Now the bill provides for a mandatory driving prohibition order for a minimum of one year and a maximum of 10 years for criminal negligence causing bodily harm, dangerous driving causing bodily harm and dangerous driving causing death. When an individual is found guilty of criminal negligence causing death, the duration of the order is not limited by the legislation. In such a case, the judge could very well suspend the driver's licence of the guilty party for life.

Our party is in favour of Bill C-65. We believe it is extremely important to define and reinforce the sentences imposed on those who engage in street racing, whose numbers are unfortunately increasing. We are all affected by dangerous driving, whether by the death of a loved one, by injuries suffered or by a personal tragedy. A few years ago I lost a friend when a motorcycle race between him and some friends came to a tragic end. The whole point was to have fun and show off his driving skills, but the misadventure that took his life could have taken other lives as well.

Public roads are not racetracks, nor should they be dangerous to the lives and physical safety of adults and children. As legislators, we must pass laws that ensure the public good and help to protect people. That is what this bill does.

•(1245)

Like driving under the influence, street racing is dangerous and unacceptable, and the consequences must be clear and pre-determined.

This bill toughens the sentences for participating in dangerous, illegal activities. It should help to dissuade people from this practice, which all too often poses a danger to the safety of citizens and infringes on their right to move about safely on our roads.

Government Orders

Some of us know people, have friends, who have been victimized by this kind of behaviour on our roads. All too often, people have seen their lives turned upside down by these dangerous activities. Some people have been killed, while others have suffered traumatic experiences or been injured. Every day there are new victims.

I was speaking earlier about the dangers of impaired driving and the dissuasive legislation regarding this scourge. Over the last few years, we have passed some general dissuasive initiatives, such as legislation to convince people not to drink and drive out of fear of the negative consequences. These negative consequences, such as suspended driver's licences, are designed to prevent offenders from repeating the behaviour. The legislation has been very beneficial on the whole and has helped to reduce impaired driving considerably. However, although the negative experience of arrest, courts and sentences is enough to prevent some people from repeating this behaviour, others seem to treat the experience as just an inconvenience before they return to their old ways.

That is why it is necessary to encourage the development of responsible automobile driving and why it is important to pass preventive legislation. It is important and necessary to punish, but punishment is not enough because it is often too late. As in the case of impaired driving, preventive legislation must be passed to make drivers really think about the dangers of street racing.

I want to come back to the problem of driving. As I said, much work has been done in Quebec to make drivers of all ages more aware of the dangers associated with such behaviour. Tools have been adapted in order to decrease the likelihood of someone drinking and driving. These tools were a key component of past counter-measures, such as informing the public about the danger of this practice and increasing public awareness.

Since street racing is a threat to public safety, just as much as drinking and driving is, the state must implement legislation to cover this new phenomenon and must also conduct a comprehensive public awareness and education campaign.

When it comes to public safety, the rights of the public must always take precedence over the rights of individuals. As my colleague, the member for Rosemont—La Petite-Patrie, said, it is time to give our police forces additional tools so that they can more effectively enforce the law. Prevention is essential, but we also need more appropriate deterrents and punitive measures. We believe that this bill could help counter this phenomenon. The state is responsible for defining the limits of acceptable behaviour in our society. We need to act as responsible legislators for our individual and collective safety.

• (1250)

Mr. Marc Godbout (Ottawa—Orléans, Lib.): Mr. Speaker, I appreciated several of the comments made by my colleague from Berthier—Maskinongé.

As a former teacher, I also appreciated his mention of prevention. This will, in fact, be an important factor for reducing the incidence of the situations addressed by the legislation.

I would like him to give us a few examples of the preventive measures he might be familiar with. They could then be examined

and might perhaps improve the situation the legislation is trying to address.

• (1255)

Mr. Guy André: Mr. Speaker, I thank my colleague for his comments.

Let us look at what has been done in Quebec in recent years to raise people's awareness of drinking and driving, to which I referred in my speech. Huge campaigns have been carried out to raise awareness, in the print and broadcast media, in the schools, in the community and so on. This eventually led people to think about it and to understand that drinking and driving is dangerous.

Punitive measures were taken as well, of course, but awareness campaigns reinforced the whole preventive aspect of drinking and driving. That is one example.

[*English*]

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, Bill C-65 was built on the work of Mr. Cadman who spent his life trying to make things right that were terribly wrong in this country.

I heard members praising the bill today, which I am sure had a lot of good intentions along the way, but Mr. Cadman put forth the idea that if people were second time offenders they would not have a licence anymore. They would have to walk. His bill had very strong consequences.

The member referred to the resources the police forces need to work with this issue. Could the member comment on how those resources could be put forward right now? The suggestion I made earlier was to shut down the gun registry and put those resources toward front line police officers on the street.

Now we can feel good about these comments and we can congratulate each other across the way but realistically the public cares about safety. The grandmothers across the street do not want to be hit by racing cars. We do not want to see our young people die because those cars have crashed in a midnight race, which came very close to happening in my city on Portage Avenue a few months ago.

We need to be very realistic. Could the member comment on those two issues?

[*Translation*]

Mr. Guy André: Mr. Speaker, I would like the Conservative member to know that I can very much relate to what she says.

The bill could have been tougher. The hon. member may be right in that. I do, however, feel that the bill introduced today is a first step in the right direction. It imposes harsher consequences on those who indulge in street racing.

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The preventive aspect I referred to is important as well. If we were more able to convince our youth, as well as older drivers, that street racing has its consequences, up to and including death or permanent disability, that would also be important.

I feel that this bill as presented is a first step. Could it have been made tougher? Perhaps. But let us make this move and begin by applying the principles contained in this bill. Let us put preventive measures and public education measures into place. Then we can assess the outcomes. I have no doubt that this is a good start.

• (1300)

Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ): Mr. Speaker, I want to begin by thanking my colleague from Berthier—Maskinongé for his comments, which, like those made this morning by the hon. member for Rosemont—La Petite-Patrie, are full of wisdom. It is extremely dangerous to swallow so-called miracle solutions and say that toughening up the law, beefing up security and increasing sentences will be enough to deal with offences and illegal acts.

My colleague's comments clearly show that we must address issues like this in stages. It is much more complex than one would think. Street racing is also a societal phenomenon. Why and how does it happen? I think awareness needs to be raised by going to the heart and source of this harmful activity that can possibly take lives or cause problems stemming from injury or other things. Questions must also be asked.

I would like the hon. member to elaborate on the fact that cracking down is not a miracle remedy. Cracking down can make us truly lose sight of the intended purpose, which is to eliminate street racing. To do so, the best solution, the best way to overcome this, is to get rid of the problem at the source. In our society, illegal behaviour of this kind reflects a certain reality. I think society needs to respond to it in a more comprehensive way and not just with simple solutions such as increasing sentences.

Mr. Guy André: Mr. Speaker, I thank the hon. member for Gaspésie—Îles-de-la-Madeleine for his question, and will try to reply as briefly as possible.

As I said in my presentation, we can look at all the drinking and driving awareness programs as an example. Of course there are criminal measures in place to prevent people from drinking and driving, since this can cause accidents and lead to injuries and worse. That was vitally important. The whole educational aspect around drinking and driving has also been extremely important and has had a major impact on our society, on Quebec.

To give an example, today's youth have grown up in an environment of greater awareness of drinking and driving. I know a number of young people who have a designated driver when they are going out to a bar or somewhere else where there will be alcohol. There is more awareness in that age group and they are doing something about drinking and driving. This is a preventive measure that arose out of the awareness campaigns, not the punitive measures that have been adopted. These educational campaigns have also been important.

It would be worthwhile to see the street racing issue we are discussing today, because of this bill, handled in the same way, with

both punitive and preventive measures aimed at reducing the problem.

• (1305)

[English]

Hon. Rob Nicholson (Niagara Falls, CPC): Mr. Speaker, I am pleased to make a few comments on Bill C-65, an act to amend the Criminal Code, street racing, and to make a consequential amendment to another act.

Bill C-65 should be looked at in conjunction with Bill C-64, which the House will presumably be looking at soon. Both bills purport to talk about two of the subjects that were part of the crusade, the passion and the commitment of one of our former members, Mr. Chuck Cadman. Both of these bills are subjects in which he was very much interested and certainly had no problem convincing members of the Conservative Party that they were steps in the right direction.

This particular bill, Bill C-65, amends the Criminal Code by defining street racing and by specifically identifying the involvement in street racing as an aggravating factor during sentencing for the following offences: dangerous operation of a motor vehicle causing bodily harm; dangerous operation of a motor vehicle causing death; criminal negligence causing bodily harm; and criminal negligence causing death. We are talking about a very serious subject.

I guess where the government departs from the intention of Mr. Cadman on this particular bill is where Mr. Cadman and most of us believe that if someone subsequently kills somebody or injures somebody because the person stole a car or got involved in drag racing, perhaps the second time that person is convicted the punishment should be greater. Most people would think that is pretty reasonable but that is the part that was rejected by the Liberal government and I think it has made a very grave mistake.

One of the parliamentary secretaries said that Canadians have a problem defining minimum sentences. Canadians have no problem defining minimum sentences. It is only the Liberal Party that has trouble putting in minimum mandatory sentences. Most Canadians with whom I have discussed some of these subjects have no problem with it at all. In fact, they applaud efforts to make sure that individuals who cause untold harm in our society and cause pain and suffering through their own criminal acts receive minimum sentences. Canadians are happy, pleased or at least satisfied that justice is done when they see increased minimum sentences for those individuals. That is the part that is missing from the bill.

Members of the government were trumpeting the fact that they are true to Mr. Cadman's legacy. They are not true to Mr. Cadman's legacy. He was very specific, as are we, that the more times one commits these crimes of course the higher one's sentence should be. There is nothing wrong with minimum sentences. However this is typical of the way the Liberals have treated both of these issues.

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We also will be debating Bill C-64, another bill inspired by the late Chuck Cadman but not one that is true to his intentions. We will see when we put these two bills together, and we are talking about Bill C-64, that the government only goes so far. It starts talking about an individual who has stolen a car and then decides to scrape off the vehicle identification number. People do this because apparently it is easier to fence the car, sell the car and to get rid of it. The fact that people would do that one would think that would place an onus on them to come up with an explanation but, no. When we look at that legislation, true to the government's intent on this particular legislation, we will see the same thing.

The government then put on extra onus on the Crown to prove that the person was doing something wrong, as if the act of stealing a car and filing off the vehicle identification number was not enough. No, the Crown has to do something above and beyond that to make the point and get a conviction.

It is certainly an approach to the Criminal Code and justice issues that is completely at odds with the Conservative Party. As a matter of fact, when people ask me to define some of the key differences between ourselves and the Liberal Party, I always come back to justice issues because there is a fundamental disagreement.

● (1310)

The difference between the Conservative Party and the Liberal Party is that the Liberals are constantly worried about the individuals who commit the crime and we are constantly worried about the victims of crime, which is why in Bill C-65 the Liberals did not want to increase the mandatory sentences for repeat offenders. They would never want to do that because that would hurt some individual and may give some consequences to what the individual had done. The individual may have to spend a longer time in jail and the Liberals are not in favour of that.

The Crown attorneys, who have enough on their plate to try to prove the elements of a crime in Bill C-64, would be faced with the extra onus that the government wants to place on them. They would have to do extra work to prove that the individual had bad ideas about stealing cars and filing off the vehicle identification numbers. The individual may have had a legitimate reason for taking our car and trying to ship it out of the country without a vehicle identification number but that is the Crown's job, is it not? It is not enough to prove the elements of the offence and prove the individual did it. No, the Crown would now have to go that extra step. Again, part of the philosophy of the Liberal Party is to be soft on crime.

The government has problems with mandatory minimum sentences. We have no problems with that because we know they are directed against the individuals who need to be off the streets and need the time to contemplate what they have done and the hurt they have caused society.

We have a very different approach. We worry about guns and we worry about crimes being committed with guns. The Liberals worry about bureaucracy. Is that not what the gun registry is all about? It has nothing to do with stopping crime but it has everything to do with creating bureaucracy in this country.

I have been told that as happy as the Liberals are about that bureaucracy, they cannot wait to get into day care. They say that we have not seen anything yet. They say that when they get into day care we will see a bureaucracy in this town, the proportions of which we have never seen before. However at this point they are content with what they have done on gun control. Have the people who commit these crimes registered their guns with the federal government? Of course they have not. This, again, is about creating bureaucracy, not about stopping crime.

We look to the Liberals and their friends in the NDP in a number of areas. I cannot wait to see the report from the federal committee studying prostitution in Canada. I love some of the quotes that are already starting to come out. One member of the Liberal Party said that she favoured three person brothels, just for licensing and zoning purposes, not a two person brothel or a four person brothel, but a three person brothel. That is what they are in favour of.

The initial report, as reported in the paper, is that the Liberals want to make sure the streets are safer for individuals who are into the pimping and the prostitution business. We are worried about making it safe for the people who live in those neighbourhoods. The children who have to grow up in those neighbourhoods are our priorities but obviously they are not the priority of the Liberal Party.

We will be watching for that, but again, the same pattern plays itself over and over again. One of the worst crimes and perhaps the worst crime committed in the Niagara Peninsula was the murder of a couple of schoolgirls and the attacks on some other women in southern Ontario by Bernardo and Homolka. After all these years, Ms. Homolka was released and the Province of Ontario made an application to place restrictions on Karla Homolka when she was released from prison.

Most Canadians, all members of the Conservative Party and the people who accept our philosophy and believe it, have no problem whatsoever placing restrictions on that despicable woman. However I made a prediction which played out over a period of several weeks. I predicted that someone in the Liberal Party would crack on this one. I said that someone would not be able to allow restrictions to be placed on Homolka and that the person would break ranks over there and that we should watch for it. Sure enough, a member of the Liberal caucus from the other place came to the defence of Ms. Homolka and said that Ontario's application to place restrictions on Homolka when she was released from prison "was unjustified". He went on to compare it to something we would see in a dictatorship. He said, "I have to give her a chance. I don't consider her dangerous".

● (1315)

A lot of Canadians consider her dangerous. I was very surprised by the member of the Liberal caucus. The Liberals could not stand it but they kind of held together. They knew they would be offside with public opinion if they were to come to Homolka's defence but instincts always prove true and in the end somebody had to break. To the credit of my colleague from St. Catharines, he objected to it but, nonetheless, I believe it is symptomatic of the Liberal Party in general.

Mr. Speaker, I should tell you that I am pleased to split my time with the member for Fleetwood—Port Kells.

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This bill, as in all these other issues, highlights for Canadians the important differences between the Conservative Party and the Liberal government.

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, I want to thank my colleague for his overview of what has happened in our country under the Liberal regime for the past decade.

I would like my colleague to explain in more depth the differences between maximum and minimum, which is what I find is being spun out in communities. Some people are saying that they want maximum sentences while others are saying that they want something else. People do not always realize what the difference is.

Hon. Rob Nicholson: Mr. Speaker, when I am not in Parliament I practise law. I have been in court many times, more so at the beginning of my career than in recent years. I can tell members that I have never seen one instance where someone received the maximum sentence. Now members may ask whether I have seen a lot of criminals being sentenced and the answer would be yes. I saw a lot of pleas, trials and all kinds of sentencing but I never saw anyone receive the maximum sentence. The courts use these as guidelines.

I think it is important and it is legitimate for parliamentarians, the lawmakers in this country, to say what they think about the seriousness of some of these crimes. It is open to us to put in those minimum sentences because we deliver a message and we deliver that message on behalf of Canadian society. Canadian society wants us to indicate to the courts that we consider some behaviour so notorious and wrong that we are prepared to incarcerate that individual. In the long run, I am sure it is good for those individuals because they need that time. Once they commit a serious crime and abuse the freedoms they have been given, they should be given an extended time out, so to speak, to ensure they become aware of the seriousness of their crime and resolve never to do it again, and, at the same time, we are protecting society.

We received a notice in Niagara about a sex offender who was being released. We were told that the individual had been released I think approximately a couple of years after his sentence. He has a long record. What is this individual doing out? Why is he out on the street after only a two year sentence? If a person has a long record of sexually abusing individuals I have no problem with that person being incarcerated at length. However I think it really goes to the philosophy of the Liberal Party.

We heard one of the members of the Liberal Party say that Canadians had problems with defining minimums. Canadians do not have any problems with defining minimums. The members of the Liberal Party have problems with defining minimums. Members of the Conservative Party have long advocated them because we are committed to protecting innocent, law-abiding Canadians. We are committed to the victims in this country and we are committed to law-abiding citizens. That is the gulf that exists between ourselves and the Liberal Party and that is something in which Canadians can expect change in the next federal election.

• (1320)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the member dwelled on an issue that has been talked about in this debate all morning. It has to do with the sentencing problem and whether or not the policing authorities have the resources to do the enforcement

side of the law and whether or not the court system has the resources to adjudicate some of these matters.

The member is a lawyer and he has some experience in these matters. I would ask the member quite simply whether or not there is anything the Government of Canada and the Parliament of Canada could do to address the ability of our policing authorities and the court jurisdictions to enforce and to adjudicate our laws.

Hon. Rob Nicholson: Mr. Speaker, I have an excellent suggestion for the member. The member said he is looking for resources for policing and for the judicial process in the country. He could start with scrapping gun control. If he is looking for a couple of billion dollars, the government could get rid of that. The Liberals say that it is only \$1 billion so far and it is probably not \$2 billion. By the time they are done, if they were ever returned to power again, it would be up to \$4 billion or \$5 billion. When they start creating a bureaucracy there is no end to it. It becomes an end in and of itself. If the Liberals are looking for the resources, why do they look at that? It was a program that was supposed to cost about \$2 million and it is hundreds of times over budget.

If the Liberals had given those resources to the RCMP, which is involved in investigating drug trafficking and other federal offences, that would have been a much better expenditure of the Government of Canada's resources and the taxpayers' dollars, but that is not what they did. They wanted to get into the business of building a bureaucracy in the country and that is a shame.

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Mr. Speaker, I rise today on behalf of the constituents of Fleetwood—Port Kells to speak to Bill C-65, an act to amend the Criminal Code and to make a consequential amendment to another act.

The Liberals are attempting to steal the legacy of Chuck Cadman by a watered down version of his own private member's bill for cheap political points. In the entire time I have been in the House, I have never seen a more cowardly and shameful display. I am not convinced that the Liberals are genuine in their approach and neither are my constituents.

Mr. Dane Minor in my riding was involved with Mr. Cadman for many years and has made a significant contribution to criminal justice reforms and has tirelessly volunteered on many fronts and issues in the community. He explained his disgust as follows: "My immediate reaction was a positive one. It would be a fitting memorial to Chuck. Then the justice minister announced his watered down version. This isn't Chuck's bill in either intent or design. It is a cynical attempt by the Liberals to use Chuck's good name while doing little or nothing to change existing laws".

The justice minister has co-opted the work of a good man by claiming connection to a legacy he shows no respect for. The people of Surrey knew Mr. Cadman well and they know these bills are nothing but a political stunt.

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Previously when Chuck was a Conservative member the government refused to support Chuck's private member's legislation because it called for mandatory minimum driving prohibitions and increased punishment for repeat offenders. The Conservatives have consistently supported these measures and have advocated similar measures across the board in criminal justice legislation.

Bill C-65 is a neutered version of Mr. Cadman's past bills. Although it provides for mandatory driving prohibitions and the inclusion of street racing in aggravating factors for sentencing, it fails to include the clauses on repeat offenders which were an essential part of Mr. Cadman's bill.

Before I support this government bill, substantial amendments must be made to actually make this Chuck's bill and not the political rip-off it currently is.

First, Mr. Cadman's increasing scale punishment clauses must be reinstated in the bill. The scale punishment clauses were included to address repeat offenders who failed to learn their lesson after their initial punishment.

The bill also needs to be amended to treat street racing as an aggravating factor in sentencing, which could then include mandatory driving restrictions. We must have the legal ability to get those punks off our streets for good. Mandatory driving restrictions and an escalating punishment scale are exactly the tools to do it.

We have seen similar problems with Liberal criminal justice legislation for over 12 years. The Liberals refuse to adequately address the needs of communities plagued by repeat offenders who seem to never learn their lessons. Mr. Cadman understood this problem all too well, but the Liberals do not. They insist on every chance being given to the criminals, while our communities suffer as a result. If the Liberals were truly committed to Chuck's legacy, they would pass Mr. Cadman's original bill as is.

The origins of the bill also deserve deeper analysis. In the Lower Mainland we have experienced growing problems with street racing on residential streets. Let us be clear. These are not kids mildly speeding on the freeway. Rather, we are talking about people racing on residential streets. It does not take a rocket scientist to figure out the problems associated with such a dangerous activity.

The problem of street racing is not simply one of newspaper headlines and a few high profile cases. There is data to show the problem is growing from previous years. Recent statistics in the United States show a substantial increase in street racing with accident deaths caused by street racing doubling. I am sure the statistics hold true in Canada as well.

The question of why street racing is increasing is difficult to assess, but one thing is certain. Young people who have had their licence for only a few years are driving cars whose specific purpose is to be driven at excessive speeds. Parents have a responsibility to ensure their youth are driving responsibly and perhaps not driving powerful sports cars.

• (1325)

While it is impossible to legislate what kids and young adults can drive, it is perhaps time the House also considered penalties for

parents of minors who are convicted of street racing where obvious negligence has been shown. Parents would think twice about giving their kids speed-laden killing machines if they too were held responsible for their children's behaviour.

Besides the cars themselves, there are also other means of limiting street racing. Illegal street racing is often an organized spectator sport. These organized events are not the fabled chicken races of the 1950s that happened on the outskirts of small towns. They happen in our busy city centres and residential neighbourhoods.

San Diego in the United States was a haven for organized illegal street racing for many years. It tackled the problem by not only increasing penalties for street racing itself but also for the organizers and spectators of street racing. By focusing merely on the supply of street racing, in other words the street racers themselves, we miss an important component of street racing. We must also focus on the demand of street racing from spectators who fuel the egos of speed that end up killing innocent bystanders.

San Diego solved this problem of demand by instituting a fine of \$5,000 for spectators. This has seen great success. Street racing is now down by almost 100%. It is pretty difficult to get more successful than that.

I would like to see amendments that also address this demand aspect of street racing. By focusing on both the criminal supply and demand issues, we have an excellent opportunity to actually solve the problem of street racing once and for all. After a few people get \$5,000 fines for rooting these people on in their dangerous activities, it will act as a deterrent.

The bill is an important step forward in addressing the needs of communities plagued by street racing, but it fails to build in the proper checks that could change behaviour in our communities. Mandatory driving prohibitions and an escalating scale for repeat offenders are a great way to deter street racers themselves. Chuck understood as much when he created the original bill.

We could make the bill even better by also focusing on the demand issues of street racing by fining the spectators and organizers of such events. Most racers are driven by a simple competitive spirit. Without a crowd, their yearnings will not be satisfied. Let us get rid of the crowd and the illegal street racers. If they want to race, they should go to the racetracks where proper safeguards are in place to handle high speeds.

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Racing has always been part of the human experience and there is nothing inherently wrong with it. From the Olympics to NASCAR, humanity loves the rush and competition of a good race. We politicians love a good election race, but we cannot turn a blind eye to illegal street racing. It turns our roads and streets into paths of destruction and death. By tackling both the supply and demand issues of illegal street racing, we could solve this problem once and for all.

• (1330)

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, my colleague had very insightful comments on the bill. Clearly my colleague's concern has been for the safety of the citizens on our streets.

Perhaps my colleague could go into more detail in terms of the minimum and maximum sentences and the legacy of Chuck Cadman as an example for our Parliament in order to protect the safety of our kids and our citizens on our streets.

Mrs. Nina Grewal: Mr. Speaker, all of us know that illegal street racing terrorizes our neighbourhoods and kills children and our friends. We must put a stop to it. More than 30 people have been killed in the Lower Mainland in the past years because of street racing.

Like other British Columbians, Mr. Cadman understood very well the seriousness of the problem. He introduced private member's Bill C-230, but the government refuses to support it. Now the Liberals have reversed their position, have taken over the bill as their own, but they have seriously weakened it. We need this legislation, but it must be as forceful as it was in its original form.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, the NDP intends to support this bill. As we have heard throughout this debate, it makes provisions for a common problem that a number of urban centres have been experiencing.

Oftentimes we hear individual stories with some great tragedy of innocent bystanders being severely injured or in many cases killed. My party has a particular concern with that. The wife of the former premier of Ontario lost both her parents as a result of an incident like that back in the early nineties. Therefore, we are particularly sensitive to the consequences of this type of criminal behaviour.

We also acknowledge the work of one of our former members, Mr. Cadman from Surrey North, who brought this issue to the House by way of a private member's bill, Bill C-230, and publicized the need for additional criminal legislation to deal with this criminal behaviour.

The bill is fairly straightforward in terms of dealing with the sentencing consequences of someone convicted of street racing. It is a measured response to the problem. We have the ongoing debate in this chamber, certainly in the justice committee, over the use of mandatory sentences. I have no hesitation in saying that in the vast majority of cases, I am convinced that mandatory sentences are unconstitutional, offensive to the charter and quite frankly useless for the purpose for which they are intended, which is to deter crime.

However, there are exceptions to that. We saw that most tellingly in the use we made of minimum mandatory sentences with regard to impaired driving. We have to be careful of overemphasizing the

effectiveness of that tool. It is my belief and conviction, from everything I have read and studied, that in this case public education, the work of groups like MADD and the work of our police forces to educate the public of the scourge of impaired driving and its impact on families and communities, is most telling in getting the rates down.

It is also interesting to look at that. There was a blip in 2003-04 where incidents of impaired driving edged back up. The law did not change. The penalties were still as severe, but it began to edge back up a little. I think there was a reduction in the amount of educational work, such as ads in the paper and public meetings. As a result, there was a slight increase.

Similarly with this bill, the introduction of mandatory one year suspensions, which then go progressively higher for repeat offences, can be part of the tools we need to reduce and try to eliminate this criminal behaviour. However, it will not be successful by itself. I suggest that it will be a small part of it. We need to take on a strong campaign of public education to reach those individuals who would consider involving themselves in what they oftentimes see at the beginning as fairly harmless conduct, hijinks of youthfulness. We know better. We know the potential consequences.

• (1335)

In that regard, one thing we have to do is talk to automotive companies. A recent documentary on the amount of money spent on promoting the sale of vehicles indicated that in some markets as much as 80% was used to promote the use of automobiles that is clearly illegal. That is conduct in operating a vehicle that would be at the minimum speeding, but oftentimes would amount to careless if not reckless driving and those charges under our provincial and federal statutes. We need the kind of campaign that would say to automotive companies that they have to change the way they promote the sale of their cars. It is no longer acceptable in this society because of the permissiveness it gives to young people in particular to think it is natural to drive in urban settings in a reckless, dangerous manner. They think it is acceptable. They think it is sexy.

We recognize the need for the amendments to the Criminal Code, and we will support them. I look forward to the bill going to the justice committee where it will hear additional evidence as to whether there are any additional steps we can take by way of amendment to strengthen the bill. As of now we will be supporting it.

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, I am pleased to have the opportunity to speak to Bill C-65, an act to amend the Criminal Code, street racing, and to make consequential amendment to another act. This is another bill that I am sure has the best of intentions to put forward some frameworks to address the street racing problem in our country.

Today I want to put some comments on the record about the credibility of what is happening in the House of Commons. I speak as a former justice critic for the province of Manitoba and as the mother of a police officer. I feel the government has had over a decade to make things right, to make our streets safer. The government has failed miserably on all accounts.

In our city of Winnipeg, Manitoba many honourable police officers are trying to suppress crime. The problem is the laws at hand and the lack of resources, accountability and concern for the victims of crime.

We have had bills on trafficking of persons and on the age of consent. We have had pleas time and time again in the House of Commons to shut down the gun registry and put those resources toward front line police officers.

Once again we are hearing eloquent speeches from the Liberal members across the House. They say that they will get tough on crime, that they will honour the spirit of Mr. Cadman's private members' bills and that they will make things happen. This is something that is hard to believe. People across Canada are becoming very alarmed with the criminal acts happening in our nation and with the lack of consequences for these criminal acts.

For example, in September Winnipeg dealt with a young man who had 11 convictions for speeding. He was spared jail time after pleading guilty to dangerous driving, causing the death of a 52-year-old grandmother. The trial went on and the judge was convinced he was remorseful. However, there was a granddaughter involved in that incident who was very close to her 52-year-old grandmother. That granddaughter today is very distraught about the death of her grandmother.

The present government has indicated without a doubt that it does not have the political will to put these resources on the streets to ensure that the time people spend behind bars or in rehabilitation matches the crime that has been committed. The government is definitely soft on crime.

Chuck Cadman was well known by many people. I was very moved by the letter to the editor by Dane Minor. Dane Minor was a close friend to Chuck Cadman. He felt very good when he heard that the Prime Minister had announced on the front pages of national and local papers that the Liberal government would pass Chuck's private members' bills into legislation as an honour to him. Everyone felt good about it. Chuck Cadman had travelled to this House of Commons to do what he thought was right and to ensure that things were put in place to protect the citizens of our country. He did it at a time when he was very ill, but he was a man of extreme principle. What was most important to him was not party lines but doing the right thing.

● (1340)

I will read for members the following from Dane Minor in a letter to the editor. He stated:

This "new" legislation from the Liberals is the same type of political stunt. [The] Justice Minister...said his government tweaked both bills—

And those are the Chuck Cadman bills, I note.

—to comply with the Charter of Rights and Freedoms and address "operational deficiencies."

Government Orders

What Dane Minor said about this was, "Bull!" That is what he said: "Bull!" He stated:

Chuck had one of the best legal advisors in Ottawa on his staff and his bills were well within the Charter. The ultimate ridiculousness of [the minister's] version was the reason for removing penalties for repeat offences: "because the police across this country don't have tracing or tracking records so we would know if it was a first, second or third tracking offence."

This is another incident, another blot and another black mark on the Liberal record of dealing with criminal issues in this country. The frustration of police officers on the front lines and of families of victims of crime is unparalleled.

This particular bill is attempting to deal with the issue of street racing, but in a very superficial way. It is putting words to paper, but it does not put the implementation in place that would stop street racing or give safety in the streets to the citizens who walk those streets every day.

There are many people in our Canadian mosaic who have been real leaders for the victims of crime. Let me speak of Jack McLaughlin. Jack McLaughlin is very well known in Manitoba. Jack McLaughlin is the father of a young man who was murdered. He and his family went through the terrible experience of being in a court system that had no consequences for the criminal. But the consequences for the family were huge, because that deep hole of regret and the deep anger at being powerless to change what happened weighed on the McLaughlin family in a very real way.

Jack McLaughlin started an organization that championed the cause of victims of crime. It put networks and counselling in place for victims of crime. Jack did something else and he does something else today. He goes to the Manitoba legislature and comes to the Houses of Parliament to push for stiffer sentences and consequences for criminals walking the streets and for more support for victims of crime. I applaud heroes like Jack McLaughlin who have done so much, who have taken a horrible tragedy and have done something good to make it better for families who are victims of crime.

● (1345)

I was very hopeful when Bill C-65 was introduced in the House of Commons, because I thought that perhaps there would be some thread of hope for some movement forward on the issues of suppressing criminal operations in Canada. Unfortunately, this is not the case.

We have heard members across the way say that they are here to listen, that they would like to hear what we have to say, that they would like to make things better and make sure our streets are safe, but when members on this side of the House say to shut down the gun registry, those members immediately say that police officers like the gun registry.

Let me tell members that the Winnipeg Police Association and the Manitoba Police Association have said very strongly, "Shut down the gun registry and put the resources into front line policing".

In this country we are seeing crime on the rise. I am seeing it in my beautiful city of Winnipeg. I am seeing how police officers who are working so hard are not keeping up because they do not have the resources in place to do so.

Government Orders

We see such heroes as Chuck Cadman and Jack McLaughlin, and people like that, who have spent a lot of time trying to put forward helpful suggestions, trying to push for proper sentencing, and trying to suppress the criminal element in our country, not to mention the valiant police officers all across our nation who are combating crime on a daily basis. Yesterday a young police officer on the street discovered a grow op, I have heard, and the fact of the matter is that there were so many issues to deal with on that day the police officers could not move in on that particular grow op. There were not enough resources.

Here in the House of Commons, we do have the power to make sure that those resources are in place. How do we do that? We do that by shutting down useless programs that have become the black hole for the money, other than the scandal I mean; I am talking about the gun registry. Let us shut down that kind of thing and target those resources to the front line police officers all across our nation.

We have heard about the RCMP officers who gave their lives when they went to a criminal's property to try to protect the community and deal with some issues there. Those four very brave police officers lost their lives in the line of duty. We see so much bravery in the police force, yet there is no political will in the House of Commons to make sure that the resources are there to combat crime.

In the past two to three weeks, we have been talking about criminal issues and bills that are supposed to suppress crime. My colleagues in the House have said that we need to spread the word and advertise the fact that we are being very effective on crime. My hon. colleague across the way said that perhaps we should let young people know we are going to be watching and perhaps we should show them the consequences of crime.

Last year I was at a hockey game. A young man in front of me was talking about all the cars he had stolen the night before. He was talking to a group of other young people who thought it was a great joke. The young man was very well dressed. He seemed to have money, friends and everything, but they had stolen so many cars that night it was just a joke. It was like a contest about which car they should take next.

• (1350)

I think we have to renew the hope of our citizens in Canada. We have to make sure that programs are implemented and resources are put in place that will really make a difference. When I read this particular bill, Bill C-65, I remember that Chuck Cadman had been attempting to legislate changes to street racing since December 2002.

Previous versions of this bill, Bill C-338 and Bill C-230, which Mr. Cadman brought forward, were voted down. The current Liberal government refused to support the legislation because it called for mandatory minimum driving prohibitions and increased punishment for repeat offenders.

I taught school for 22 years, mostly at the junior high level, and I can tell members that if we want to educate junior high school children we should just tell them that they will not be driving for the rest of their natural-born days if they offend a second time. It is surprising how they will get to know that this is not the thing to do.

Bill C-65 is nothing but a neutered version of Mr. Cadman's past bills. Although it does provide for mandatory driving prohibitions, the inclusion of street racing and aggravating factors for sentencing, it fails to include the clauses on repeat offenders, which were an essential part of the Cadman bills.

I want to go over those particular points, those particular amendments that I feel should be included. They are:

(a) for a first offence, during a period of not more than three years plus any period to which the offender is sentenced to imprisonment, and not less than one year;

(b) for a second or subsequent offence, if one of the offences is an offence under section 220 or subsection 249(4), for life;

(c) for a second offence, if neither of the offences is an offence under section 220 or subsection 249(4) during a period of not more than five years plus any period to which the offender is sentenced to imprisonment, and not less than two years;

(d) for each subsequent offence, if none of the offences is an offence under section 220 or subsection 249(4), during a period of not less than three years plus any period to which the offender is sentenced to imprisonment.

In other words, these clauses are basically an increasing scale of punishment, restating Chuck Cadman's intent in the bill.

Going into my concluding remarks, I want to say that when we have bills before the House that have potential, when we have ideas put on paper coming forward in the House that could have some beneficial aspects to them, it always has to be remembered that it is only paper unless we have the resources to put in place, to monitor and to make sure that the punishments match the crimes of perpetrators on our Canadian streets.

I cannot emphasize enough that we should shut down the gun registry and put that money into front line police officers. I cannot emphasize enough that not only do our bills and our laws have to be tougher on crime, but we also have to make sure that those laws can be monitored. We have to make sure that our citizens are kept safe and that they can have the hope of being safe on our streets in Canada.

• (1355)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the member referred to a number of cases. She referred to the Mayerthorpe case where the four RCMP officers were killed and to a few others. She came to the conclusion that the resolution of the problem was the gun registry.

Just to remind the member, the gun registry still enjoys the support of the Canadian Association of Chiefs of Police. The latest statistics are that 3,000 hits or checks to the register are made each day to assist officers in the discharge of their responsibilities.

The following is not a trick question, but I think it might identify why the member is maybe a little off on her solution. I wonder if she could just simply tell me how much it costs each year to operate the gun registry.

•(1400)

Mrs. Joy Smith: Mr. Speaker, I know it is proper to thank the member opposite for that kind of comment and question. However, let us be clear. When we have over \$1 billion in a gun registry and when we have a shortage of police officers on the street, there is a big problem. There can be a gun registry. There would be nothing wrong with the gun registry if it were monitored properly. A gun registry should not cost in excess of \$1 billion. I have a problem with a government that has a gun registry that wastes so much money but will not put police resources on the front lines so police officers could serve our communities.

The Acting Speaker (Mr. Marcel Proulx): We will now go to statements by members.

STATEMENTS BY MEMBERS

[English]

UNIVERSITY OF OTTAWA HEART INSTITUTE

Ms. Marlene Catterall (Ottawa West—Nepean, Lib.): Mr. Speaker, I am pleased to congratulate and thank the Indo-Canadian community in Ottawa for its recent fundraiser in support of the University of Ottawa Heart Institute.

Dhadkan, which means heartbeat, is the name given to the community's project to raise funds and awareness, and to encourage volunteering for the Ottawa Heart Institute. This year's dinner was attended by the Minister of Health and the Minister of International Trade, and \$1.4 million was raised to support the vital work of the Ottawa Heart Institute.

Congratulations to those from the Indo-Canadian community who sit on the board of the institute's foundation, those who are life patrons because of their generous financial support, and to Dhadkan for another superbly successful event.

* * *

AGRICULTURE

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Speaker, grain farmers are facing some of the toughest times in the past 30 years. Some people say that sounds like a broken record. How can every year be the worst? Others say that if things are that bad, maybe they should quit. That is absurd.

The fact is that farmers are quite willing to deal with weather problems and normal risks, but they cannot be expected to deal with spiralling increases in input costs like fuel, fertilizer and pesticides while they continue to suffer lower prices for their crops due to unfair trade practices in other countries. It is simply not fair and it is not possible.

One trade organization estimates that even marginal progress at the WTO trade talks would increase the price farmers receive for wheat by \$1.80 a bushel for example, but the government does nothing to negotiate a fair deal. Furthermore, it refuses to fix the CAIS program to fairly compensate farmers for price reductions caused by unfair trade.

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These Liberals have to get the boot before farmers simply cannot keep on operating.

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WESTFORT INTERNATIONALS

Mr. Ken Boshcoff (Thunder Bay—Rainy River, Lib.): Mr. Speaker, talk about a world series. I am pleased to rise today to congratulate the Westfort Internationals Baseball Club on capturing the Canadian Little League Championship this past June.

Westfort pounded its competitors at the national playoffs with an average win margin of 10.5 runs. It stripped the title from the defending champion, East Nepean Eagles, with an 8 to 0 win. It then went on to represent Canada at the little league championships world series in Maine.

Please join me in congratulating the Westfort Internationals led by coach Bill Oleksuk and assistant coach Danny Oleksuk on their success. A hearty well done to the Westfort Internationals, 2005 Canadian Little League Champions.

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[Translation]

NATURAL DISASTERS

Ms. Francine Lalonde (La Pointe-de-l'Île, BQ): Mr. Speaker, more than a week after the catastrophic earthquake in South Asia, matters might become worse if the international community does not step up its efforts quickly.

In Pakistan, the country most heavily affected by this, the largest earthquake in its history, a second wave of deaths is feared. The combination of cold weather, disease, isolated villages that are virtually inaccessible and bad weather threatens thousands of survivors.

Despite the logistical nightmare of the rescue and aid operations, the international community must respond to a new appeal for aid launched by the UN. So far only \$6 million of the \$312 million the UN asked for has been forthcoming.

The Bloc Québécois offers its condolences to the people affected in South Asia, especially in Pakistan. We are deeply troubled by the slowness with which the international community is reacting to a disaster of this scale.

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•(1405)

[English]

GURSIKH SABHA UNITED

Hon. Navdeep Bains (Mississauga—Brampton South, Lib.): Mr. Speaker, I would like to take this opportunity to congratulate the Gursikh Sabha United Soccer Team.

Earlier this month GS United won the National Soccer Championship in Calgary, Alberta. It was the first time in 16 years that a team from Ontario won the cup and it is the 11th team from Ontario to win the cup since the tournament started in 1902.

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GS United started in 1990 as a way to engage youth desiring to play soccer at a competitive level. Yet, in a short period of time the program has evolved into a breeding ground for soccer excellence. Many players have received university scholarships and a few players have moved on to the Canadian Olympic team and the Canadian national team.

I am here today to acknowledge GS United's efforts in providing leadership on the soccer field but more importantly, I would like to commend it for the leadership and what it has provided to the community. I congratulate it on its soccer success.

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ROBERT HULSE

Mr. Michael Chong (Wellington—Halton Hills, CPC): Mr. Speaker, Wellington—Halton Hills resident the Reverend Canon Dr. Robert Hulse, Rector Emeritus of St. John the Evangelist Church in Elora, was recently made a member of the Order of Canada.

Canon Hulse became rector of St. John's in the 1960s. Over the last 40 years, he established St. John's Church choir as one of Canada's preeminent choral choirs. In 1972 he established St. John's-Kilmarnock School, a leading Canadian co-educational, independent day school. He was instrumental in establishing the Elora festival and the Elora festival singers. All the while, he continued his very busy ministry as rector of a large and busy parish.

He has given greatly in Elora and beyond in the larger Canadian community to the arts, to education and to charity. His significant contribution to the life of this vast country from a community so small makes his life's work an even greater achievement.

I ask all members in this 38th Parliament to join me in congratulating Reverend Canon Robert Hulse for his contribution to the Dominion of Canada.

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DYSTONIA

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Speaker, the Dystonia Medical Research Foundation of Canada is dedicated, first and foremost, to heightening public awareness about this debilitating neurological disease; second, to increasing funding for research; and third, to promoting greater support for those who suffer from dystonia.

Dystonia is a neurological movement disorder, characterized by involuntary and sustained muscle contractions that twist the body with abnormal movements and postures. It can affect almost any part of the body, from the neck and shoulders, to eyes, jaws, vocal cords, torso and limbs. Despite the fact that dystonia is the third most common movement disorder after Parkinson's and essential tremor, few people are aware of the disease.

Today is the second annual dystonia advocacy day. I invite all members of this House to attend a reception and learn more about dystonia in the Speaker's chambers immediately following tonight's vote.

[*Translation*]

CO-OP WEEK

Mr. Réal Lapierre (Lévis—Bellechasse, BQ): Mr. Speaker, this week we are celebrating Co-op Week. My riding was the birthplace of the Desjardins movement. The historical roots of Desjardins in Lévis mean that the people of Lévis and the Chaudière-Appalaches region take a special interest in cooperatives.

In my riding, there are cooperatives in a number of sectors including agriculture, the food industry, cable television, and the hotel, restaurant and service industry. They create many jobs and contribute to the socio-economic development of our communities.

Congratulations to the people involved in the cooperative movement. Thanks to all the volunteers, members and workers involved in promoting the values of the cooperative movement, which include the community taking care of itself, personal and mutual responsibility, democracy, equality, equity and solidarity.

* * *

MONTREAL CHILDREN'S HOSPITAL

Hon. Denis Paradis (Brome—Missisquoi, Lib.): Mr. Speaker, recently a walk was held in Bedford, organized by little Monika Nelis Dupont's family in order to raise funds for the Montreal Children's Hospital.

I want to congratulate them on this initiative, which was launched last year. I want to commend Mary Nelis, in particular, without whom there would not have been a march. This mother has devoted her life so that her little girl, who is suffering from a degenerative disease, can enjoy a certain quality of life. I salute her tenacity and support her efforts over the past several months to have the government underwrite the cost of Aldurazyme, which is a very expensive treatment.

Her daughter, Monika, aged 6, is suffering from a disorder that causes severe joint problems and organ failure. Despite all the problems caused by this disease, Monika possesses courage and determination that are an example to us all.

I congratulate everyone who took part in this walk. Their participation may make a world of difference to Monika and her friends.

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● (1410)

[*English*]

CITIZENSHIP AND IMMIGRATION

Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC): Mr. Speaker, Citizenship Week recognizes the value of citizenship and immigration. This would also be the ideal time for the Liberals to keep their broken promises to modernize the Citizenship Act. The current act still allows the government to strip people of citizenship behind closed doors.

The Prime Minister once said publicly that, “you cannot cherry pick rights”. However, the reality is that his government refuses to ensure that naturalized Canadian citizens are fully protected by charter rights to an open judicial process. Add to this, delays of over a year to process citizenship applications. One provincial capital has not even had a citizenship judge for two years.

This Liberal government needs to do more than pay shallow lip service to the value of citizenship and immigration. It has consistently failed to deliver good service to new citizens and immigrants, in spite of collecting substantial fees. Citizenship Week would be a good time for real improvement.

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WALK AGAINST VIOLENCE

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, on August 28, 1999 Jason MacCullough, a 19-year-old student from Dartmouth, was murdered. Jason was a well liked young man and was very active in the community.

The events of that evening are deeply troubling. For no apparent reason, Jason was senselessly murdered. It was a random act of violence, an act of violence that resulted in the loss of a life that was just beginning and was full of potential.

Violence affects us all. When it happens to young people, the effect is even more profound.

Some six years later, the community of Dartmouth continues to honour Jason's memory. Tomorrow, Wednesday, October 19, the Dartmouth Boys and Girls Club in conjunction with the Foresters Branch 1250 will be holding the sixth annual Walk Against Violence in support of victims of crime and to raise awareness of issues related to crime in our community.

We hope some day this murder will be resolved and justice will come to those individuals who committed this act. Jason MacCullough will continue to be an inspiration to his family, his friends and his community.

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LABOUR

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, this past year seems to have been open season on organized labour disputes that are the result of an unwillingness to negotiate, a lack of political leadership, and a system that gives unfair advantages to management.

A Telus lockout in which management ignored labour board rulings went on for more than 90 days and the entire dispute many months longer than that. Currently our news is filled with threats from another Liberal leader in British Columbia to send our labour leaders to jail for standing up against unjust legislation. There are images of management running workers off the road in Brooks, Alberta. In Timmins, Falconbridge is fighting to strip workers of their benefits while signing a \$12 billion deal with Inco.

It is time for the government to show some leadership and challenge the growing culture of contempt for labour in this country. Workers' rights have been won through years of difficult negotiation. The benefits help all working Canadians. What has been happening

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recently points to an Americanization of the system and workers across this country are suffering.

Let us stop moving away from the rights and privileges that have been gained by organized labour in this country and move toward a strong defence of our labour community.

* * *

NICHOLAS SALAMIS

Ms. Helena Guergis (Simcoe—Grey, CPC): Mr. Speaker, I rise today on behalf of my Conservative colleagues and all Greek Canadians to pay tribute to an icon of Montreal's Greek community, Father Nicholas Salamis, who passed away on Sunday at 108 years of age.

Father Salamis was born on the Greek Island of Samos in 1897. At the age of 17 he immigrated to America before settling in the Greek community in Montreal in 1919. At age 35 he decided to become an Orthodox priest and returned to Athens to study theology.

In 1938 Father Nicholas Salamis returned to Canada and spent seven years in a Toronto parish before he transferred back to his beloved Montreal.

Father Salamis became the rock of his community watching over his flock for over 40 years. I am told that Father Salamis conducted over 10,000 religious ceremonies throughout his tenure.

My executive assistant, George Sardelis, who is of Greek descent, has spoken highly of Father Salamis to me on many occasions.

The Greek community will miss him dearly. However, we will never forget his passion and commitment toward his community.

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● (1415)

[Translation]

COMMEMORATION OF THE PERSONS CASE

Ms. Nicole Demers (Laval, BQ): Mr. Speaker, October 18 is the anniversary of the Persons case, which is a reminder that women's rights were hard won.

In 1927, Emily Murphy, Nellie McClung, Irene Parlby, Louise McKinney and Henrietta Muir Edwards asked the Supreme Court of Canada to declare that the word “person” included women. The answer was no, and they were denied access to judgeships and seats in the House of Commons and the Senate.

The case went before the British Privy Council, which ruled in their favour on October 18, 1929. The English lords determined “that the exclusion of women from all public offices is a relic of days more barbarous than ours”.

Let us pay tribute to them today for opening the first doors to gender equality.

Oral Questions

[English]

NEW DEMOCRATIC PARTY

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, when it comes to parliamentary democracy, the New Democratic Party is acting more like an old autocratic party.

When the member for Churchill stood up for her conscience and her constituents by voting to preserve the traditional definition of marriage, the NDP leader stripped her of her critic responsibilities. Then he encouraged his hand-picked candidate to defeat the hard-working MP in a nomination battle, forcing her to sit as an independent member.

The MP for Churchill is a former hospital employee, union representative and a school board trustee. She is hard working and well liked by her constituents and parliamentary colleagues. In short, she represents the populist spirit of Tommy Douglas. But that spirit has no place in today's NDP which puts slavish devotion to political correctness far ahead of mainstream Canadian values.

If people want an MP who stands up for her constituents and does what she believes is right, not just somebody who toes the party line, they have no home in today's downtown NDP.

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ETOBICOKE SPORTS HALL OF FAME

Hon. Jean Augustine (Etobicoke—Lakeshore, Lib.): Mr. Speaker, on October 20 the Etobicoke Sports Hall of Fame will be holding its 12th annual induction dinner at the historic Old Mill Inn and Spa in my riding.

I commend the board of governors, organizers and sponsors for hosting this event in recognition of the exemplary accomplishments of community members.

Congratulations to this year's inductees: W. Zeke O'Connor, Mark Osborne, Erin Woodley, Frank Bonello, Tom Watt and Louis Cauz. They have demonstrated that with determination and commitment, excellence can be achieved. They have set a remarkable example of superior sportsmanship.

In Etobicoke we are proud of our heroes. I wish them the very best in all future pursuits.

ORAL QUESTIONS

[English]

INCOME TRUSTS

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, the government has tried to claim that it has support for its actions against income trusts, but here is what the Canadian Association of Retired Persons said today:

—based on the surge of e-mails, faxes, letters and telephone calls...seniors are actually enraged, frightened and panicked about potentially losing retirement savings that they count on for essentials of daily living.

Will the Prime Minister finally admit he bungled, backed down and reversed his position on income trusts?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, if the hon. member were to take a look at the file, he would find out that, first, the province of Alberta has raised the same worries, as has the Minister of Finance. He also would note that there are worries about reinvestment in terms of productivity, which is so important, and worries in terms of fairness among investment vehicles.

This government takes no lessons from that opposition in terms of seniors. As a government, we have been retiring debt and making sure that the health care system is sound for them, certainly issues that the hon. member and the opposition have not taken into account and have refused to believe.

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, that is not what seniors are saying. Seniors are seeing a government full of waste and scandal, whether it is fisheries, or Indian affairs, or the Mint or Technology Partnerships. They see the same government clamping down on the retirement savings of seniors and investors.

Here is what CARP quotes seniors actually saying:

Your actions are happening at a time when retirees are facing some very major increases such as energy costs...As government, you should be trying to help the people, not hurt us.

Once again, and another chance for the Prime Minister, will he back down and reverse his ill-considered decision on income trusts?

● (1420)

Hon. John McKay (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, the flow through entities referred to by the hon. member are a great concern to the government and to individual investors as well.

What has developed in the marketplace is a differentiation between the tax treatment in corporations and the tax treatment in income trusts. This is of concern to all Canadians, including the people about whom the hon. member seems to be concerned. We want to treat all Canadians in an equal fashion so they indeed can save for their retirement.

* * *

DAVID DINGWALL

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, what the parliamentary secretary is really saying is the returns were too good, so they want to clamp down on them.

Just to draw the contrast, yesterday the government said that it would deduct any improper payments from the severance it wanted to pay the Prime Minister's friend David Dingwall. We know that David Dingwall already improperly received \$350,000 from Technology Partnerships.

Will the Prime Minister assure us that he will deduct that \$350,000 from any payment to David Dingwall?

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, I think the hon. member knows that the agreement with the government is with the company and we have recovered that money. Therefore, if the company chooses to go after Mr. Dingwall, that is the business of the company, not the Government of Canada. We are recovering all taxpayer money. We have done so and we will continue to do so.

Oral Questions

Hon. Stephen Harper (Leader of the Opposition, CPC): What we know, Mr. Speaker, is that David Dingwall is not entitled to another dime of taxpayer money.

I want to ask the Prime Minister again because this was his idea. This is the man he called the Saint David of public service here on the House of Commons floor. Once again, will he assure us that he will not pay David Dingwall a cent when he already owes \$350,000 back to the government?

Hon. John McCallum (Minister of National Revenue, Lib.): Mr. Speaker, I want to inform the House that I am always keen to get information publicly as quickly as possible. Having been led to believe that the results of the audit would be available tomorrow, I said so in question period. However, at 6 p.m. I learned that the audit results would not be available until a week from tomorrow. I immediately reported this in the House at 6:20 p.m. or so yesterday. While I regret having inadvertently given wrong information, those are the facts.

Mr. Brian Pallister (Portage—Lisgar, CPC): Mr. Speaker, like the government, the minister runs faster backwards than forward. We all know that Dingwall could not possibly have been off side because there were no lines on the ice. Section 7.5 of the Mint's travel policy says, "Exceptions to this policy will require the approval of the President". There also are exceptions in the Mint's hospitality policy for, guess who, the president.

These rules were written after the sponsorship scandal, after Ouellet, after Radwanski and after the Prime Minister came into office. Why has he done nothing? How many Liberal red flags does the Prime Minister need?

Hon. John McCallum (Minister of National Revenue, Lib.): Mr. Speaker, there are two points of which the hon. member should be aware. First, expenses are not approved by the president. Expenses are approved by the board of directors of the Royal Canadian Mint.

Second, as I announced yesterday, the appropriateness of those rules will itself be examined by a well known expert in corporate governance called Peter Dey. Mr. Dey will be examining the appropriateness of all those rules and making recommendations for potential improvement to the Mint.

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[*Translation*]

CHILD CARE

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, yesterday we learned from the lips of the Prime Minister himself that although child care centres come under Quebec's jurisdiction, children themselves are of national interest. According to the Prime Minister's reasoning, the federal government could therefore impose its conditions as far as child care funding is concerned, since children are of national interest.

Are we to take from this that the federal government would, in the name of national interest, override Quebec's jurisdiction over child care?

• (1425)

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, that is not what I said. I said that child care centres fell under provincial jurisdiction, but that it was quite natural for Canadians to say their children ought to be of national interest. This has nothing to do with jurisdiction or authority, but definitely does have a lot to do with a vision of our country and the future of the generations to come.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, he has just repeated exactly what I said. Continuing with the Prime Minister's line of reasoning, those same children, of national interest according to him, also attend elementary school.

So, will the next step in that reasoning be to conclude that Ottawa will be sticking its nose into elementary schools, which are exclusively under Quebec's jurisdiction, in order to impose its rules and conditions, still in the name of "national" interest?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, I have already answered that. The answer is no. I said so yesterday.

There is one thing I do not understand. Canada and Quebec have just achieved an extraordinary victory at UNESCO which protects cultural diversity and is the culmination of a battle waged by Canada and the provinces, Quebec in particular. It is inconceivable to me today that the leader of the Bloc Québécois has not even had the decency to congratulate Quebecers and Canadians on this victory we have achieved together.

Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ): Mr. Speaker, I can understand that the Prime Minister does not want to answer the Bloc leader's question. However, I want to ask him this. He indicated that he was getting involved in child care, a matter that has absolutely nothing to do with the federal government, because children were of national interest.

My question is quite simple. If he can justify getting involved in child care because children are of national interest, I guess he considers this also justifies getting involved in elementary schools because these same children remain of national interest?

Hon. Lucienne Robillard (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, this is incredible. Unlike the Bloc, we and the Quebec government believe in a Canadian federation. In a federalist system, both levels of government work together to ensure the public good. This is at the heart of everything we do.

Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ): Mr. Speaker, this is a new constitutional theory that enhances the one held by the Prime Minister. Now, we will invite the Quebec government to take care of military problems. This is a federation, we will ask the government to take care of everything. That is the reality.

My question is as follows. How can the government seriously justify the fact that it is poking its nose into child care in Quebec? This network existed long before the federal government. The Prime Minister was on his knees during the last election campaign in order to find out how this network worked. How can he now set national standards?

Oral Questions

Hon. Lucienne Robillard (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, this is pure nonsense. It has never been a question of setting national child care standards throughout Canada. Never.

An hon. member: They want to scare people.

Ms. Lucienne Robillard: In fact, everyone agreed to work together, including with the Quebec government. It was never a question of setting conditions and national standards. Instead, it is about working together and supporting this model which may inspire the other provinces.

* * *

●(1430)

[English]

HEALTH

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the NDP has repeatedly asked where the response to the Chaoulli decision is to be found from the government and repeatedly we have been told that no response is necessary, that we already had the response in the \$41 billion and that no new rules are required to stop the growth of private health care in Canada.

The Prime Minister said that this was the fight of his life so let me ask a very simple question. Does the federal government need new rules to stop the growth of private health care in this country, yes or no?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, the basis of the Chaoulli decision was that waiting times were too long and as a result the Supreme Court made the decision that it did.

We anticipated this in the election campaign and we anticipated it when we had the federal-provincial conference in which we put the \$41 billion over the next 10 years precisely to deal, among other issues, with the issue of waiting times.

On the question of benchmarks, the Minister of Health has worked very hard across the country. We appointed Dr. Brian Postl to advise the Minister of Health on this particular issue and he is having a very important federal-provincial conference on that issue.

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the fact is that this so-called \$41 billion solution has not worked for wait times and it has not stopped the privatization of our health care system.

The Prime Minister says that he is very concerned about this but is the reason that he will not agree to new rules and will not answer the question properly is that he knows he will go down in history as the Liberal Prime Minister who would not defend public health care in this country?

Hon. Ujjal Dosanjh (Minister of Health, Lib.): Mr. Speaker, that is absolute nonsense. The fact is that it was the Prime Minister who made wait times the issue. It was the Prime Minister who actually provided \$41.3 billion. It was the Prime Minister who appointed Dr. Brian Postl. It is the Prime Minister who is going to see that we have benchmarks before the end of the year and that we strengthen the public health care system.

Our quarrel is not with the NDP. We share the objective with the NDP of strengthening public health care. It is those people opposite who actually have no commitment to public health care.

Some hon. members: Oh, oh!

The Speaker: Perhaps we could have a little less catcalling in the House. It is very difficult to hear the answers when members are continually yelling things. It would be a little more orderly if members would be quiet and listen to the questions and the answers.

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INDIAN AND NORTHERN AFFAIRS CANADA

Mr. Jim Prentice (Calgary Centre-North, CPC): Mr. Speaker, yesterday the Minister of Indian Affairs told Canadians that his gag order contract with Totem Hill Inc. protected sensitive personal information.

I have the contract. It is not a contract about sensitive personnel information. The contract relates to the audit and management structures of the department. It relates to whether or not his department is meeting its constitutional, legal and treaty obligations to aboriginal Canadians. It relates to how DIAND measures the health of aboriginal communities and their quality of life. This is not a personnel matter.

Why did the minister mislead the House?

The Speaker: We had difficulties with that kind of question about a week and a half ago and I have indicated my dissatisfaction with that kind of question. Inviting a minister to answer one question is one thing. Inviting him to explain why the House may have misconstrued his remarks is another. We will not have this. I am warning that the next time I will rule the question out of order. We will proceed and if the minister is willing to answer he may do so.

Hon. Andy Scott (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, as I said yesterday regarding the aspect of the contract that involved personnel matters, we asked for that to be done in an oral presentation. On the balance, there is a contract, there is a statement of work and there is a clear audit trail which shows the department received what it paid for.

[Translation]

Mr. Jim Prentice (Calgary Centre-North, CPC): Mr. Speaker, I have the contract; it is not a personnel matter. Everyone knows that the minister is trying to gag his consultants. He does not want Canadians to find out that every social indicator shows that the quality of life of aboriginals is deteriorating. He does not want them to know that he and the Prime Minister are responsible for this mess.

Is that not why the minister is stifling his consultants?

●(1435)

[English]

Hon. Andy Scott (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, we are getting to the bottom of the audit and evaluation branch. That is what this exercise was about. It was intended to get that kind of information. There was sensitive personnel information that we wanted to protect. It was a small part of a contract. There is a contract and there was a clear audit trail.

*Oral Questions***THE ECONOMY**

Mr. Monte Solberg (Medicine Hat, CPC): Mr. Speaker, a new Conference Board report reveals that Canada's world economics performance at the hands of the Liberals has slipped from third to twelfth in just two years. We see it every day actually in layoffs in the manufacturing sector around this country.

Anne Golden of the Conference Board of Canada today called the government's recent economic initiatives "foolhardy".

Why should Canadians settle for foolhardy Liberal policies that are clobbering our economic performance?

Hon. John McKay (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, Canada at this point is enjoying a very prosperous period of time in its history. Inflation is between 1% and 3%. We enjoy historically low interest rates. The government books are balanced. We have paid down \$60 billion in debt. Family incomes are up 8% between 1993 and now. After tax income is up 11% in the same period of time.

When the Conservatives were involved in government in a period of time, incomes actually declined 16%. I would ask the hon. member to review the report and point to the last and concluding thought which says "Canada remains—

The Speaker: The hon. member for Medicine Hat.

* * *

INCOME TRUSTS

Mr. Monte Solberg (Medicine Hat, CPC): Mr. Speaker, there they are whistling through the graveyard again.

Today the Canadian Association of Retired Persons wrote the finance minister to tell him that he had it all wrong on income trusts. CARP says that "seniors are actually enraged, frightened and panicked about potentially losing retirement savings that they count on for essentials of daily living".

We know that a senior Liberal is quoted as saying that income trust investors do not count politically. Maybe it was the parliamentary secretary. Is that why the parliamentary secretary and the government are attacking the retirement savings of seniors?

Hon. John McKay (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, I know the hon. member to be an intelligent individual, however—

Some hon. members: Oh, oh!

The Speaker: I know this kind of compliment can provoke disorder but the parliamentary secretary has the floor.

Hon. John McKay: And it appears, Mr. Speaker, that he has had a lapse from that usual level of intelligence.

This is an area of complex public policy in which the rights of all Canadians, including the rights to set aside sufficient funding for their retirement, needs to be protected.

I would ask the hon. member to contemplate the productivity agenda that is presently before the finance committee and include in that productivity agenda his concern about the way in which income trusts need to be treated.

[Translation]

CHILD CARE

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, the Prime Minister agreed, in the context of health, that a special agreement would be made with the Government of Quebec confirming that Quebec has full control over the application of the health agreement within its jurisdiction.

Why then is his government reluctant to sign an asymmetrical agreement with Quebec on child care, when that sector is clearly the responsibility of Quebec and one in which that province is already investing \$1.5 billion a year, more than all the other provinces combined?

Hon. Lucienne Robillard (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, we have also signed separate agreements with Quebec and the other provinces on immigration, labour, fuel tax, housing and the homeless, and we will do the same for child care.

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, the federal government is insisting that the money it wants to invest in setting up a child care network be used specifically for that purpose in all the provinces of Canada. But how can it justify requiring this of Quebec where the network is already in place and even sets an example for the others and where Quebecers are already investing \$1.5 billion a year in this service? Is it not ridiculous that the federal government has not figured this out already?

● (1440)

Hon. Lucienne Robillard (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, this is just today's installment of the Bloc's tall tales. We will acknowledge precisely what is going on in Quebec, and the innovative model it has developed over the years. We will acknowledge it in the funding agreement we will sign with the Government of Quebec.

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TAXATION

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, this new interference by the federal government in areas of jurisdiction belonging to Quebec and the provinces and this notion of national interest are made possible by the very existence of the fiscal imbalance.

Is this notion of national interest not just a new pretext and a new justification being used by the federal government for its repeated infringements in areas of jurisdiction belonging to Quebec and the provinces?

Oral Questions

Hon. Lucienne Robillard (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, do you know that we live in a country called Canada? In a country, is it not normal to speak of national interest, the interest of all the citizens of this country? I understand that the Bloc, which wants only to separate, does not share this notion of country. I can understand that. However, Canadians, including Quebecers, want all levels of government to work together for the good of all. This is what we are doing.

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, let us talk about national interest. Back when he was finance minister and trying to reduce the deficit, national interest had nothing to do with it. The finance minister eliminated the deficit, at the expense of Quebec and the provinces, by cutting their transfer payments without any regard for national interest. Now that the government is swimming in surpluses, the national interest has suddenly become important.

Does the Prime Minister realize that he is confusing national interest with Liberal interest?

Hon. Lucienne Robillard (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, on the contrary. The former finance minister had our national interest at heart when he decided to reduce the national debt, completely eliminate the deficit and ensure a truly balanced budget. This has allowed us to ensure better economic conditions for the entire country. These conditions are good not only for individuals, but also the provinces and the municipalities, which can benefit from lower interest rates and controlled inflation. That is what the former finance minister did. That is what the Prime Minister of Canada is doing today.

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[English]

FISHERIES AND OCEANS CANADA

Mr. Loyola Hearn (St. John's South—Mount Pearl, CPC): Mr. Speaker, while the Department of Fisheries and Oceans rack up expenditures of \$42 million on travel and hospitality, services to fishermen are being eroded.

Recently it took the search and rescue chopper more than two hours to get off the ground when a distress call was received from the fishing boat, *Melina & Keith II*, which had overturned and four lives were lost.

Could the minister tell us where his priorities lie: searching for fishermen in distress or for employees who have gone AWOL?

Hon. Geoff Regan (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, let me first indicate my sympathies to the families of those who lost their lives in that incident. Obviously that is very disturbing.

I want to point out that this audit was initiated and done by our department. It was our audit and it is posted on our website. The audit shows that our department has reduced its expenditures in the areas of hospitality and travel by nearly 20% over the past two years. That is money that can be used for the priorities of the department, such as the priorities my friend talks about.

Mr. Loyola Hearn (St. John's South—Mount Pearl, CPC): Mr. Speaker, the minister is avoiding the real issue. The distress signal from the *Melina & Keith II* was received before the crew left its regular shift.

While DFO officials can spend over \$5,000 above the regular fare on flights, the search and rescue crew could not be kept back for a few minutes of overtime until it determined the location of the tragedy.

Why was the search and rescue chopper not available immediately once the location was determined?

Hon. Geoff Regan (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, my hon. colleague knows full well that our staff with the Coast Guard and search and rescue do an excellent job, work very hard and are very dedicated.

He also knows my department has over 10,000 employees working in every province of this country, including remote coastal communities where they respond to these kinds of distress calls. In fact, 87% of our employees work outside the national capital region. We have scientists conducting world class field research. We have officers conducting fisheries patrols. We have engineers ensuring the safety of wharves and harbours. By their very nature, travel is required.

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●(1445)

ETHICS

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Mr. Speaker, in November last year the multiculturalism minister was the owner of a school in China. By April of this year he was not. In the interim, he went on a Team Canada mission to China, accompanied by the two people who had purchased the company. This could be construed as an effort to use an official trade mission to boost the value of the company, either before or after the sale, to ensure a higher sale value.

Yesterday the minister refused to answer my questions on this matter, so I ask him again: Is there an innocent explanation for his conduct, and if so, what is it?

Hon. Mauril Bélanger (Minister for Internal Trade, Deputy Leader of the Government in the House of Commons, Minister responsible for Official Languages and Associate Minister of National Defence, Lib.): Mr. Speaker, this question was answered fully yesterday.

The minister, upon being invited by the Prime Minister to join cabinet, went to consult the Ethics Commissioner who recommended that he dispose of the shares. In December 2004 the minister did exactly as was suggested. Therefore, he is not in a conflict of interest situation.

I would invite the member, before casting aspersions on people in the House, to do better homework than he has done so far.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Mr. Speaker, the question is not whether the minister divested. The question is whether he divested in a manner that represents a conflict of interest.

Oral Questions

The question is whether, a month after selling the business, the minister took the current owners on a trade mission to sign a contract with Beijing University as a way of boosting the value of his school and thereby raising the price that they would have been willing to pay for the school. If so, he was enriching himself at the public expense.

Surely the minister can speak for himself and demonstrate to Canadians that this was not the case.

Hon. Mauril Bélanger (Minister for Internal Trade, Deputy Leader of the Government in the House of Commons, Minister responsible for Official Languages and Associate Minister of National Defence, Lib.): Mr. Speaker, this is verging on the despicable here. We have a minister who did exactly what the ethics adviser suggested he do, which is to divest himself of all interest. That was done in December 2004 before any trip that the member mentioned, so the minister was not in any conflict of interest.

To keep on asking questions when the member well knows the answer is not doing justice to the House.

I invite the member to do his homework and find out that indeed the minister divested himself of all shares before any such trip took place. Therefore, there is no conflict.

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[Translation]

THE ENVIRONMENT

Ms. Françoise Boivin (Gatineau, Lib.): Mr. Speaker, the leader of the official opposition and the members of the Conservative caucus have been saying for ages that they do not believe in Kyoto. Now we have the statement made yesterday by his new adviser and Quebec lieutenant that he agreed with the Kyoto objectives and there was no question of tearing up the agreement. He then backtracked by adding that the objectives were unrealistic.

Those of us on this side of the House feel no need to flip-flop on this issue. Can the Minister of the Environment explain to us what the government has done?

Hon. Stéphane Dion (Minister of the Environment, Lib.): Mr. Speaker, it is simple. When the Conservatives are in Alberta and speaking English, they say they are opposed to Kyoto. When they are in Quebec and speaking French, they say they are all for it. That is their tactic.

In the meantime, we are implementing the plan on climate change. We are starting up a climate fund and a partnership fund. We will be hosting the entire world in Montreal for a major conference on climate change. This very day I have announced a world first, a new simulation tool for the wind energy atlas.

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[English]

DEMOCRATIC REFORM

Hon. Ed Broadbent (Ottawa Centre, NDP): Mr. Speaker, my question is for the Prime Minister.

When the Liberals were elected in 1993, among 17 industrial nations when it came to concerns about corruption and transparency,

Canada ranked fourth from the top. There has been steady decline since, until today's report where we are fourth from the bottom in 17 nations.

When is the Prime Minister going to stop the general phrases about clean government, democratic deficit and transparency? When is he going to do something about it?

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, if the member would read a little further in the Transparency International press release, he would note that Canada remains at the head of the pack in the Americas and that—

Some hon. members: Oh, oh!

● (1450)

The Speaker: Order. Members do not want to waste time in question period. The President of the Treasury Board has the floor to give an answer to the hon. member for Ottawa Centre. There is a little disorder. It is impossible for the Chair to hear the answer, let alone the hon. member for Ottawa Centre.

The President of the Treasury Board has the floor. We will want to hear the answer.

Hon. Reg Alcock: Mr. Speaker, the press release stated:

Canada has again achieved the highest score in the Americas region. However, some of Canada's leading financial institutions have been implicated in scandals in recent years, and there have also been scandals related to governments in Quebec and the City of Toronto which have dominated the headlines and raised concern. The relatively quick government responses to corruption allegations, including the establishment of commissions of inquiry in the above cases, have been particularly important in minimizing the lasting effects of these incidents.

It is the actions of this Prime Minister—

The Speaker: The hon. member for Ottawa Centre.

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LOBBYISTS

Hon. Ed Broadbent (Ottawa Centre, NDP): Mr. Speaker, I am amazed the government takes pride in being ahead of mostly developing nations in the Americas as opposed to the overwhelmingly industrial nations in Europe which we used to compare ourselves with.

The Minister of Industry said yesterday that when it came to lobbyists, he was going to aggressively “recover contingency fees paid illegally”.

My question for the Minister of Industry again is about action rather than just talk. Will he first acknowledge there is nothing in the act that prohibits anyone from taking a contingency fee, and second—

The Speaker: The hon. Minister of Industry.

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, as the hon. member knows, we do recover where there are events where companies have paid a contingency fee. The companies know and the lobbyists know that this is against Treasury Board policy. It is not against the act; it is against Treasury Board policy. This government has put in place rigorous policies to make sure that there are no contingency fees permitted and we have recovered every cent.

*Oral Questions***JUSTICE**

Mr. Vic Toews (Provencher, CPC): Mr. Speaker, this morning Ontario police chiefs identified the government's laws, including house arrest and early parole, as obstructing their fight against crime and strangling the justice system. The police chiefs told us the parole board has been giving weekend passes to convicted murderers and sex offenders so they can attend local theme parks.

Could the minister explain to wondering Canadians why convicted murderers and sex offenders should be given weekend passes to children's amusement parks?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, obviously the purpose of the parole system has to be to ensure the public safety. That is why I have asked the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness to review both the Corrections and Conditional Release Act and the parole system to determine whether we have the balance right.

The specific incidents which the hon. member referred to I am not aware of. I was made aware of the allegations by the Ontario Police Association just a few minutes ago. I will undertake to investigate whether or not any federal prisoners were sent to any amusement park anywhere.

Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC): Mr. Speaker, today the Vancouver Board of Trade announced that crime is skyrocketing in Vancouver. The Vancouver crime rate is almost the worst in the country and is destroying the quality of life. The board says that the answer is stiffer sentences for repeat offenders involved in the drug trade and auto theft.

After 12 years of failed Liberal justice policies, Lower Mainland Liberal MPs still deny there is a problem. When will they get their heads out of the sand and institute mandatory minimum sentences that will keep violent criminals behind bars and citizens safe on our streets?

Hon. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, as I have said on a number of occasions in this House, the protection of public safety and the safety of our citizens is a priority for the government.

In fact, if the member would check, he would see within the Criminal Code that other than murder, there are 10 offences where they are committed with a gun and carry a minimum mandatory penalty of four years. I think the member needs to pay attention. It is there. It just needs to be enforced.

• (1455)

Mr. Stockwell Day (Okanagan—Coquihalla, CPC): Mr. Speaker, last Friday a sexual offender with 42 prior convictions was set free to roam the streets and parks of Merritt, British Columbia. Authorities have also labelled him as a high risk to reoffend. They have also commented that he can legally have relations with children as young as 14 because the Liberals refused to raise the age of sexual consent between adults and minors from 14 to 16.

I do not believe that the Prime Minister in his heart really supports perverse laws that wind up protecting the predators. Why will he not

announce that the laws are going to be changed and we are going to start protecting children?

Hon. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, there is no question when it comes to the protection of children that the opposition has anything on us.

We believe the priority of children is important. We have taken Bill C-2, our first bill in this session of Parliament, and brought it forward for the protection of children and other vulnerable persons.

We believe in the protection of children. We believe that Bill C-2, when it comes into force, will meet that challenge.

Mr. Stockwell Day (Okanagan—Coquihalla, CPC): Mr. Speaker, the Liberals will not see to it because they will not change the law.

Over the weekend the same predator with 42 prior convictions and a high risk to reoffend turned himself in to the local RCMP detachment saying that he was bringing a risk to the community. That mirrors recent comments by the serial rapist Larry Fisher, who said that he himself was surprised that he got out of jail so quickly after so many rapes. While he was out on parole he raped and murdered.

When are the laws going to change? The Prime Minister refuses to listen to citizens who want the laws changed. Will the Prime Minister start listening to the criminals themselves who are saying that these Liberal laws are dangerous?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, as I have indicated, obviously the first and paramount purpose of a corrections and parole system is the protection and safety of the public. That is why I have asked the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness to look at our parole system.

In fact, I am open to the fact and I have said that we may need to rebalance that system. That is why I am seeking the advice of all parties in the form of a reference to the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness. I would just ask that the members get to work.

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[Translation]

CANADIAN HERITAGE

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, two investigation reports prepared in 2004 show that the Department of Canadian Heritage blindly paid millions of dollars to Liberal cronies at the Canadian Unity Council. These damaging reports have forced the department to conduct a more in-depth audit, which may possibly lead to the recovery of the overpayments. Canadian Heritage is refusing to release the results of a third investigation conducted last year.

Why is the minister refusing to release this report? What does she have to hide?

Tributes

[English]

Hon. Sarmite Bulte (Parliamentary Secretary to the Minister of Canadian Heritage and Minister responsible for Status of Women, Lib.): Mr. Speaker, I am quite bemused with the question. My hon. colleague across the floor has given examples and claims that there is money owing, but there are no particulars. If the hon. member could provide me with some of the particulars, I would be happy to address the issue.

[Translation]

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, since she is the parliamentary secretary to the minister, perhaps she could read the two internal audit reports that have been at her disposal for the past year.

At the Gomery inquiry, a former director of the Liberal party, Benoît Corbeil, revealed the existence of a Liberal network that included the Canadian Unity Council.

Does the minister not realize that by refusing to table immediately the most recent investigation report on the funding of the Canadian Unity Council's activities, she is raising suspicions that she too is trying to protect the Liberal cronies involved in this council?

[English]

Hon. Sarmite Bulte (Parliamentary Secretary to the Minister of Canadian Heritage and Minister responsible for Status of Women, Lib.): Mr. Speaker, I am glad that we understand what audit we are talking about. It is the Canadian Unity Council audit. In fact, that audit revealed 10 recommendations and the department has acted on those recommendations.

* * *

NATIONAL DEFENCE

Mr. Gordon O'Connor (Carleton—Mississippi Mills, CPC): Mr. Speaker, until recently the government was considering sole sourcing aircraft projects worth billions of dollars with no competition and no checks or balances. Now it is indicating that the projects are going to competition, but this is just smoke and mirrors. The government is setting requirements that are so restrictive and specific that its preferred choices will win. Other competitors will not have a fair chance.

Why is this government so determined to abandon fair competition? Who will benefit from this?

• (1500)

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, members of the House will recall that it was the hon. member who suggested in the House that we were going to sole sourcing, not I.

I said at that time to please give me a chance to sin before I get punished for my sins. Now the hon. member is saying that we have changed in the direction he wanted us to take and he still wishes to punish people before we have announced what we are going to do.

Once again, would hon. members in the House allow us to come forward with a plan? Then maybe they can criticize the plan.

Mr. Gordon O'Connor (Carleton—Mississippi Mills, CPC): Mr. Speaker, the minister has sinned. The fix is in.

The government has also abandoned open competition. It is declaring the aircraft projects matters of national security. They will not be subject to scrutiny by the Canadian International Trade Tribunal, leaving those unfairly treated with a long court process well after the winner has been chosen.

There is no justification for the national security designation. It is simply a way to bypass scrutiny and open competition. Why is the government so resistant to open competition when billions in taxpayers' money are involved?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, I return to what I said earlier. I wish hon. members would allow us to come forward with a plan. They can criticize it or not criticize it based on what it provides.

I do not know where the hon. member is getting his questions from. I can only speculate that he is being provided misinformation by people within the department or some other place. If he wants to speculate on what we are going to do, he would be happy to speculate, but there is no point in us speculating on the floor of the House. The government will come forward with a procurement plan which is in the best interests of our forces and of our country.

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, recently a Conservative member of the House made a ridiculous allegation when she suggested that the DART is a waste of time and money. Could the minister remind the hon. member for Simcoe—Grey and other members opposite about how the DART is an important and valued component of our relief efforts?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, I have just returned from the region. I have to tell members that it was with great pride we saw the members of our DART going off to a dangerous region, 10,000 feet up in the mountains, to provide medical aid and to provide much needed water and engineering capacity.

In their medical capacity, they are going to have some 34 members, of which 15 will be women, women who will be able to provide young girls and women in that area with the essential aid they require.

Before the armchair quarterbacks at home take cheap potshots at our men and women when they go abroad, they should give them a chance to do their work. Let us listen to what the Sri Lankans said—

The Speaker: Order, please. The time for oral questions has expired. There have been discussions among representatives of all parties in the House and I understand that a representative of each party will make a short statement with respect to the death of Major-General Maurice Gaston Cloutier, Sergeant-at-Arms of the House of Commons and Canadian Secretary to the Queen.

The right hon. Prime Minister.

* * *

MAJOR-GENERAL MAURICE GASTON CLOUTIER

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, Major-General Maurice Gaston Cloutier was our longest serving Sergeant-at-Arms. Indeed, he spent the best years of his life in the service of Canada. He was a man of tradition and a man of our time, and he is dearly missed.

Tributes

[Translation]

Gus Cloutier was the keeper of the rules and customs of this House. He recognized their importance to democratic life in our country, despite the fact that they sometimes seem strange.

Gus Cloutier was able to see beyond the history and ceremony of the House to recognize its humanity. He knew well the duties of his office, and he knew us well too.

[English]

He looked after all of us. When we first arrived here, he might raise his eyebrows at the new crop of MPs. He had a sense of humour about us, but he knew what we were here to do. He recognized that he could help us and make us feel at home here. He also recognized all the little ways in which he could assist the members in their duties and which would make a big difference in their lives here.

• (1505)

[Translation]

We appreciated him for that, right from the very first days and weeks we spent here and the many years after, during which we had the privilege of serving under his watch.

[English]

It would seem unfair to remember Gus without a story, because he was of course both the source and the subject of some great ones. At one time he was aide-de-camp to the then Minister of National Defence. His rank was Lieutenant-Colonel.

Gus was no doubt the most dashing and the most competent and intelligent aide-de-camp that the minister had ever been blessed with. One evening, as I understand it, they were having a drink, perhaps more than one, and the minister, to his credit, observed how Gus would make a fine general.

Naturally Gus had to agree. In fact, he asked the minister if he would not mind repeating himself on the phone if he could get the Department of National Defence on the line. Sure enough, Gus did, and that was that: Major-General Gus Cloutier came into being.

Needless to say, when the right thing needed to be done, our Sergeant-at-Arms could find a way. He merited his elevation to the post of Major-General. He had a distinguished career, one that all could be proud of, and he had a distinguished career that he left when he came here, one that any man or woman could be proud of.

[Translation]

We could say many things about Major-General Cloutier, but the fact remains that he was quite simply a true gentleman and a friend to us all, a Canadian who served his country in both war and peace.

[English]

This House was never better served. He will be forever missed.

[Translation]

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, if Parliament Hill had to elect a mayor, Major-General Cloutier would have served more than one term in office.

Over the past 27 years, he was a loyal friend and devoted associate to several generations of MPs.

[English]

Gus was blessed with a charming sense of humour. The Prime Minister said that he perhaps sometimes had his eyebrows raised at a crop of new MPs. My experience with Gus is that sometimes I think those eyebrows stayed raised for an awfully long time.

In any case, everybody came to know our Sergeant-at-Arms. He lent dignity to official functions and helped many of us understand the historic role of our parliamentary institutions.

Whether in discharging his duties as secretary to Her Majesty, officiating at the opening of Parliament or finding a parking spot, Gus brought the same graceful efficiency to all his many responsibilities. He was many things to many people, but above all, he was a friend to so many who knew him.

Before entering this place, Major-General Cloutier also had a distinguished career in the public service and in the armed forces, where he occupied many important posts.

[Translation]

History remembers the contributions of many MPs, ministers, prime ministers and sometimes even leaders of the opposition who have sat in this chamber. However, sometimes we forget the irreplaceable work of the officers of the House. I am convinced that the contributions of Major-General Cloutier will long live in the annals of Canadian parliamentarism.

On behalf of my party, I extend to the family and numerous friends of Major-General Cloutier our sympathy and heartfelt condolences.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, I am pleased that we are taking these few moments to pay tribute to a man who served democracy loyally for over 50 years. Major-General Gaston Cloutier, the longest serving Sergeant-at-Arms Parliament has ever had, served democracy as well in his other career in the armed forces.

In paying tribute to him here today, I also pay tribute to all those who serve democracy from the wings of this House of Commons and other parliaments. We do not pay tribute to them often enough, yet without them nothing would be possible.

I believe I can speak not only for all my colleagues in the Bloc Québécois but for all members of this House, I am sure, in saying that everyone liked Gus Cloutier. This dignified, generous and courteous gentleman focussed on keeping the duly elected members content as they fulfilled their role. He was an essential cog in the wheel of a smoothly running Parliament.

We were all greatly saddened by the news of his passing.

It seems to me, however, that he is still here with us, making sure everything is going well, that the members are in a position to carry out their duties, that the House of Commons preserves all of its authority, and that democracy is working as it should.

Gus Cloutier is still with us in spirit and we salute him today. Thanks for everything, Gus.

Points of Order

• (1510)

[English]

Hon. Bill Blaikie (Elmwood—Transcona, NDP): Mr. Speaker, I begin by saying how much I wish we could have done this while Major-General Cloutier was still with us, but as we all know, he requested that we not do so and we respected his humility in this regard.

Now we are free to say in public what I presume many of us said to him in private and certainly what I had an opportunity to say to him when I wrote him a letter during his illness.

As one who was elected to this place barely a year after Major-General Cloutier was appointed Sergeant-at-Arms, I count myself fortunate to have had the honour of knowing him and working with him for well over 25 years, and for seven of those years as a colleague on the Board of Internal Economy.

The chamber does not seem the same place without the elegant, discerning and humble presence of this special person who served the House with dignity, with distinction and with discretion.

He had a rare understanding of the unique institution that Parliament is and the unique vocation that members of Parliament embrace when they come to this place.

Major-General Cloutier, or Gus, could be counted on to put the legitimate interests of MPs and the well-being of Parliament ahead of any pressure originating in uninformed criticism or bureaucratic fad.

He knew how this place worked, and when we needed something attended to, we knew that if we spoke to Gus there would be something done about it.

Without being an MP himself, he was nevertheless what the tradition has in mind when someone is paid the high compliment of being referred to as “a House of Commons man”.

On behalf of the NDP, we give thanks for his life and for his service to this place, and we extend sincere condolences to his family.

[Translation]

The Speaker: I now invite all hon. members to a memorial service in honour of Major-General Cloutier. It will be held in room 237-C of the Centre Block at 4:00 p.m.

[English]

Perhaps we could also observe at this time a moment of silence in honour of Major-General Cloutier.

[A moment of silence observed]

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POINTS OF ORDER

ORAL QUESTIONS

Mr. Jay Hill (Prince George—Peace River, CPC): Mr. Speaker, I rise on a point of order arising out of question period today. During question period, in response to a question that was asked of the Minister of Indian Affairs and Northern Development by my colleague from Calgary Centre-North, if I recall events, you seemed

to imply that the word “mislead” was inappropriate and that were my colleague to use it again you would indeed rule him out of order.

In order for you to provide a bit more clarification on that, Mr. Speaker, I would refer you to a few rulings from the past. Speaker Lamoureux ruled on March 22, 1971, that “in 100 years of parliamentary history” accusing another member of “deliberately deceiving...has never been accepted as a parliamentary term”. The member making accusations can always suggest that a member has “misled” a fellow member of the House, he said. For 100 years, it has been acceptable.

Then, on October 10, 1980, Speaker Sauvé ruled, at page 3591 of *Hansard*, that “in more recent practice in the House of Commons” this expression, being misled, “has been allowed provided it was not qualified by the words 'intentionally' or 'deliberately'”.

That would make it 110 years during which the term “misled” has been allowed.

Mr. Speaker, I draw your attention to a more recent Speaker's ruling. Indeed, it was the Deputy Speaker, who, on March 19, 2005, said:

Again I would ask the co-operation of the hon. member. I know we have already put that phrase on the record, knowing that in the House the Chair would not accept one member from one side of the House to charge another with [deliberately misleading the House]. If we could at best blank the word deliberate, it would be helpful.

Mr. Speaker, I would contend that this makes it 130 years during which this practice has been acceptable. I wonder if you would review your ruling and get back to us.

• (1515)

Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, the hon. member is not stating all the rulings in question. The word “mislead” has been ruled in the past to be unparliamentary. As Beauchesne's informs us at citation 489, it occurred in 1958, 1960, 1964 and 1966. Even misleading the public, not even a member, was ruled to be out of order on February 1, 1960.

The point I am making is that, in addition, the Speaker always has had the discretion to rule anything that causes disorder to be out of order. Notwithstanding the fact that Mr. Speaker was quite correct based on historical precedents to rule the way he did, were that precedent not there, the Speaker would still have that authority.

Mr. Jason Kenney (Calgary Southeast, CPC): Mr. Speaker, I have two brief points. I would remind the member for Glengarry—Prescott—Russell to cast his mind back to his time in the House from 1984 to 1993. I know he and his colleagues used the word “mislead” in the House in question period collectively, I am sure, thousands of times. We could do the research if we would like to bother the Library of Parliament.

Further, because I am intimately involved in question period, I am aware that Your Honour has accepted the term “mislead” in dozens of questions put by members of the opposition in the duration of this Parliament and of your presidency. Therefore, Sir, I would ask you, as it is difficult for members who have observed a pattern of your accepting, as is the historic convention, the word “mislead”, if suddenly you have changed your own practice and that of the House in this matter.

Government Orders

We need consistency on this because I think all members try to put questions that are in order. Based on your acceptance of this term over many months and indeed the past number of years, I think members are entirely within reason, as was the member for Calgary Centre-North, to have used it today.

• (1520)

The Speaker: I am more than happy to look into the matter further and I will certainly get back to the House. Quite frankly, the use of the term in debate I have always permitted. Often in preambles to questions the word has been bandied about, however it might be bandied about. I will not go into details on that. That is one thing.

I agree with the precedent cited by the hon. House leader for the official opposition in respect of the word being used without adjectives that would turn it into something different. That is not a problem. However, when the question is put to a minister asking why he misled the House, I suggest the tone of it implies that there was something deliberate about it. That is my concern and that is why, in my view, the question was out of order. As I say, it happened twice. We did not sit last week so it was either the last week we were sitting or the week before and I indicated my dissatisfaction then. It has happened a second time.

However, I will get back to the House on the matter. I will look at it as suggested by the hon. member. He will hear a full ruling on the issue and we will be able to proceed from there. I hope it will help the hon. member for Calgary Southeast in his question preparation as well.

Mr. Jay Hill: Mr. Speaker, it has been pointed out to me that I was mistaken in the date that I cited for a ruling by yourself as March 19, 2005. I wish to correct the record. It was March 19, 2002.

Mr. Paul Szabo: Mr. Speaker, I rise on a point of order. I would also like to correct the record on a matter that I believe was very serious. I want to set the record straight.

Immediately before question period I asked a question of the member for Kildonan—St. Paul. In my preamble I stated that the frequency that front line police officers consulted the national gun registry was 3,000 times per day. I apologize to the House. I was mistaken. In fact it is 5,000 visits per day or 1.8 million visits to the registry each year.

GOVERNMENT ORDERS

[English]

CRIMINAL CODE

The House resumed consideration of the motion that Bill C-65, An Act to amend the Criminal Code (street racing) and to make a consequential amendment to another Act, be read the second time and referred to a committee.

Mr. Vic Toews (Provencher, CPC): Mr. Speaker, I noted the comments by the member for Mississauga South praising the gun registry. In speaking to police officers, they well recognize the faults in the program itself. They know they cannot rely on the accuracy of it. In fact, it would be foolish for officers to contact the gun registry and rely on being told that there is or is not a firearm in a particular

residence or business to which they are going. I am surprised the member would advocate that police officers put their lives at risk by relying on a registry that is notoriously deficient in terms of its ability to track firearms.

Does the member for Kildonan—St. Paul have any further comments to perhaps try to correct this mistaken impression that the member for Mississauga South has left with Canadians about the \$2 billion gun registry on which the government has wasted money and that the money would much better spent on front line policing?

• (1525)

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, yesterday I spoke with the president of the Winnipeg Police Association. He informed me quite categorically that neither the Winnipeg Police Association nor the Manitoba Police Association supported the gun registry. When it was first introduced, the Liberals speculated that it would cost \$2 million. Now we are well past the \$1 billion mark. How badly can they manage the finances around the gun registry before it should be shut down?

It is like the black hole. Between the scandal that we hear about on a daily basis from members opposite and the gun registry, our nation is at risk right now because of a lack of front line police officers. I take exception to the members opposite defending the gun registry as a very useful tool. If the government were responsible and able to maintain a form of the gun registry within the mandate of what it started out to be, reasonably priced and able to service the community in a reasonable manner, then that could be revisited.

However, at this point in time we are looking at well over \$1 billion that has been wasted. I understand it is very difficult to track and find out where all the money has gone and why the gun registry has cost this much. That is still under examination. Members on this side of the House, and as my illustrious critic just explained, believe front line police officers are critical in suppressing crime in Canada. I thank the member for his comments and for his very astute approach to this issue.

Mr. Vic Toews: Mr. Speaker, I know the member has been a very strong proponent of front line policing. I happen to know she also is the mother of a police officer. I know she shares the anxieties of not only the ordinary citizen worried about crime on the streets, but she also carries the added burden of being a mother who has a son who has decided to be a police officer.

One of the concerns that police officers share with me regularly is the lack of resources they have when it comes to fighting crime. They are fighting 21st century technology and yet they are hamstrung by the current laws that the government has passed.

Today we heard the Ontario Association of Chiefs of Police say that the government's laws on conditional sentences and early parole are obstructing, and that is a strong word, their ability to capture criminals and that red tape and bureaucracy are strangling the criminal justice system. Our chiefs of police in the province of Ontario are telling the government its policies are obstructive and they are strangling criminal justice in our country.

Government Orders

Could the member for Kildonan—St. Paul, either through her personal experience as the mother of a police officer in conversations with him or generally in with conversations from police, expand on some of the concerns that may have been communicated to her?

• (1530)

Mrs. Joy Smith: Mr. Speaker, the member for Provencher is well aware of what is going on in our nation. He has taken a leadership role in trying to change things to make them better.

Yes, as a mother of a police officer, police officers come to our house and we have many conversations. Over and above that, being the former justice critic for the province of Manitoba, I met with many other segments of society and talked about sentences. The public is even talking about Michael Smith, a 25 year old, who was given an 18 month conditional sentence on two counts of dangerous driving causing death in a 2001 accident. He ran a red light and killed two people.

Following that more problems continued. This is typical of the kinds of things we talk about every day, not only with police officers but with people on the street.

The federal government has allowed the crime segment to get out of control in our great nation, a nation that gave birth to the RCMP. The RCMP is known and honoured worldwide. Many police officers across the country put their lives on the line every day.

We have a one billion dollar or two billion dollar gun registry, massive amounts of money being put into a black hole. Yet there is no direct input to complement the police forces on our streets.

Think about people such as Jack McLaughlin who has been a real champion of victims' rights in Manitoba. He has become a hero in his own right for the way he has championed the cause of victims. Jack has often said to me, "Why don't the victims of crime have some rights?" People like Jack come forward on a daily basis and say that we need to put the resources into the police complement on the street.

There have been many eloquent speeches by members opposite who have said that they are concerned about safety of Canadians. My answer to that is they should put their money where their mouth is and put the police resources on the streets now.

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, I will be speaking in favour of Bill C-65, the street racing bill.

Our government recognizes the need to take up the thrust of the late Mr. Cadman's private member's bill, Bill C-230, while addressing the principled objections that were raised about the bill at the time when it was debated in the previous session of Parliament under a different bill number.

We already have offences in the Criminal Code covering the behaviour of street racing. The late Mr. Cadman's bill did not propose to add any new offences.

This coverage in the offence provisions related to dangerous driving and criminal negligence appears to be why Mr. Cadman, in Bill C-230, proposed instead to specify that a judge must consider street racing to be an aggravating factor in sentencing for four listed offences: criminal negligence causing death, dangerous driving

causing death, criminal negligence causing bodily harm, and dangerous driving causing bodily harm.

The government bill maintains this aggravating factor approach found in Bill C-230. There is a second key feature in the bill proposed by the late Mr. Cadman. If there is street racing that accompanies one of the four offences, Bill C-230 moves the driving prohibition from the discretionary category of driving prohibitions into the mandatory category of driving prohibitions. The government's Bill C-65 also maintains this mandatory driving prohibition feature of Bill C-230.

I believe the government bill does address the concerns that arise in relation to the sentencing aspects of private member's Bill C-230. The prime example is that private member's Bill C-230 borrowed its driving prohibition period, for a first offence, directly from the impaired driving prohibition that is mandatory on a first offence, where there is no death or no injury.

The Criminal Code's mandatory driving prohibition for impaired driving was introduced into the Criminal Code in 1985. Until 1999 that range was three months to three years on a first offence. In 1999 that range on a first offence was changed from one year to three years.

The big concern with such an approach is that the discretionary driving prohibitions currently in the Criminal Code have a higher maximum than that proposed in Bill C-230 for a first offence, where there is death or injury and an aggravating factor of street racing.

For criminal negligence causing death, the maximum driving prohibition that a court can currently impose is a lifetime ban on driving. Bill C-230 would cut this maximum to a driving prohibition maximum period of just three years for a first offence with an aggravating factor of street racing. For dangerous driving causing death, criminal negligence causing bodily harm and dangerous driving causing bodily harm, a court can currently impose up to a 10 year prohibition from driving. Bill C-230 would cut this maximum to a period of driving prohibition that is just five years.

• (1535)

For the higher maximum driving prohibition ranges proposed in private member's Bill C-230 for repeat offences to apply, the prosecution would need to obtain a transcript from the prior offence sentencing hearing and check to see whether street racing was found to be a factor in that prior offence. Obtaining the transcripts of the sentencing hearing is not guaranteed, especially if the offence was in another city or in another province.

The government's Bill C-65 avoids the situation where implementation of driving prohibitions for repeat offences would be uneven. Moreover, there is no suggestion that there is a rash of individuals who are repeating dangerous driving and criminal negligence causing death or bodily harm offences involving street racing.

Government Orders

This is very different from the repeat offence situation for impaired driving that is tied to higher driving prohibitions for repeat offences. We often hear that there are constitutional issues that surround a particular proposal in a bill and, often enough, we hear comments that these expressions of concern are not well-founded.

Hon. members will be happy to hear that we do not see any constitutional problem with the fact that Bill C-65 addresses street racing, while at the same time, some provinces have provincial highway traffic legislation on street racing.

In some matters there can be a federal and a provincial head of constitutional legislative power under which each level of government may validly enact legislation in the same subject area. In this matter of street racing, the provincial legislator has constitutional legislative authority and may enact highway traffic and driver licensing legislation against street racing. At the same time, Parliament may also enact legislation against street racing, using its constitutional authority for criminal law.

On another note, there may be some hon. members present who will criticize the government's Bill C-65 for not altering the period of imprisonment that is available where there is street racing within one of the four listed offences. In this regard, I know that dangerous driving causing bodily harm and criminal negligence causing bodily harm presently carry a maximum period of imprisonment of 10 years. This is the same maximum period of imprisonment that exists for impaired driving causing bodily harm.

I would also like to mention that the maximum penalty for dangerous driving causing death is 14 years. I note that the maximum period of imprisonment for criminal negligence causing death is life imprisonment, and this equals the maximum penalty for dangerous driving during a police chase that causes death, impaired driving causing death, criminal negligence causing death and manslaughter. None of these offences carry a minimum period of imprisonment.

In passing, I would note that the late Mr. Cadman's private member's Bill C-230 also did not propose any such minimum period of incarceration. In this regard, I want to make the observation that judges are required by law to set a fit and proper sentence, taking into consideration all the circumstances of the offence and the offender, and all aggravating and mitigating factors. In Canada, either the defence or the prosecution may appeal the sentence if they believe the sentence is unfit or unfair.

Again, the late Mr. Cadman limited his private member's bill to matters relating to the driving prohibitions and proposed no new offences and the government's Bill C-65 also takes this approach. The government continues to believe that given the wide variety of circumstances that can accompany any offence, judges must have a broad range from within which to select a sentence and this extends to the driving prohibition.

In closing, I want to invite other members to support Bill C-65 which has taken its inspiration from the work of the late Mr. Cadman in his private member's Bill C-230. I believe the government bill does answer principled objections and key practical problems with the private member's bill.

● (1540)

The government bill, like Bill C-230, speaks to the aggravating factor of street racing and the mandatory driving prohibitions that should apply when street racing accompanies the offences of dangerous driving causing bodily harm, dangerous driving causing death, criminal negligence causing bodily harm, and criminal negligence causing death.

Bill C-65 should be supported. It is a step in the right direction toward improving safety on our streets and improving the safety of our communities.

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, I noticed that when each member on the opposite side of the House stands up, they use Chuck Cadman's name saying that this legislation is based on his bill. Yet, in a letter to the editor Dane Minor, who was Chuck Cadman's campaign manager and very close friend, and who knew Mr. Cadman very well, said:

This isn't Chuck's bill in either intent or design. It is a cynical attempt by the Liberals to use Chuck's good name while doing little or nothing to change the existing laws.

If the Liberals truly want to honour Chuck Cadman, I suggest they pass his laws as written and actually give the police resources to find out how many previous offences there were. If they don't have the courage to do that, at least have the decency to stop using his name in a self-serving bid to gain political points.

This is what this is all about. A deal was made to honour Chuck Cadman. He gave all sorts of intelligent arguments that were well researched and that spanned over a decade to make things right in criminal law.

Why was Chuck Cadman's private member's bill not only supported by the Liberal government but now when the Liberals have an opportunity, why do they not take his advice? Why did they not honour his name by ensuring that his research and objectives were put into Bill C-65 instead of being watered down the way it is?

Hon. Judy Sgro: Mr. Speaker, the hon. member has been involved in this debate today and it is an important issue for all of us. Bill C-65 is always going to be referred to as Chuck Cadman's bill. The member knows that many times when private member's bills are introduced in the House, those bills are not workable and not passed into law for a variety of reasons.

We have taken the core and principles in Mr. Cadman's Bill C-230 and moulded it and turned it around into something that is not going to have a problem getting passed here in the House and will become law in his memory. Bills are not always going to be exactly the way that the opposition might want them to be, but as the government, we have a responsibility to ensure that they meet all of the constitutional requirements, whether we like them or not, in order to form the law of the land.

Mr. David Anderson (Cypress Hills—Grasslands, CPC): Mr. Speaker, I have been sitting here today and I am getting a little tired of hearing the arguments that this is a charter of rights issue in some way, shape or form. I do not think those arguments have any validity.

Government Orders

I am also getting a little disturbed by the fact that the Liberals seem to be continuing to play on the fact that they want to use Chuck's name on this bill. I do not think he would be happy, and obviously his family is not happy with the content of the bill. A number of amendments would have to be made before it would be acceptable to either his family or those of us who worked with him in the past.

As Dane Minor's letter said, if the Liberals want to honour Chuck's memory, then there are a couple of things they need to do. They need to pass his laws as he intended them to be written and passed. The Liberals also need to begin to provide the police with the resources to do their job. It is not good enough that they pass a law of some shape, which they are going to try to do here. They are going to leave the police without the resources they need to carry this out anyway.

I am getting a bit disturbed by what I have been hearing from the other side. The Liberals continue to bring Chuck's memory and legacy into this when this is not what his family wants. It is starting to look more like Dane Minor said, "a self-serving bid to gain political points". I wish the government would pull back from that, take a look at the intent of what Mr. Cadman wanted to do, and take another run at this and do it right.

● (1545)

Hon. Judy Sgro: Mr. Speaker, I think it is important to pass Bill C-65 because it mirrors Bill C-230 to an extent that is passable. If we could not pass everything that Mr. Cadman wanted, I think he would at least appreciate the fact that we have taken what we feel was his principal position and ensure that it is going to be passed as something that will be on the books of the Government of Canada forever.

Overall, we have to remember that at the core of this is how we can improve safety on the streets. The member talked about ensuring that the police have the resources to enforce the laws. Clearly, we all have to work together to find that. We are working with the provinces, the municipalities and all the law enforcement agencies. It is not simply a Government of Canada responsibility. It takes all of us as legislators and on all sides of the House to ensure that we are bringing legislation and laws into place that can be enforced and that will stand up to the challenges, as well as working together on what other needs are necessary in the law enforcement package.

Mr. James Lunney (Nanaimo—Alberni, CPC): Mr. Speaker, frankly, I find that response disturbing. Just to paraphrase, she said that she thought Mr. Cadman would prefer that we took the notion that was in his bill, and we took what we could out of it and we turned it into something else.

I find that quite disturbing because Mr. Cadman was very concerned about these issues. These issues are what motivated him to run for office and come to the House. He wanted real change. What we have coming back is smoke and mirrors. It takes the names of the issues that he addressed but it completely neuters them by providing loopholes big enough that a judge has all kinds of latitude in providing any kind of sentencing.

When we talk about mandatory sentences being lifelong, not mandatory but they could be as long as that, it is meaningless unless there are minimum sentences. Chuck's bill was very specific about

having minimum consequences that were real consequences and measurable consequences, not maybe consequences. He called for mandatory minimum sentences. He called for mandatory prohibitions and those prohibitions and consequences got more severe for repeat offenders.

I know Chuck's family is not happy with Chuck's name being attached to this. They are not happy with the substitute that the governing party has put in Mr. Cadman's name. His former campaign manager who knew him very well and knew his heart on these issues has called this a misrepresentation of Chuck's intent on these issues.

I think many of us on this side, who have seen over and over again the failed action on child pornography, the failed action on age of consent and the failed action on the gun registry that purports to take away duck hunters' and recreational hunters' rights instead of clamping down on the criminals who break the law, are upset, as are many other people, and members of Mr. Cadman's family have indicated their displeasure.

I do not know what it is about this issue that our Liberal colleagues do not understand when they take the name of an issue and then come up with a completely different strategy that gives a fuzz to it that is not a specific response. What is it about this that our colleagues fail to understand?

Hon. Judy Sgro: Mr. Speaker, as it was, Bill C-230 had some very specific problems. At the end of the day we wanted to see something passed and some changes made on the issue of street racing. I think many of us have read newspaper reports of some of the incidents that have happened when a bunch of young people got together.

As a city councillor, I dealt with this issue briefly. I had to put various things into certain areas to prohibit people from street racing because they would get in there on the weekends and ultimately there would end up being some young person dead as a result of street racing.

I think it was an extremely important issue for others in the House. Those of us who have spent some time on the issue know that we need to do whatever we can to discourage it. I think the kind of penalties we have in the bill are fairly severe. For the most part we are talking about young persons who are involved in street racing. We have to make sure the penalties are there. We want to make sure we advertise them so that when they go into street racing they know what could possibly happen and that they will take the consequences into mind. I think the consequences are fairly significant.

● (1550)

Mr. Vic Toews (Provencher, CPC): Mr. Speaker, I listened closely to some of the debate that went on before my opportunity to speak. I am very pleased to have the opportunity today to address Bill C-65 as the justice critic for the official opposition.

Government Orders

I had the extraordinary privilege of working with Chuck Cadman over the years when he was here in Parliament. He was the vice-chair of the justice committee. He was, I might say, a seemingly ordinary man and yet he achieved extraordinary results and extraordinary outcomes in his life. He took a very severe personal tragedy in his life and made it into something positive. When I look at his work, at his speeches and at what he attempted to accomplish, he never lost sight of why he went into politics and why he wanted to see substantive changes to our criminal justice system.

Today we heard from the Ontario chiefs of police and other senior officers that the Liberal government's policies are obstructing the apprehension of criminals and that red tape and bureaucracy, as a result of the Liberal government's policies, are strangling the criminal justice system.

When I listened today to the Ontario chiefs of police and other senior officers, I was reminded of many of the things that Chuck said about the justice system and about his frustration with the failure to make things happen, things we knew should happen and yet the government consistently opposed his efforts during the course of his career here in Parliament.

This bill purports to be an incarnation of one of Mr. Cadman's previous private member's bills. This was something that Mr. Cadman had been trying to get the government to do during the course of the time he was here. Unfortunately, the government consistently denied Mr. Cadman the ability to get his private member's bill through the House. Did the Liberals ever sit down with him and say that if he were to make this change or that change that they would consider it? No. They consistently opposed the very basic principle that Mr. Cadman brought forward in his bill.

Now today we hear members on the Liberal side saying that there were problems because of the increasing mandatory prohibitions dependent upon subsequent convictions.

Now that was not their approach when Mr. Cadman was bringing this matter forward. What were they saying at that time when Mr. Cadman brought this matter forward? They fundamentally opposed the idea of mandatory prohibition for driving, period, not simply mandatory prohibitions when there were subsequent offences or increased mandatory prohibitions when there were subsequent offences. They, as a principle, opposed mandatory prohibition for driving when people were involved in street racing.

Now, after having dragged their heels throughout the course of Mr. Cadman's career here, they are somehow coming back and saying that they are listening and they are putting into effect what Mr. Cadman wanted, when everyone knows, especially those who were close to Mr. Cadman, such as his prior campaign manager, that this is not what Mr. Cadman wanted.

What everyone close to Chuck understands is that this is being done for obviously political reasons for bringing forward a pale imitation of what Mr. Cadman wanted.

From the onset, I would like to state that the proposed bill is flawed. People continue to suffer from the consequences of street racing while the government has dithered.

Mr. Cadman's bills were originally tabled to address the rise in street racing throughout the 1990s which resulted in grievous injuries and the loss of life both by the perpetrators of the act and the innocent bystanders who were mowed down by these flying vehicles.

● (1555)

While death from street racing represents only a fraction of the annual carnage on Canada's roads, police suggest that the practice of taking to urban streets to race is becoming increasingly more dangerous and increasingly more prevalent. Certainly, in the capital city of Manitoba, Winnipeg, where I used to reside, that has become a serious concern to police officers.

A recent study in the United States found that of nearly 150,000 fatal crashes over four years, 315, or less than 1%, were known to involve street racing and 399 fatalities occurred. These numbers, of course, are always difficult to justify as the maximum. Certainly, when police make these estimates, this is the minimum that they can determine. It is often difficult to prove that actual street racing has occurred and a much higher rate of these fatal crashes, it is quite apparent, occurred as a result of high speed driving.

It is important to note that the destruction caused by street racing is blind. It has a detrimental effect on all Canadian citizens. It does not discriminate. We have seen recent cases of injury resulting from street racing from the west coast in Vancouver across Canada to Winnipeg, Toronto and Sackville, Nova Scotia. I am sure I have left out many communities in that quick trip across Canada but I can tell all hon. members that these are not out of the ordinary any more, as young criminals understand that when they now race away from police, for example, often the police simply give up the chase because police officers do not want to endanger lives any more. Often, because these cars are stolen, it is very difficult to track down the perpetrators.

It must be that when they are actually caught, the sentence must have such a deterrent effect that offenders simply will not use this kind of avenue of escape knowing that the consequences are severe. This bill falls short of the consequence that is necessary to deter individuals.

In the province of Manitoba, a 39-year-old woman named Linda Rudnicki had gone to buy milk when a street racer slammed into her car. Her death the following day on June 6 of this year has led to stricter enforcement and tougher penalties for street racing.

I want to thank my colleague from the provincial Progressive Conservative Party, Kelvin Goertzen, the MLA in Steinback who has been very strong in advocating for stiffer penalties. He is the justice critic for the provincial Progressive Conservative Party in Manitoba. I want to commend him for his strong stand on this and for continuing to tell his government that these penalties need to be enforced.

I also want to compliment my colleague from Kildonan—St. Paul who has done admirable work in this area, as well as my colleague from Charleswood who has also worked very hard in respect of this matter. They have called for stricter enforcement and tougher penalties for street racing. Where was the government for Linda Rudnicki when that racer slammed into her vehicle?

Government Orders

On August 25 of this year an elderly woman in Winnipeg was crossing a street in the evening and she was struck by a vehicle. She was rushed to hospital but succumbed to her injuries. Witnesses say that two vehicles were street racing when the woman was hit. Where was the government for this senior citizen?

The government was nowhere to be seen when Chuck Cadman first brought his bill to Parliament. In fact, it did everything it could to kill his private member's initiative because it fundamentally opposed the principle that Chuck was bringing forward in his bill, fundamentally opposed the principle of mandatory prohibition, and that needs to be emphasized. Maybe Winnipeg is too small a town for the government to take notice.

• (1600)

I would like to quote Sergeant Devin Kealey of the Toronto Police Service, who stated:

At least two to four deaths in Toronto each summer can be pinned on street racing. In many other cases, speed is known to be a factor in a crash but there's no way to prove racing was involved.

Toronto area police project ERASE indicates that at least 29 people have lost their lives to street racing in the Toronto area in the last six years. Where was the government for those people when Chuck Cadman brought his private member's bill forward and the government consistently refused to support his initiative? Where was the government when Mr. Cadman called for action in 2002 and the ensuing years to tackle street racing? The government was not only dithering on the proposed legislation by Mr. Cadman, it was fundamentally opposed to the principles set out in that legislation.

I have been talking about the government's response, but it is important to note the government's earlier response to the proposed legislation.

Mr. Cadman had hoped that street racing would be considered an aggravating circumstance for the purpose of sentencing a person convicted of an offence committed by means of a motor vehicle under various sections of the Criminal Code that resulted in death or bodily harm. Mr. Cadman also advocated for mandatory driving prohibitions which increased in severity for repeat offenders.

I want to quote what the previous justice minister, Martin Cauchon, said when Chuck Cadman brought this forward on why he rejected the proposed Cadman legislation. This is what he said:

Your proposed bill would result in a mandatory driving prohibition.

At least the minister got that right. He continued:

As you are aware, the Canadian criminal justice system is premised on the notion that sentences should be individualized for each offender... Research indicates that mandatory minimum penalties do not work from the point of general deterrence and recidivism.

We know that that statement is false. There is no truth to that statement. It is a philosophical position of the Liberals stating that mandatory penalties do not work. This is repeated by Mr. Cauchon. It is repeated by the current justice minister. Quite frankly, it is not an accurate fact.

This is the real reason the Liberals oppose doing what Mr. Cadman wanted to do. It has nothing to do with constitutionality or legality. It is that they are fundamentally opposed to the concept of mandatory minimum sentences, whether it is prohibition or prison.

The excuse I have heard is that it is going to be too difficult for a prosecutor to find out whether someone has been convicted of an offence where there was an aggravating circumstance of street racing.

For years the government has been passing laws that only complicate police officers' lives and judges' work. Take a look at the Youth Criminal Justice Act. It is an utter failure. It is so complex and cumbersome that it is simply unenforceable.

Now the Liberals are talking about this provision, saying that it is too difficult for them to go back into the transcripts, the official court documents, and determine whether street racing was or was not involved. If it is too difficult, obviously the crown attorneys cannot do it and they will not be able to do it, but let us let them try. I am willing to bet that police officers will make that effort and crown attorneys will make that effort to find out, and I speak as a former crown attorney, and get that higher conviction involved as an aggravating circumstance and therefore get a higher prohibition of driving.

• (1605)

We have done it in terms of impaired driving offences. We have done it in terms of any number of offences where there has been a second or subsequent offence. Yes, it takes a little bit of work sometimes to go to local records to find out whether or not the conviction was for a particular matter and to go into the court transcripts to determine whether or not it was an aggravating factor, but to suggest that we are not going to do it because it is too difficult is wrong.

That is not why the Liberals are doing it. They are doing it because as justice minister Cauchon said, they are fundamentally opposed to the idea of mandatory prohibitions for anything. They would rather see hardened criminals, such as sex offenders and others, get conditional sentences and house arrest and be turned back on to the street. That might be easy for the Liberals, but it is not easy on the families of the victims who have been killed by individuals involved in street racing, by individuals who have been killed or injured in other circumstances.

The Liberals have the audacity to stand and say in the House that we are not going to do what Chuck Cadman wanted to do because it is too difficult. The Liberals are not the individuals who will do the prosecuting. They are not the individuals who will do the actual investigation. The attorneys general of the provinces will do it and if it is in the Criminal Code, they will do it. If it cannot be done, there is no penalty, but at least give them the opportunity. At least give them the tool to do what Mr. Cadman wanted the House to do. To come back now and say that it is too difficult to do is a slap in the face of the work of a hard-working parliamentarian.

Furthermore, I would like to quote the current Parliamentary Secretary to the Minister of Justice who said that unless there is some compelling reason to specify that certain circumstances are aggravating, it is better not to multiply the instances where the Criminal Code spells out a particular way of committing the offence will be an aggravating factor. He said that in his view, they are not seeing any such reason emerging from the decisions of the trial courts and the appeal courts with regard to the four offences when street racing is a part of the circumstances of these offences.

Government Orders

It is not simply past ministers of justice, it is the current government and the parliamentary secretary who are fundamentally and philosophically opposed to what Mr. Cadman was trying to do. Now the Liberals are trying to come up with the excuse that it is going to be too hard for crown attorneys to actually dig through court transcripts and find out whether there was an aggravating factor, that it is going to be too hard for police officers to do the investigation.

Those comments are simply not acceptable, given the difficulties the government has put police officers and crown attorneys through as a result of the Liberals' obstructing, and this is what the police chiefs said today, the detaining of criminals and strangling our criminal justice system with red tape and bureaucracy. That is what the government is all about. It has nothing to do with difficulty.

If it had anything to do with difficulty in terms of convicting criminals, the Liberals would do it. The more difficult it is to convict a criminal, the government has consistently shown that is what it will do. It has nothing to do with constitutional requirements, the presumption of innocence, or the freedom to not self-incriminate. It has everything to do with the government being philosophically opposed to the basic principles set out in the legislation. For the Liberals to come here and say they are only trying to improve what Mr. Cadman failed to do is an insult not just to Mr. Cadman but to this entire House.

•(1610)

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, my colleague's speech was a very hopeful one. His speech will give hope to Canadians that Conservative members on this side of the House are standing up for Canada, for Canadians and are not putting forward any phony bills that will not really solve the problem.

One thing the member for Provencher said which really stood out was that we on this side of the House are philosophically different from the Liberals when it comes to justice issues.

We have seen the Youth Criminal Justice Act emerge since the Liberal government came to power. That act has absolutely nothing to it. Canadians all across the country laugh at the act because it neutralizes anything that teachers, parents, police officers or community members want to address in terms of our youth and the criminal acts that occur.

We saw the denial by members across the way who did not support the raising of the age of sexual consent from 14 to 16 years in order to protect youth from sexual predators. The Liberals voted against that bill.

More and more as we listen to members on the other side, I think it is a travesty to use Mr. Cadman's name and not use his expertise. We have heard over and over what an honourable man Mr. Cadman was. We have heard that he was a man who really had a purpose in terms of trying to make things right when it came to the Youth Criminal Justice Act. When it came to attacking any kinds of criminal acts on the street he was a real champion.

I would like the member for Provencher to expand on the philosophical difference between our party and the current government and how that philosophical difference over a decade has eroded the criminal justice system here in Canada.

Mr. Vic Toews: Mr. Speaker, I can give the member one specific example. It is a matter that is near and dear to her heart, and that is the failure of the Youth Criminal Justice Act to provide responsibility and accountability to those offenders who in fact have breached the law.

In the Youth Criminal Justice Act we see a trend by the government to separate the parent from the child. I think we see it in many other circumstances with the government, but we see the destruction of that relationship. In order to ensure that a child remains on the straight and narrow, it is so important to keep the influence of the family on that child.

I recall when I was prosecuting under the old Juvenile Delinquents Act, we could not prosecute a case unless one of the parents was in court. The parents had to appear in court. They had to explain sometimes why their child was involved in the criminal acts.

Now the parent has no say at all under the Youth Criminal Justice Act. In fact, the only one who has a say in the child's well-being is the lawyer. That is to whom the judge looks and says that whether or not the parents agree with this course of action, it is the lawyer who determines what is in the best interests of the child. That is specifically in the youth criminal justice jurisprudence.

I have had conversations with many parents who have stated, "I wanted my child to go in and accept responsibility so that we can get this past us and work with this problem". In fact, the lawyer said, "They will never be able to prove it and we'll get this young offender off".

We believe that the family should be involved in the justice system and in helping a young individual. Instead of creating a legal barrier between a parent and child, we want to reconnect the two so that there can be accountability, responsibility and in fact ensure that the child is on the proper path.

•(1615)

Mr. Myron Thompson (Wild Rose, CPC): Mr. Speaker, I too want to commend the hon. member for Provencher for his excellent speech. I have been here since 1993 and have seen a number of the very same philosophical views applied to certain pieces of legislation, which the member talked about with regard to this particular bill.

I know what Chuck Cadman was after. We sat on the justice committee together from 1997 on, during many days. I knew what he was after and I think he got it right, but I have seen this government turn it down. It had no intention of supporting that bill. Then the government members dare to come back to the House and say that in honour of him they are presenting this bill today. It is a far cry from what this honourable man wanted to see done in this place.

My biggest fear, from what I have seen over the years, is about the number of issues that have been approved by this House of Commons. I think it is worse now with a minority government. Maybe those issues were not approved with the Liberals' consent, but the majority of members approved many pieces of legislation. I think of the hepatitis C people. It has been decided by the House of Commons that all of them are going to be compensated, but it is not happening.

Government Orders

In fact, I have a list of about 14 different bills and motions that are supposed to be enacted. They have gone through committee and are lying dormant. Where is Bill C-2, the child exploitation act? Why has it not been enacted? I understood that it was approved quite some time ago.

Why is it that we put up with a government in charge of this country that sits on its duff day after day and does not enact things that this body of people has approved? This is the Government of Canada that has decided these things must happen, and we have a government that sits on them and does not implement them.

Does the hon. member have any comment in regard to what I have said? It is really aggravating me that we have a place that does not adhere to what we decide.

Mr. Vic Toews: Mr. Speaker, I can sense the frustration of the member for Wild Rose. I know that he has worked very hard on the justice committee and on many issues, especially on issues affecting children. He was a school principal in his prior life, so to speak, and has a burning desire to help children; I think that is why the member for Wild Rose is here today.

The issue he brings forward about the fact that the government has not declared Bill C-2 just goes to prove my point exactly. The reason the government has not put this into effect, at least not that I have heard unless it has been done very recently, is that the government opposes mandatory minimum sentences.

In that law, Bill C-2, the Conservative Party was instrumental in getting bare bones minimum prison sentences in place. The prison sentences were very short, but the reason the Conservative Party agreed to it is that when there is a mandatory minimum prison sentence, even if it is one day, the possibility of house arrest is excluded. We did not think that sex offenders should have house arrest for their offences, especially those offenders who abuse our children.

Therefore, I suggest, the reason that the government has not yet enacted the bill is that it is fundamentally opposed to the idea of mandatory prison sentences, and that goes right back to this particular bill, Bill C-65. The government is opposed to it and is simply putting up this smokescreen, clothing it in legalese that makes it look familiar but has nothing to do with what Mr. Cadman wanted done.

I would say that if this government is concerned about Bill C-2 and mandatory minimum prison sentences, why did it not do something about it? In fact, the government supported us because it had to do; it was put in a corner. That goes to show that the government will do it when it is politically expedient to do it.

That is why the government is coming up with this bill. It has nothing to do with the principles that Mr. Cadman advocated, because those principles simply are not there. At best, they are watered down. The government will do it in legislation. It will move ahead when it has to or when it is politically expedient. Otherwise, it remains philosophically opposed to these important justice principles.

• (1620)

Mr. Dave Batters (Palliser, CPC): Mr. Speaker, it is indeed a great honour to have the opportunity to speak today on this issue of

great public importance for people throughout Canada and certainly in my riding of Palliser.

I, too, would like to commend members of my party, the members for Provencher, Wild Rose and Kildonan—St. Paul, for their excellent work. I could go on and on, as there is also the member for Cypress Hills—Grasslands and there are the countless members on this side of the House who are trying to do the right thing and constantly striving to force the government to get tough on crime.

I join all my colleagues on this side of the House in addressing Bill C-65, which we consider a watered down version of the private member's bill submitted by the late Mr. Chuck Cadman. His efforts to protect Canadians from the deadly act of street racing, along with his efforts at cracking down on those who repeatedly offend, should be commended. The Conservative Party has consistently supported his efforts.

Bill C-65 addresses what has become an increasing problem throughout Canada and certainly on streets such as Albert Street in Regina and Main Street in Moose Jaw, Saskatchewan. It addresses the specific act of street racing as an aggravating factor during sentencing.

On July 21, 2005, Statistics Canada released its 2004 crime statistics, showing that my home province of Saskatchewan has the highest per capita crime rate of any Canadian province. Clearly this needs to be addressed and changed.

Mr. Speaker, I should mention that I am splitting my time today with the member for Regina—Qu'Appelle, who is also a strong advocate for getting tough on crime.

Bill C-65 refers to four criminal offences that can be caused by street racing: criminal negligence causing death; dangerous operation of a motor vehicle causing death; criminal negligence involving bodily harm; and dangerous operation of a motor vehicle causing bodily harm.

Unfortunately, this bill falls short of getting tough on these crimes by falling short of getting tough on repeat offenders. That was a key component of Mr. Cadman's bill.

It is imperative that as elected members we work as Mr. Cadman did to protect Canadians from this violent crime.

In preparing for this speech today I did a quick Google search to see what interesting facts might appear on the issue of street racing in Canada. I was frightened and disconcerted when I encountered a Canadian website geared toward video games. It was a review of a game called "Street Racing Syndicate". Video game players are told they can "race up the ranks of street credibility to fame, money and women". This is just shameful.

In this day and age of extreme sport, it is necessary for these offenders, those who street race, those who choose to get behind that wheel, to be penalized for endangering our citizens. It is necessary for them to suffer consequences. Street racing clearly is not a game.

Government Orders

In Bill C-338, introduced originally in December 2002, Mr. Cadman included a clause dealing with repeat offenders. The clause amended section 259 of the Criminal Code, “Mandatory order of prohibition”, to get tough on repeat offenders and was an essential aspect of his bill.

Getting tough on repeat street racing offenders whose actions result in tragedies was dealt with in paragraph 259.1(1)(b) of his bill, which states that “for a second or subsequent offence, if one of the offences is an offence under section 220” of the Criminal Code, which is criminal negligence causing death, “or subsection 249(4)”, dangerous operation of a motor vehicle causing death, “for life”, which means that there would be a lifetime prohibition from driving.

Certainly that is something that would be supported if a repeat offender street racer causes such tragedy for the innocent people in our society and for their families.

Bill C-65 is a neutered version of Mr. Cadman's bill. Sentences for these offences under Bill C-65 include a mandatory prohibition on driving, ranging from one year to a maximum of 10 years, a suspended licence. What about minimum sentences for repeat offenders whose actions result in these terrible tragedies?

•(1625)

In his speech of March 10, 2004, Mr. Cadman referred to an incident involving an 18 year old who earlier that month had crashed into a bus shelter, critically injuring an innocent bystander. The offender had already lost his licence. His licence had already been suspended twice, but he was again behind the wheel of a car.

These offenders know that there is little punishment for their crimes. Having their driver's licence suspended does not stop them from driving dangerously. That is why minimum prison sentences are also required, I believe, given the tragedies that have happened to the innocent victims and their families as a result of street racing, a very serious crime.

As members of Parliament we are required to stand up and do something for our communities to protect Canadians. As a member of the Conservative caucus, I am pleased that we are fighting to see mandatory minimum sentences for violent and repeat offenders. I am pleased that a Conservative task force on safe streets and healthy communities has been struck to work with victims of crime, front line law officers and community workers.

In an article in the *Ottawa Citizen* in September of this year, the Minister of Justice was quoted as saying in reference to Mr. Cadman that “we are going to build on his private-member's bills so that when we introduce them it will reflect his concerns and his legacy”.

I would say that Bill C-65 as it is fails to reflect the legacy of Mr. Cadman. It is for this reason that, without amendments and without getting tough on repeat offenders, we will oppose the bill.

The Liberal government's approach of being lax on crime and not getting tough on crime in our society really should not come as a big surprise. I think that many members on this side of the House, many members opposite as well and the vast majority of Canadians feel that the gun registry is a colossal failure. It has cost the Canadian taxpayers \$2 billion and has not prevented a single crime or saved a single life.

An hon. member: That's right.

Mr. Dave Batters: I hear my colleague from Yorkton—Melville agreeing with me. I want to commend him on the great work that he has done to stand up against this useless gun registry and to stand up for putting those resources into front line policing where they can actually help eliminate or cut down on crime in our society instead of having this useless registry.

The member for Kildonan—St. Paul alluded to the fact that the Youth Criminal Justice Act in this country is a joke. I could not agree with her more. This country's young offenders do not fear the consequences of their actions. I believe they need to have five separate charges before there might actually be consequences for their actions. This is just unacceptable.

Let me turn to an issue that is very near and dear to my heart and should be near and dear to the hearts of everyone in this chamber. That issue is the policy toward drugs and drug use in our society, which is of great concern to families, parents and all Canadians.

On many occasions I have pushed the government to reschedule crystal meth, to change it from a schedule 3 to a schedule 1 drug, and to toughen the penalties on crystal meth. This summer the Minister of Justice actually made that change after being forced to. Everyone was in unison on that. The only people who disagreed were the crystal meth traffickers.

However, it still troubles me a great deal today. I saw a recent statement from Larry Campbell, the Prime Minister's most recent appointment to the Senate. I will quote Mr. Campbell. He said that seeing crystal meth addiction as an epidemic is exaggerated and a knee-jerk reaction. “This idea that there's a huge crystal meth disaster happening in this country is garbage,” he said. Mr. Campbell said this at a forum on the city's plan to prevent drug use. Mr. Campbell said that paranoia is feeding into some calls to restrict sales of cold medicine, an ingredient in the making of crystal meth.

•(1630)

This is unbelievable. Everyone in the country now appreciates the threat that crystal meth poses. This is the Prime Minister's most recent appointment. Perhaps the Prime Minister agrees with Senator Larry Campbell's assessment of the threat of crystal meth. It is unbelievable. It is another sign of the government's slack policy on getting tough on crystal meth traffickers. We furthermore know that the government wants to decriminalize marijuana.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, my colleague from Palliser opened his remarks by paying tribute to Mr. Chuck Cadman, the former member of Parliament who championed this issue. I concur with his remarks on behalf of the people of the riding of Winnipeg Centre. The issues of street racing, crime and safety are key and paramount. They are on the top of the minds of the people whom I represent. I find that I concur with many of his remarks.

Government Orders

I did a survey among the people in my riding last year. I asked them what the most paramount issue was facing them and their families. It was not health care. It was not tax cuts. It was not post-secondary education. It was not even the price of gasoline. Overwhelmingly, by a factor of four to one, it was crime and safety on our streets.

One of their issues is the street racing that we see up and down Portage Avenue and up into the neighbourhoods of my colleague from Kildonan. Every Sunday night cars are ripping up and down the streets with reckless abandon. We have not given the police the tools necessary to do their jobs. We have erred on the side of the rights of the criminal too many times in this regard.

On behalf of the people of the riding of Winnipeg Centre, I would like to acknowledge the points that they have raised with me, that crime and safety on their streets is their number one concern. As their member of Parliament, I intend to make it my number one concern. We are not going to be bleeding hearts about the rights of some punk to tear up our streets with a stolen car. In fact, we are going to give the police the tools they need to stop that practice and make our streets safe again. I concur with many of my colleague's remarks.

Mr. Dave Batters: Mr. Speaker, I appreciate the remarks of the member for Winnipeg Centre. He is exactly right. Crime and safety on our streets is a major concern to people in Palliser, Moose Jaw, Regina, Winnipeg and throughout the country. That is why this party, under the leader of the official opposition, struck a committee for safe streets and healthy communities to see how best we can move these goals and initiatives forward.

I respectfully say that I would like to see the voting record of the member for Winnipeg Centre on the gun registry. From his comments, I would hope he is strongly against the gun registry, realizing that those resources could have been better spent on taking firm action to get tough on crime in our society. The \$2 billion wasted by the Liberal government could have been redirected and used better.

I would also like to know the member's voting record on mandatory minimum sentences. The government continually allows our judiciary to give conditional sentences for very serious offences. The member for Provencher indicated that sex offenders in our society are getting house arrest. This is unbelievable and it is intolerable to the people of Moose Jaw, Regina, Rouleau, Avonlea, the great constituency of Palliser and throughout the country. Canadians are fed up.

These justice issues are a big reason why many of us have come to Parliament. I hope that the government and the Minister of Justice hear our pleas to finally get tough on crime. Canadians are thinking to themselves that the government has had 12 years to make these changes, and maybe they will never happen under the government. Canadians are looking for the alternative. They cannot wait for the leader of the official opposition and the Conservative caucus, and what will be a much bigger Conservative team following the next election, to make some major changes in terms of justice. Sex offenders certainly would not get conditional sentences. In terms of white collar crime, someone like Mr. Coffin who stole \$1.5 million

would not get a sentence of home by 9 o'clock at night on week nights alone. This is intolerable and Canadians have had enough.

• (1635)

Mr. Andrew Scheer (Regina—Qu'Appelle, CPC): Mr. Speaker, it is my pleasure to speak to the bill and to follow my colleague from Palliser. I know his commitment to fixing the problems in our criminal justice system is probably second to none, certainly in this House. I congratulate him on his fine analysis of the problems with the bill.

I want to begin my discussions on the bill by framing the Liberal strategy with crime prevention in general. Whenever the Liberals put forward a bill where they pretend they are going to make our communities safe or that they are going to protect Canadians from criminal elements, we have to remember where their priorities are.

I have had many of my constituents tell me that they do not consider it a justice system any more. It is more like an injustice system. It is referred to more as a legal system because that is where the focus is. It is not on enacting justice on those who do wrong in our society.

Let us remember where the number one focus of the Liberal government is in terms of crime prevention strategy, and that is the \$2 billion gun registry. Members heard a few of our speeches today refer to this. It is one of the most horrendous wastes of public money in Canadian history.

It is difficult to talk about the gun registry in under 10 minutes. There is really nothing right with it. Everything about it is wrong. The Liberals have pumped \$2 billion into a big black hole that has not prevented a single crime or solved a single murder.

Let us take a look at who would actually register guns. Farmers, hunters and sports shooters, being honest Canadians, want to comply with the law. Therefore, they register their guns. They know the waste involved and they understand that it is a violation of their rights, but they are honest Canadians and they do not want to break the law.

However, people who are going to commit a crime, especially one with a firearm, are not concerned about violating registration requirements. Drug dealers who have smuggled drugs into the country, who sell them on the streets, who decide to get involved in some kind of gang warfare, kill their competitors and move in on their turf will not stop and think about registering their guns first so they can abide by Bill C-68. We know they do not do that. Registration is useless. The best way to keep criminals from using guns illegally is to keep criminals in jail longer. That is the simplest way to do it.

All the money wasted on the registry could have been put toward front line police services. That money could save lives. According to the gun registry, the money may have created some bureaucrat jobs. It may have funnelled money through to Liberal-friendly firms. However, it has not saved any lives. That \$2 billion put into front line resources and into investigative resources is where we can save lives in a crime prevention strategy.

Government Orders

The bill deals with street racing. It is part of a package that the Liberals have introduced to deal with crimes related to cars. They also have one on the order paper dealing with tampering with vehicle identification numbers of stolen cars. These kinds of issues are very important to me. Car thefts are such a serious problem in Regina and, moreover, in the province of Saskatchewan.

The Conservative Party understands that to have one's car stolen is a serious breach of one's personal security and a violation of one's personal property. Someone's car is a vital part of someone's life. For many families, it is the only way that they can get to and from work. For students who cannot afford to live close to universities, it is the only way that they can get to school. It is a huge quality of life issue.

When someone's car is stolen, it throws one's life into turmoil. It affects insurance premiums. Car thefts cost the government and consumers over \$1 billion annually. This is felt most harshly in the form of higher insurance premiums. When premiums go up, it is a severe hardship for most working Canadians, especially for people living on fixed incomes. It affects their quality of life. Therefore, politicians should treat the theft of an automobile as a very serious crime.

However, the Liberals and the NDP just do not get it. They voted against every attempt on the part of the Conservative Party to enact tough minimum sentences for car thieves. I do not understand that. How many times do people have to steal cars before they are considered a threat to the community?

● (1640)

I absolutely understand that perhaps it is not the best idea to send a first time offender, a young person who made a mistake, to jail to make them a better criminal, which is a lot of the terminology thrown out by opponents of minimum sentencing. They say that if we send young people to jail, they will come out better criminals. They say that it is not the right thing to do for first time offences. That is where some judge's discretion can come into play.

However, my patience quickly runs out when someone is stealing their third or fourth car. Then they are no longer just young kids making mistakes. They are now car thieves and they need to be in jail. They need to be away from people's cars for long periods of time. Each time they steal a car, that period of time needs to be longer and longer.

It is easy not to steal cars. Yet the government continues to have a revolving door policy for repeat offenders. We are putting our friends and families at risk by not imposing serious consequences on repeat offenders.

However, we should not be surprised that the Liberals do not take car theft seriously. The Liberals constantly downplay the risk of allowing habitual offenders early release. When it comes to crime and other serious problems facing Canadians, the Liberals completely have their heads in the sand.

My colleague from Palliser mentioned the case of Liberal Larry Campbell, mayor of Vancouver and one of the newest Liberal senators. He does not even believe that crystal meth is a serious problem in our country. This is what he said in the *Globe and Mail* on Monday, October 17. He said, "This idea that there's a huge

crystal meth disaster happening in this country is garbage". He said that at a forum on the city's plan to prevent drug use.

I want every Canadian who has suffered through an addiction to crystal meth or who has had a friend or family member's life destroyed by this horrible drug to consider that statement, that crystal meth being a threat is garbage. That is a slap in the face to every Canadian who deals with the horrible impacts of crystal meth.

Despite the fact that chiefs of police around the country, provincial premiers and provincial attorneys general have all agreed unanimously that crystal meth is one of the most dangerous drugs on the streets of our nation and that we need an aggressive strategy to fight the production, distribution and consumption of this drug, the Liberals say that such talk is garbage.

Car theft is a plague to society. The Liberals think that is garbage. Crystal meth destroys people's lives. The Liberals think that is garbage. We in the Conservative Party do not think it is garbage. We think it is a horrible problem that the government needs to address immediately.

Then we come to the bill at hand and the Liberals again are pretending that they are doing something serious about crime. They are pretending that they are enacting a part of Chuck Cadman's legacy, but there are no minimum sentences in the bill. It is a far cry from what Chuck originally intended.

I only got to know Chuck very briefly. His time in this Parliament was brief and he was often unable to attend sittings of the House. The few times I was able to meet him, it was always very quickly in passing and just a brief hello. I was not here when he first started his crusade against this, but a lot of colleagues in my caucus were here. They remember the conviction and the passion that he brought to this place to fight on these kinds of issues, to fight for quality of life issues, for safer streets and safer communities.

Again, the Liberals have twisted that and have omitted any reference in the bill to minimum sentences and escalating minimum sentences for repeat offenders. They are a bit twisted on this. We heard the parliamentary secretary earlier explain that there were some minimum sentences in the Criminal Code. He said that the Liberals were doing a great job on minimum sentences. They even have a bunch of them in the Criminal Code regarding people who use guns in crimes. However, on September 27 in the House, the Liberal Minister of Justice said, "Minimum sentences have no effect. They do not deter and they result in unnecessary incapacitation and unnecessary costs to the system without protecting security".

This is another Liberal flip-flop. On the one hand, the Liberals say that have minimum sentences, that they are fighting crime and that these are good minimum sentences. On the other hand, they say that minimum sentences do not work and that is why they are against them. The Liberals are contradicting each other day by day.

Government Orders

I want to tell the House something important about deterrence when it comes to minimum sentences. When we enact a tough minimum sentence for a repeat or violent offender, we are deterring the most important person in regard to that, which is the offender himself because he cannot re-offend if he is in jail. That is one of the most important reasons why we do have minimum sentences. It is not just so we provide a warning for other Canadians who may be considering doing illegal acts, although that is important. It is to keep the person away from society, away from the people he might harm and to prevent him from re-offending.

• (1645)

I want to tell a quick story. When I was campaigning in the last election, I visited a house in the north central part of Regina. A woman answered the door. I was struck by the fact that on every window there were bars and security measures all around the house. She opened the door only a tiny way and peered out. She had a security bolt on the door. She was afraid, in the middle of the afternoon in Regina, to open her door because of the neighbourhood she lived in.

I do not believe that law abiding Canadians should have to live behind bars. I believe criminals should have to live behind bars. That lady should be able to open her door at any time of the day.

The Deputy Speaker: It is my duty, pursuant to Standing Order 38, to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for New Brunswick Southwest, The Environment.

Hon. Roy Cullen (Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, I noticed that members opposite had been commenting on the gun registry. I am wondering if they perhaps were omitting a number of important facts. For example, did the member opposite omit the fact that law enforcement officers are making inquiries every day to the gun registry? In fact, I wonder if the member would know that the number is 5,000 inquiries per day.

Perhaps the members opposite are implying that law enforcement officers are sitting around playing with their computers and not really doing this as a productive exercise. What I am reading from that is that law enforcement officers are finding the gun registry to be of some value.

I wonder if the member opposite and other members that have commented on the gun registry have talked about the fact that the Canadian Association of Chiefs of Police wholeheartedly endorsed the gun registry and, in fact, the Canadian Professional Police Association, the rank and file police officers, also have endorsed the gun registry.

I wonder if members opposite realize that thousands of affidavits have been filed by the firearms centre to prosecute criminals and people that are illegally using handguns.

I wonder if members opposite realize that some 8,000 individuals have been denied the licensing of firearms because they are not eligible because of some problem in their past or some current problem.

I wonder why members opposite have not commented on the fact that the annual costs of the gun registry have been managed down to \$15 million a year.

Perhaps Canadians would like to know these facts. The gun registry is now being managed properly and is getting results. Did members opposite forget to mention these facts to Canadians in this House today?

Mr. Andrew Scheer: Mr. Speaker, I love talking about the gun registry. As long as the Liberals keep defending it, the Conservatives will keep being elected in Saskatchewan. There is nothing defensible about the gun registry.

Let me address a few of the member's points. First of all, the fact that it may be checked by police officers around the country is meaningless. Try to picture an RCMP officer or a city police officer who checks the gun registry and it says that there are no guns present in this house. The registry says that no one in this house owns a gun because no one in the house has registered a gun. The officer says that he will then take off his bullet-proof vest, leave his guns in the car, and sidle up to the door and just walk in because he now knows, 100% for sure, that there are no guns in that house. Does the member really believe that there is any police officer in this country that would do that? Of course not. Maybe that Liberal member might do that, but I doubt he would be on the force very long if that is what he did.

Second, about the cost that is \$20 million a year. Let us try \$85 million a year. Only a Liberal who said that the plan would only cost \$2 million would think that he is somehow being fiscally responsible by charging Canadians \$20 million or \$85 million. Only a Liberal would think that way.

We have to remember when it comes to these Liberals, that they are so out of touch with ordinary Canadians. They are so out of touch with what Canadians want as priorities. They stand in this House and they find these excuses for something that is indefensible. They defend the indefensible.

This is what the Liberals have done, whether it is age of consent laws that allow the exploitation of children, whether it is the gun registry, or whether it is about lenient sentences on repeat and habitual offenders. They defend the indefensible. That is why they are not long for the life of this Parliament.

• (1650)

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, we are debating Bill C-65 in a tribute to Mr. Chuck Cadman who served here from 1997 until recently. It is important to note that this bill is very much in essence what he proposed.

One of the reasons I am supporting the bill is because it has some good measures to get this crime of street racing put in a proper perspective. It is important to note that this is in essence private members' legislation that we are dealing with today.

I think it also addresses a major gap that we have with auto theft and the consequences of actions that people take that are outside of the individual action itself. For example, victims are created by the chases, the activities and the repercussions of harmful actions that are a part of this theft and crime.

Government Orders

I know that, for example, in Toronto we have an issue over guns and the consequences there. One factor of this problem is that we have a high degree of youth that are unemployed in this country and we are addressing the things we can do on the penalty are being addressed here. Can the member give us some specifics on what we can do on the front end to ensure that these young people have good quality opportunities in front of them, as opposed to only having this behind them?

Mr. Andrew Scheer: Mr. Speaker, the favourite saying of my leader is that the best social program is a job. The best way for young people to avoid a life of crime is if they can look forward to a life of economic prosperity. The best way to do that is to make our economy competitive and help create jobs, so that young people who have to put themselves through university or another form of post-secondary education can do that. Also, for younger children who may be at risk of becoming young offenders, we should ensure that their parents are able to find jobs, provide for their families, and help steer their children away from that life of crime.

I absolutely agree with the premise that there is a whole lot of value in prevention, but what we are talking about today is more the sentencing side. That is where we get into his party's dismal record of supporting real substantive changes to the criminal justice system. In fact, his leader has consistently stood up and voted in favour of the gun registry, in favour of pumping more millions of dollars into the gun registry. That is the leader of the NDP's focus on crime prevention and it is as dismal as the Liberal approach in that case.

Mr. Randy Kamp (Pitt Meadows—Maple Ridge—Mission, CPC): Mr. Speaker, I will be splitting my time with the member for Kootenay—Columbia.

I would like to take all members of the House back to a place in my riding. It is the intersection of Lougheed Highway and Laity Street. If we had been there on Monday morning, February 28, we would have seen a man wandering in a dazed condition, aimlessly it would seem, in a state of disbelief they tell me. It was an accident scene and he was approaching reporters and people standing by wanting information. He was asking for details because earlier that morning he had received a call from the RCMP, that call that we all live in fear of, that said that his 23-year-old son had been killed in a car accident. He went to the scene to see what he could learn.

The investigation later would reveal that at 10 p.m. the night before his son was the passenger in a green Honda Del Sol driven by his 22-year-old friend. This car and a silver sports car were speeding, racing eastbound on Lougheed Highway. Shortly after it went through the intersection at Laity Street, it lost control and swerved to the left into the westbound lane and hit a Ford Taurus station wagon killing the 45-year-old woman who was driving and seriously injuring her passenger. The two young men also died at the scene.

In that moment for many, the world was forever changed. Two young men with goals and dreams, and by all accounts good kids, died in a moment of recklessness leaving behind broken-hearted families and grieving friends, and 17 and 21-year-old sons of the 45-year-old mother. The driver of the silver sports car, who by all accounts stopped, backed up, took a look at the scene, then raced off and has not been seen since. A community is forever changed when it experiences such a tragedy.

Of course we could go to other places as well. In October 2004, in Maple Ridge, there were two racing motorcyclists. One died in a ditch beside the Lougheed Highway. The uninjured rider was given a 15 day driving suspension and had his bike impounded for 48 hours. On November 13, 2000 two street racers killed pedestrian Irene Thorpe and in February 2002 they were sentenced to two years less a day of house arrest. On September 15, 2002, 31-year-old RCMP Constable Jimmy Ng was killed when his cruiser was T-boned by a street racer. The racer received 18 months, and 6 months for leaving the scene of an accident.

There are many other indicators that we could go through indicating that there is a problem. In fact, Chuck Cadman recognized that there was a problem through his private member's Bill C-230, which he introduced in October 2004, and before that Bill C-338 of December 2002 and then reintroduced again in February 2004. That one was actually debated.

There were three main initiatives in his bill. First, to amend the Criminal Code to identify street racing as an aggravating factor during sentencing for the following offences: dangerous operation of a motor vehicle causing bodily harm, dangerous operation of a motor vehicle causing death, criminal negligence causing bodily harm, and criminal negligence causing death.

Second, it called for mandatory driving prohibitions; and third, it had an escalating scale of prohibitions for repeat offenders.

It is interesting as I look back at *Hansard* to see what the government's response was to Bill C-338, which is remarkably similar to the bill that we are debating today. First of all, the government did not like specifying street racing as an aggravating factor and said it was unnecessary. The Parliamentary Secretary to the Minister of Justice said:

Unless there is some compelling reason to specify that certain circumstances are aggravating, it is better not to multiply the instances where the Criminal Code spells out that a particular way of committing the offence will be an aggravating factor.

—unless we have a strong indication that the courts are not treating street racing as an aggravating factor for these four offences, restraint ought to be exercised in specifying that street racing become an aggravating factor.

The status quo is what he was looking for and the sister of Irene Thorpe might have offered him the compelling reasons he was looking for.

● (1655)

They did not like the idea of prescribed mandatory driving prohibitions. That same parliamentary secretary said:

I think there is logic in the present law, which gives the court discretion on whether to impose a driving prohibition order.

There may be logic, but the problem is what happens in practice. He went on to say:

If a court imposes a long period of imprisonment, the court may believe that there is no need to have the offender prohibited from driving at the point of release from imprisonment, which will be far in the future. In such cases, the offender will have been off the streets and away from the wheel for a very long time.

Government Orders

This argument is like an NHL player who was suspended just before the lockout arguing that he had done his time because he had been off the ice and unable to do any more harm for a very long time. The person he had injured would not see that as justice.

The government has always been against mandatory minimum sentences, even though it points to a few that it has allowed and even claims once in a while that they are working. I heard this argument just yesterday from the Minister of Justice.

It seems to me there are two basic arguments that the Liberals use. One is that they do not work. That is the government's main argument, it seems to me. This is arguable. In fact, if we look at the data, most of the data the Liberals consult comes from across the border and the drug laws that are in place there. They look at the drug use and so on and the measurements by those standards, and say that obviously these mandatory minimum sentences are not working so the idea of mandatory minimum sentences must be a bad idea. The question is not only about whether they work, it is about whether justice is being done. It is not the minister of social work. It is the Minister of Justice.

The Liberals do not like the idea of them because it removes discretion from judges, but it seems to me that that is the whole point. The theory is that if judges are using good judgment, we will only limit them by how harsh they can be. What about judicial trivialization, as I like to call it. If they are just not exercising good judgment and if justice is not being done, then they need to also be limited by how lenient they can be. Of course, they did not like the prescription for repeat offenders.

This brings us to Bill C-65. This bill looks remarkably similar to Bill C-338 which the Liberals opposed a couple of years ago. Bill C-65 is a government bill, so it raises at least two questions: why the change of heart and how is it different in any way from what Mr. Cadman proposed? Let us deal with those briefly.

Why has the government had a change of heart? What has changed since October 2003? We know that the government survived a crucial vote, and a crucial vote in that vote was cast by Mr. Cadman. I believe he did it in good faith based on his principles, but we know the government is not averse to rewarding loyalty, even if it is unintended, and so feels some kind of an obligation. Of course we also know that Mr. Cadman has left us.

The government has said that this bill and Bill C-64, its companion bill, are intended as appropriate tributes to his legacy. I agree with this. I agree that there should be a legacy and a tribute to Mr. Cadman. Our country and our Parliament are poorer places without him. In fact he made many contributions in my own riding. In my own community he used to come and work with our diversion program, talk to young offenders and give up his valuable time to change lives.

Let us go to the second question. How is this different? It now has street racing as an aggravating factor. Yes, that is in it. It has mandatory prohibitions, although the Liberals appear not to like it at other times. They are in here as well, but they did not include the clauses about repeat offenders and I am disappointed by that. Instead of giving us a bill in a form as developed by Mr. Cadman and which

I think would have been enthusiastically supported by everybody in this House, the government has neutered the bill.

This is not a fitting tribute to the legacy of Chuck Cadman. While I support what is in it, I am disappointed by what is not in it. There needs to be more. We need to do what is necessary to amend this bill to include the repeat offender clauses, not just because it is what Mr. Cadman and his family would have wanted, but because it makes it better legislation and it is the right thing to do.

• (1700)

Mr. James Lunney (Nanaimo—Alberni, CPC): Mr. Speaker, in Vancouver street racing is a very serious issue. The member mentioned a number of incidents of street racing in the Vancouver area. One resulted in the death of Constable Jimmy Ng, who was hit broadside and killed at the side of the road by street racers.

There was another incident among many involving street racing in Vancouver where two men were convicted of killing a pedestrian, Irene Thorpe. My colleague mentioned that. These two young men, 23 and 20 years old, were doing about 120 kilometres an hour in a 50 kilometre zone when one of them lost control and slammed into Irene Thorpe as she walked along the street.

The sentence was considered an outrage. The CBC news headline was "Slap on the hand sentence for killer street racers causes an outrage". They were put on probation for three years and their driver's licences were revoked for five years. What kind of response is that for Irene Thorpe, who is dead, and her family?

My colleague spoke a few minutes ago about elderly people who are afraid to open their doors because of crime and because of elders being abused. There was a question asked today by my colleague from Surrey about the Vancouver Board of Trade saying that crime is out of control in that city, the largest city in British Columbia. The city proper has a population of about 570,000 and there are 10,000 break-ins a year. How are citizens supposed to feel safe, with this kind of response? There are 6,000 car thefts and 10,000 thefts from cars. That is from the study of Vancouver proper itself. Surrey next door leads all of Canada for car theft. That is the response to the kind of legislation that this government continues to bring forward with no teeth in it. Constituents are upset about it.

I wonder if my colleague, who comes from the Lower Mainland, would care to comment. I know he is taking the pulse of the community and that justice issues are very much on his mind. I wonder if he would care to comment on the atmosphere in Vancouver, as well as in many other Canadian cities, where crime is very much out of control.

• (1705)

Mr. Randy Kamp: Mr. Speaker, the people of Pitt Meadows—Maple Ridge—Mission are peace loving and generally fairly reasonable in their responses to things. I need to tell my colleague that I have been surprised at the number of people who are fed up.

Government Orders

I was at an event on Sunday and a number of people approached me on this very issue asking when it was going to stop, when was the government going to get serious about justice and crime, two things which ought to be linked in my opinion. People want to know when the justice system is actually going to give out sentences that will provide, if not a deterrent, at least some justice for people like Irene Thorpe's sister who now will live without her for the rest of her life and does not understand the sentences given to those young men.

I had a town hall meeting on this subject with the Conservative critic on these issues. Frankly, I was surprised at the feeling in the room. People are just not taking any more of the kind of approach to justice and sentencing that the Liberal Party not only seems to tolerate but is nurturing. Something needs to change.

Mr. Gurmant Grewal (Newton—North Delta, CPC): Mr. Speaker, my constituency is next to the riding of Surrey North. Many constituents of Surrey North, who were honourably represented by Chuck Cadman who sponsored the private member's bill, have come to my office for casework as well as to discuss the two government bills. I should have spoken to this bill a long time ago but I did not get an opportunity. I am speaking to this bill now but we are approaching the time when we will close off debate.

Lots of people are frustrated in the Surrey area particularly because the government has watered down the two bills. When Mr. Cadman was a member of the Reform Party, the Canadian Alliance and the Conservative Party, his bill was vigorously opposed by the Liberals, but after the confidence vote the Liberals suddenly decided to make it his legacy.

The government has neutered the bill by taking out all the important contents. Could the hon. member explain what the motive of the Liberal Party is at this moment to bring forward this bill? Why will this bill not fulfill the intended purpose of Mr. Cadman?

Mr. Randy Kamp: Mr. Speaker, frankly, I do not know why the Liberals have done this. It seems that they had a good opportunity if they were serious about paying tribute to Mr. Cadman and the great work that he did in this place. This seems to me to be window dressing, a watering down of the bill. Maybe it is a pre-election exercise to make it look like they are doing something. I think certainly the family of Chuck Cadman, his former associates and the people of Surrey see it for what it is.

• (1710)

Mr. Jim Abbott (Kootenay—Columbia, CPC): Mr. Speaker, I count it a great privilege to stand and speak to Bill C-65. The reason in particular is the way the bill has been characterized as being a tribute to Chuck Cadman. Mr. Speaker, that is absolutely false, totally false.

I had the privilege last Saturday of visiting very briefly with Donna Cadman, Chuck's wife. We did not discuss the bill, although I know she is familiar with the reasons that our party is having a tremendous amount of difficulty with the bill. I count myself as having been exceptionally privileged as having become a friend of Chuck's and I take great offence when I hear the justice minister of Canada referring to this bill as a tribute to my friend, Chuck Cadman.

I was also rather perplexed when I heard just a few minutes ago a member of the NDP refer to this bill as the essence of what he

proposed. Well, the smell of a skunk is the essence of perfume, but it does not have anything to do with anything pleasant or anything related to what we would normally think of in terms of a perfume.

Bill C-65 as far as it goes is fine, but the next thing I can visualize is that the Liberals in a dishonest approach will say, "The Conservatives are not really serious about this issue. They would not even back the memory of Chuck Cadman. Look at what they are doing. They are going to be voting against the bill. It is the essence of Chuck Cadman". It is not the essence of Chuck Cadman.

Chuck Cadman understood that while some of the parts of the bill are essential, truly the devil is in the details. Chuck Cadman had been attempting to legislate changes to street racing provisions since 2002. As some of my colleagues pointed out, again and again Chuck Cadman was rebuffed not only in this chamber, not only with the rejection of his bills, but also at the justice committee. He was constantly rebuffed by the Liberals.

I do recall at Chuck's funeral, and it was a fitting tribute to a very special man, that the minister related that in jest Chuck said that he had voted with the Liberals on the confidence motion and wondered if God would not be pleased. He said it in jest, but he worked constantly throughout his honourable time in this institution to try to bring some real change to justice. He worked honourably against the Liberals who were constantly opposed to him because they refused to do what was absolutely necessary to bring justice back to our justice system.

Currently we have a legal system in Canada, not a justice system. Chuck Cadman worked to that end.

Previous versions of the bill include Bill C-338 and Bill C-230. The government had refused to support the legislation because it called for mandatory minimum driving prohibitions and increased punishment for repeat offenders.

The Liberals are so soft on crime that they are constantly creating revolving doors. They are constantly looking to make sure that the person who has committed the crime is treated with kid gloves while the victims' families can go hang. That is a bad attitude. That is a wrong attitude. It is an attitude that the people of Surrey North, the people of Surrey, the people of British Columbia and indeed the people of Canada reject of the Liberals, that they are constantly so soft on crime.

We constantly supported the measures that Chuck Cadman brought forward. I recall a gentleman when Chuck initially came to the House of Commons, Larry Park. Larry was Chuck's legislative assistant. Larry was as committed as Chuck to these amendments to the Criminal Code. Larry and Chuck would work for hour after hour, weekend after weekend. I am sure that Donna must have wondered if she had become a widow with the amount of dedication that Larry and Chuck had to bringing these things forward.

Government Orders

•(1715)

If I am speaking with some emotion today it comes from the well of emotion that I have within me to say that this is not Chuck Cadman's bill. It reminds me an awful lot of an event that actually happened during the U.S. presidential election. George Bush's running mate was Dan Quail. When he tried to play down his youth in the vice-presidential debate by pointing out that he had as much experience as Jack Kennedy when he ran for president in 1960, his opponent, Lloyd Bentsen, pounced and said, "I knew Jack Kennedy. Jack Kennedy was a friend of mine. Senator, you're no Jack Kennedy".

I say to the justice minister, through you, Mr. Speaker, you are no Chuck Cadman, you do not understand, you just do not understand.

We want to make the following amendments. They cannot be made at this particular stage but we will be proposing them on the assumption that the Liberals will be supported yet again by the NDP for this bill to move forward.

We will be making the following amendments: for a first offence, during a period of not more than three years plus any period to which the offender is sentenced to imprisonment, and not less than one year; for a second and subsequent offence, if one of the offences is an offence under section 220 or subsection 249(4), for life; for a second offence, if neither of the offences is an offence under section 220 or subsection 249(4), during a period of not more than five years plus any period to which the offender is sentenced to imprisonment, and not less than two years; and, for each subsequent offence, if none of the offences is an offence under section 220 or subsection 249(4), during a period of not less than three years plus any period to which the offender is sentenced to imprisonment.

For the people who are reading this text, other than lawyers, for people who may be watching these proceedings on television right now, that sounds like an awful lot of detail. However, as I said earlier, the devil is in the detail. This is the detail that Chuck Cadman would have had in this bill.

I say again that the Minister of Justice of Canada is misleading Canadians and is misleading the House. It is regrettable that the NDP has fallen into the trap of his misleading when he tries to say that this is Chuck Cadman's bill. Chuck Cadman was a friend of mine and this is not his bill.

Mr. Myron Thompson (Wild Rose, CPC): Mr. Speaker, I have known that member since we first came to the House in 1993. I would also like to mention that prior to his arrival and delivering his speech I heard three great speeches from three newcomers to this place: the member for Regina—Qu'Appelle, the member for Palliser and the member for Pitt Meadows—Maple Ridge—Mission.

I am so enthused when I see these younger people coming into the House of Commons with the common sense that it takes to understand what is so important about these issues.

I do not pass out compliments very often but, my goodness, it is a surprise that the member for Winnipeg Centre managed to find out what we all know, that in his riding crime and law and order are extremely important issues. At least he found that out. Now I hope he acts like it and represents them well when it comes to these decisions.

The member is correct. Chuck Cadman's private member's bill was the way he wanted to have it. It had all the meat and all the potatoes. The government turned down that bill and now it comes back and, how dare it, tries to present this bill in his name when it does not match up with what his bill was all about.

After 12 years of both of us being here in the House, does the member agree with me that there is nothing new going on in this place with regard to law and order? Is there any real commitment that he has seen from the minority government that will make the difference? I think not. I just wonder whether he agrees with this.

•(1720)

Mr. Jim Abbott: Mr. Speaker, the difficulty with this House is that of course we are politicians and this is a political process. Our friends on the other side have that down to a fine art where they can make things appear, like they are in this case, a reflection of the bills that Chuck Cadman would bring forward. If anything, they have managed to get the finesse of actually sucking in the NDP members to the point where they would actually say that this is the essence of what he proposed.

The only thing that has happened, unfortunately, is that this House has grown weaker in its ability to be able to make any real changes in the justice system.

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, my colleague's comments were very insightful, both with respect to his experience and his attitude toward the need to address this crime issue.

We have had a Liberal government for over a decade that has been in charge of taking care of business in terms of the crime element and the justice issues here in Canada. Today in the City of Winnipeg and all across my province crime is out of control. We have crystal meth issues, organized crime issues and we have the highest homicide rate in all of Canada. We have a wonderful police force. Members opposite talked about the gun registry. I know that the Winnipeg Police Association and the Manitoba Police Association do not endorse or support the gun registry because I just talked with them yesterday.

Having said that, this is about an attitude and a philosophy. Clearly the government cannot get crime under control. Canada is now at loose ends in terms of the crime element in our country and it is a big worry. We have had child pornography issues. We have had new things come up. Crime has grown under the government's watch.

Could the member please comment on what he feels is happening here in Canada in terms of the justice issues?

Mr. Jim Abbott: Mr. Speaker, in addition to the lack of will on the part of the government over the last more than a decade of changing the laws and making the necessary amendments to the laws, a culture, unfortunately, has developed within the judicial system itself that has become so technical and so parsing of so many words that we have seen the rise of judicial activism on the part of the Supreme Court that has swept right down through the other courts.

Government Orders

The police have actually had the ability to do their jobs taken away from them by virtue of all the paperwork they have to generate. We have reached the point where if a police officer pulls someone over suspecting the person of being under the influence of alcohol, the officer is better off letting that person go than trying to create a file. Any file that the police create will be a starting point of an inch thick with the first set of forms. This has occurred and is growing exponentially under the Liberal government.

I fully recognize that enforcement is a provincial issue but at the end of the day the fact that the police are being hindered by the courts of being able to enforce the laws is a direct result of the soft on crime Liberals. It is very frustrating.

In answer to my colleague, it is not just the laws, it is also the application of the laws and the complexity that has been created by an ever-increasing interference by the judicial system which is clearly encouraged by the Liberal government.

• (1725)

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, it is a privilege to speak to Bill C-65 which is an act to amend the Criminal Code. It is very important to get the bill through second reading and into committee where we can discuss changes and amendments. It is important to look at all amendments to the bill because it is an incremental step forward that is very important, not only in terms of setting a standard for the criminal activity around auto theft and the consequences that affect those individuals, but also for the police forces, emergency response forces and ordinary citizens who get sucked into this vortex of pain and suffering related to the crimes that individuals commit.

It is also important to note that the bill would have a mandatory sentence which is an important step for this particular crime. It suits the crime very well and I think many Canadians will support the bill, and especially some enhancements to it.

I want to note, from my particular constituency of Windsor West, some of the great work that has been done in the past by Ken Koekstat from Crime Stoppers and Glenn Stannard, our chief of police, related to crime, youth activities, as well as the general population, and the fact that auto theft and the consequences have been rising at different times. They have been looking at proactive strategies to deal with this, as well as the consequences once the activity has taken place.

I can tell members that my former background as a municipal councillor, having lived under the Conservative regime of Mike Harris, the incredible downloading and the consequences of that were profound for municipal tax ratepayers across the province of Ontario because it put incredible pressures on keeping one's police force up to snuff.

Frankly, the corporate tax cuts that were enjoyed came at the expense of many municipalities having pitched battles about whether or not to invest in fire and rescue, emergency services and/or police departments. I know that I had many citizens who wrestled with the fact that their property taxes would need to be raised and subsequently were raised for many years because the provincial government had downloaded a series of services and responsibilities. What was despicable about the Harris regime was the fact that it also included different standards and reporting for the police department

and the fire department but did not pass any appropriate funding to deal with that.

We agreed with the additional training and the additional supports that were going to be there for officers but at the same time there was nothing provided to them to actually do that without having to go into the municipal taxpayer base. Having property tax as a funding source for policing is certainly not adequate for a modern industrial society and is certainly not adequate when a provincial government makes other choices. I can tell members that it had a profound impact as well.

Right now in our constituency we do know that many of these thefts are actually related to joy rides. Also, it was described recently by police officials on our radio as a way of some people using it as transit, where they would steal a car in one neighbourhood on the east side of Windsor and use that to joyride around or provide friends rides for the day and dispose of it later. Different types of cars were easily targeted and the youth who were doing this knew that and would provide it as a way of public transit for themselves. It is a terrible crime and it is a reality that the police have had to deal with. They have incorporated Crime Stoppers to get to those individuals but there has to be an investment to provide opportunities so that is not going to be the first thing that people think or is acceptable.

I think of balance, a balance of having strict penalties for this type of serious crime and the consequences that it has brought to people's life is very important. I agree with that. At the same time, there has to be a balance. The municipal governments need to get support from the senior levels of government to be able to increase their police forces to do the types of services that are necessary to prevent the crime and to be on the streets and to be a presence on the street so there will be accountability on the spot. From my days on municipal council, that certainly had a profound impact in terms of Ontario usurping those powers from municipal police forces because of the downloading.

In fact, even when the province promised that we would actually have revenues increase when the provincial offences acts were transferred to municipal governments, we were supposed to get an increase that we could then put back into our policing and put more officers on the streets.

• (1730)

What ended up happening was that they gave us the worst cases, the most difficult and the most expensive to prosecute, which ended up causing a greater liability for the municipality. It was great for the Harris Conservative regime. It was wonderful for that treasury, but it was not good for local municipal governments that lost another revenue source for putting officers on the street who could prevent tragic circumstances like those that come about from auto theft.

The Acting Speaker (Mr. Marcel Proulx): The hon. member of course knows that when debate is resumed on this subject there will be the additional 15 minutes remaining.

[Translation]

FOOD AND DRUGS ACT

The House resumed from October 7 consideration of the motion that Bill C-28, An Act to amend the Food and Drugs Act, be read the third time and passed.

The Acting Speaker (Mr. Marcel Proulx): It being 5:30 p.m., the House will now proceed to the taking of the deferred recorded division on the motion at third reading stage of Bill C-28.

Call in the members.

● (1800)

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

(Division No. 171)

YEAS

Members

Abbott	Ablonczy
Adams	Alcock
Allison	Anders
Anderson (Victoria)	Anderson (Cypress Hills—Grasslands)
Augustine	Bains
Bakopanos	Barnes
Batters	Beaumier
Bélangier	Bennett
Benoit	Bevilacqua
Bezan	Blondin-Andrew
Boivin	Bonin
Boshcoff	Boudria
Bradshaw	Breitkreuz
Brisson	Brown (Oakville)
Brown (Leeds—Grenville)	Bulte
Byrne	Cannis
Carr	Carrie
Carroll	Casey
Casson	Catterall
Chamberlain	Chan
Chong	Coderre
Cotler	Cullen (Etobicoke North)
Cuzner	D'Amours
Day	DeVillers
Devolin	Dhalla
Dion	Dosanjh
Doyle	Drouin
Dryden	Duncan
Easter	Emerson
Epp	Eyking
Fitzpatrick	Fletcher
Folco	Fontana
Forseth	Frulla
Fry	Gallant
Galloway	Godbout
Godfrey	Goldring
Goodyear	Graham
Grewal (Newton—North Delta)	Grewal (Fleetwood—Port Kells)
Guarnieri	Guergis
Hanger	Harper
Harris	Harrison
Hearn	Hiebert
Hill	Hinton
Holland	Hubbard
Ianno	Jaffer
Jean	Jennings
Johnston	Kadis
Kamp (Pitt Meadows—Maple Ridge—Mission)	Karetak-Lindell
Karygiannis	Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)	Khan
Komarnicki	Kramp (Prince Edward—Hastings)
Lapierre (Outremont)	Lastewka
Lauzon	LeBlanc
Lee	Longfield
Lukiwski	Lunn
Lunney	MacAulay

MacKay (Central Nova)	MacKenzie
Macklin	Malhi
Maloney	Mark
Marleau	Martin (Esquimalt—Juan de Fuca)
Martin (LaSalle—Émard)	Mathews
McCallum	McGuinity
McGuire	McKay (Scarborough—Guildwood)
McLellan	McTeague
Menzies	Merrifield
Mills	Minna
Mitchell	Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)	Murphy
Myers	Nicholson
O'Brien	O'Connor
Obhrai	Oda
Owen	Pallister
Paradis	Patry
Peterson	Pettigrew
Pickard (Chatham-Kent—Essex)	Poilievre
Powers	Prentice
Preston	Rajotte
Ratansi	Redman
Regan	Reid
Reynolds	Richardson
Ritz	Robillard
Rodriguez	Rota
Russell	Saada
Savage	Savoy
Scarpaleggia	Scheer
Schellenberger	Schmidt (Kelowna—Lake Country)
Scott	Sgro
Silva	Simard (Saint Boniface)
Simms	Skelton
Smith (Pontiac)	Smith (Kildonan—St. Paul)
Solberg	Sorenson
St. Amand	St. Denis
Steckle	Stronach
Szabo	Telegdi
Temelkovski	Thibault (West Nova)
Thompson (New Brunswick Southwest)	Thompson (Wild Rose)
Tilson	Toews
Tonks	Trost
Tweed	Ur
Valeri	Valley
Van Loan	Vellacott
Volpe	Wappel
Warawa	Watson
Wilfert	Williams
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Members

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Bagnell
Bergeron
Blaikie
Boire
Boulianne
Broadbent
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Cleary
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Davies
Deschamps
Desrochers
Faille
Gagnon (Jonquière—Alma)
Gauthier
Guay
Julian
Laframboise
Lapierre (Lévis—Bellechasse)
Layton
Lessard
Marceau
Martin (Sault Ste. Marie)
McDonough
Ménard (Marc-Aurèle-Fortin)
Parrish
Picard (Drummond)

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Sauvageau
Simard (Beauport—Limoulou)
Stoffer

PAIRED

Members

Bell
Côté
Gagnon (Saint-Maurice—Champlain)
Lévesque
Pacetti

Bouchard
Efford
Goodale
Neville
Vincent — 10

The Acting Speaker (Mr. Marcel Proulx): I declare the motion carried.

(Bill read the third time and passed)

* * *

• (1805)

[*English*]

CANADA ELECTIONS ACT

The House resumed from October 17 consideration of the motion that Bill C-63, An Act to amend An Act to amend the Canada Elections Act and the Income Tax Act, be read the second time and referred to a committee.

The Acting Speaker (Mr. Marcel Proulx): The House will now proceed to the taking of the deferred recorded division on the motion at second reading stage of Bill C-63.

Hon. Karen Redman: Mr. Speaker, if the House would agree, I would propose that you seek unanimous consent that members who voted on the previous motion be recorded as having voted on the motion now before the House, with Liberal members voting in favour. That would include the member for Yukon.

The Acting Speaker (Mr. Marcel Proulx): Does the hon. member have the unanimous consent of the House to proceed in this fashion?

Some hon. members: Agreed.

Hon. Rob Nicholson: Mr. Speaker, members of the Conservative Party will be voting no.

[*Translation*]

Mr. Michel Guimond: Mr. Speaker, the members of the Bloc Québécois will be voting in favour of this motion.

Mr. Yvon Godin: Mr. Speaker, the members of the NDP will be voting in favour of this motion.

[*English*]

Mr. Pat O'Brien: Mr. Speaker, I vote no to the motion.

Mrs. Carolyn Parrish: Mr. Speaker, I vote yes.

Mrs. Bev Desjarlais: I vote yes, Mr. Speaker.

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

(*Division No. 172*)

YEAS

Members

Adams

Alcock

Anderson (Victoria)
Asselin
Bachand
Bains
Barnes
Bélangier
Bennett
Bevilacqua
Blaikie
Blondin-Andrew
Boivin
Bonsant
Boudria
Bourgeois
Brison
Brown (Oakville)
Bulte
Cannis
Carr
Carroll
Chamberlain
Christopherson
Cleary
Comartin
Crête
Cullen (Etobicoke North)
D'Amours
Demers
Desjarlais
DeVillers
Dion
Drouin
Duceppe
Emerson
Faille
Fontana
Fry
Gagnon (Jonquière—Alma)
Gaudet
Godbout
Godin
Guarnieri
Guimond
Hubbard
Jennings
Kadis
Karygiannis
Kotto
Lalonde
Lapierre (Lévis—Bellechasse)
Lavallée
LeBlanc
Lemay
Longfield
MacAulay
Malhi
Marceau
Martin (Esquimalt—Juan de Fuca)
Martin (LaSalle—Émard)
Masse
McCallum
McGuinty
McKay (Scarborough—Guildwood)
McTeague
Ménard (Marc-Aurèle-Fortin)
Mitchell
Myers
Paquette
Parrish
Perron
Pettigrew
Pickard (Chatham-Kent—Essex)
Poirier-Rivard
Ratansi
Regan
Rodriguez
Roy
Saada
Savage
Scarpaleggia
Sgro
Silva
Simard (Saint Boniface)
Smith (Pontiac)

André
Augustine
Bagnell
Bakopanos
Beaumier
Bellavance
Bergeron
Bigras
Blais
Boire
Bonin
Boshcoff
Boulianne
Bradshaw
Broadbent
Brunelle
Byrne
Cardin
Carrier
Catterall
Chan
Clavet
Coderre
Cotler
Cullen (Skeena—Bulkley Valley)
Cuzner
Davies
Deschamps
Desrochers
Dhalla
Dosanjh
Dryden
Easter
Eyking
Folco
Frulla
Gagnon (Québec)
Galloway
Gauthier
Godfrey
Graham
Guay
Holland
Ianno
Julian
Karetak-Lindell
Khan
Laframboise
Lapierre (Outremont)
Lastewka
Layton
Lee
Lessard
Loubier
Macklin
Maloney
Marleau
Martin (Winnipeg Centre)
Martin (Sault Ste. Marie)
Matthews
McDonough
McGuire
McLellan
Ménard (Hochelaga)
Minna
Murphy
Owen
Paradis
Patry
Peterson
Picard (Drummond)
Plamondon
Powers
Redman
Robillard
Rota
Russell
Sauvageau
Savoy
Scott
Siksay
Simard (Beauport—Limoulou)
Simms
St-Hilaire

Private Members' Business

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Stoffer
Szabo
Temelkovski
Tonks
Valeri
Volpe
Wasylycia-Leis
Wrzesnewskyj

● (1810)

[*Translation*]

The Acting Speaker (Mr. Marcel Proulx): It being 6:10 p.m., the House will now proceed to consideration of Private Members' Business as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS

[*English*]

CONTROLLED DRUGS AND SUBSTANCES ACT

Mr. Jay Hill (Prince George—Peace River, CPC) moved that Bill C-248, An Act to amend the Controlled Drugs and Substances Act (trafficking in a controlled drug or substance within five hundred metres of an elementary school or a high school), be read the second time and referred to a committee.

He said: Mr. Speaker, I appreciate the support of the whip of our party, my colleague from Niagara Falls, for seconding my bill.

It is a great pleasure to finally be debating Bill C-248 during this first hour of debate at second reading. Although, I introduced the legislation on four previous occasions, this is the first opportunity to have the legislation debated by members in this chamber.

The purpose of Bill C-248 is to impose mandatory prison sentences upon those convicted of trafficking in a controlled drug or substance within 500 metres of an elementary school or a high school. The mandatory sentences imposed would be one year or more for a first offence and two years or more for a subsequent offence.

These mandatory sentences apply to substances and amounts of substances as listed in schedules I, II, III, IV and VII of the Controlled Drugs and Substances Act, but the bill also would set maximum sentences depending upon the substance and/or the amount of the substance.

For example, a maximum prison term of three years would apply to someone convicted of their first offence for trafficking in barbiturates and someone convicted for a subsequent offence in trafficking cocaine would face a maximum sentence of life imprisonment.

The legislation specifically addresses a matter of justice and criminal law, but I do not wish for members of the House, or Canadians at large, to be misled into believing that the legislation is simply about getting tough on crime or waging a war on drugs. The bill is about health, mental health, education, social welfare and the future we offer our nation's children. Those are all areas for which Bill C-248 offers a key component to success. That is because its ultimate purpose is to protect the most vulnerable members of our society, our children.

Drug use among children and minors affects their health and their mental well-being. Drug use blocks their scholastic success and it impedes their ability to become contributing happy members of our society. Drug use among all ages, but particularly in children, threatens to rip apart families and entire communities, the very foundation of our society and our country's very future.

NAYS

Members

Abbott
Allison
Anderson (Cypress Hills—Grasslands)
Benoit
Breitkreuz
Carrie
Casson
Day
Doyle
Epp
Fletcher
Gallant
Goodyear
Grewal (Fleetwood—Port Kells)
Hanger
Harris
Hearn
Hill
Jaffer
Johnston
Keddy (South Shore—St. Margaret's)
Komarnicki
Lauzon
Lunn
MacKay (Central Nova)
Mark
Merrifield
Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)
Nicholson
O'Connor
Oda
Poilievre
Preston
Reid
Richardson
Scheer
Schmidt (Kelowna—Lake Country)
Smith (Kildonan—St. Paul)
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Ablonczy
Anders
Batters
Bezan
Brown (Leeds—Grenville)
Casey
Chong
Devolin
Duncan
Fitzpatrick
Forsyth
Goldring
Grewal (Newton—North Delta)
Guergis
Harper
Harrison
Hiebert
Hinton
Jean
Kamp (Pitt Meadows—Maple Ridge—Mission)
Kenney (Calgary Southeast)
Kramp (Prince Edward—Hastings)
Lukiwski
Lunney
MacKenzie
Menzies
Mills
O'Brien
Obhrai
Pallister
Prentice
Rajotte
Reynolds
Ritz
Schellenberger
Skelton
Solberg
Thompson (New Brunswick Southwest)
Tilson
Trost
Van Loan
Warawa
Williams

PAIRED

Members

Bell
Côté
Gagnon (Saint-Maurice—Champlain)
Lévesque
Pacetti

Bouchard
Efford
Goodale
Neville
Vincent— 10

The Acting Speaker (Mr. Marcel Proulx): I declare the motion carried. Accordingly the bill stands referred to the Standing Committee of Procedure and House Affairs.

(Bill read the second time and referred to a committee)

Private Members' Business

These are all facts upon which I know all members of the House will agree. It is our responsibility to offer children the best protection possible in their homes, in their streets and most definitely when they attend school. Drugs are a very real and dangerous threat.

A 2001 study found that over 47% of Manitoba students had used drugs at some point in their lives with nearly 40% reporting that they had used drugs in the previous year. This represented an increase from early studies in that province. The average age at which those students started using drugs dropped to 14.1, meaning children are starting to experiment with drugs earlier and earlier in their lives.

A similar drug survey of students in New Brunswick in 2002 indicated just 36% of students there could say that they never use drugs. In Ontario, just one-third reported no drug use. The Ontario statistics also indicated that one-third of the students had used at least one illicit drug in the past year. Cocaine and crack use, which had decreased during the eighties, is once again on the rise among Ontario students. Alarming, both cannabis and cocaine use is on the rise among seventh graders or children as young as 12 years of age.

Parents, teachers, principals, police, social agencies and entire communities work tremendously hard to create and maintain a safe and caring environment for Canadian children at school. It is a monumental task. It requires a constant vigilant and collaborative effort.

This effort to create safe and caring schools takes on many forms. Prevention, education and intervention are all critical to success. Yet so too is enforcement and deterrence.

Just as it would be a recipe for failure to combat drug use in our schools without education and awareness and relying solely upon punishment and enforcement, so too is it ineffective to educate and inform without adequate enforcement. In fact, the government's own national drug strategy called for effective enforcement.

●(1815)

Parents, educators and police forces need all the tools available to combat drug use among children and minors. At the very least, we as a society should be doing everything possible to help them.

At the very least, when parents send their child or teenager off to school each morning, they should have some assurance that all reasonable measures have been taken to keep their child safe from both physical harm and other detrimental influences to their health and mental wellness. This includes measures to restrict their children's exposure to and access to drugs in and around their school.

I readily accept the valid but unfortunate argument that there is no way to completely cut students off from drugs. If they really want to experiment with drugs or find a fix, they will manage to find it somewhere. But, and this is a very important point that underlies the very justification for the bill, that does not mean we have to make it easy for our kids to buy drugs. They certainly should not be readily available in and around the schoolyard.

It is no coincidence when a drug trafficker is hanging out across the street from the school or around the corner. These drug traffickers are purposely seeking out and preying upon our children. As a society, we must send a strong, clear message that this heinous

behaviour will not be tolerated. The legislating of mandatory sentences for drug trafficking near a school would also help to send a message to children and teens that drug use is not an acceptable activity.

One of the consequences of the current debate over the decriminalization of marijuana has been a more cavalier attitude toward drug use among teens. It is a very intensive debate that the House has undertaken throughout the past couple of years. Certainly it is an issue of great social importance that should be debated in Canada's Parliament. Yet the debate over the use of so-called soft drugs like marijuana has sent mixed and ambiguous messages to our children about drugs. It is not clear to them that their parents and legislators are debating the decriminalization of possession, not the legalization of trafficking of marijuana. It is a huge distinction, but not one that may be immediately obvious to children and teens.

By legislating mandatory sentencing for trafficking of all drugs, narcotics and illicit substances, it will be made very clear to adults and children and alike that the activity contravenes criminal law. Currently even the Library of Parliament acknowledges that it is very difficult to obtain reliable statistics regarding sentencing in relation to drug related convictions. Furthermore, the Library of Parliament cites a second weakness in that the statistics on drug convictions and sentencing are limited in detail.

This provides yet another justification for Bill C-248. If parents, educators, police and community agencies are to effectively combat drug use among students, they must be equipped with all the facts. Currently the statistics on drug convictions are broken down into only two categories: either possession or trafficking. It would be much easier to identify the incidences of those specifically trafficking drugs to students through the sentencing provisions outlined in the bill.

At this point I would like to take a moment to address one of the arguments made by the Minister of Health against this legislation. Specifically, I would like to make it clear to members of the House that this legislation is targeted toward those adults who intentionally seek to sell drugs to children or minors, and I stress adults. When police conduct drug sweeps at schools, they are not simply seeking out students who are using drugs. These sweeps also help lead them to the adults responsible for getting those drugs to the school in the first place.

For example, a February 2002 drug sweep at a Toronto area school resulted in a number of adults being charged with trafficking. In another school's drug sweep in Victoria later that same year, 10% of those charged were adults and 25% were not even students at the school.

Instead of being charged, students are often brought to the school office by police to be dealt with by school authorities and their parents. The students may then face a suspension and in most cases further drug awareness and educational sessions.

Private Members' Business

Another of the health minister's arguments against Bill C-248 is his political opposition to mandatory sentencing. I am well aware that the ongoing debate between those who support mandatory sentencing for serious, violent crimes versus those who believe in a more rehabilitative approach to criminal activity has great bearing on this legislation.

• (1820)

However, the minister's doubts over the effectiveness of mandatory sentencing and deterring drug trafficking are just that: they are his doubts. In a study on sentencing, the Library of Parliament says that even criminologists are divided on the effect sentencing has on recidivism, for example.

The library's synopsis of the purposes of sentencing is comprised of seven main aspects. These include deterrence through fear of punishment for the crime and punishments against reoffending, something that Bill C-248 certainly addresses.

Sentencing also prevents crime by removing offenders, or in this case drug traffickers, from our society. A prison sentence also offers an opportunity to rehabilitate drug traffickers. We must not forget the need to hold offenders responsible for their actions, something the federal Liberal government is increasingly hesitant to do.

The government is also loath to consider the concept of punishment as a form of simple justice itself, yet let us ask the parent of a child who was introduced to a drug habit by a drug trafficker whether traffickers should be made to pay for their crime.

The final element of sentencing is denunciation, defined by the Library of Parliament in its study of sentencing as a means to influence public perception of the seriousness of specific crimes through the imposition of a greater or lesser penalty.

Yet in 1996-97, just 64% of those convicted of drug trafficking were sentenced to any jail time, just 64%. Worse, the median sentence was just four months. Probation was the most serious punishment in 24% of drug trafficking convictions, and 9% of drug traffickers got off lucky with just a fine. What kind of message about drugs does this send to our children?

If the health minister's unsubstantiated partisan arguments and his other arguments that are not supported by case law are any indication, then the cabinet appears unprepared to support Bill C-248.

Once again the federal cabinet is not prepared to stand up and protect the most vulnerable members of our society: our children.

In theory, however, it is the intent that each member of Parliament take into account his or her own opinions and those of constituents when considering private members' legislation, as we all know. Therefore, I am asking the members of the House to support Bill C-248 in giving parents, educators and community workers the backing they need to help protect our children from drug use.

Hon. Robert Thibault (Parliamentary Secretary to the Minister of Health, Lib.): Mr. Speaker, I thank the member for his presentation and for the intent of the legislation he is proposing. I do not think anybody in this country would be opposed to removing drugs from schoolyards and reducing the abuse, but it is confusing to me that on the opposite side there tends to be some idea that there is

a panacea in crime reduction or drug use reduction with minimum sentences.

I hear opposition members speak about their concern with gun crimes, but they do not support gun legislation. They are concerned with the abuse of children, as we all are, and again, they think the magic key is to raise the age of sexual consent. They do not want us to register our guns, but they would like us to register and control the kids' hormones. I do not know if that is possible.

Their belief is that minimum sentences are the response to everything. I think they would have us all go to jail for the original sin; maybe it would be five years when we are born.

I do agree, however, that it is a serious problem. I do agree and I would ask the member to comment on the fact that the judiciary now has the possibility of taking the locations of offences into consideration in sentencing in regard to if or when some trafficking is happening in the schoolyard.

His bill has some shortcomings when we talk about schoolyards. I do not see the difference between a schoolyard, a skating park, an arena, a swimming pool, a mall or any place where children would be the target. I do not see why we would come up with a measure like 500 metres, so that if a heroin dealer is selling heroin to kids 501 metres away from a schoolyard this bill would not apply, but two children exchanging a joint within a schoolyard would be subject to a minimum sentence. These are the weak parts of the bill.

I think there is an important part to remember. What I will ask him is whether in his mind the weakness now is that judges who are using their discretion in sentencing are not taking these locations or the way of operating into consideration. Can modifications be done there so that the judiciary would properly use or improve their use of mitigating factors when they consider sentencing for such outrageous offences as trafficking near schoolyards, playgrounds, swimming pools or other locations?

• (1825)

Mr. Jay Hill: Sadly, Mr. Speaker, once again we see a fundamental philosophical difference between the Liberal Party of Canada, unfortunately the government of today, and the Conservative Party, the next Government of Canada.

I hope that people who are watching this debate at home tonight can clearly see this. I think it was exemplified by the comments made by my colleague across the way.

Private Members' Business

Very clearly, when it comes to protecting the most vulnerable in our society, our children, my colleague is more interested in excuses, in providing discretion, in providing room to manoeuvre for the judges. At the end of all of that, his question was whether there was any chance that some modification could be made to the discretion already given to judges to take into account the fact that the trafficking might have been done close to schools.

I already have said in my speech what the reality is: we do not even have any statistics. We do not even know how much of the trafficking that is currently taking place in this country takes place within 500 metres of a schoolyard.

He asked, and I suppose quite rightly, what about a playground or all these other places? But we have to start somewhere. I am sick and tired, after 12 years of being in this place, of hearing the answer every time somebody in this House or this party raises an issue like this that it is too restrictive or that it is only one change to protect one group.

Why do we not start somewhere? Why do we not start with schoolyards?

There is a sense over there on the Liberal Party side that they are so concerned about the criminals' rights and they do not care about the children, for God's sake. I cannot believe they would not want to enact this legislation in order to provide some real deterrence.

If the member had been listening to my speech, he would have heard me say that the average sentence handed out to traffickers was four months, if they receive any jail time at all. As I said, no statistics are kept so we do not even know how much of that trafficking took place with children close to schools.

The average sentence was four months when the traffickers got any jail time at all. Four months. Is that the message we want to send? Is that how much we are willing to protect our children? By suggesting that the deterrent for these animals to prey on our children by pushing drugs at them will get them four months' incarceration? In some cases, they just get a fine.

I do not think so. I do not think that is the message we want to send. I think the average parent understands the need for mandatory sentencing to take away the discretion from judges so that these people go to jail.

• (1830)

Hon. Robert Thibault (Parliamentary Secretary to the Minister of Health, Lib.): Mr. Speaker, I applaud my hon. colleague for his heartfelt desire to protect Canadian children and youth from dangerous drugs in our schoolyards. No one questions the motivation for this bill.

I can assure him that government members share his concerns about the threats posed by the rise in illegal drug use in this country. What we take issue with is the blunt tool with which he is attempting to address this problem.

Make no mistake: substance use and abuse is cause for national concern. There have been significant increases in the use of alcohol and drugs, with 44.5% of Canadians admitting in 2004 to using cannabis at least once in their lifetime, up from 28.2% a decade earlier. The numbers can be even higher among Canadian youth.

The Canadian addiction survey, published in November 2004, found that more than half of teens aged 15 to 18 reported using marijuana at least once in their lifetime. That number rose to almost 70% among those 20 to 24 years old.

Marijuana is not the only drug of choice. The proportion of Canadians reporting any illicit drug use in their lifetime rose from 28.5% in 1994 to 45% 10 years later.

Of particular concern, the number of Canadians who reported having injected drugs at some point in their life has more than doubled from 132,000 to 269,000 over that same period.

Given the direct link between intravenous drug use and a host of health and social problems, substance abuse is not only a legal challenge but an enormous health and social challenge as well.

This is a challenge that costs the Canadian economy an estimated \$18.45 billion, and that is according to a 1996 survey, which is almost 10 years ago. This represents a loss of \$649 to every Canadian or 2.7% of the gross domestic product. If that were adjusted to today's figure, it would of course be higher.

While it is tempting to think that tougher minimum sentences for convicted drug dealers will fix this problem, locking them up and throwing away the key is not the solution. Do not get me wrong: enforcement plays an important role in deterrence and curbing the supply of street drugs in our communities. However, a recent study commissioned by the Department of Justice reviewed sentencing arrangements in a number of western countries and found that mandatory minimum penalties had no discernible effect on the crime rate.

Of equal concern, research shows that mandatory minimum penalties remove incentives to plead guilty, which also leads to increased trial rates, case processing times and workloads.

This money would be much better spent on prevention, treatment and harm reduction, both to individuals and the community. Time and again, these approaches have proven to be more cost effective. That is why our government has adopted a balanced approach to the problem, simultaneously reducing the supply, which is the target of this bill, and the demand for drugs.

Recognizing that we need to move further and faster on both fronts, in 2003 the Government of Canada renewed Canada's drug strategy with a new investment of \$245 million over five years to strengthen measures to address the growth of substance abuse.

The key objectives of the renewed strategy are to: decrease the number of young Canadians who experiment with drugs; decrease the prevalence of harmful drug use; decrease the incidence of communicable diseases related to substance abuse; increase the use of alternative criminal justice measures, recognizing that traditional approaches alone are not solving the problem; decrease the illicit drug supply and address new and emerging drug trends; and decrease avoidable health, social and economic costs.

Four pillars provide the foundation for Canada's drug strategy to advance these goals: prevention, enforcement, treatment and harm reduction. Each pillar supports a number of activities.

[*Translation*]

Let me briefly explain how activities in these areas are helping to reduce the risk that children and youth will be exposed to and experiment with drugs or, where the grips of substance abuse have already taken hold, helping these young people get their lives back on track.

We know from our effective public education campaigns to reduce tobacco use that long-term sustained prevention messaging is critical to success.

● (1835)

So efforts to raise awareness among children and youth of the risks and consequences of drug use are a top priority under Canada's Drug Strategy.

Public education initiatives focussing on marijuana and alcohol represent the first phase of a longer-term strategy to educate youth and parents on substance use issues.

Another goal is to encourage informed and healthy decision making among Canadian youth.

[*English*]

As just one example, Health Canada recently launched "Straight Talk About Marijuana", an information booklet for parents and youth to encourage open and honest frank dialogue about the drug and its effects. This fact filled booklet is based on extensive research, public opinion research conducted by Health Canada on youth between the ages of 12 and 19 to gain a better understanding of their awareness, their attitudes, knowledge and behaviour with regard to marijuana and other substances.

In addition to the public education efforts, the drug strategy community initiatives fund provides financial support in the areas of promotion, prevention and harm reduction for initiatives that address a wide range of issues regarding problematic drug use.

Under this fund, Health Canada provides \$9.5 million annually for a broad cross-section of community based projects, understanding that people closest to the problem are invariably closest to the solution. Projects are tailored to the needs of specific age groups, key issues and regions of the country.

While some projects that are funded are national in scope, the focus is on supporting approaches that communities decide will work best for them. The initiatives are delivered at the local level by front line workers.

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Treatment and rehabilitation for substance use is an area of provincial and territorial responsibility. However, Health Canada plays a constructive role by providing \$14 million annually under its alcohol and drug treatment and rehabilitation program to participating provinces and territories to help improve access to effective treatment and rehabilitation. Youth are key target groups in both of these areas.

I am not suggesting that the areas I have outlined are the panacea to Canada's growing drug problems, a challenge shared by countries all over the world. The Government of Canada's responses to drug problems, including both demand and supply reduction efforts, are constantly reassessed to ensure their relevance and appropriateness.

It is for precisely that reason, the lack of relevance and appropriateness, that I cannot support Bill C-248. Justice Canada has clearly delineated the many shortcomings of this bill from a legal perspective. It appears it would have little, if any, impact on reducing drug supply.

[*Translation*]

When you consider that it does not do anything to reduce demand either, it is my view that this bill does not deserve further consideration.

Accordingly, although the hon. member had good intentions in introducing this bill, it is in the interest of Canadians that I oppose it.

Mr. Richard Marceau (Charlesbourg—Haute-Saint-Charles, BQ): Mr. Speaker, it is a pleasure for me to speak on Bill C-248, introduced by our colleague from Prince George—Peace River.

It will come as no surprise to hear me begin my remarks by saying that the Bloc Québécois opposes drug use. In our opinion, all drug use, particularly that by children, is bad. We also believe that an anti-drug strategy cannot consist solely of amendments to the Criminal Code and tougher penalties. A completely different aspect, meaning prevention, education and awareness, is also extremely important.

This morning in committee, my colleague from Windsor—Tecumseh used, in a completely different context, the example of drinking and driving. We can use this same example here. The substantial decrease in drinking and driving—unfortunately, it has not been stamped out entirely—is largely due to our public awareness and education campaigns. We must do the same thing with regard to drug use, and target, in particular, young people in Quebec and Canada.

There is no need for me to go back over the points raised by my colleague from Prince George—Peace River. However, it bears repeating that he would like to see a minimum prison sentence of one year for a first offence and two years for a subsequent offence in cases where a person is convicted of trafficking in a controlled or restricted drug or a narcotic within 500 metres of an elementary school or a high school.

Private Members' Business

As a father of two wonderful seven-year-old boys, I strongly support any initiative to keep drugs away from schools and places that my children may frequent either now or when they are older.

However, we do have some concerns with the bill as introduced by our colleague from Prince George—Peace River. It is not clear that the individual trafficking in narcotics, be it near a school, church, office, police station or fire station, thereby intends to set up shop there. It is possible for someone to sell drugs in a prohibited area without knowing that there is a school nearby.

I have a dandy anecdote to tell here. In 1992 an individual involved in boxing was getting ready to commit armed robbery at a doughnut shop where several police officers were taking a break, which proves that stupidity is universal.

The bill introduced by the hon. member for Prince George—Peace River does not clearly establish *mens rea*, or the intention to commit the crime, in other words, to sell the narcotics within some defined perimeter of a school. In the absence of *mens rea*, how can anyone be convicted of a criminal offence?

I hope the hon. member is listening to the elements I am raising and that he will take them into account during Bill C-248's legislative progress.

Since we are opposed to substance abuse by children and the sale of narcotics to children, and because the bill is only at second reading stage, I would say to the hon. member for Prince George—Peace River and to all the hon. members in this House that at this stage we have many reservations not only about the absence of *mens rea*, but also about the imposition of minimum sentences. As I have already said many times, we have nothing against the introduction of minimum sentences in bills before the House.

● (1840)

I introduced some into Bill C-2 on the protection of vulnerable persons. However, in this case, I am not sure this is the appropriate solution. As far as I am concerned, the absence of *mens rea* also prompts several reservations.

I would suggest to my colleagues from the Bloc Québécois that they nevertheless support Bill C-248 at this stage. We will refer it to committee and hear from various experts and witnesses on the aspects I have just raised and on other issues as well. I am sure my colleague from Windsor—Tecumseh will also have something to add.

Let us send the bill to committee and see what can be done to fight drug trafficking—especially when it comes to children. And let us make sure that thanks to the work that will be done in committee—if the bill gets that far, as I hope it will—these problems will be resolved and the bill will be improved. I promise the hon. member for Prince George—Peace River that the Bloc will work with him to improve this bill so that it can be passed.

We will support this bill at second reading stage in order to send it to committee so that we may work on it. Depending on the changes made in committee, I will indicate at third reading whether or not we will continue to support it. I reserve the opinion of the Bloc Québécois for third reading. Nonetheless, let us send it to committee and do a good job on it.

● (1845)

[English]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, the private member's bill that we are debating this evening is fairly straightforward in its attempt to address a problem that I believe all members of the House recognize. Some of us perhaps have more knowledge than others, but certainly the member for Prince George—Peace River has drawn that to the attention of all of us. As we heard from his speech this evening, we are certainly aware of the problem of drug abuse. As parents, both he and I agree that it is always a particular concern when that drug abuse involves children.

The bill is framed in such a way as to introduce, into the offences that already exist, minimum penalties. Generally, as a party, we have been opposed to the use of minimum mandatory sentences across the board. We have recognized that there are occasions when in fact they can be useful as part of an overall strategy of controlling criminal behaviour.

As my friend from the Bloc pointed out in his speech, we have already referred to this once in the House today. The use that we made of minimum mandatory sentences to deal with the crime of impaired driving was one that we can point to with some degree of satisfaction as having been successful. However, we have to be very careful to place undue emphasis on the role that the use of minimum mandatory sentences vis-à-vis impaired driving charges had in the overall success of that strategy.

In all the studies that I have seen, the reality is that the role that we played as a government in public education was much more influential in changing people's behaviour than the use of the minimum mandatory sentence. I will not deny that it was a factor because it was part of the education.

Therefore, when groups like MADD or police forces went out into the community and said that if people are caught in a state of impairment from alcohol while they are driving, here are the types of penalties they are going to be faced with. It helped them in that education process and in fact it was quite successful. We also have to recognize, and this again is a reflection of the fact that the use of minimum mandatory sentences is not by any means and far away from a panacea.

We have seen in 2004, that in spite of having those penalties, impaired driving convictions for the first time in more than seven years actually spiked up. It is the first time that we have actually seen an increase. I think that is more of a reflection that we have tended to as a society to step back a little. We have not been as aggressive in pushing an education program. There are not as many ads on TV or in the newspapers. That is not because of any lack of work by MADD because it has continued to be a strong proponent of an education program and in fact conducting that education program as often as it can.

However, there has been a step back and we have seen a spike in the number of convictions without any change in the law as a result of that. The law remained constant with the minimum mandatory sentence in it. We have to be conscious of when it can be used and how it is used. I have concerns about using it in these circumstances. I think it would be appropriate for us to be looking at the bill in light of further investigation.

● (1850)

Like the Bloc Québécois, I intend to recommend to members of our caucus that we support it at second reading, even though I want to say publicly here that I am opposed to minimum mandatories in almost all cases. I believe, particularly in this one, that I will hold that position, but I am open enough to say that we should send it to committee. In committee we will hear additional evidence with regard to the possibilities of amendments that would be satisfactory to the member for Prince George—Peace River and to the rest of the committee, and then bring it back to the House for ratification.

I want to point out one of the proposals that I may be making. It would look at having specific sentencing guidelines that would be in line with mandatory directions to the court of taking circumstances into account if the drug were sold in the vicinity of an elementary or secondary school. On the other hand, if we look at the existing law, we are very close to those guidelines already being mandatory in terms of the considerations that the courts have to make when sentencing an individual convicted of this offence.

The other possibility may be to say that we are in a situation where this is of such scale that we have to use minimum mandatories for a period of time, but put in a mandatory section in the bill, an ultimate law, that would sunset it after a specific period of time. Again, that may be a recommendation that I will be making to my colleagues in committee.

There is no questioning the intention behind this bill. All parties acknowledge the problems that we have with drugs, particularly among our youth and children. We are willing to address the issue more specifically. Hopefully, in committee, we can come to a resolution that will satisfy all parties. I expect my party to be supportive, to send it to committee, and at that point to have further investigation and come to a resolution.

Mr. Vic Toews (Provencher, CPC): Mr. Speaker, my colleague from Prince George—Peace River has been a tireless advocate of judicial reform and has tabled many worthy initiatives during his many years as a member of Parliament. I might indicate that protection of children and the advancement of children's interests have always been at the top of his list. I am very proud to be associated with him in the same caucus and to work with him on these very important issues.

Therefore, I am so pleased that he had the foresight and the vision to address a very serious concern that is set out in Bill C-248. I want to congratulate him for his excellent work on this issue and I want to lend my voice of support for the bill.

I also want to note that the justice critics for the Bloc and the NDP will be recommending to their members to bring this forward at second reading. That is the responsible way to go. There are always issues with private members' bills, but if we can agree essentially on the principle, then we can get the matter into committee and work

Private Members' Business

out some of those issues. We can work those out together and so I am very encouraged. Unfortunately again, we have the Liberals offside in terms of wanting to protect children.

On the issue of the age of consent, the Liberals have raised every possible reason why this country should not join the ranks of other civilized nations and increase the age of sexual consent to 16. They bring forward every single reason to ensure that sexual predators still have their way with our children. One has to wonder why that happened when there are clear mechanisms to ensure that we can protect children and yet respect our Constitution. However, the Liberal government consistently takes a negative approach.

The purpose of this bill is to impose minimum prison terms of one year for a first offence and two years for a subsequent offence in cases where a person is convicted of trafficking in a controlled or restricted drug or narcotic within 500 metres of an elementary school or high school.

I served in the provincial department of justice in Manitoba in the constitutional law branch. I eventually became the director, but I was working with another director who is now a very influential federal justice lawyer, and he was working on exactly the same issue. We were frustrated at that time with the failure of the federal government to address the issue of trafficking in schools. This is exactly the proposal that my colleague from years back came up with. There were substantive problems that we had from a division of powers position because the most natural place for this bill to be is within federal jurisdiction and under this act. We tried in many ways to see whether we could bring forward legislation.

My colleague has brought forward legislation and I am very pleased, after this many years, almost 15 years or more. The bill would create a safe place in a school. So many children simply want to go to school, get an education, and leave the problems of the street behind. Our children face tremendous problems on the street.

● (1855)

Children need a safe place but many teachers and principals are unable to provide that safe place because they know that the Criminal Youth Justice Act simply does not provide the penalties that are necessary. This legislation would create that small area of safe space where a child can learn without being pestered by drug dealers.

Drug dealers understand the law much better than we ever give them credit for. They follow these proceedings. They know where they can effectively sell drugs with a minimum of bother and fuss and those areas where there are problems.

On a national scale, we see the manufacturing of drugs and the growing of drugs in Canada increasing by leaps and bounds compared to the United States. Criminal organizations understand that it is easier to do business in Canada because there are virtually no penalties. In the City of Vancouver, for example, 1 in 13 drug dealers goes to prison. Compare that with the American situation where the average sentence for a grow op dealer is seven years and usually it is much higher than that. Grow op dealers and methamphetamine labs come to Canada.

Private Members' Business

On a smaller scale, and this is what my colleague is trying to address, if an area is safe because there are increased penalties, drug dealers stay away. Drug dealers keep that in mind. Perhaps we should do that on a national basis but there does not seem to be any will on the part of the government to create mandatory minimum prison sentences for drug dealers across this country.

Let us start by taking a small step to protect our children. What could be more reasonable than that? My Liberal colleagues have said that this will be very difficult. Will it be 501 meters or 499 meters? Speaking as a former crown attorney, I am prepared to take that chance. I would prove that it was within 500 feet if that was the kind of sentence available. We need to give crown attorneys and the police the tools they need and they will use them. There is an idea that if we go down this road and have mandatory minimum sentences, drug dealers will not plead guilty. Well, we would then go to trial and that is what the courts are for.

The reason drug dealers are pleading guilty today is because there are no sentences. What is the sense? Drug dealers regularly discuss with each other the best place to go to plead guilty when they are caught red-handed dealing drugs, especially major drug deals. Where do they go? They go to the province of British Columbia and try to get into a Vancouver court. The charge is waived into Vancouver by the federal Department of Justice, whether the individual is originally from New Brunswick, or Manitoba, or Saskatchewan. These dealers set up residence in British Columbia, go to court and receive a conditional sentence. They walk out of court having been told to keep the peace but there is no way to effectively enforce a conditional sentence. Dealers think B.C. is a nice place to live so they set up business.

Is it any wonder that we have somewhere in the range of 10,000 grow ops in the lower mainland of British Columbia when across the line there are three or four cases a year in the United States? The difference is in the sentencing.

What I am trying to say in this particular case is that minimum mandatory prison sentences do work. We have seen the evidence between what is happening in Canada and what is happening in the United States in terms of drug use and drug dealing.

This is a small step but it is an important step for the safety of our children. For once the Liberals should do the right thing and put the interests of children ahead of drug dealers and gunmen.

• (1900)

Hon. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, it is a pleasure to speak today to Bill C-248, an act to amend the Controlled Drugs and Substances Act, trafficking in a controlled drug or substance within five hundred metres of an elementary school or a high school.

The bill would provide that every person who, within 500 metres of an elementary school or a high school, traffics in a substance included in schedules 1, 2, 3 or 4 of the Controlled Drugs and Substances Act is liable to a mandatory minimum penalty of one year for a first offence and to a mandatory minimum penalty of two years for a subsequent offence.

The maximum penalties, however, were left untouched by the bill. In other words, Bill C-248 provides a maximum penalty of life imprisonment for trafficking in a substance included in schedules 1 and 2. The maximum penalty is 10 years where the offender traffics in a substance included in schedule 3. As for trafficking in a substance included in schedule 4, the maximum penalty is three years. Finally, an offender trafficking in a substance included in schedule 2 in an amount that does not exceed the amount set out for that substance in schedule 6, is liable for a maximum term of imprisonment of five years.

As can be understood from the penalty scheme I have just described, Bill C-248 contravenes the fundamental principle of proportionality in sentencing. This principle states that a penalty imposed on an individual must be proportionate to the gravity of the offence and the responsibility of the offender. This principle led to drugs being classified in specific schedules to reflect the severity of their harmful effects. Yet Bill C-248 proposes the same mandatory minimum penalties for trafficking of different drugs.

For example, a first time offender trafficking cocaine is liable to a maximum penalty of life imprisonment. Whereas a first time offender trafficking in barbiturates is liable to a maximum penalty of three years imprisonment. Bill C-248 proposes to punish both of these offenders with a minimum mandatory one year imprisonment for the first offence and a minimum mandatory two years imprisonment for any subsequent offence.

This is one of the reasons why I cannot support the penalty scheme that is proposed by Bill C-248. Moreover, Canada has traditionally used mandatory minimum penalties with restraint, unlike the party opposite that suggests we should use them all of the time. We prefer an individualized sentencing approach that gives the courts not only the discretion to fashion a sentence that is proportionate to the gravity of the offence and to the conduct of the offender, but also the opportunity to consider aggravating and mitigating circumstances.

There is a wide variety of circumstances that could influence the sentencing of an offender found guilty of trafficking drugs. For example, courts have considered in such cases the offender's health, the fact the offender was on the low end of the responsibility spectrum or the fact that the offender has children and is the sole provider. Bill C-248 disregards the existence of mitigating and aggravating factors and contributes to introducing rigidity into the sentencing process.

Sometimes the use of mandatory minimum penalties can pose charter risks under section 12, the cruel and unusual punishment section. For instance, in *Smith*, the Supreme Court of Canada struck down the mandatory minimum penalty for importing narcotics. In the opinion of the court, the mandatory minimum penalty was contrary to section 12 of the charter because it covered numerous substances of varying degrees of dangerousness and totally disregarded the quantity of the drug imported. The court also thought that mandatory minimums completely disregarded as irrelevant the purpose of a given importation and the existence or not of previous convictions for offences of a similar nature or gravity.

Routine Proceedings

Research into the effectiveness of mandatory minimum penalties has shown that they do not have any obvious special deterrent or educative effect and are no more effective than other well-structured sanctions in preventing crime. This was confirmed in a comprehensive study commissioned by Justice Canada in 2001 which found that there was no correlation between crime rate and the severity of punishment.

• (1905)

A recent study, also commissioned by the Department of Justice, which summarizes findings from a review of sentencing arrangements in a number of western countries, found that studies that have evaluated the impact of mandatory minimum penalties found no discernible effect on crime rate.

Past experiences taught us that mandatory minimum penalties can have negative effects on the administration of our criminal justice system and that they imply significant costs for provincial and territorial correctional authorities and the Correctional Service of Canada. Research also shows that mandatory minimum penalties remove incentives for anyone to plead guilty and thereby increase trial dates, case processing times and workloads.

In conclusion, I cannot support Bill C-248 as it advances penalties that are not proportionate to the gravity of the offence and to the conduct of the offender and would deprive courts of discretion in fashioning a fit sentence by taking into account aggravating and mitigating factors.

• (1910)

The Acting Speaker (Mr. Marcel Proulx): The time provided for the consideration of private members' business has now expired and the order is dropped to the bottom of the order of precedence on the order paper.

ROUTINE PROCEEDINGS

[English]

COMMITTEES OF THE HOUSE

PUBLIC ACCOUNTS

The House resumed from October 5 consideration of the motion.

The Acting Speaker (Mr. Marcel Proulx): I would like to remind hon. members that in June 2005, new rules governing private members' business were adopted. The provisions under Standing Order 97(1)(2) provide for a one hour debate for the consideration of a motion to concur in a committee report containing a recommendation not to proceed further with a private member's bill.

Tonight the House will consider a motion to concur in the 20th report of the Standing Committee on Public Accounts presented to the House on Wednesday, October 5, 2005. The report contains a recommendation not to proceed further with Bill C-277, an act to amend the Auditor General Act, audit of accounts.

During the debate no member shall speak more than once or for more than 10 minutes. There is no question and comment period.

In accordance with Standing Order 97(1)(2), the motion to concur in the report is deemed to be proposed.

[Translation]

The motion reads as follows:

That the 20th Report of the Standing Committee on Public Accounts (recommendation not to proceed further with Bill C-277, An Act to amend the Auditor General Act (audit of accounts), presented on Wednesday, October 5, 2005, be concurred in.

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, I rise to speak this evening with great pleasure in connection with this rather special and original report, since I am the member who initially introduced Bill C-277.

We have had occasion to debate it several times. If a report has been tabled not to proceed further with Bill C-277, it is not because it was no longer valid, or that its substance and value were no longer important. It is merely because, pursuant to the parliamentary procedures of this House, another party has also found it of great interest. Bill C-277 enabled the Auditor General to audit the main foundations and crown corporations—those in excess of \$9 billion. That party was the Liberal Party.

In this year's budget, the Liberal Party took Bill C-277 word for word, or very close to it, and included in the budget Bill C-43—in the Minister of Finance's 2005 Budget Implementation Act.

Since the government has upstaged me by allowing the Auditor General to have that control, which she had been demanding for the past four or five years, and which the committee had recommended twice in two or three years, I felt I needed to publicly acknowledge in this House the occasional good things our political adversaries do. They should do them more often. So I felt they more or less deserved thanks for having understood that there was a need to restore a bit of the public's confidence in its elected representatives, particularly after the sponsorship scandal. This bill is a credit to them. It was necessary, and needed to be implemented urgently and promptly.

I was therefore pleased to propose to the committee that the bill be withdrawn.

In closing, I want to add that it is all well and good that the foundations receiving federal funding, such as the foundations for innovation, the millennium scholarships and all those with \$9 billion in their coffers, are now subject to scrutiny by the Auditor General.

However, once I had achieved this, I continued to examine the public accounts and I realized that there is now another area that deserves our full attention. I am talking about the transfer of funding by departments to not-for-profit organizations. For example, the Canadian Unity Council gets nearly \$12 million per year from Canadian Heritage, and its internal audits are extremely compromising.

This will be another hobbyhorse for the members of the opposition. I hope that the Liberals will show the same open-mindedness and allow the Auditor General to consider all of these files. At present, she can do so in the case of the Canadian Unity Council, but the internal audits of each department should be tightened up and redone so as to ensure the proper management of public finance.

Adjournment Proceedings

I am pleased, therefore, to see that the essence of the bill has been recovered and that the wording from the budget legislation has been copied. It is therefore my pleasure to withdraw Bill C-277, particularly since it has been in force since June.

• (1915)

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

Some hon. members: Agreed.

The Acting Speaker (Mr. Marcel Proulx): I declare the motion carried. Accordingly, debate on the bill has concluded.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[English]

THE ENVIRONMENT

Mr. Greg Thompson (New Brunswick Southwest, CPC): Mr. Speaker, a couple of weeks ago I asked a question of the Minister of Transport on the proposal to build an LNG terminal on the American side of Passamaquoddy Bay. I want to remind the House what that question was. I said:

Mr. Speaker, there are a number of proposals for the construction of an LNG terminal on the U.S. side of Passamaquoddy Bay. All of these proposals would require LNG tankers to pass through internal Canadian waters. Head Harbour Passage is the most dangerous waterway to navigate on the entire east coast.

I suggested that allowing passage of those tankers would expose our citizens, our environment and our economy to a high level of risk and asked the government, in this case the Minister of Transport, whether the government was prepared to say no to the transport of those LNG tankers through internal Canadian waters.

The minister stood on his feet in this House and completely reversed the position that the Liberals had taken a year or so ago. I should not say reversed. Let me clarify. He changed the position they had a year ago when this question was first raised. A year ago the government said that it would only take a position on the transport of those LNG tankers through Head Harbour Passage when there was a formal application to build an LNG terminal on the American side of Passamaquoddy Bay.

Now there is more than one formal application to proceed with the construction of those terminals. Now the government has changed its position. The minister is now saying that we will only make a decision on the transport of those LNG tankers through Head Harbour Passage when the proponents of the project request passage of their ships through internal Canadian waters. This is simply not acceptable. I believe the Government of Canada is obligated now to state its position. The government has to err on the side of our citizens, our environment and our economy, which all would be at risk if this terminal were to proceed on the American side of Passamaquoddy Bay.

The Americans themselves recognize that Canada at the end of the day will have a legitimate right to say no to the transport of those tankers through our waters, internal Canadian waters. In fact, the director of FERC, the federal agency in the United States which actually regulates the building of these terminals, has suggested the same thing.

During a meeting that he held in Robbinston, Maine, U.S.A. a couple of weeks ago, the director, Richard Hoffman stated, "If Canada decides to stop it"—that is the proposal to build an LNG terminal in the United States of America—"it is my personal opinion that they can stop it". They can stop it. He recognizes that this is a sovereignty issue where Canada has every right to say no to the transport of that dangerous cargo through our waters, Canadian waters.

I am not satisfied with the government's response. I look forward to the parliamentary secretary's response.

• (1920)

Hon. Charles Hubbard (Parliamentary Secretary to the Minister of Transport, Lib.): Mr. Speaker, the Government of Canada is aware of the proposal to construct liquefied natural gas receiving terminals in Passamaquoddy Bay near the New Brunswick-Maine border and the fact that LNG tankers would have to transit Canadian waters through Head Harbour Passage, New Brunswick to gain access to these terminals in the state of Maine.

The government is also aware of the concerns of the local residents related to the perceived associated risks, the impact on the resource based industries of the area, such as fisheries, tourism and aquaculture, and the protection of our natural environment.

A number of Canadian communities in the area have requested that Canada refuse the passage of LNG tankers through Canadian waters. When considering the question of the risk associated with transportation of LNG, the 1976 decision to restrict the use of Head Harbour Passage by oil tankers carrying more than 5,000 cubic metres of oil was made only after studies conducted at that time by the federal government indicated that there were considerable environmental risks.

It should be noted that LNG is not a specified marine pollutant and does not present the same level of risk to the marine environment as crude oil. LNG is largely composed of methane cooled to its liquid state. Unlike oil, which is persistent in nature, if LNG escapes, it immediately starts to vaporize, leaving no residue. The vapour is colourless, odourless and non-toxic. The main risk would be of fire in the case of a spill.

Across Canada there are currently seven proposed LNG terminals. Two have received federal and provincial environmental assessments and approval, the ones at Canso Strait in Nova Scotia and in Saint John, New Brunswick. There are others under consideration in Goldboro, Nova Scotia, in Beaumont, Quebec, in Gros Cacouna, Quebec, in Kitimat, British Columbia, and in Prince Rupert, British Columbia.

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Although LNG is a non-polluting, non-persistent hydrocarbon and is not considered a pollutant under the Canada Shipping Act, the government is initiating a study to examine the full range of impacts that the construction of an LNG terminal would have on Passamaquoddy Bay, and especially its effects on the Canadian side. This study would include environmental, transportation and socio-economic considerations. When the results of this analysis are completed, the government will make a decision based on the findings and other relevant factors.

On the question of whether Canada could prohibit LNG tankers from transiting Head Harbour Passage, section 562.1(1)(e) of the Canada Shipping Act does allow for the prohibition of navigation under very specific purposes, such as promoting safe navigation, protection of the marine environment and protecting persons, ships, shore areas, et cetera. However, justification to support a prohibition under this section is not readily apparent at present, given that cargo ships currently transit the area, LNG is not a pollutant, LNG tankers will be permitted in other regions of Canada, and risks can be reduced through a number of controls.

Nevertheless, our government is planning to undertake a comprehensive risk assessment study to best be able to respond to the current LNG proposals.

I can assure the hon. member that Transport Canada is closely monitoring the situation. Transport Canada will thoroughly review any LNG terminal applications and work in consultation with other federal departments, the provinces, the United States authorities, the project proponents and other stakeholders.

I can assure the member—

● (1925)

The Acting Speaker (Mr. Marcel Proulx): The hon. member for New Brunswick Southwest.

Mr. Greg Thompson: Mr. Speaker, I cannot believe what I am hearing from the government on this issue.

The Government of Canada did studies 30 years ago and it said no to the transport of oil tankers through that very passage. History and the environment have not changed that much in 30 years. It is still the same passage. It is still the most dangerous passage in all of eastern Canada. I cannot believe for a minute that the government would dismiss the risks to our citizens and our environment in transporting a very dangerous cargo through those very dangerous waters in ships the size of which have never gone through that body of water. I cannot believe what I am hearing from the Government of Canada.

On top of that, at the end of the day the government never knows when to say yes or no to the Americans. This is just another example of where it is offside.

Hon. Charles Hubbard: Mr. Speaker, I can only say that the 1976 decision was based upon oil as a pollutant. We know that other ships are transiting that same passage. We know it is narrow. We know that the Port of Bayside uses that for shipping extensively. We know, also, that in terms of LNG there are 136 LNG tankers worldwide. They transit some 120 million metric tonnes of LNG each year. They have done that worldwide for some 40 years. As of this date, we have not had any serious incidents, in terms of the shipping industry and the transmission of LNG.

[*Translation*]

The Acting Speaker (Mr. Marcel Proulx): The motion to adjourn the House is now deemed to have been adopted. Accordingly, the House stands adjourned until tomorrow at 2 p.m. pursuant to Standing Order 24(1).

(The House adjourned at 7:27 p.m.)

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