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Monday, May 29, 2006

—

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Monday, May 29, 2006

The House met at 11 a.m.

Prayers

GOVERNMENT ORDERS

• (1055)
[English]

CRIMINAL CODE

Hon. Vic Toews (Minister of Justice and Attorney General of Canada, CPC) moved that Bill C-9, An Act to amend the Criminal Code (conditional sentence of imprisonment), be read the second time and referred to a committee.

• (1100)

Mr. Rob Moore (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I stand today to speak to Bill C-9, an act to eliminate the availability of conditional sentences for serious offenders.

Bill C-9 flows from the government's clear commitment to Canadians to ensure that house arrest is no longer available for those who commit serious or violent crimes. As stated in section 718 of the Criminal Code, the fundamental purpose of sentencing is "to contribute... to respect for the law and the maintenance of a just, peaceful and safe society".

Conditional sentences were never intended for serious offences. The conditional sentence of imprisonment is currently available for offenders sentenced to a term of imprisonment of less than two years and for offences not punishable by a minimum term of imprisonment.

In order to grant a conditional sentence, the court must also be satisfied that sentencing the offender to serve time in the community is not inconsistent with the fundamental purpose of sentencing or with sentencing objectives, such as general deterrence, denunciation and separation of the offender from society. The court must also be satisfied that allowing the offender to serve his or her sentence in the community will not endanger the safety of the community.

However, in recent years we have witnessed far too many instances of improper use of this type of sentence. The public has had a great deal of concern about cases in which persons convicted of very serious offences have been permitted to serve their sentences in the community, often in the luxury of their own homes and with

minimal safeguards to ensure compliance with the conditions of their sentence. Canadians find it hard to understand how such sentences comply with the fundamental purpose and principles of sentencing.

As a former justice minister said in debates about conditional sentencing on April 10, 1997:

—all of us believe that anyone who commits a serious violent crime should be imprisoned as a penalty for that kind of crime.

Indeed, conditional sentences were never intended for use in cases of serious criminality.

As the Prime Minister stated on April 3, 2006, before the Canadian Professional Police Association:

And the safe streets and safe neighbourhoods that Canadians have come to expect as part of our way of life are threatened by rising levels of crime. Drug crime is on the rise. Gang crime is on the rise. And the homicide rate is on the rise as well.

That is exactly why during the last general election, this party, the Conservative Party, committed to end the availability of conditional sentences for those offenders convicted of serious crimes.

Bill C-9 would end conditional sentences for offences prosecuted by indictment and punishable by a maximum of 10 years or more, both under the Criminal Code and the Controlled Drugs and Substances Act. The implementation of this threshold will serve to capture the kinds of offences which deserve real punishment. It will also prohibit a number of serious property and administration of justice offences from being disposed of by way of conditional sentence.

In far too many cases, accused persons who have engaged in significant frauds, often involving breaches of trust, have walked out of court into relatively comfortable house arrest situations. These offenders would no longer have that option available to them.

The bill is based on the principle that conditional sentences ought to be used only in situations for which they were originally intended. This is for relatively minor cases, cases deserving of lenience and cases which do not offend the community's sense of justice.

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Conditional sentences would no longer be available for sexual offences, such as sexual assault and aggravated sexual assault. Most sexual offences committed against children are already covered by mandatory minimum sentences because of the passage of Bill C-2 in the last Parliament. Conditional sentences would also not be available for other serious personal injury offences, such as impaired driving causing bodily harm or death and serious property and administration of justice offences, like robbery, arson and theft over \$5,000.

No longer would sentences be available for very serious crimes, such as criminal negligence causing death, manslaughter, impaired driving causing death, aggravated assault, aggravated sexual assault, sexual assault with a weapon, kidnapping, attempted murder and torture. Until this bill is made law, each and every one of those heinous crimes could, according to our current law, result in a conditional sentence or house arrest.

• (1105)

When was house arrest ever appropriate in dealing with a person who uses a weapon in committing a sexual assault on another human being? Never, and it is time we recognized that.

This government has done more than simply recognize and talk about the problem, as our predecessors did. With the introduction of Bill C-9, we have taken steps to solve the problem once and for all. We call on all parties to join with us in working toward a system of justice that Canadians can believe in, a justice system that Canadians can have faith in because they know it is serving their best interests.

This bill will look at crime from the perspective of the victim: the man, woman or child who has suffered at the hands of another. For too long have we sacrificed the protection of victims in favour of lenient sentences for serious offenders. With the passage of Bill C-9, this trend will come to an end.

We propose to restructure the conditional sentence regime with the safety of Canadians top of mind, not as an afterthought. In the few circumstances where an offender has committed a serious criminal act and the court truly believes that greater leniency is appropriate, it can still achieve this end through a suspended sentence or probation. However, the government sees those responses as being appropriate in only a limited number of circumstances.

The government is also committed to addressing the problem of drugs in our community. Serious drug offenders, be they producers, traffickers or importers, are responsible for the destruction of the lives of thousands of citizens, their families and the communities in which we all live. This devastation must be met by real penalties, namely, the separation of individuals who prey on their fellow citizens from the rest of society. Those who manage the trade of hard drugs like cocaine and heroin have no place on our streets.

According to the latest data available from the Canadian Centre for Justice Statistics, between 1994 and 2004 the number of drug offences increased by a full 61%. In 2003-04, 34.6% of drug trafficking convictions resulted in a conditional sentence of imprisonment. That is simply not acceptable. That is why Bill C-9 would also eliminate the availability of conditional sentences for serious drug offenders.

The imposition of a conditional sentence for a serious drug offence would be inconsistent with the fundamental purpose, principles and objectives of sentencing. Conditional sentences do not provide reparations for the harm done to the community by the drug offender and do not adequately promote a sense of responsibility in such offenders. The imposition of conditional sentences in cases of serious drug crime is not proportional to the degree of responsibility of the offender and the seriousness of the offence.

It is worth mentioning that in 2003-04 conditional sentences represented approximately 5% of all sentences handed down in Canada, or a total of 15,493 sentences. In terms of the overall impact of Bill C-9, it is expected that approximately one-third of those would be affected by this sentencing reform.

The bill targets indictable offences. In the case of hybrid offences, that is, those which can be prosecuted by way of summary conviction or by indictment, conditional sentences will remain an option where the Crown chooses to proceed by way of summary conviction. Police and prosecutors will have to exercise their discretion to ensure that relatively minor offences are prosecuted appropriately.

These are changes we have heard being demanded by provincial attorneys general, mayors, victims' groups and law enforcement authorities from across Canada. These are the people on the front lines of crime control. They have been clear in their calls for common sense justice and the need to punish serious crime with penalties that are more severe than house arrest.

We acknowledge concerns that Bill C-9 may increase correctional costs. These cost increases will vary, depending on the percentage of offenders who receive jail sentences and the average length of those sentences. As the Minister of Justice explained during his news conference on May 4 following the tabling of the bill, the costs related to Bill C-9 could be covered by unallocated funds given to the provinces as a result of equalization payments.

It is the belief of this government that a properly structured conditional sentence with tailored conditions is an appropriate sentencing tool in some cases. Conditional sentences are not, however, an appropriate tool in the most serious cases.

This sentencing reform does not purport to modify or change the fundamental purpose or principles of sentencing contained in the Criminal Code. However, with respect to serious matters, it implicitly requires courts to focus principally on the objectives of denunciation, general deterrence and incapacitation.

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•(1110)

These reforms would help keep our streets safe by ending the use of conditional sentences, including house arrest, for serious offences. The reforms contained in this bill would ensure a cautious and more appropriate use of conditional sentences, reserving them for the less serious offences that pose a low risk to community safety.

Not only would this legislation make practical, substantive amendments to the Criminal Code, it would improve public confidence in the use of conditional sentences and sentencing generally, a public confidence that we have seen lost recently. Justice will be done and it will be seen to be done. Using conditional sentences only in appropriate cases not only will strengthen public confidence in the administration of justice, but it will serve as a warning to those who engage in serious crime that if they offend they will be dealt with firmly by Canada's criminal justice system.

•(1115)

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Mr. Speaker, I appreciate the comments by the parliamentary secretary on this very important subject. All of us are affected by this in our communities and we all have had our constituents address this subject.

My first question for the parliamentary secretary relates to the issue of drugs. His leader has repeatedly mentioned on the record his aversion toward safe injection sites, and he also has mentioned looking at people who have substance abuse issues as committing a criminal offence rather than having a medical problem. Does his party believe that people who have substance abuse problems have a judicial problem rather than a medical problem? As for individuals who are caught with possession of soft drugs like marijuana, does the government want to pursue that through the courts as a non-indictable offence?

My second question relates to the issue of conditional sentencing. Does my colleague believe that crown prosecutors will pursue more non-indictable offences, taking an offence to a non-indictable stage and trying to pursue a summary conviction as opposed to continuing with an indictable offence if the judge feels obligated to force them to engage in a penalty that may not be warranted under the circumstances?

Mr. Rob Moore: Mr. Speaker, Bill C-9 targets the most serious offences, including offences under the Controlled Drugs and Substances Act, that carry a minimum penalty of 10 years. Less serious offences are not covered by this bill and conditional sentences are still available where they had been in the past.

To be perfectly clear, with respect to serious drug offences such as trafficking and production of cocaine, Canadians have said that they do not want these offences punished by conditional sentences any more. They do not want people who are causing a scourge upon their own communities to serve their sentences in those very same communities with the same networks that they had before they were sentenced.

Police officers have been telling us that when it comes to drugs, they do the hard work, the heavy lifting. They process an investigation, make an arrest and get someone to trial, only to see a serious offender, someone involved in the production or trafficking

of drugs, serve his time with a conditional sentence. That is what this legislation is targeting: the most serious offences under our Criminal Code.

On the issue of indictable versus summary conviction and hybrid offences, we feel that prosecutors will use their discretion to prosecute serious hybrid offences by indictment. When there is a conviction under that process, these individuals will no longer serve their sentences in the community. They will serve them in jail. However, on some of these hybrid offences, if prosecutors do choose to proceed by way of summary conviction, that option is still available where it is felt, at the discretion of the prosecutor, that it is the most appropriate way to proceed.

To be clear, the overall strategy of Bill C-9 is to target serious crime. We read about serious crime every day in our newspapers from coast to coast to coast, and we hear on the radio and television about someone who has committed a serious offence against another member of society getting what Canadians call a slap on the wrist.

If we talk to Canadians in a Tim Hortons, for example, they will tell us that people are getting a slap on the wrist for serious crimes. There is no denunciation in that. There is no deterrent in that. It has been proven to be ineffective. We want to send a message that we take crime seriously. Canadians sent us that message and we are delivering on it.

•(1120)

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, as a follow-up to the last question, is the parliamentary secretary really serious when he says that the government is targeting only serious crimes?

I agree with him that there is some concern in this country over the use of conditional sentences when it comes to violent crimes. There have been several—although not many—notorious cases that have hit the front pages of our papers, but as I look at the list prepared by the Department of Justice, I see that there are close to 20 charges that have nothing to do with violence and have a maximum penalty of 10 years. Therefore, conditional sentences will no longer be necessary. Some are: fraud over \$5,000, the filing of a false prospectus, wilful mischief over \$5,000, wilful mischief of other property, theft from the mail, false pretense, and obtaining credit by false pretense. All of these crimes will no longer be available for those sentences.

I am asking the parliamentary secretary if he does not think that in fact this legislation has overreached its boundaries. Perhaps the government should be considering eliminating a number of those less serious offences from the consequences of the bill.

Mr. Rob Moore: Mr. Speaker, the hon. member asks a good question, but to really measure what the government is trying to do, we also have to talk to the victims of some of those crimes the member named.

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Canadians sent the overwhelming message that they did not want serious crime to be punished by way of a conditional sentence. For many of the crimes the member has named, there is a sentence of 10 years or more as a maximum. Many of the offences with sentences of a maximum of 10 years or more can also be prosecuted by way of summary conviction. There is still an availability for a conditional sentence where the prosecution, in its discretion, has decided to proceed by way of summary conviction, but to be clear, we have to draw a line somewhere. In our Criminal Code, we have sentences that have maximums of 5 years, 10 years or 14 years. For some it is a life sentence.

We have drawn a line at 10 years. What we have said is that in our Criminal Code where we have designated serious offences, offences punishable by a term of imprisonment of up to 10 years, the government is going to take that seriously, because the intent of legislators and the intent of those who drafted our Criminal Code is being undercut by the over-application of conditional sentences.

Canadians need only look at the articles in the newspapers. The news stories, and I would say there are more than a few, show a great many instances of someone who has no business being in a community yet who is serving a sentence in the community, someone who has victimized members of that community and who may have victimized youth in that community.

Canadians have sent a very clear message that they do not want serious offenders serving their time in the community. The government has drawn a line at those offences that our Criminal Code designates serious offences with a maximum of 10 years' imprisonment available. We have said that conditional sentences will no longer be available for those crimes.

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Mr. Speaker, I want to go back to a question I asked the parliamentary secretary earlier. It dealt with the issue of the simple possession of soft drugs. Will his party support decriminalization of the simple possession of marijuana given the fact that the application of this law across the country is extremely varied? It is inhumane when individuals who are 18 or 19 years old are picked up, prosecuted and receive a criminal record that will affect them for their entire lives. This has even been stated by such varied groups as various police groups and the Canadian Medical Association.

My second question deals with prosecution. As the parliamentary secretary knows, what charges are to be laid varies across the country. In some jurisdictions, police forces lay the charges. In others, the crown prosecutors do. I would like to know from the hon. member how the government is going to square this circle in terms of ensuring that there is homogeneity across the country in that charges to be laid will fall either on the arresting officers or on the crown prosecutors.

● (1125)

Mr. Rob Moore: Mr. Speaker, as the hon. member knows, various provinces have carriage of Criminal Code offences and different provinces take somewhat different approaches. Bill C-9 is providing direction that when someone is convicted of a serious offence under the Criminal Code, has victimized another Canadian, we as a government and as a society are taking that seriously and people who commit a serious offence will be serving time in prison and not in the community.

This bill deals with the most serious of drug offences, including the production and trafficking of drugs like cocaine. It sends the message that those who engage in those activities will be serving a sentence in prison.

Mr. Ron Cannan (Kelowna—Lake Country, CPC): Mr. Speaker, because of my nine years of experience in local government and chairing the Union of B.C. Municipalities Justice and Protective Services Committee, I know that for local governments, policing is the number one budget item, as health care is for the provinces. In speaking with local government, the superintendent of the RCMP, and crown prosecutors, our community fully supports adjustments to the Criminal Code.

What other organizations has the parliamentary secretary heard from that support the need to adjust the Criminal Code so that we do not have the catch and release program that is in our communities today?

Mr. Rob Moore: Mr. Speaker, we have heard from a great many groups, such as the Canadian Professional Police Association and victims groups. Advocates for justice have been saying for years that a change is needed and that serious crime needs to be treated in a serious manner. Their pleas have been falling on deaf ears.

This new government has been listening to those who are concerned about victims of crime. This bill sends the message that if people commit a serious crime, they will not be serving their sentences in the luxury of their own homes.

Hon. Sue Barnes (London West, Lib.): Mr. Speaker, I am pleased to participate in this first debate on Bill C-9, an act to amend the Criminal Code (conditional sentence of imprisonment). To put this debate in context, I will state the present situation in the Criminal Code so that people understand what we are talking about.

Current section 742.1 of the Criminal Code states:

Where a person is convicted of an offence, except an offence that is punishable by a minimum term of imprisonment, and the court

(a) imposes a sentence of imprisonment of less than two years, and

(b) is satisfied that serving the sentence in the community would not endanger the safety of the community and would be consistent with the fundamental purpose and principles of sentencing set out in sections 718 to 718.2,

the court may, for the purpose of supervising the offender's behaviour in the community, order that the offender serve the sentence in the community, subject to the offender's complying with the conditions of a conditional sentence order made under section 742.3.

Sentencing of an offender can sometimes create controversy in the wider community, especially if the main or only source of information is through media reports of crimes. Conditional sentencing became available in 1996 and we have now had roughly nine years of experience to draw upon in our assessments.

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Generally speaking, the existing prerequisites in the Criminal Code section which were enacted should screen out the most serious cases being dealt with by means of a conditional sentence. There has been case law developed which has helped in guiding the use of conditional sentences. There are both punitive and rehabilitative objectives where conditions of house arrest and/or curfew are utilized.

The Supreme Court of Canada stated clearly in *R. v. Proulx* that there should be no judicial presumption for or against the use of conditional sentences for any category of offences. A conditional sentence need not be of the same length as a sentence of incarceration. I am told by counsels that invariably when someone receives a conditional sentence it is a longer period. This is real punishment served outside of a costly prison system. Now, in some cases where it is desired, offenders' movements are even tracked by electronic bracelets. This allows people to continue their employment while under house arrest, have a curfew, take counselling or provide for their children in the home. There are serious consequences when the wrong people are supervised inside a prison system. It has consequential effects on the lives of those most connected to those individuals.

In recent years it has been raised in the public discourse and with the federal, provincial and territorial ministers of justice, that while conditional sentences are an appropriate tool, in many cases there needs to be a definition of appropriate limits to the use of conditional sentences, particularly in respect of more serious and violent offences.

In October 2005 before the Liberal government was defeated, Bill C-70 had been introduced by the former minister of justice. I correct the information given by the parliamentary secretary that nobody was listened to. Actually, there was a bill tabled. Because the government was defeated, Bill C-70 was never debated in the House and it died on the order paper when the election was called. Bill C-70 took a different approach from that in Bill C-9 which we are debating today.

By way of comparison, former Bill C-70 was drafted to amend the Criminal Code to create a presumption that the courts shall not make a conditional sentence order when sentencing offenders convicted of serious personal injury offences as defined by section 752 of the Criminal Code, terrorism offences and criminal organization offences, or any other offence whose nature and circumstances are such that they require the paramount sentencing objective of the court to be the expression of society's denunciation. There were other technical provisions in the former bill which are not covered in the legislation presented by the new government.

I wanted to put the debate in context and make that comparison because the former bill was in the same subject area. It did have a presumptive focus as opposed to a mandatory focus, and it was in a narrower field.

• (1130)

I want to bring out some other issues that are more procedural in nature. They are important for people to understand.

The Liberal government usually sent bills to committee after first reading. This provided more scope for amendments at committee.

People who work on the bills in committee may not get to debate them in the House. At committee people base their knowledge on the expert opinions of witnesses.

We have been advised by the Conservative government that Bill C-9 is to be voted on at second reading and then sent to committee. This is the prerogative of the government. Let us be clear that the former approach provided for a much more collaborative effort by all those concerned, and usually a more effective result.

After second reading, amendments to the bill can still be made at committee and in the House again at report stage. Subsequent votes can change the legislation by reducing the contents of the bill via amendments, if those amendments are in the same subject area as the principle of the bill.

The situation here is that in the realm of conditional sentencing, the government has put forward a bill that is very wide in scope. There is still the power with the parliamentarians working in the committee, and after listening to the experts in the field, to narrow the scope of the bill.

I believe that given our former bill on the same subject and the communiqué from the meeting of the federal, provincial and territorial ministers of justice, this is a valid area for some change in the law. There may be some differing opinions. I would be happy to receive those opinions. Those who are most knowledgeable should submit the names of their organizations to the clerk of the justice committee so that we can hear the voices of those for and those against the bill.

It is time to do evidence based law. We should not play politics with the Criminal Code of Canada. It is too important. There is no one party that is the law and order party. We all want safe communities. We all want justice to be fair, but we also want it to be effective.

Bill C-9 amends section 742.1 of the Criminal Code to prohibit the use of conditional sentences for offences under the Criminal Code and the Controlled Drugs and Substances Act and other federal statutes punishable by a maximum sentence of 10 years or more for those that are prosecuted by indictment. It seems to be a simple, and I stress simple, way to go about doing business.

To give context to this particular legislative approach, if this had been in effect in 2003-04, approximately one-third of those who received a conditional sentence would not have been eligible. The judge's discretion would have been removed to provide this tool. We would have been paying for the incarceration of approximately 5,480 additional people in this land.

Some offences which fall under the scope of this bill are hybrid in nature. This means that the crown can go either by indictment, or if it is a lesser offence, the crown can choose the summary aspect of the bill and go lower. My personal concern is that there will be those cases that fall in between where the conditional sentence was the most appropriate sentencing tool because it would have been a more complete sentence for reasons I will explain later.

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In fairness, it should also be noted that the courts would still have the option to use probation orders for the offences barred from receiving a conditional sentence of imprisonment where it was felt that the circumstances warranted it. This in reality still limits the sentencing judge's options.

Think of the case of a welfare fraud parent, who I am told by defence counsel is usually a woman. She would more likely end up in jail where before, a conditional sentence would often be used. The situation would likely escalate into child welfare and social services becoming involved because the children has been left without a parent to support and care for them.

• (1135)

I think we have to understand the reality of what could potentially occur if the non-violent crimes are included within the scope of this bill. A judge already has to think about whether there is a safety issue for the community. There is already a process for a judge to go through in imposing the conditional sentences.

These are the people who do not read the newspapers about the cases. These are the people who have to make decisions in that courtroom. They listen to the evidence that is brought forth properly, listen to the parties, both the prosecution and the defence, hear all the information, hear all the facts of the case, and then use their judgment. They are judges. We pay them to judge. We do not give them strict guidelines, so they have no authority to go outside of the strictness of controls.

Obviously, the government should justify and explain to Canadians the reasons for including so many more offences that would not qualify for the conditional sentence option. The government seems to be prepared to fill more prison cells and take this sentencing option from the judge who hears the case, as I have said, and the specific facts and circumstances.

The question to be answered is, which offences should be included in this bill and get passed, and which should be excluded, and let us hear the reasons why and why not? We have not heard a lot of explanations. We have heard a lot of rhetoric, but we have not heard any explanation or information or evidence-based material other than that this has been requested by some associations. A lot of people want a lot of things. They generally do not get it unless they can prove there is a real need and there are good reasons for this approach over some other approach.

Obviously, and I give the government credit for this, it has backed down somewhat by not abolishing conditional sentencing completely and the government, therefore, has acknowledged that there is a role for conditional sentences in the Canadian legal system.

In almost all the cases, the conditional sentence orders contain restrictive conditions of house arrest and/or curfew, often both; often community service; mandatory treatment and counselling; and often other conditions are tailored into the sentence and can be very effective in preventing repeat offences while still having the person exist safely inside the community with the deterrence of having the house arrest, et cetera. It is not about being hard or soft on crime. It is about a sense of effective, just sentencing in Canada for those who go outside our law.

I am told that all provinces and territories have expressed some concerns about the costs that they would incur if this bill goes through as is in hiring additional prosecutors, court and correctional staff, and building new prisons.

We saw a budget that put money forward for, effectively, more prison cells but very little detail. We do not have that information. We hear of the generalities, but I know that when I and many of my colleagues vote, we will need more information before we cast such an important vote on such important changes.

The government has not properly, or effectively, outlined its plans on what assistance, if any, would be provided to those jurisdictions affected. Obviously we know there would be increased costs. Conditional sentences currently make up approximately 5% of all Criminal Code sentences, so conditional sentencing is not a wide open, used in every case scenario.

The most frequently imposed sentence is probation which, we are told by justice officials, is approximately 46%. I did some research because I thought that number was a little high on its own. Then I understood from others that probation is usually in addition to most jail sentences under two years. Probation is part of another sentence; for example, jail plus probation, fines plus probation, or probation as part of any intermittent sentence, such as somebody who works outside the house and goes into an imprisonment situation on weekends. Even on conditional sentences, probation is often added at the end of the conditional sentence term. It is a good combination type of sanction that is widely used.

Before we go adjusting the discretionary tools that our justices and judges across this country have to work with to our best result, we have to understand the tools they have and not just say that this is bad or that this should not be used. We have to understand what we are talking about before we change it.

• (1140)

The purposes of the principles of sentencing are contained in section 718 of the Criminal Code which came into effect with the last government in 1995. This section is not amended in this bill and that is important. This is something positive that the government has not seen fit in changing this section and to leave this as is because this section sets out the fundamental purposes for sentencing, the objectives and what sentences should attempt to achieve.

In brief, for those who have never sat down with the Criminal Code and read through the section, these objectives are denunciation, general and specific deterrences from the crime, separation of offenders from society with a caveat where necessary, rehabilitation, making reparations, and promotion of a sense of responsibility in the offender and acknowledgement of the harm done to the victim or victims and to the community.

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When Parliament adopted this section of the Criminal Code, it mandated the expanded uses of restorative principles in sentencing because of the general failure of incarceration to rehabilitate offenders and to reintegrate them into society. Members should remember that no matter how long we make the sentence, people still come out into the community and at the end of their sentence we want them to be better functioning, so that means they have to have programming and other training inside the system, and we need to be realistic.

Section 718.1 states that a sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender. Other sentencing principles are contained in section 718.2 and there are other specific sections on sentencing relating to children. The case law continues to help enunciate and guide the courts in their decision making.

A change in section 742 will obviously have impacts in a number of areas. There will be costs, processing, and personnel impacts. We will need to hear from witnesses who are knowledgeable about these impacts, those impacts that are intended by the government and perhaps more importantly those which are unintended on these proposed reforms.

Will there be a need for more legal aid? I have met with legal aid representatives in my riding and know that to get legal aid in Ontario there has to be a substantial likelihood of incarceration. Will the justice system itself be able to accept this greater load of trials and incarceration?

Most of the debate and inquiries for the government will be the inclusion of offences that although serious are non-violent. No full explanation has been provided for these additions. The bill appears to use the equivalent of a legislative sledge hammer where perhaps what is required is the equivalent of a legislative scalpel: fine tuning and amending where necessary and where effective.

Our party wants proper evidence brought before committee. We do not vote for blind ideology but rather for real improvement. We will await the evidence which can be brought forward to understand the need, the relevance, the impact, the cost, and effect of these changes in the area of conditional sentences.

We do not accept the bill as currently constructed, but do see merit in further work and amendments in this area. We look forward to constructive work ahead with time to objectively listen to Canadians, the stakeholders and the experts in this specialized field. We hope and trust that all members of the justice committee of the House will work in this constructive manner.

The government should tell us why the sections such as forgery, drawing documents without authority, are captured in the net. It is much easier to understand why assault offences causing bodily harm or with a concealed weapon will be in the category. We also need to understand whether these changes have a different effect in different populations where the government has been trying to embrace a restorative justice principle.

Flexibility is being curtailed here. Let us hear the government's justification for these broad changes. We must be careful to ensure that the changes do not conflict with the sentencing principles articulated clearly in the Criminal Code. Section 718 states:

The fundamental purpose of sentencing is to contribute, along with crime prevention initiatives, to respect for the law and the maintenance of a just, peaceful and safe society by imposing just sanctions that have one or more of the following objectives.

● (1145)

I look forward to it. I believe we can have some constructive dialogue and work on the bill. The provisions of the bill can be narrowed if the evidence we hear indicates that. We intend to listen and to work with other parties to create some changes that should be beneficial and constructive in looking at conditional sentences.

We do not wish to overreach and create unnecessary hardship and expense where not warranted. We do not believe as a party that simple black and white messaging to the public takes precedence over proper, nuanced legislative initiatives.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, I was interested in the hon. member's comment about justification and I want to go back to a Canadian Criminal Law Review. In volume 8, 2004, the reviewer spoke about the fact that because of the relatively recent introduction of conditional sentencing, there were actually very few academic studies that have been done around the impact on the criminal justice system. The article goes on to indicate that there is a real lack of sentencing statistics in Canada, even with the adult criminal court survey of Statistics Canada.

I would like to ask the member, what additional kind of information is critical for members here to examine before making such a radical change as is being proposed with this conditional sentencing bill?

● (1150)

Hon. Sue Barnes: Mr. Speaker, I appreciate the comment and I too like to make my decisions based on evidence.

Things are not black and white. We are seeing a government that is focusing on giving simple messages as opposed to looking at the detailed study. Let us hear from those people who have done the studies, such as the academics, if there is research work. Let us take a look.

Nine years is not a long time. My party agreed there was some tweaking to be done, but I would like to hear from some of those jurisdictions that will be affected, the ones who are asking for it and certainly the ones who are concerned about it. I know the Minister of Justice in Saskatchewan has made some public musings about how this may affect certain populations within his province. There are concerns, but they are not even voiced as concerns. It is just a lack of information about how this will impact on costs.

We can talk to people. There are people who are coming to me from the victims' groups, from the families of the offenders, and from the people who have dealings in the prisons as their business, the societies, whether for men or women, that regularly interact with the prison population and have a good understanding of it. We need to hear from them.

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Personally, I would like to know whether or not the Minister of Justice gave this bill for consultation before he tabled it, showed it to the ministers, or whether he relied on the past territorial justice ministers meetings and conversations. I know he said that he had conversations with the various ministers of justice after the fact. I just wanted to know whether this bill was actually run by them because I think they would be surprised at the severity of what is contained here.

It is going to take a lot of time to carefully go through the sections of the Criminal Code offences that will be affected by this bill, as well as the affected sections in the Controlled Drugs and Substances Act. It is work on which I trust the party opposite, the government, will work together with the parties on this side of the House and opposition parties. In fairness to the complexity of the bill and the impact it is going to have, the bill itself is an easy read when it says anything over 10 years. That is not complex. What is complex is the impact and how it will affect all of our systems.

We have judicial rulings, cases like Askov, where if things are bogged down too much and there is a delay in bringing something before the courts, it is going to get thrown out because of that delay. We cannot just affect one situation and not realize it has impacts.

I am absolutely convinced we do not have enough money in the criminal legal aid system right now. There is no mention of it, nothing was allocated, and when I asked the justice minister about criminal legal aid at committee when he appeared before us, the response was that we were having discussions. We cannot change this law without having some things in place so people can cope with it because then we are going to have real problems.

My concern is that on some very serious things, prosecutors will opt for going by way of summary conviction, where if there are some options of sentencing in the conditional sentencing, such as in some fraud situations or cattle rustling or whatever particular section of the code is included, there might be a better way.

We are not going to play politics. We are going to work with you if you will work with us. If you will not work with us, we will work with the other opposition parties, but I do not think this bill will pass in its present form.

The Acting Speaker (Mr. Royal Galipeau): The hon. member for London West will want to address her remarks to the Chair.

The hon. member for Burlington.

Mr. Mike Wallace (Burlington, CPC): Mr. Speaker, I listened carefully to the member's dissertation on the bill. I was encouraged by her comments in getting it to committee and looking at amendments that may possibly be made to it. However, I would like some clarification, if possible.

Will the member opposite vote for the bill in its present state and get it to committee? I do not understand whether the Liberals are supporting getting it to the next level. I would appreciate some clarification on that.

• (1155)

Hon. Sue Barnes: Mr. Speaker, it would be a lot easier if the government chose to do this after first reading. It clearly has that right. Because the Liberal government had a bill that would have

tightened up some sections, Liberals believe parts of the bill have validity and we will take it to committee.

My suggestion is to deal with it properly in committee. We have probably less than three and a half weeks left in the House. The justice committee currently has business before it. When the House reconvenes in the fall, there will be ample time for the parties affected to do a lot of work for the government to put together its case properly.

I will not speak on behalf of everybody in my caucus, but at this point in time, as the justice critic, I personally intend to send it to committee so further work can be done. However, I will not accept the bill in its full form. I do not believe, for instance, that non-violent offences should be part of the bill.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I hope that my colleague from London West will stay with us just a few moments more. I am pleased to speak in this House and I would like my colleague to know that over the past 26 years, I have been a legal aid lawyer as well as defence counsel in criminal law for the last 10 years. As a criminal lawyer, I regularly argued cases in court, trying to convince the court to accept my arguments. I will attempt the same here, Mr. Speaker. If I slip up, as I probably will, and call you "Your Honour", please forgive me. I hope that my argument—and I believe it will indeed be an argument—will enable us to address this very important debate in the House today in an orderly manner, without the interference of court sanctions.

The Bloc Québécois finds it difficult to vote in favour of this bill. We will therefore vote against it, for a number of reasons I will explain. This is a very difficult bill that reduces the number of options available to the court when sentencing a person.

I have with me the bible that I kept with me every day I argued a case in court a while ago. I keep up to date on what is going on in criminal law, so I hope you will permit me to read section 718 of the Criminal Code. This section is clear about the objectives of sentencing, which are:

- (a) to denounce unlawful conduct;
- (b) to deter the offender and other persons from committing offences;
- (c) to separate offenders from society, where necessary;
- (d) to assist in rehabilitating offenders;
- (e) to provide reparations for harm done to victims or to the community; and
- (f) to promote a sense of responsibility in offenders, and acknowledgment of the harm done to victims and to the community.

The objectives and principles that a judge must be guided by during sentencing are clear. The judge must individualize the sentence. The individual that appears before him must receive a sentence adapted to the crime committed. This is not what Bill C-9 proposes. The bill would increase the length of imprisonment for dozens, possibly around one hundred new offences. One example comes immediately to mind. Someone charged with impaired driving causing bodily harm can be sentenced to a maximum of 10 years. Under Bill C-9, a prison sentence would automatically be imposed. This is unacceptable.

If my colleagues across the floor listen to my entire speech—and the brilliant interpretation being provided—they will understand that such a sentence is unacceptable for several reasons. First of all, in a number of major decisions, the Supreme Court has stated that the primary principle that must apply during sentencing is that of individualized sentencing. That would be lost with this bill. In fact, Bill C-9 would put an end to individualized sentencing.

I would go even further. Not long ago, the Supreme Court had to rule on conditional sentences. If the members across from me are listening carefully, they will recognize a decision handed down by the Supreme Court in 2000. It was a landmark decision that has been continuously applied by the courts ever since. It very clearly explains the criteria that must guide the court when it is about to impose a conditional sentence.

• (1200)

It should be noted that conditional sentencing is neither a policy nor an obligation. It is an additional power the court has when handing down a sentence. It is part of the wide range of sentencing possibilities the court has when it is judging an individual or handing down a ruling that will have a clear impact on an individual's life, family and associates.

The members opposite should listen carefully to what I am about to say. Everyone knows that a Supreme Court ruling is quite serious.

In *R v. Proulx*, the court said that:

—the provisions on conditional sentencing were enacted both to reduce reliance on incarceration as a sanction and to increase the use of principles of restorative justice in sentencing. A conditional sentence should be distinguished from probationary measures.

Probationary measures are sentencing measures with probation.

Probation is primarily a rehabilitative sentencing tool. By contrast, Parliament intended conditional sentences to include both punitive and rehabilitative aspects.

That is the intention.

—conditional sentences should generally include punitive restriction of the offender's liberty. Condition such as house arrest should be the norm, not the exception.

Having been a litigator and defended clients in all sorts of cases, I can assure you that a sentence of detention in one's own place of residence is quite often more restrictive than a sentence of detention in a penitentiary or a provincial prison. For example, when an individual receives a conditional sentence, he generally receives calls at all hours of the day and night to check whether he is home. I will come back to that in a few moments. What is more, he is monitored regularly by the court.

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That is what the Supreme Court had to say about it, again in *Proulx*, a very important case that my colleagues opposite and the hon. Minister of Justice have read. The Minister of Justice was Manitoba's Attorney General. I would be glad to discuss this case with the hon. Minister of Justice in this House. We talked about it last year, the hon. Minister of Justice and I, when we were both on the justice committee.

The *Proulx* decision states:

—the judge should then consider whether it is appropriate for the offender to serve his or her sentence in the community.

The Court must ask itself this question.

—a conditional sentence need not be of equivalent duration to the sentence of incarceration that would otherwise have been imposed.

So said the ruling by the honourable justices of the Supreme Court. Generally, what this means—I have experienced this myself and my colleague the hon. Minister of Justice may perhaps also confirm it since this occurred in the province of Manitoba—is that the court first asks itself whether or not the individual is eligible. If a sentence of incarceration is required, then the answer is yes. The court then decides that the offence committed involves and requires incarceration. Then it asks itself if the incarceration must be served in a penal institution or if the individual may serve the sentence at home or elsewhere. It is at that point that it must pose the question.

• (1205)

Usually, the judge considers that the offence deserves a sentence of three years or 30 months; however, if he wishes the offender or the accused to serve the sentence in the community, he lowers it to two years less a day.

The Supreme Court ruling states, and I quote, “Two factors should be taken into account: (1) the risk of the offender re-offending;” This first factor bears the number (1). It is followed by factor number (2). I have never seen (2) precede (1). Thus, the first question that the court asks itself is whether or not there is a risk of the accused re-offending.

I continue to quote, “(2) the gravity of the damage that could ensue in the event of re-offence”. A consideration of the risk posed by the offender should include the risk of any criminal activity, and not be limited solely to the risk of physical or psychological harm to individuals

The Supreme Court went so far as to state and repeat—and I will repeat here in this chamber—that there is an inviolable principle in our criminal law and that principle is the individualization of sentences.

This is not what the hon. Minister of Justice has in mind in introducing Bill C-9. I took a quick look at the crimes covered by this bill. There are about 100 in total, and all are punishable by 10 years in prison.

The case that comes to mind and the one I had argued, as I mentioned earlier, was impaired driving causing bodily harm. Under this bill, the judge will have no choice but to impose a sentence of imprisonment of more than two years, and that is extremely dangerous.

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The Proulx decision is very important. I read it through, and I would again invite the hon. Minister of Justice to carefully reread this important decision. Here is another excerpt from the decision:

The [conditional] sentence imposed by a trial judge is entitled to considerable deference from appellate courts...Absent an error in principle, failure to consider a relevant factor, or an overemphasis of the appropriate factors, a court of appeal should only intervene to vary a sentence imposed at trial if the sentence is demonstrably unfit.

Today, we are faced with an extremely important societal debate. The debate over Bill C-9 is a societal debate. This bill will be a catalogue of prison sentences. The crimes will be in the catalogue and will be punished accordingly. This is not what the Supreme Court intended. The Supreme Court, and society in general, want individualized sentences that take into account the individual's character, the risk of reoffending and the seriousness of the crime.

When these distinctions are made, then we must look at how the court will punish the individual.

Clearly, Bill C-9 is a move toward punitive justice, not rehabilitative justice. Today, sentences must be individualized. The Bloc Québécois believes in rehabilitative sentences much more than repressive sentences. Bill C-9 will create repressive sentences.

It is true that crime has increased in some major cities.

● (1210)

For the first time, however, since the introduction of conditional prison sentences in 1996, Statistics Canada did a study in 2003-2004, which showed that the total number of offenders liable to a new conditional sentence order had decreased, falling from 19,200 to 18,900, a decline of about 2%. Still, we must pay attention. In spite of this decrease from the previous year, the same study reveals that conditional sentences have a major effect on the rate of new detentions, which has decreased by 13% since the introduction of conditional sentences. As a result of this measure, some 55,000 fewer offenders were sent to prison.

With all due respect for the hon. Minister of Justice in this House, he cannot contradict this. Last year, he sat on the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness as the Conservative opposition critic. When he tried to table this same bill, I asked him to provide us with figures showing that the crime rate had increased since conditional sentences began to be given. It was not so; the number of offenders had decreased.

I will go a bit further. This is a rather special sentence. The administration of these sentences, especially conditional ones, falls within provincial jurisdiction because they are sentences of two years less a day. So what will happen if this bill comes into effect? There will be an increase in prison sentences. And who handles sentences of two years less a day, to use the legal jargon? It is the provinces. It is obvious then that passing this bill will entail additional costs, an increase in the financial burden of the provinces. There are two problems. One, sentences are no longer individualized. Two, we switch from the possibility of rehabilitation to repression. Thus, we increase the financial burden of the provinces, which will have to deal with these prison sentences.

I will add something else. Bill C-9 implies the building of more prisons. It seems, however, that on an individual basis (the figures

confirm this) it is much more costly to keep offenders in prison than to keep them under supervision in the community. We now have figures to support this. In 2002-03, the average annual cost for a prisoner in a provincial institution was \$51,450, compared to \$1,792 for supervision of an offender in the community.

I would still have lots to say, but I see that I have less than a minute left. So I will say this. We must at all costs avoid having this bill send the wrong signal. I understand the intention of the Minister of Justice to send a clear signal. With all due respect, I nevertheless think that this is not the right message.

We could send guidelines to the judges. Perhaps not enough prison sentences are given for different crimes. The appeal courts are there, however, to rectify what might be a "bad" decision or a decision that does not comply with the criteria of the Supreme Court.

● (1215)

The evidence may be seen in many cases. Mr. Brault has just been sentenced, and we have just seen that there are other sentences. In fact, the Court of Appeal of Quebec has just declared itself in favour of the fulfillment of prison sentences, when such sentences should have been handed down in the first instance.

Let our courts and judges do their job. They are quite capable. Let us give them some clearer guidelines, though.

[*English*]

Mr. Rob Moore (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, consultations have taken place among the parties and I believe you would find unanimous consent for the following motion. I move:

That the Minister of Justice be deemed not to have spoken to the second reading motion of Bill C-9, an act to amend the Criminal Code (conditional sentence of imprisonment).

The Acting Speaker (Mr. Royal Galipeau): Does the hon. parliamentary secretary have the unanimous consent of the House to move the motion?

Some hon. members: Agreed.

The Acting Speaker (Mr. Royal Galipeau): The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

[*Translation*]

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, I would first like to congratulate my colleague on his speech.

I was told that Bill C-9 was relatively complex and technical. From what my colleague says, the issues of the bill are very clear. I would like to speak to them, because he has made it clear.

The government is denying the judiciary the option of conditional sentencing: it is creating an arbitrary list of crimes that will automatically result in prison terms.

As my colleague put it so well, they are increasing punishment with little thought to rehabilitation. A society's prime objective should be to ensure the security of its citizens. We in the Bloc Québécois support this objective.

The government is also going to allocate more resources to this repressive system. The provinces will be obliged to invest more in building prisons. This, too, will be to the detriment of prevention.

Perhaps I could suggest to my colleague that there is a certain view of society behind Bill C-9? It is not unlike that of the current administration of the United States. According to this vision, security is achieved less by social programs, the fight against poverty and the creation of jobs than by repression, the construction of prisons and the establishment of police forces. In addition, the Conservative government is not only adopting this model for itself, but it is turning it into an instrument of partisan politics. The announcement of harsher sentences may appear very simple to the public, whose feeling of insecurity, however, is not supported by statistics, as my colleague pointed out.

So this is a sort of right-wing populism that spells extreme danger for the future of Canadian and Quebec democracy. I would therefore like to hear my colleague's comments in this regard.

• (1220)

Mr. Marc Lemay: Mr. Speaker, at the outset, I would like to say that I agree with the hon. member for Joliette.

As a legal aid lawyer having always argued for the defence, thereby coming into closer contact with citizens experiencing difficulties—the underprivileged—I have always sought, and I shall always seek individualization in sentencing. This seems to me to be essential. But that is not what this bill seeks to achieve. I think it focuses on the wrong message, and that it sends a very unclear message.

The legal community is deeply concerned about this. I attended the Conference of the Quebec Bar just two weeks ago.

I think that judges are doing exceptional work. Their job is to sentence individuals. They do not want to punch 742.1 into a computer that will spit out an eight-year prison sentence for the accused.

We must preserve the principle of individualization, but we must above all respect the goal to rehabilitate the individual, who will one day go back into society. Excuse me, Your Honour, but as I said to the judge, when my client re-enters society, will he be ready for it? If he is locked up for 10 years, he will not be.

My apologies for having given you a raise, Mr. Speaker. However, I must tell you that we must not do this. What we should do is provide the courts with guidelines acknowledging that sentences may not be severe enough, but that appeal courts exist to rectify them. Our job is to work on rehabilitation and to fight poverty, for what is crime? People commit crimes when they have a problem; our society is not full of psychopaths.

[English]

Mr. Ron Cannan (Kelowna—Lake Country, CPC): Mr. Speaker, I have some real concerns about the statistics in the member's presentation. It is easy to quote information and state data

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that might skew the information for the public. The latest national data showed that overall crime in 2004 dropped by 1%, but the murder rate jumped by 12% from the year before. We do not have to ask anybody in Toronto about that problem. It was particularly acute last summer when 52 people died as a result of gun violence.

I believe this is well thought out legislation with improvements to our sentencing laws that will ensure courts hand down meaningful sentences for firearms offences.

The member opposite made reference to house arrest. He said that conditional sentences were tougher than having to serve time in prison. I want him to realize that this proposal does not solve all justice problems in Canada, but it is a step in the right direction.

To clarify, I think the hon. member is stating that people would prefer to serve time in their homes, with luxuries such as watching their TVs and having privileges of freedom, rather than spending time in prison. He believes this is more reflective of the desires of Canadians rather than getting tough on crime.

On May 5 the *Winnipeg Sun* stated that this was the right message. He has said that it is the wrong message. The *Ottawa Sun* has stated "Hard line is the right idea".

Could the member clarify his reference to the leniency and jail time versus house arrest?

[Translation]

Mr. Marc Lemay: Mr. Speaker, I can give my colleague the following very simple answer. My colleague has just provided the evidence that this is the wrong message. Yes, there may have been a rise in the number of homicides, but that is not what Bill C-9 is about. With all due respect for my colleague, Bill C-9 is about sentences of less than 10 years. Someone who is convicted of homicide is given life in prison, depending, of course, on whether it was manslaughter. In the situation we are addressing, Bill C-9 does not address that kind of crime. That is what I was saying.

I would also add that for nearly a decade, from 1996 to 2004, I had the opportunity to argue, and to become familiar with, a lot of cases, and I have seen my clients trying to deal with conditional sentences of imprisonment. I can tell my colleague that at present, someone who does not comply with each and every one of the conditions of his or her release or conditional sentence will be returned to prison and will serve the entire remainder of the sentence without possibility of parole. That is a considerable hardship.

I would therefore advise my colleague to be careful about some of the things being said. We have to look at the numbers. I would also say that conditional sentences of imprisonment are often very difficult to serve. Sometimes, I even told my clients to reject the Crown's offer of a conditional sentence because they would be unable to comply with the conditions. Just try abiding by an order that you abstain from consuming alcohol at home—give me a call if it works. For example, I told one of my alcoholic clients who was being sent home under a conditional sentence with an order that he abstain from drinking that it would be preferable not to agree to it, and to serve his time.

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What I said, and I will reiterate, is that we must continue to tailor sentences to the individual, and not switch into a repressive mode, which is what Bill C-9 is preparing to do.

• (1225)

[English]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I rise today to speak to Bill C-9, which has been referred to as the amendment to conditional sentencing. It is important to appreciate some of the historical background behind this and why attention has been paid to this form of sentencing.

The original provision for conditional sentencing is relatively new to our criminal justice system, being only a little over nine years old. At the time it was introduced, it was a clear attempt on the part of the government of the day to reduce our prison population so individuals were not incarcerated for crimes that could have been better dealt with through rehabilitation, expression of denunciation by the state and justice for the victims. This would justify the use of conditional sentences as opposed to incarceration.

Conditional sentencing was used fairly slowly for the first few years. By the end of 2004, conditional sentences were being used across the land approximately 15,500 times. That meant fewer people were being incarcerated. The provision of the section is such that it is only used, whether it is now or subsequent to the proposed amendment, when the judge decides that the person in all other circumstances will be sent to prison. In these circumstances it would be better, for the reasons I have already mentioned, for the person to remain in restricted custody, but outside of full incarceration.

It is important to appreciate what has happened. Particularly in the last few years we have read on the front pages of our newspapers or heard on the national news cases involving criminals who were convicted of serious, violent crimes but were given conditional sentences. I do not know how many times this has occurred nor does the government. Some cases received substantial media notoriety. When these were investigated, extraneous circumstances justified the use of conditional sentences. However, this flew in the face of the original intent of conditional sentences, which were for non-violent crimes, not those that resulted in serious injury to victims.

A consensus built within the legal community and the legislators in the House that this issue had to be revisited. We had to address the point of when it was appropriate to use conditional sentences. If there were cases when it was inappropriate to use conditional sentences, we had to see if amendments could made to the section that would prohibit judges from using them.

The former government brought forward a bill toward the end of the last Parliament that attempted to address the issue. It reflected, to some degree, some consensus that had been built by all four parties. It did not get to second reading and died after the election was called.

• (1230)

This bill has taken a significantly different and more punitive approach to the issue of conditional sentences. The most important part is to look at the provisions of the section. It basically states that conditional sentences would be unable to be used in cases of a crime that had maximum penalties of 10 years or more.

We have to appreciate as well the impact of the amendment. If it were to go through, and I am cautiously optimistic that it will not in its present form, all these sentences would be served in provincial jails, not in the federal system. One of the other provisions already in the section is that it is not used unless the sentence to be imposed is two years less a day. If it is two years less a day, the person would spend the time in a provincial jail. All the individuals sentenced under this would be individuals who would normally end up in our provincial jails.

It is quite a lengthy list of where it would be prohibited to use this section. Forty-two sections of the Criminal Code have maximum terms of 10 years or more so conditional sentences could no longer be used. The difficulty I and my party have with this is a number of these sections are for crimes that are not of a violent nature, where an individual victim would not be assaulted or injured in a minor or serious way. We would classify approximately 20 sections as property offences, some quite minor. We sometimes wonder why there is even the possibility that somebody would get 10 years or more for that kind of an offence.

The first on the list is property theft over \$5,000. It does not take many pieces of electronic equipment stolen from a house or a retail store to amount to over \$5,000. It could be a first offence, but a conditional sentence would not be considered for the individual.

I will go through them. We have cattle theft, theft or forgery of credit cards, unauthorized use of a computer, breaking and enter with intent to commit an indictable offence, being unlawfully in a dwelling house, house breaking and possession of instruments, disguise with intent and possession of stolen property over \$5,000, theft from mail, bringing into Canada property obtained by crime, false pretense of property over \$5,000, obtained credit by false pretense, forgery, utter forged documents, fraud over \$5,000 where a testamentary document is altered, false prospectus, personation with intent, wilful mischief over \$5,000, wilful mischief of other property and arson for fraudulent purposes.

There are about 20 offences, all of them property crime. We question why some would even have a maximum penalty of 10 years. Nobody ever gets that kind of a penalty for those kinds of crimes, but they are all included in Bill C-9. The effect of the bill is to exclude anybody convicted of one of those offences from being treated by way of a conditional sentence.

When I saw the bill, my initial reaction was this. Our Crown attorneys will take a look at it and will immediately make deals with defence counsel. Of the 15,500 cases each year, somewhere around 5,300 to 5,400, or one-third, will be excluded. The statistics I am giving are from the Department of Justice. I am not making these up.

•(1235)

One thing that could happen is that crown attorneys would plea bargain deals with defence counsel and some criminals would still get through in other ways. The parliamentary secretary mentioned that one way would be to allow for suspended sentences. I do not see that as a good alternative to dealing with this type of crime.

With suspended sentences, a judge has no ability to put restrictions on the person convicted. The judge basically decides not to proceed with a conviction and no penalties but if the person commits another crime and comes back before the court the judge can sentence the individual. That is how suspended sentences work. It is not a good alternative in terms of rehabilitation or an expression of denunciation from the state. It is not a good alternative to conditional sentences for that kind of crime.

However, we will get some of them out. I am guessing that at least 1,000 or so a year will be taken care of by some other kind of plea bargain but that still leaves 4,000-plus cases.

When officials from the Department of Justice came to me for a briefing I asked them what it would cost and, more important, what it would cost the provinces because all these sentences would be served at the provincial level. It costs about \$125 a day to keep somebody incarcerated in our provincial system. It varies from province to province but that is a mean average. If we were to do the math, the operational cost for each convict who goes into the system would be in the range of \$200 million to \$250 million per day. All provinces will need to build additional cells to provide sufficient capacity to handle these prisoners.

It was interesting to hear the Minister of Public Safety say publicly that the money has not been specifically earmarked but that it has been set aside in the budget. This reflects the Conservatives' lack of understanding of what they are really getting themselves into. That money will be more than used when we get to the next bill, Bill C-10, on mandatory minimum sentences.

The Minister of Public Safety figures that the government will need about \$250 million to \$300 million. I think those were the figures he used. However that will be used up when we get to Bill C-10 and the number of additional people we will put into jails for longer periods of time at the federal level. Therefore, there really is no money in the budget. If the government is serious about getting both Bill C-9 and Bill C-10 through, there is no money for the provinces. All of that money, and a lot more quite frankly, will get used up in the federal system if Bill C-10, the mandatory minimums, gets through as it is presently drafted. I assume we will get to that bill some time later in the week.

The government has slapped this bill together in a slipshod manner more out of ideology and philosophy of how it would like to see society function than any reality of how it does. It brought forward this section and could not care less about what it will cost the provinces. After talking with some of the attorneys general, I know there has been no specific discussion of how much this will cost and no assurances or guarantees from the government that it will fund it. What it is doing is downloading this cost of its ideology onto the provinces.

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We are not talking peanuts. We are talking operational dollars of \$200 million to \$250 million a year if this goes through and substantial additional capital. The best estimate I can give, since the government does not have one, is somewhere between \$200 million and \$500 million for the additional prison cells that will need to be built to accommodate the additional 4,000 to 4,500 prisoners at the provincial level.

The other negative byproduct of this approach to criminal justice by the government is that conditional sentences have been used in a significantly higher percentage among first nation peoples than it has for criminals in other sectors of society. I will give one example.

•(1240)

In Saskatchewan, where conditional sentencing has been used, and arguably more extensively than any place except the province of Quebec on a per capita basis, 64% of the conditional sentences are for individuals who come from the first nations, Métis and Inuit population.

A number of years ago the province of Saskatchewan, probably around the same time as the conditional sentences were working their way through, made the conscious decision to reduce its prison population and to specifically target first nations because first nations population members make up almost 80% of the prison population at the provincial level in Saskatchewan. It has had a significant impact in Saskatchewan of reducing that population, of keeping them in society, of keeping them in their communities and of rehabilitating them at a much more effective rate.

We all know, and no one in the House should delude themselves otherwise, that the longer someone is in prison the higher the rate of recidivism and the more people are kept out of prison the lower the rate of recidivism.

Saskatchewan is saying that it has a major problem. Is the province able to get around it? If it can, why are we bothering with this bill? The real possibility is that Saskatchewan will not plea bargain a little bit. It may plea bargain a lot.

We need to appreciate that the alternatives to probation and suspended sentences are nowhere near as effective as the tools we get from conditional sentencing. The judges have a much broader scope of the conditions that they can impose on the convicted criminal under this section than the authorities have under the probation provision or the judges have if they were to impose a suspended sentence.

We are doing one of two things here. We will either end up with more people in our provincial prisons, which means the provinces will carry that bill, and, as a result, our first nations people in particular will be targeted, or the same number will be kept out but under suspended sentence or maybe probation where they may receive a short sentence period and then a long probation period. However the tools we will now have under the suspended sentence provision or probation will be much less effective than under a conditional sentence.

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We need to understand the history here. Judges had begun to use the conditional sentencing concept and in a number of cases they imposed conditions. We heard the Bloc member say that one of the conditions is the person could not consume alcohol in his or her own home. A number of provisions, such as that one, were challenged under the charter and the higher courts ruled that a judge did not have the authority because it was not provided for in the Criminal Code or other legislation.

What happened is that this provision was put in. The judges then said that they now had the tools and, in cooperation with the prosecutors, the police, the defence counsels and the criminal himself or herself, that they would develop a specific set of conditions applicable to that person to control his or her behaviour and make a serious attempt at rehabilitation.

One of the concerns I have with the government jumping ahead as it is right now is that there are no studies. I have checked throughout the private sector academia and there are no good studies on just how effective the conditional sentences have been. There is a fair amount of anecdotal that they have been and we know we have substantially reduced our prison population at the provincial level. It has been effective from that perspective which is one of the major things it was to do. However, on the rate of recidivism we do not have that and we should have that before we proceed with this legislation.

I believe all parties recognize that there are certain cases of serious violent crimes for which conditional sentences should not be available. My belief is that when the bill comes out of committee we will see that section amended to the degree where at least that will be covered. I believe the concerns we have heard from society will be addressed but we will not have to go any further and eliminate a tool that has been a very effective one for our judges and our prosecutors.

● (1245)

Mr. Rob Moore (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, people have honed in on various offences that are covered by Bill C-9. Some of the ones which members opposite have referred to as being less serious are break and enter with intent to commit indictable offence and being unlawfully in a dwelling house. Those two provisions, at the discretion of the prosecutor, can be pursued by way of summary conviction or by way of indictment. If a prosecutor, in his or her discretion, were to decide to pursue them by way of summary conviction, a conditional sentence would still be available.

I take issue with the comment that theft over \$5,000 and possession of stolen property over \$5,000 are less serious. I think Canadians sent a pretty clear message that property crimes are crimes against people. There are victims to property crimes, not only the ones the government is targeting that deal with physical injury to a person, such as torture, sexual assault with a weapon, aggravated sexual assault, kidnapping, hostage taking, all these heinous crimes are covered by Bill C-9.

Is it not necessary to, not only on crimes that involve physically injuring another member of society but also on serious property crimes, send a message that Canadians no longer want to be victims of these crimes and that as a government we take them seriously, that we also take the principle of denunciation and deterrence seriously

and that, in many cases, conditional sentences would be inappropriate even for serious property crimes?

Mr. Joe Comartin: Mr. Speaker, my house has been broken into on three different occasions over the last 15 years, so I do not need to be told by the parliamentary secretary how people feel as victims of crimes that are not an assault on the body. I understand what it is like to be a victim. I also understand how the system works.

If the crime is committed by a repeat offender that person is not going to be considered for conditional sentencing anyway because that repeat offender will be going down for longer than two years. That criminal will not even get through the initial screening. What the government is doing is allowing this section to be used in a scattered approach, depending on what a prosecutor wants to do in his or her area versus what is done in a neighbouring county or province. The federal government is responsible for criminal law. We need one pattern for the whole country, not mixed ones province by province or region by region.

This section leaves it open for abuse if we allow discretionary calls by prosecutors. Some will use the conditional sentencing quite extensively and others will try to avoid it. The ones who want to avoid it will simply lay the higher charges and get themselves out of the conditional sentencing provisions.

It comes back to using the tool effectively and as much as possible and recognizing that it not be used for serious violent offences. That is one of the things that really bothers me about the approach the government is taking to criminal law. It is running on anecdotes, on the odd case where a judge made a mistake. The government is trying to pass laws to take care of the few mistakes. If it does that, we are going to end up with many more ruined lives because more hardened criminals will come out of the system.

The United States has the highest prison population rate in a western democracy by far. It is six to seven times our prison population rate. The U.S. incarceration rate is running at about 700 per 100,000. Ours is at about 115 or 120 and most of western Europe is below 100. If it worked, the violent crime rate in the United States would be seven times lower than in western Europe and Canada. We all know that the violent crime rate in the United States is four to six times higher in spite of all that incarceration.

Incarceration is not the answer. We are trying to avoid recidivism. We are trying to rehabilitate and yes, we are trying to protect society. The greatest way to protect society is to make sure that the person who has committed one offence does not commit another one. Sending a person to prison is rarely the answer to guaranteeing that the person is not going to commit a crime again. My family and I would feel a lot safer if conditional sentencing was used rather than the alternative being proposed by the government.

● (1250)

[*Translation*]

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, I congratulate the member on his remarks. I am particularly grateful to him for making us aware that Bill C-9 would have a very significant impact on aboriginal communities.

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There is an aboriginal community in my riding. I believe that it is entirely correct to say that there is a discriminatory and punitive view of society behind this. I would very much like to hear his comments.

In my view, the Conservative government is conflating two things. First, making our society a better place to live, an objective on which we are all in agreement, there must be security and a lot of other things, like social programs, jobs and social cohesion.

The second is the notion that in order to achieve security, punishment is the only option. All of the rehabilitation programs, or the flexibility that might be available in sentencing, including conditional sentences, are seen as giving in to crime, to criminal behaviour and to criminals.

By conflating these two things, we end up aiming for one objective, security, but at the expense of making our society a better place to live. We can put up walls to protect the rich, but we will never prevent people who live in poverty from sometimes trying to get out of it by routes that are not, unfortunately, honest.

The problem is poverty. It is not necessarily security. I would like to hear his comments on this question.

Mr. Joe Comartin: Mr. Speaker, I thank my colleague from the Bloc for his question. He is right.

[*English*]

Quebec is a good province to look at from this perspective. Under the Parti Québécois and the Liberals, that province made conscious decisions with regard to preventing juvenile crime and when it did occur, to rehabilitate the juvenile as effectively as possible. Quebec did that more consciously than any other province. We were still using the young offenders law at that time, so I am going to say it was close to 30 years ago that that province started doing this.

We can see the pattern if we compare Ontario and Quebec, or one of the western provinces, and I will use Alberta because it is probably the most restrictive. The rates of juvenile offences in Quebec stayed at a significantly lower level than some of the other provinces, for example, Alberta.

The member is right. Quebec's approach was to look at the root causes of crime. Some first nations feel completely alienated from our mainstream society. Some visible minorities feel disenfranchised and disconnected. Some individuals are from poor, dysfunctional families. We need to address those problems.

Instead of telling the provinces that they are going to spend \$200 million to \$250 million a year more on incarcerating people, if we tell them that they are going to spend it on prevention programs for youth, we would get a much better bang for our buck.

• (1255)

Hon. Vic Toews (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, it is a pleasure today to speak to the provisions of Bill C-9, an act to amend the Criminal Code (conditional sentence of imprisonment).

The bill implements one of the centrepieces of the criminal justice platform that the government presented to Canadians in the last election. Since the previous government made conditional sentences available as a sentencing option almost 10 years ago, the public has

grown increasingly concerned about the way they have been used. In particular, Canadians have strong reservations about serious violent offenders receiving this form of penalty, and indeed, in repeat property offenders receiving this type of penalty.

I had the occasion to speak to the Vancouver city police last week. An individual with 125 convictions is still eligible for conditional sentencing. We see repeat offenders receiving conditional sentences over and over again.

The previous government assured us that this would not occur. Indeed in October 2005 my predecessor stated that conditional sentencing would be used for the purposes for which it was specifically intended and it was not to be used for the purposes of providing house arrest or any other penalty of that kind where a serious and violent criminal offence had occurred.

As the Prime Minister said on April 19 during a speech in Winnipeg, "Simply put, the current practice of allowing some criminals who have been convicted of serious and violent sexual, weapons and drug offences to serve out their sentences at home is unconscionable". This is why the government promised during the election campaign to end conditional sentences for the crimes that Canadians find the most serious and which deserve the greatest punishment and denunciation. What better way to determine what is the most serious offence than by simply going to the Criminal Code itself and looking at what the Criminal Code classifies as serious offences.

We committed to send a message that serious crime will mean serious time. Currently, conditional sentences, that is, sentences served in the community and more often than not in the home rather than in a correctional facility, are an option for use by judges under certain conditions. First, the sentence must be less than two years. Second, the court must be satisfied that allowing the offender to serve the sentence of imprisonment in the community will not endanger the safety of the community. Third, the offence must not be punishable by a minimum term of imprisonment. Fourth, sentencing an offender to serve a conditional sentence of imprisonment must be consistent with the fundamental purposes and principles of sentencing set out in the Criminal Code. These include sentencing objectives such as denunciation, general deterrence and separation of the offender from society.

These prerequisites were designed to screen out the most serious or violent cases from getting a conditional sentence of imprisonment. Indeed when the previous government introduced the sentencing option, it gave assurances that it would not be used for serious or violent offenders.

These relatively lenient sanctions, especially when compared to incarceration, have been extended to serious and violent offenders. This has caused a great deal of concern in the communities where the offenders have ended up serving their sentences. Law enforcement agencies and victims organizations are concerned as well.

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In the leading case of *R. v. Proulx*, the Supreme Court of Canada recognized that while a conditional sentence can be onerous and used to express the objectives of denunciation and deterrence, it will usually be more lenient than a jail sentence of equal duration. I can only say that speaks to common sense. We do not often hear of a defence lawyer standing up and strenuously arguing for jail instead of house arrest. The Supreme Court went on to say that there were objectives such as denunciation and deterrence and they are particularly pressing. In those cases, incarceration will likely be the more attractive sanction.

In order to improve and strengthen the criminal law and ensure that there is a strong response to serious crime, this bill introduces an additional prerequisite to the availability of conditional sentences of imprisonment.

• (1300)

This condition effectively prohibits the use of conditional sentences for offences in the Criminal Code, the Controlled Drugs and Substances Act and other federal statutes that are punishable by a maximum sentence of 10 years or more and prosecuted by indictment. This would capture, for example, impaired driving causing bodily harm, which has a maximum sentence of 10 years' imprisonment, and impaired driving causing death, which has a maximum sentence of life imprisonment. Indeed, this is a matter that Mothers Against Drunk Driving has continuously raised with members of the House and the bill seeks to address that particular issue.

This amendment would also capture the major drug offences prosecuted by indictment.

What are some of the other offences that will be ineligible for a conditional sentencing order after the bill comes into force? There are many, including serious property and administration of justice offences, such as theft over \$5,000, break and enter with intent to commit an indictable offence, forgery, fraud over \$5,000, bribery, perjury, criminal breach of trust, robbery, arson, and making counterfeit money.

These offences are in addition to the serious personal injury offences that will be excluded from the conditional sentencing regime, including: criminal negligence causing bodily harm or death; dangerous operation of a motor vehicle where injury or death occur; sexual assault prosecuted by indictment and aggravated sexual assault; abduction; assault causing bodily harm with a weapon; aggravated assault offences involving explosives; manslaughter; attempted murder; kidnapping; and hostage taking. These are all, at the present time, eligible for house arrest.

This is a long list of some of the most serious offences in the eyes of Canadians. Of course, not every one of these offences has always resulted in a conditional sentence, but too often they have, and it has caused concern with the public and the criminal justice system.

For example, Ontario data for the last fiscal year show almost 200 break and enters with intent, over 300 frauds over \$5,000, and 130 robberies. A robbery is not a theft. A robbery is either violence or threat of violence. Thirty-nine aggravated assaults resulted in conditional sentence orders.

These are all the kinds of cases that the prior government said would never result in house arrest.

B.C. statistics show that a total of 466 convictions punishable by 10 years or more received conditional sentence orders. In Quebec, the figure for the period October 1, 2004 to September 30, 2005 was just over 1,000. In Saskatchewan last year, 603 offenders, or 61% of all conditionally sentenced offenders, received a conditional sentence order for offences punishable by a maximum of 10 years or more.

I want to give members a few examples that are drawn from a report prepared by Alberta Justice and Attorney General and tabled with the House of Commons justice committee in 2003, entitled "The Conditional Sentence of Imprisonment: The Need for Amendment".

In *R. v. Hall*, which went to the B.C. Court of Appeal, the offender was found guilty of aggravated assault, assault with a weapon, possession of a weapon for a dangerous purpose, and attempting to obstruct justice. He was sentenced to 18 months on the aggravated assault, concurrent with two 12-month sentences for each of the weapons offences and three months consecutive on the attempting to obstruct justice offence, all to be served conditionally, that is, outside of the jail context. The Crown appealed.

It was a swarming attack. The victim was surrounded and attacked. He received a stab wound in the back. He was struck in the back. He was stabbed in the lower back and was forced to his knees. He looked up and saw a meat cleaver aimed at his head. He put his arms up to protect himself and, as a result, his elbow bone was cut cleanly in two. One of the bones went some distance up his arm. He nevertheless managed to run away and obtain help. An ambulance was summoned. He was taken to the hospital and operated on. He spent over a week in the hospital.

• (1305)

His school activities were affected, as were his sporting activities. His impact statement described the continuing effect the injury has had on his life as well as indirectly on his family. The Court of Appeal maintained the conditional sentence. The court found the sentence length on the low end but not unfit.

A second example can be found in *R. v. Poulin*, a Nova Scotia case in which the respondent was found guilty of counselling the offence of murder. He was sentenced to a term of imprisonment for two years less a day, and again, to be served in the community subject to certain conditions. The Crown appealed the sentence, submitting that the sentence inadequately reflected the objectives of denunciation and deterrence and that the judge failed to provide sufficient reasons for the sentence.

The Court of Appeal found, after considering the record and submissions of counsel, that the trial judge committed no error in principle and that the sentence imposed, while at the very low end of the acceptable range, was not demonstrably unfit in the circumstances. For counselling murder, the individual served his sentence at home. In this matter, the offender, on at least one occasion, had offered money to have his wife killed after an argument with her.

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A final example is in another Nova Scotia case, *R. v. C.(W.M.)*. In September 2002, the offender, a 57 year old male doctor in a rural area, was convicted of indecently assaulting three male patients between the ages of 13 and 15 who were seeking medical attention. The doctor, who of course was in a position of trust, was found guilty and, in the words of the court, "showed no remorse". The Crown asked for a period of incarceration from three to five years. He was given an 18 month conditional sentence concurrently on all counts, the court finding as mitigating factors "that the offences did not include violence or threats of violence". Let us imagine that. These 13 year old children were assaulted by a doctor while receiving treatment and the only thing the court could say when the individual himself showed no remorse was that there was no violence or threats of violence.

These are just three instances of the inappropriate use of conditional sentences that have resulted in the sanction being held in disrepute. The courts in fact have found that these are applicable, so it is the responsibility of this Parliament to change the law to make sure this does not happen again.

My department, working with provincial and territorial officials, suggested a number of ways in which access to conditional sentence orders could be restricted. Of all of the options considered, the bill before us today represents, in my opinion, the clearest and most straightforward approach.

Having said that, there are a few matters I feel I should point out to my hon. colleagues.

First, while many offenders who would have been eligible for a conditional sentence order will in the future serve their time in custody, not all will. It is anticipated that some will receive a suspended sentence with probation. Some offenders who would now be eligible for a conditional sentence order will likely get a prison sentence that is shorter than the conditional sentence it replaces, followed by a period of probation of several months.

Second, this amendment targets only indictable offences and not offences prosecuted by summary conviction. In cases of so-called hybrid offences, a conditional sentence of imprisonment will only be unavailable in respect of those offences prosecuted by way of indictment. In order to ensure that the sentence is proportionate to the gravity of the offence and to the degree of the responsibility of the offender, the justice system will have to rely on police and prosecutors exercising their discretion prudently and using a summary conviction charge in appropriate cases only, as is the case at present, where the Crown has the discretion as to whether or not to proceed by way of summary or indictment.

Third, there is no question that provinces and territories will incur increased costs in building jails and hiring additional prosecutors and correctional staff. There is a cost to enhanced public protection and greater respect for the law. My sense is that most Canadians are prepared to see a portion of their taxes directed to maintaining a just, peaceful and safe society.

• (1310)

Conditional sentences are sometimes an appropriate sentencing tool, but they should not be used for serious offences. I am convinced that the appropriate use of conditional sentence orders

will strengthen confidence in the sanction itself and in the administration of justice.

We cannot overstate the importance of public confidence in the criminal justice system. Safe homes and safe streets have been defining characteristics of the Canadian way of life. As Canadians, we have until the last few years rightly been proud of our sense of community, safety and personal security. This recent but widespread decline in public confidence in the criminal justice system in general, and the sentencing, correctional and parole processes in particular, must be addressed.

Those of us who have had the honour of being elected to the 39th Parliament of Canada must take the lead in improving our constituents' sense of safety and security and their confidence in the institutions that have been established to protect us all. That is why this government has promised to introduce the most comprehensive reforms to the criminal justice systems in recent Canadian history.

The two bills I have been proud to introduce to date are only the start of a mission to change the criminal justice system of this country. In the coming weeks and months, there will be many other legislative and non-legislative measures introduced in this House by myself and my colleague, the Minister of Public Safety, that will contribute to the protection of law-abiding Canadians.

I recently had the privilege of inaugurating Canada's first national victims of crime awareness week. The Government of Canada takes victims' issues seriously. We will continue to work to ensure victims have a respected voice in the federal corrections and justice system and receive the assistance and support they need.

In closing, I call on members of the House to join me in supporting this legislation. Together, we can assure Canadians that they can live on safe streets, in safe communities, in a just and secure society.

Hon. Sue Barnes (London West, Lib.): Mr. Speaker, I listened carefully to the minister. He talks a lot about messaging. I would like to talk more about criminal sentencing. I see a lot of areas of concern in the bill he has tabled. He talks about seriousness and sentencing.

In this country we cannot very often find a car that would retail or sell for under \$5,000. We have a situation in this bill and I am wondering how the minister would justify it. I will give the minister one good example. I will call to your attention the fact that as this bill is written now it is possible for someone convicted of a sexual assault to receive a conditional sentence if the prosecutor chooses to proceed by way of summary conviction, but it is absolutely impossible for anyone convicted of a vehicle theft over \$5,000 to have a conditional sentence.

How does the minister justify that to Canadians? Here we have a sexual assault versus an auto theft and you have them so that one is more serious than the other. I think there is some mix-up in the thinking there. I do not understand why property rights seem to get more than personal injury.

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I believe there are, as I have stated, some areas where we can find agreement, but I also see that some of the logic has been given over to just getting a simple message out. The criminal law should be nuanced. The justice system is nuanced and, as members know, we have very good actors, people who work day in and day out, whether they are prosecutors, defence counsel or the justices in the system. They listen to the facts of the case. More than anything else, the message really being sent is that judges are not doing their jobs, in the minister's opinion, because they are the ones who usually take the input from the counsel and the prosecutor and give the sentences.

You are fettering discretion with this bill. I believe that we should have respect for the people in this country who are paid to actually interpret the law, listen to the facts and rely on the evidence. I would ask the minister to deal with that one example that I gave of auto theft not being eligible for conditional sentencing and somebody that is going to get a summary conviction sexual assault being ineligible.

•(1315)

The Acting Speaker (Mr. Royal Galipeau): I would like to remind the hon. member for London West to address her remarks through the Chair.

I recognize the hon. Minister of Justice and Attorney General.

Hon. Vic Toews: Mr. Speaker, first of all, on the issue of the role of judges, I understand the role of judges and the role of Parliament is to send out principles of sentencing.

One of the principles of sentencing, for example, with respect to first degree murder is that the sentence is life imprisonment with a mandatory minimum of 25 years before parole. That is a specific sentence direction we send to the courts. That is the role of this Parliament. Often judges have said that if individuals do not like the sentence, they should see their parliamentarian. That is our responsibility and for the member to suggest that this House abdicate its responsibility is simply wrong.

In respect of the one situation that she has pointed out, sexual assault, I made very clear, and perhaps the member was not listening, that in the context of the Criminal Code there are hybrid offences. Sexual assault is a hybrid offence punishable either by a summary conviction in less serious cases or indictment in more serious cases. In the more serious cases, conditional sentences would not be applicable.

The problem with the entire definition of sexual assault is that we moved away from what it used to be called. It used to be called rape. There used to be a very clear distinction between what was a rape and what was a sexual assault. The summary conviction on sexual assault can be something as serious, but as minor, if I can use the word, as simply inappropriate touching. Inappropriate touching of a sexual part is a sexual assault. We are saying in that particular case to leave it to the Crown's discretion to determine whether it should proceed by way of indictment, where no conditional sentence is available, or summary conviction in those less serious cases.

With respect to the issue of over \$5,000, there are people today who have literally stolen hundreds of cars and still receive conditional sentences. There are periods of probation available.

Mr. Speaker, I know that you are from Winnipeg. You know what having one's car stolen on a regular basis is all about. Many of your

constituents have indicated as much. I might indicate in fact that your provincial government is very supportive of this bill.

•(1320)

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I have listened very closely to the hon. Minister of Justice. I would of course like to ask him a question.

I remind the hon. Minister of Justice that he has been on the other side; he has been a crown attorney and he was the Attorney General of Manitoba until just recently. We had this sort of discussion in committee when he tabled this same bill last year, when he was in opposition. At that time I had asked him a few questions.

First of all, a comment before I ask my question. I am surprised to hear the hon. Minister of Justice being critical of the fact that a person should still be at liberty after stealing hundreds of cars. I am surprised that he is surprised at the conditional sentences being handed out. That is so because crown attorneys, as I would respectfully suggest to the minister, do not have the time or the money to appeal cases. They would have to be given the time and the money to be able to do so. Once these decisions are confirmed by the court of appeal, we can talk about this again.

My question is much more important. What we have here is a societal debate. How can we talk today about sentencing individualization, as we have recently been reminded with such brilliance by the Supreme Court, when the bill tabled by the Minister of Justice would put an end to it or obstruct it by giving the suppression of crime priority over rehabilitation and sentencing individualization? I would very much like the Minister of Justice to explain his conception of the role of judges.

I would add that, recently, the Quebec Court of Appeal reviewed a sentence in the Coffin decision, where the man in question, who was implicated in the sponsorship scandal, had received a sentence of 18 months. In response to public demand and intervention, the court appealed the case and this man was given a prison sentence without possibility of parole. At the moment, that is the best way to proceed, that is, have the court of appeal review decisions that are not in line with the intentions of the crown attorneys.

I would like the Minister of Justice to explain to me how he will go about explaining to the people that this is the end of sentencing individualization and rehabilitation, in favour and to the benefit of repression.

[*English*]

Hon. Vic Toews: Mr. Speaker, in answer to the member's first question, the role of a judge is to interpret constitutionally appropriate law and apply the law. This is the role of the judge. It is the role of Parliament to establish policy, including sentencing policy.

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With respect to my colleague's suggestion to simply appeal these cases, quite frankly that has been tried on numerous occasions. In fact, when I was the Attorney General of Manitoba, I sent a number of cases not only to the Court of Appeal, but beyond the Court of Appeal, to the Supreme Court of Canada. On impaired driving causing death or injury, the Supreme Court of Canada said it is appropriate to give conditional sentences or house arrest.

We have seen manslaughter cases now given conditional sentences. We see cocaine traffic dealers regularly getting conditional sentences. These are all at the Court of Appeal level.

As we know, as a general rule, the Supreme Court of Canada does not hear appeals on sentencing. Therefore, in many provinces the bar has been established. Quite frankly, that bar is too low. The responsibility now of this Parliament is to reset that bar.

In respect of the suggestion that somehow all discretion is now taken out of sentencing, this is, quite frankly, wrong. My colleague knows that suspended sentences and probation orders are still available.

I heard one comment that in a probation order a person cannot be told not to drink alcohol. That is a standard condition of a probation order. If we need to work on how to improve probation orders, then that is another issue. Conditional sentences simply are not appropriate for the kinds of matters that the government has brought forward in Bill C-9.

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Mr. Speaker, as I mentioned before, this is a very important issue affecting all of our constituents and has had a lot of public interest for a very long period of time. Our mutual obligation, as all of us know, is to ensure that our citizens are protected, that we have an adequate prevention program, that we work with the provinces, and that we have an integrated plan for rehabilitation throughout our penal system. In that way we can ensure that those who run afoul of the law will have the best opportunities for rehabilitation.

On the particular issue of mandatory minimums, the Canadian Association of Chiefs of Police took a very balanced view built on the work that was done on Bill C-70 in the last Parliament. If it were adopted by the House, we would have seen mandatory minimums implemented in a certain way that would have been reasonable and built on the minimums introduced back in 1995.

I will quote the statement from the Canadian Association of Chiefs of Police, which I think is a very balanced approach. It stated:

The CACP supports minimum mandatory sentencing for certain crimes that align with the concept of serious consequences for serious crimes. We also support the elimination of conditional sentences for those convicted of serious offences keeping in mind that conditional sentences do have a place in sentencing principles for judges.

The Canadian Association of Chiefs of Police can be interpreted as taking a balanced view, recognizing that sentencing guidelines have to be put into place for crimes that are quite serious, particularly those involving assault, sexual offences and offences involving organized crime. If we were to utilize a balanced approach, as the parliamentary secretary mentioned during her speech, then we would ensure that the courts have sentencing guidelines that will enable them to protect citizens from a core of a relatively small number of

individuals who are responsible for the bulk of the crimes committed in our society.

If we were to speak to police officers in any community, they would generally say there is a core group of individuals in each community who are committing offences on a repeated basis, who have no regard for the law, and often exist in a revolving door within the justice system. It is very frustrating for our police officers on the ground and certainly for those who are victimized by these individuals. A lot of them do not have any respect for the law and maintain a disregard for it knowing full well that the courts frequently will not impose the sentences required for those individuals who are committing these crimes.

Having said that, it would be unwise for us to impose minimum mandatory sentencing for first offenders with extenuating circumstances around the offence committed. Albeit these are rare occasions, but the court should have the flexibility to ensure that these individuals are not simply thrown into prison and the key thrown away after receiving very long sentences for a situation that had mitigating factors. I will provide an example.

Data and information were looked at in certain parts of the world regarding mandatory minimum sentencing for people who had been convicted for possession charges on a repeated basis. It was found that mandatory minimum sentences did not provide a disincentive for the individual to use drugs. In fact, it found that where mandatory minimum sentences were imposed on those convicted of possession charges, there was actually a 3% increase in recidivism. In effect, we are actually making matters worse under these circumstances.

I know that is not the intent of anybody in the House, so I caution the Minister of Justice to look at the facts. A very large body of evidence has been accumulated in looking at this particular issue because this type of sentencing is of great interest to a lot of countries in the western world. I would encourage the minister to look at that information. I know a lot of it is in his department because that is where we obtained a lot of that information. I think he would be wise and prudent to take a look at that.

• (1325)

The minister could also look at sentencing guidelines in a different way. Some jurisdictions have used sentencing guidelines in such a way that prosecution lawyers have turned some individuals into informants. Informants are very important in helping our police officers go after the kingpins of organized crime gangs.

Organized criminal activity is a very serious problem in our country. It is sad to say that crime gangs have found it very attractive to set up shop here for various reasons. In the former government, the minister of justice introduced tougher penalties for organized crime gangs. A lot of those penalties were quite exciting. I will give some examples.

We toughened up the RICO provisions, the racketeer influenced and corrupt organizations charges. If we really want to get organized crime gangs we have to go after their money. If we go after the financial underpinnings of organized crime gangs then we are getting to their heart, to their bread and butter, that which fuels their organizations. We toughened up the RICO provisions that would have enabled us to apprehend the proceeds from crime.

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In the case of somebody who was convicted of being involved in organized criminal activity, historically it would be up to the crown to prove where the individual received that money. We turned that on its head to make sure that the individual who has been convicted has to prove where the money has come from in order to ensure that the money has been acquired by law-abiding means and if it has not, the courts have the power to extract the money. That very exciting and powerful tool enables our courts to go after the financial underpinnings of organized crime.

There are other things that we have to do. I want to delve into a subject that is a big problem, and that is the issue of substance abuse in our communities. The Prime Minister has made it very clear that he looks at substance abuse as an issue of personal morality. He has lamented that society does not sanction people with substance abuse issues in a negative way.

People who have substance abuse problems have a medical problem, not a judicial problem and they have to be dealt with in that way. If we throw the book at people who have a substance abuse problem, or try to deal with them as a judicial problem, we are going to be making matters worse. We are going to increase their level of criminality. It is certainly not going to address the heart of the problem. While many of these individuals have a substance abuse problem, they also have what is called dual diagnosis. A lot of them have a psychiatric problem as well. It is a toxic marriage between a psychiatric problem and a substance abuse problem. Both feed off each other. It is a profound tragedy for those afflicted.

Mr. Speaker, you have seen it in your community, as have all of us in our communities. Among the individuals living on the streets, we see a subpopulation of homeless individuals who have a substance abuse problem, a psychiatric problem, or both. We are not dealing with this in a very intelligent way. I was dismayed and disheartened last week when the Prime Minister was in Victoria and said that he was not going to continue with the harm reduction strategy that we have been using in east Vancouver to great effect. It has saved a lot of people's lives. He is going to need "more studies".

The studies have been done and the evidence is very persuasive. Lives have been saved. There has been a decrease in the rates of HIV, hepatitis C and hepatitis B. If the Prime Minister wants to save lives of individuals who are living in the conditions that none of us would ever want to experience, then he had better look at the facts, remove his sense of morality and look at this as a way of saving people's lives and reducing harm. If he wants to do that he should extend the east Vancouver experience to other communities in Canada. Communities across the country that are trying to grapple with the issue of substance abuse need to adopt these programs. The Prime Minister and his justice minister need to give these programs the green light.

● (1330)

In Victoria, B.C. the chief medical officer, Dr. Richard Stanwick, has put together a very comprehensive and exciting harm reduction strategy based on work that has been done in Frankfurt and other parts of Europe. Those experiences show very clearly that to reduce substance abuse a comprehensive view is what works. If necessary, the person should have access to a safe injection site and the drug. This may rub people the wrong way, but if we do not give the drug,

the person will become involved with organized criminal activity and we would not have dealt with a very important part of the picture. It will take some people a while to get their heads around this idea, but if they thought about it properly and logically instead of through the prism of morality, they would see that this would work.

If necessary, the person should have access to a safe injection site and the drug that the person needs. Along with that, if necessary, there should be counselling and psychiatric help because of the dual diagnosis I mentioned earlier. The person also needs skills training and work.

The unions would be wise not to stick their noses into this and try to impose union desires on an issue that is a matter of life and death for these individuals. Work was an integral part of the treatment program for the individuals on the ground. Work gave people in the programs a sense of structure and discipline that they never had before. It gave them a sense of self-worth and meaning and enabled them to connect with other parts of their treatment program that had to happen over a prolonged period of time.

It is an integrated program and it works. In order for that to happen the justice minister has to give the okay. I would put forward a plea to the justice minister and the Prime Minister that they give the green light to Victoria and other parts of Canada to proceed. I ask them not to cut off the ability of these programs to function. They were going to cut off the ability of harm reduction programs to occur in this country. If they did that, they would essentially be signing a death warrant for people who live on the street. It would increase the rates of hepatitis C, hepatitis B and HIV. I am sure that is not what they would want but that is exactly what the consequence of their actions would be if they did not give the green light to these programs forthwith.

There are many people on the street who will be dead a year from now if these programs are not continued or started. I challenge the government to allow them to proceed. It is a matter of basic humanity and justice.

There are a number of other suggestions I would submit to the Minister of Justice. The Canadian Association of Chiefs of Police came up with a series of recommendations in August 2005. In those recommendations were a number of very cogent solutions that would enable them to do their job as effectively as they do. As I said before, we are deeply grateful for the work they do. They put their lives on the line for the security of all of us. They need to establish an integrated police framework and interoperable radio communications programs. Our former deputy prime minister was working on that. The Minister of Justice would be wise to continue with that program.

We also need to support the RCMP's jetway program. That training program has been extremely effective in enabling RCMP officers to identify criminals and apprehend the proceeds of crime.

Government Orders

Also there is a very important issue on fingerprinting particularly with respect to indictable offences. If individuals are charged with an indictable offence and they do not consent to fingerprinting the arresting authorities have two options: release or jail them. This is ridiculous. It is a major impediment to justice being done and for the individuals to go before the courts and be prosecuted. It is very important that this happen.

• (1335)

I would also suggest that the Minister of Justice work with his provincial counterparts to come up with some way of letting firefighters know when they are going into a suspected grow op or crystal meth house. Right now our firefighters are going into these houses without knowing what awaits them. Many crystal meth labs and grow ops are fires waiting to happen. They are lethal places for firefighters to walk into as they are often booby trapped. I understand that personal privacy issues are involved here, but the lives of our firefighters have to trump the privacy issues of individuals whose homes are suspected of being crystal meth labs or grow ops.

This would be a simple thing to do. I would encourage the Minister of Justice to work with Commissioner Zaccardelli of the RCMP and with its provincial counterparts to come up with a way that firefighters could make a quick call to the local RCMP or police station to find out whether or not they are going into a grow op or crystal meth lab. We would be doing due diligence and justice and would be saving the lives of the firefighters who protect us.

The government cancelled the early learning program that we set up. One program that has been shown to be effective at preventing crime is the headstart program for children, a program which ensures that children's basic needs are met. A 25 year retrospective analysis on headstart programs showed a 50% to 60% reduction in youth crime. Imagine that. Headstart programs can be found in Moncton, New Brunswick and Ypsilanti, Michigan. There is also the Hawaii healthy start program.

When I was putting myself through school, I worked as a guard in a maximum security prison. The high incidence of fetal alcohol syndrome was evident among the prison population. It is estimated that between 40% and 50% of individuals in jail suffer from fetal alcohol syndrome and fetal alcohol affects. Fetal alcohol syndrome is the leading cause of preventable congenital brain damage in Canada. An individual suffering from fetal alcohol syndrome often has a median IQ of about 70 as well as a host of problems trying to integrate into society. Fetal alcohol syndrome is irreversible, but it is preventable.

Fetal alcohol syndrome can be prevented if individuals are spoken to before they have children. Imagine the cost savings to the health system. Imagine the decline in the prison population. Fetal alcohol syndrome and fetal alcohol affects are preventable. The Minister of Justice and the Minister of Health should be gripped with this issue because simple, sensible and cost-effective things can be done to prevent this from happening.

Individuals suffering from fetal alcohol syndrome are often marginalized in school because of their low IQs and the psychological challenges they face. Imagine if that did not happen. Those children would have an incredible opportunity to become integrated members of society.

If the Minister of Justice and the Minister of Health were to look at the headstart program, if they were to build on the early learning program that my party put together, they would be doing something quite remarkable for Canadian society. Youth crime and teen pregnancy rates would be reduced. Kids would stay in school longer, thus reducing their dependence on our social programs.

I have laid out some constructive solutions that I hope the minister will consider. The former parliamentary secretary provided her cogent solutions on minimum mandatory sentencing and the work we did through former Bill C-70. We certainly hope that we can craft a bill that will serve the public well and help our police officers while also reducing criminality within our society.

• (1340)

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, while I found the presentation by my hon. colleague fairly entertaining, it was rather meandering as he went from topic to topic.

Bill C-9 is something that is long overdue. It is time that the government got tough on crime. People committing serious crimes must do the time. Over and over my constituents in Selkirk—Interlake have said to me that they want to ensure people who are a menace to society do their time in prison.

Does my colleague across the way feel that his constituents are also in agreement that dangerous and violent offenders, or repeat offenders who commit property crimes, like home invasions, should spend a fair amount of time in jail, rather than in house arrest or traditional sentences, which allows them to wander the streets and recommit those crimes?

Could the hon. member talk about that specific aspect of the bill and how his constituents feel about ensuring their communities are safe? Does the hon. member's constituents feel that it is safe to allow their children to play in playgrounds or walk the streets? Do his constituents have the sense of security, which we treasure as Canadians?

• (1345)

Hon. Keith Martin: Mr. Speaker, the comments of the hon. member are very interesting. All our citizens want to be able to walk the streets safely. In certain pockets of our country that is not the case and that is very sad. We need to ensure that the police have the ability to make the streets safer and that we incorporate and involve the necessary programs so we can deal with the underlying reasons of why some of those people engage in behaviours that violate our laws.

Has the member looked at the statistics on criminal activity from the Department of Justice and whether it has gone up or down over the last five years? The homicide rates now are 2 per 100,000. Six years ago they were 1.8 per 2,000. The homicide rates have been quite static. For the most serious criminal activity, the rates have declined for quite some time. That situation exists in most of western society. It certainly exists within our own country.

Government Orders

I would encourage the member to take a look those. He would see that not only have incidences of serious offences, such as sexual offences and assault causing bodily harm, declined on an ongoing basis over the last six to eight years, but less serious and non-violent offences have declined as well. In fact, the bulk of the offences have declined.

On balance, we would all support initiatives to ensure that our society is safer, that those who are inveterate criminals pay time commensurate with the criminal activity in which they have engaged. However, we must also employ preventative measures that ensure some people do not fall afoul of the law and engage in criminal activity.

I have mentioned before that we must deal with the psychiatric issues such as the underlying issues of fetal alcohol syndrome and prevention of those as well as the head start program, all of which will put less dependence and demand on our justice system.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, as members know, I represent the poorest riding in Canada, the lowest income riding in the whole country. As such, even though I am reluctant to say, there is a direct connection between poverty and being exposed to crime and violence. When I survey the constituents whom I represent, the overwhelmingly top of mind issue by a factor of four to one is the issue of crime, safety and the violence in the crime they are exposed to on an all too frequent basis.

I know my colleague from Vancouver Island and I share some similar views regarding incarceration as the avenue of recourse for this type of social malaise. However, is he aware that the United States has the highest rate of incarceration anywhere in the world? It imprisons about 700 people for every 100,000 of population. Canada is second of all the countries in the developed nations. It imprisons 160 people per 100,000 of population. Most of western Europe imprisons less than 100 people per 100,000.

If the logic of Bill C-9 were true, if the empirical evidence were such that putting more people in jail would make the streets safer, I would be inclined to vote for the bill tomorrow. I would have to do so on behalf of the people whom I represent. However, in the place that has the highest rate of incarceration in the world, it also has overwhelmingly the highest incidence of violent crime. There is no direct connection to locking up more people and having safer streets.

I am a member of the NDP party, but that does not mean we are soft on crime. If anything, I come from an area where we want to crack down on crime and make the streets safer. However, the option being put to us is not going to have the desired effect.

Therefore, does my colleague from Vancouver Island shares those views in the jurisdiction that he represents?

• (1350)

Hon. Keith Martin: Mr. Speaker, as I said before, it is a balanced approach. Those individuals who are inveterate criminals should be thrown in jail in order to protect Canadian society. These individuals have demonstrated time and time again that they are willing to flaunt the laws. They put the lives of citizens and police at risk and they should be jailed.

The member is correct. This is not a balanced approach to a very complex problem. The government is taking a look at a very blunt instrument, which could make matters worse.

We already have 29 minimum mandatory sentences. We introduced those in 1995 as part of our criminal package. We introduced even more sentences, particularly as they relate to firearms offences, in the last Parliament. However, we also had a balanced approach in dealing with prevention through the early learning program and in supporting head start programs across the country. I think the member alluded to that. This is not a binary decision. It is not us or the United States.

There are many superb programs around the world that can be utilized. They have been proven to have an effect on reducing criminal activity while allowing us to get tough on those individuals who are parasites on society, in particular organized criminal gangs and their leaders. Those individuals are the real parasites on a society.

However, we do not need to have a blunt approach that could make matters worse. We need to have balanced mandatory minimum guidelines that will give the prosecution and police the ability to utilize those in the protection of our society and to ensure that individuals who come before the court and who have been proven to flaunt the laws cannot receive sentences that are not commensurate with their behaviour.

Balance is the key. We have offered a number of constructive solutions to the government, which it ought to adopt. They would allow our streets to be safer and would serve the public well.

Mr. Rick Dykstra (St. Catharines, CPC): Mr. Speaker, it is a privilege to stand today to speak to Bill C-9, an act to amend the Criminal Code, conditional sentence of imprisonment.

As we heard earlier from the Minister of Justice and Attorney General of Canada, the bill would deliver on the government's platform and its commitment to eliminate the availability of conditional sentences for serious crimes, including designated violent and sexual offences, weapons offences, major drugs, crimes committed against children and impaired driving causing death or serious injury. It is a key issue addressed by the local chapter of Mothers Against Drunk Driving in my riding and community.

The bill would also introduce an additional prerequisite which would have to be met before a sentencing court could consider imposing a conditional sentence. The bill would make conditional sentences unavailable for offences punishable by a maximum of 10 years or more that would be prosecuted by way of indictment. The new bill would screen out serious offences, including serious violent offences in the Criminal Code as well as the major drug offences in the Controlled Drugs and Substances Act.

The government's move to reform the conditional sentence regime is an attempt to limit conditional sentences to cases for which they were originally meant to be used. In this regard I would refer hon. members to the comments made in 1994 by the then minister of justice and attorney general, the Hon. Allan Rock. At second reading of Bill C-41, which introduced the conditional sentence of imprisonment as a new sentencing option, he stated:

It seems to me that such an approach would promote the protection of the public by seeking to separate the most serious offenders from the community while providing that less serious offenders can remain among other members of society with effective community based alternatives while still adhering to appropriate conditions.

He went on to add:

Jails and prisons will be there for those who need them, for those who should be punished in that way or separated from society.

In June 2003, the Alberta ministry of justice and attorney general prepared on behalf of British Columbia, Manitoba, Ontario and Nova Scotia a paper entitled "The Conditional Sentence of Imprisonment: The Need for Reform". In the 37th Parliament, this document was provided to the Standing Committee on Justice and Human Rights for its review of the operation of conditional sentences of imprisonment.

The paper argued that conditional sentences were an appropriate and effective sentencing tool in many cases, but the committee expressed concern with the use of a community sanction for offences involving serious violence or serious property crime.

The provinces that contributed to the paper were concerned that conditional sentences were being used too often for cases of serious crime, such as serious violent crime, sexual assault and similar offences, impaired driving, dangerous driving and criminal negligence involving death and serious bodily harm.

The options put forward for reform in the paper included a prohibition of the use of conditional sentences for such offences or a rebuttable presumption that a conditional sentence not be used for those serious offences.

On January 25, 2005, federal, provincial and territorial ministers responsible for justice affirmed that conditional sentences were an appropriate sentencing tool in many cases, but they, too, expressed the need for timely reforms to identify appropriate limits to the use of such sentences, particularly for serious violent offences.

There is a new government now, one that is committed to protecting our families and our communities. One way we can do this is to ensure that conditional sentences are used the way they were originally intended to be used; that is for less serious offences committed without aggravating circumstances.

• (1355)

I agree that conditional sentences can be an appropriate sentencing tool in many cases, but for very serious offences, especially serious violent offences, I am confident that the more appropriate use of conditional sentence orders will strengthen public confidence in, and sanction of, the administration of justice.

By working together, all levels of government, members of law enforcement and of course people from our community, we can move toward a safer society for ourselves and our families.

I believe members will find that it is a myth, or political spin at best, to say that parties opposite are concerned about prevention and that our present government is only about tough justice. I do not think it is unfair to say that part of the reason we are in the position we are in today is due to the weakening of the justice system and a soft approach to crime that has done nothing but see it increase.

Statements by Members

Our new government's approach will be visible and it will be practical. In keeping with the platform we were elected on, we will make the streets safer in St. Catharines and all of Canada, and that is one of our top priorities.

STATEMENTS BY MEMBERS

• (1400)

[English]

TOURISM INDUSTRY

Mr. Bruce Stanton (Simcoe North, CPC): Mr. Speaker, I rise in the House today to acknowledge the great work of tourism professionals, managers and front line workers who together greet most of the 107 million visitors to Canada each year.

Their good efforts help sustain a tourism industry in Canada that earns \$57.5 billion in annual receipts, \$17.5 billion in tax revenue, and provides direct employment to well over 615,000 Canadians.

Today the nation's capital welcomes 23 of the managers of Ontario's tourism information centres from across the province. These men and women operate the centres that are often the first point of contact for new visitors to my home province of Ontario, a province that accounts for 40% of Canada's tourism industry.

I invite all hon. members, especially those from Ontario, to join me this afternoon at 3:30 p.m. in Room 238-S for a brief reception to welcome Ontario's tourism information centre managers.

* * *

HOCKEY

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, for the past week, the eyes of the Canadian hockey world have been split between the two remaining NHL playoff series, and I say that because there are some Edmonton Oilers fans still in the House, and the 2006 MasterCard Memorial Cup hosted by my home community, Moncton—Riverview—Dieppe.

The tournament featured the Vancouver Giants, the Peterborough Petes, Quebec Remparts, and the 2006 champions of the QMJHL, our very own Moncton Wildcats.

The voyage to this dream began in 1996 when New Brunswick entrepreneur Robert Irving purchased the Moncton Quebec Major Junior franchise and started on his way.

[Translation]

My thanks and congratulations to the Irving family, to governor Jean Brousseau, head coach Ted Nolan, general manager Bill Schurman, Louis Gaudet from the Province of New Brunswick, Ian Fowler from the City of Moncton, photographer Daniel St-Louis and, of course, the team for one of the best tournaments in the history of the cup.

[English]

While the Quebec Remparts bested the Moncton Wildcats in the final, and I express my congratulations, we are very proud of the Wildcats for all their success this year.

*Statements by Members**[Translation]***QUEBEC REMPARTS**

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, I want to pay tribute to the hockey team that is the pride of Quebec City and the entire province of Quebec.

By scoring a convincing 6 goals to 2 last night against the Moncton Wildcats, the Quebec Remparts won the Memorial Cup for the second time in the team's history.

Winning this cup comes at the end of a dream season for the red devils of Quebec City. Earning a total of 106 points in the regular season they took the western division championship of the Quebec Major Junior Hockey League before moving on to the President's Cup finals.

Throughout the year, the Remparts enjoyed support from fans from the greater Quebec City area. On average, more than 8,000 spectators went to the games to cheer on their team at the Colisée de Québec.

The Bloc Québécois wants to congratulate the players, the staff, the members of the Quebec Remparts organization, and, more specifically, their head coach, Patrick Roy. Congratulations. You are outstanding ambassadors of Quebec City.

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*[English]***MEDIA**

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, while the PMO has declared war on the Ottawa media, some people are saying it is a spat and others are saying it is just the intransigence of a man who cannot dare to be second guessed.

I would suggest that the Prime Minister is following through on a carefully planned out strategy, because this is about deciding who gets to ask the questions of Canada's most powerful man. It is about taking the press's power here and putting it under the thumb of the PMO's spinmeisters.

We only have to look south of the border to see the absolute failure if the media acquiesced on such rights. When hard questions needed to be asked about the Bush agenda in Iraq, the U.S. media went along for the ride. Its failure to stand up to the Republican game plan made it complicit in a lie that was used to trigger an illegal war that has led to wholesale human rights abuses.

It is not good enough to simply get the clip or the photo op. To maintain a functioning democracy, we need to ensure that the press hold politicians to account, and politicians, for their part, have to be willing to stand up to the questioning without giving intimidation or contempt for the nation's media.

* * *

MINE DISASTER

Mr. Jim Abbott (Kootenay—Columbia, CPC): Mr. Speaker, on behalf of the people of Kootenay—Columbia, I would like to express my sincere condolences to the family and friends of the four people who died on May 17 at the Sullivan mine: Doug Erickson, Bob Newcombe, Kim Weitzel and Shawn Currier.

Today, as emergency responders from across Canada gather together in Kimberley for a memorial service, I would like to pay special tribute to the contributions and sacrifices made by both professional and volunteer emergency responders who fulfill an essential need in our community. There are over 3,000 paramedics serving in British Columbia, including the 15 who service the people of our region.

I would like to express my gratitude and that of the people of Kootenay—Columbia, and of all Canadians, for the sacrifices made by paramedics and all other responders who provide emergency services. Their devotion to the good of their communities is deeply appreciated.

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● (1405)

MULTIPLE BIRTHS

Mr. Anthony Rota (Nipissing—Timiskaming, Lib.): Mr. Speaker, May 28 marked the 72nd anniversary of the birth of Dionne quintuplets in my riding, as well as the 2nd annual National Multiple Births Awareness Day. In Canada there are approximately 150,000 multiple birth children under the age of 20. The objective of National Multiple Births Awareness Day is to recognize that multiple birth individuals and families face many challenges that are not common to the general population.

In any family, the introduction of multiple birth children presents overwhelming physical, emotional and financial strains. As multiple birth children grow, they and their families face special challenges with day cares, schools, social situations, as well as an increased chance of health complications. As such, both supporting and improving the capacity for parents and children to cope is a crucial step in securing Canada's social foundations.

I would like to ask all hon. members to join me in supporting Multiple Births Canada as it works to increase awareness of the issues that face multiple birth individuals and their families.

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SCHIZOPHRENIA

Mr. Steven Fletcher (Charleswood—St. James—Assiniboia, CPC): Mr. Speaker, I am pleased to invite members of the House to join me in recognizing Schizophrenia Day. In celebration of this day, many different organizations will be holding walks and other events in order to raise funds to fight this illness.

I am pleased to note that through the Canadian Institutes of Health Research our government is funding over \$54.1 million in mental health and addiction research. About one in 100 people will develop schizophrenia during their lifetime. Thankfully it is treatable with proper therapy and support. Therefore, those affected can go on to lead productive lives.

As hundreds of Canadians come together to mark this day with various events, I am pleased to extend my support to this important cause and I invite members of the House of Commons to do the same.

[Translation]

INDONESIA

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Mr. Speaker, a year and a half after the Christmas 2004 tsunami that caused hundreds of thousands of deaths in many areas surrounding the Bay of Bengal, Indonesia has been struck by another tragedy.

Last Saturday, an earthquake measuring 6.3 on the Richter scale shook the island where Jakarta is located, causing more than 5,000 deaths, according to initial reports.

Unfortunately, that number is likely to rise since it is very difficult, if not impossible, to access most of the villages that were most seriously damaged by the earthquake.

In addition to the 5,000 deaths, more than 20,000 people have been injured and 200,000 have been left homeless.

Unlike what happened after the 2004 tsunami, we hope that the aid promised by the international community will reach the people who need it and that it will bring some relief to their suffering so that they may resume their normal lives as soon as possible.

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[English]

SEARCH AND RESCUE

Mrs. Patricia Davidson (Sarnia—Lambton, CPC): Mr. Speaker, today I rise to recognize the actions of the pilots and swimmers of the United States Coast Guard who courageously risked their lives in rescuing five Canadian sailors in distress deep in the Atlantic Ocean late Saturday night.

The sailors, two of whom are constituents of mine and another who is the father of one of my staffers, were trapped in severe weather and sea conditions some 300 nautical miles from shore. Despite this extreme range, the United States Coast Guard immediately mounted and flawlessly executed a search and rescue operation involving Falcon and C-130 fixed wing aircraft and a Black Hawk helicopter. I am told that the Black Hawk pilots, the swimmer and the winch operator displayed particular bravery under these dangerous conditions.

On behalf of this House, I offer my heartfelt thanks to the men and women of the United States Coast Guard.

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[Translation]

PÈRE-EDGAR-T.-LEBLANC SCHOOL

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, I am pleased to speak to the House today about a class project put together by the students of two grade 6 classes at Père-Edgar-T.-LeBlanc School in Grand Barachois. Marc Cormier and Rémi Petitpas proudly submitted a few written quotations, declaring the students' attachment to Canada. Here are a few excerpts.

Venyse McGraw wrote, "In Canada, we have our freedom thanks to our veterans who risked their lives to save our country. There are many beautiful, interesting things to visit in Canada. We all have the right to be respected and accepted by others—"

Statements by Members

Mathieu LeBlanc wrote, "I am very proud to be Canadian because we have more rights than other countries... We are safe—"

Josée LeBlanc said, "I am proud to be Canadian because we have no war. We have many different nationalities. We help other countries—"

This next generation will most certainly uphold our fundamental values of freedom and tolerance.

* * *

•(1410)

[English]

ACCOUNTABILITY ACT

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): Mr. Speaker, it was my privilege to work on the special subcommittee that was charged with developing the code of conduct for parliamentarians. Never in our deliberations did we think that frivolous complaints to the Ethics Commissioner would reach the level that they now have.

Liberal members of Parliament have recently launched a number of frivolous and vexatious complaints. The purpose of the accountability act and the work of the Ethics Commissioner is to bring those into line who behave inappropriately, not to help promote the Liberal political agenda.

It is shameful of the Liberals to use this process to try to undermine the reputations of their political adversaries. Every one of their complaints has been found to be without ground when investigated. Could it be that they are using this tactic to deflect from the massive moral failure in their own camp when they were in power? Shame on them.

I hope the members for Ajax—Pickering, Malpeque and Beauséjour will act responsibly, support the accountability act and stop making these frivolous and unfounded allegations.

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IMMIGRATION

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, I am proud to have a community office that is staffed by three extremely talented and resourceful people: Liz LaForme, Dave Sturgeon and Warren Smith. All three are tireless advocates for residents of Hamilton Mountain who come to my office seeking help in dealing with government departments. They are almost always successful, unless it comes to immigration.

Despite their incredibly positive working relationships with front line ministry staff, it is impossible for them to cut through the bureaucratic nightmare that is the Canadian immigration system. The red tape is impenetrable, even for us.

As a result of Liberal cutbacks to staffing at immigration centres abroad, delays for families wanting to reunite in Canada are currently up to 10 years. The backlog of applications is now up to 800,000 cases. Despite the fact that the Conservatives promised a fair immigration plan during the last election, they have done nothing to address the problem.

Statements by Members

When three of the brightest constituency assistants in the country cannot fight their way through the immigration system, then the system is in crisis.

I urge the government to take this issue seriously. It affects its constituents as much as mine and lives, quite literally, hang in the balance.

* * *

[*Translation*]

THE ENVIRONMENT

Mr. Pablo Rodriguez (Honoré-Mercier, Lib.): Mr. Speaker, reducing greenhouse gas emissions is a priority for all of us. It is a priority for the opposition parties, a priority for the international community, a priority for all Canadians. It is a priority for everyone except this government.

Will the government realize any time soon that climate change is a reality, that global warming is a reality? Will it realize that the fight against greenhouse gas emissions is not an invention of the evil communists or an infernal machination by Fidel Castro?

Will it finally admit that it has made a mistake by abandoning the Kyoto protocol? Will it admit that it was a mistake to ruthlessly slash programs dealing with climate change? Will it admit that by abandoning the environment today, it will make future generations pay an unprecedented price?

Will it stop making excuses and hiding, and finally show some courage so that we can take action today for future generations?

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KITCISAKIK COMMUNITY

Mr. Yvon Lévesque (Abitibi—Baie-James—Nunavik—Eeyou, BQ): Mr. Speaker, at a meeting I attended together with my colleague from Abitibi—Témiscamingue on May 18 in Kitcisakik, I had the opportunity to talk to some welcoming and warm people who are determined to go ahead with the Wanaki project, which seeks to provide better living conditions for the members of their community.

To the members of this chamber who have not had the opportunity to visit the Kitcisakik community, located in La Vérendrye Park, I would say that the community has been more than patient while awaiting the federal government's initiative that should have been set in motion a long time ago.

The leader of the Bloc Québécois, who was meeting this morning with the chief of the Kitcisakik community, supports the Wanaki project.

The Bloc Québécois urges the federal government to finance the construction of a new village for the Kitcisakik community, which has been living for years without running water or electricity. It is a matter of dignity and respect.

●(1415)

[*English*]

MINING INDUSTRY

Mr. Raymond Bonin (Nickel Belt, Lib.): Mr. Speaker, on October 11, 2005, Inco and Falconbridge, two Canadian icons in mining, announced a friendly merger to create the new Inco.

The new Inco is a made in Canada response to the global consolidation in the mining sector. The new Inco will have the scale, expertise and financial strength to remain independent and successfully operate in Canada and around the world.

Unfortunately, the merger is still awaiting regulatory approval in the U.S. and the European Union. This has given Xstrata, a Swiss corporation, the opportunity to undo the Canadian solution by bidding for Falconbridge.

It is imperative that this House and the government review the Xstrata bid and that the review not be completed until the Inco-Falconbridge merger receives the approvals it requires in the U.S. and Europe.

I call upon all members of the House and the government to ensure the regulatory playing field is level and the made in Canada solution prevails.

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KYOTO PROTOCOL

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Mr. Speaker, the hypocrisy of the opposition on the Kyoto protocol is appalling. This plan of the previous government would have cost billions of dollars and would have accomplished nothing.

The truth is that the Liberals' \$12 billion plan to implement Kyoto over seven years would have been largely ineffective, states an unpublished report by the C.D. Howe Institute. The report reads:

This policy approach will fail dramatically to meet national objectives and yet will entail a substantial cost.

Even the Liberals' own member for Etobicoke—Lakeshore is quoted as saying:

We think Kyoto has been an asset for us. It's actually been a huge political liability.

I think our party has got into a mess on the environment. As a practical matter of politics, nobody knows what (Kyoto) is or what it commits us to.

The Liberal plan for Kyoto is actually no plan at all.

Today I challenge the opposition to work closely with the government and the Minister of the Environment to do what is right and best for Canada.

*Oral Questions***ORAL QUESTIONS***[English]***CHILD CARE**

Hon. Bill Graham (Leader of the Opposition, Lib.): Mr. Speaker, Canadians have a growing understanding that the government's child care scheme will fail them. Ontario's Minister of Children and Youth Services said, "The Conservative plan betrays Ontarians because it offers no money to cover operating costs".

The British Columbia minister said that she knows of no business or community organization prepared to buy into the proposed tax deductions.

However, the government is determined to press ahead with the very deduction that it knows failed to create a single space under Mike Harris.

When will the Prime Minister listen to the provinces that are actually engaged in delivering child care and implement the child care agreements they signed and they know are crucial to the future of Canadian children?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, not only did the party opposite fail to create a national child care program in its 13 years in office, but members of that party topped that off by recently voting against the universal child care benefit that the government will deliver to Canadian families.

It is about time Canadians received a benefit, which is what this government is doing. We are proud of the progress we are making.

Hon. Bill Graham (Leader of the Opposition, Lib.): Mr. Speaker, the Prime Minister's answer totally demonstrates how far out of touch he is with reality.

The Ontario minister was stunned by the Prime Minister's recent claims that the Liberal government created no real spaces. Last week she said, "I do not know what to say to that, except to say that it is wrong".

In the riding of the Minister of Human Resources and Social Development, 100 child care spots have been opened as a result of the agreement and another 60 spaces were slated to open next year. Today, all of this is at risk.

Would the Prime Minister admit that the Liberal plan was working and it is only partisan ideology that keeps the government from implementing a much needed early learning and child care system for our country?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I will certainly admit no such thing nor will the Canadian people who cast judgment upon this issue in the last election.

Canadians want a program that creates real spaces and delivers real benefits to real families. That is what the Liberals failed to do and what this government is doing.

*[Translation]***THE ENVIRONMENT**

Hon. Bill Graham (Leader of the Opposition, Lib.): Mr. Speaker, we also hear this sort of double talk when it comes to reducing greenhouse gas emissions. The government talks about reductions but cuts funding.

The governments of Quebec and Manitoba are calling on the government to respect the Kyoto protocol. Today, no one in Canada or abroad knows where the Minister of the Environment really stands.

Will the Prime Minister finally tell us whether he intends to honour our national and international commitments?

● (1420)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, it is interesting that the Leader of the Opposition changed the subject when he asked me a question in French, because he decided not to ask a question about a child care program. We realize that child care is a provincial responsibility.

The Government of Quebec already has such a program, without the help of the Liberal Party of Canada. And we have also given parents in Quebec a universal family allowance of \$1,200 a year.

[English]

Hon. John Godfrey (Don Valley West, Lib.): Mr. Speaker, I would like to get back to the Kyoto plan.

The C.D. Howe Institute is about to publish an evaluation of the first phase of the Liberal Party's climate change plan confirming that this first phase would alone have achieved 80% of Canada's Kyoto commitments, 175 megatonnes, two years before the deadline.

The Conservative government is at odds with reality. How can the minister claim we cannot fulfill our Kyoto commitments when Conservative think tanks are concluding we could be 80% of the way there with two years to spare?

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, the preliminary findings of that report show that the Liberal Party of Canada failed Canada's environment. It failed Canadians and it failed to bring forward any sort of implementation plan that would actually show real reductions in greenhouse gases.

Worse yet, we thought it would cost \$5 billion in overseas credits but the preliminary report shows that it could have cost up to \$12 billion a year. Most of that money would have been spent overseas.

Our government refuses to spend that money overseas. We will invest it right here at home.

[Translation]

Hon. John Godfrey (Don Valley West, Lib.): Mr. Speaker, why does the minister insist on saying that the sky is falling, when in reality 80% of the job was done before she even took office?

How can she claim that the Asia-Pacific partnership, which provides for no emission reduction targets or deadlines and no sanctions, would be better for Canada than the Kyoto protocol?

*Oral Questions**[English]*

Hon. Rona Ambrose (Minister of the Environment, CPC): Let me just point out, Mr. Speaker, that the hon. member actually might like to read what his party and the former government were going to put in place. They actually did not have a hard cap and targets in the so-called green plan or what they are calling the dream plan. I will call it the pipe-dream plan, and I am really glad the Conservatives were elected so we can make sure that pipe-dream plan goes up in smoke.

[Translation]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, last week the Quebec National Assembly voted unanimously in favour of a motion calling on the federal government:

—to abide by its international commitment and the objective to reduce greenhouse gases as set by the Kyoto protocol by financially contributing to the implementation of the Quebec action plan on climate change.

Will the Prime Minister act on this motion passed unanimously by Quebec's elected representatives?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the leader of the Bloc knows that the latest budget—which his party supported—contains measures to improve the reduction of carbon dioxide gases. It provides, for example, support for public transit and its users in addition to new money for renewable fuels. In my opinion, these measures will make progress possible both provincially and federally.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, in the motion, the Government of Quebec calls for a bilateral agreement that would permit a territorial approach.

In the late 1980s, the Government of Canada accepted a similar agreement with the Government of Quebec to resolve the problem of acid rain. This approach proved very effective.

Rather than propose a new Canadian plan to implement Kyoto, why could the Prime Minister not agree to negotiate a bilateral agreement with Quebec based on a territorial approach, since Quebec is in a position to meet the objectives set by the Kyoto protocol?

• (1425)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, this government encourages discussions between the federal and provincial governments on climate change and the programs that could improve the situation. If, however, a provincial government wants to make its own decisions within its own jurisdictions, it can also use its own money.

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, according to Quebec's environment minister, the Government of Quebec delegate to the Bonn conference was never informed ahead of time of the Government of Canada's official position on the future of the Kyoto protocol. How can the federal government talk about openness and cooperation with Quebec when the Government of Quebec did not have access to the documents on the future of the Kyoto protocol before they were officially submitted to the United Nations.

[English]

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, let us remember how we got into this mess. The Liberal

Party of Canada signed the Kyoto accord and then spent years without a plan for implementation and without any action to actually meet those targets.

In regard to our submissions to the United Nations, they are posted publicly. They were posted before I left for Bonn. They were always on the website. If the member needs some help using the Internet, I would be happy to help him with it.

[Translation]

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, the Minister of the Environment is questioning the validity of the Kyoto protocol because the major partners are not sticking with it. However, 163 countries have stuck with the Kyoto protocol.

Is this not enough countries for the government to consider this accord valid? Is the only valid partner in the Prime Minister's eyes George W. Bush?

[English]

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, the only government that did not support any action to actually implement Kyoto or get anywhere close to our Kyoto targets was the previous Liberal government.

Our government went to Bonn. We have made it possible for Canada to stay at the table and put forward a practical, flexible alternative that is realistic and will show real results for Canadians and real reductions in greenhouse gases.

[Translation]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, yesterday we had our first smog day. We now have a report from the C.D. Howe Institute indicating that the Liberals' so-called strategy for reducing greenhouse gas emissions was truly unacceptable. But we already knew that.

Climate change is the greatest crisis Canadians are currently facing. Can the Prime Minister tell us whether people will have to face yet another summer of smog and drought without a real plan for reducing emissions?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, there are two types of problems mixed up in this issue. They are the problem of greenhouse gases—including carbon dioxide—and the problem of pollution. That is why, in our program, we intend to propose measures to deal with pollution and greenhouse gases.

[English]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, once again we have the Prime Minister suggesting that there is going to be a plan some day down the road to deal with pollution and climate change. The fact is that it is now a critical issue in Canada today.

Oral Questions

When he ran for office and sought the opportunity to lead this country, he should have had a plan, as his environment critic of the time said he did have, to take Canada down a path here. In fact, what he has done is dismantle the programs that are in place. He has cancelled all kinds of programs and projects that Canadians were involved in. My question to him is simply this: why will he not lay out some concrete steps that are actually going to make a difference this summer?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, once again, as I said in French, the hon. leader of the NDP is mixing up two subjects, the control of pollution and the control of carbon dioxide and greenhouse gases. They are both important problems. In terms of the control of greenhouse gases, he asked for a plan. I would simply note that the budget of this government provided billions of dollars of new money to public transport and subsidies and tax credits for those who use public transit, as well as new money for renewable fuels, and he voted against it. This party voted for those things.

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● (1430)

ATLANTIC CANADA OPPORTUNITIES AGENCY

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, the government's talk about accountability is at odds with reality. Recently the minister for ACOA told a media outlet that I, an elected member of Parliament, should be careful not to bite the hand that feeds and that I reap what I sow when I ask questions in the House about ACOA.

Does the Prime Minister share his minister's view of this type of accountability?

Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, what is truly unfortunate is that members opposite get up and make completely unfounded and biased comments about a department that is there to benefit our region of Atlantic Canada. They make unfair suggestions that the hiring practice has changed. In fact, what has happened is that ACOA now uses an open, transparent and inclusive hiring process that is on the website. That is why the member opposite and members of his party do not recognize it.

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, that is coming from a member who in opposition never let the facts get in the way of a good allegation.

A minister who threatens to punish constituents when their MP disagrees with him is just wrong, but interference is not limited to federal politics. Last week at a rally for a provincial Conservative candidate in Nova Scotia, he said, "...I can tell you he's going to come knocking and we're going to deliver".

Will the Prime Minister admit that his government is fully submerged in the cesspool of political patronage to which he once referred?

Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC): Unfortunately, Mr. Speaker, the member opposite is wrong. He made inaccurate allegations in the first instance and stood up in the House and misstated the facts about a position at ACOA having a change in

the requirement of the hiring practice. It has not changed. I indicated clearly then, as I do now, that I will look at all applications as the department goes through the process. We will always take into consideration the criteria used previously.

The member opposite should refrain from getting up, simply misstating the facts and misleading Canadians about a department that is working very well for Atlantic Canada, sullyng the name of ACOA representatives.

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NATIONAL DEFENCE

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, considering the government's recent extension of the Afghanistan mission, and following General Hillier's plea to have tactical airlift as soon as possible, could the minister reassure the House that the government's first airlift acquisition will be the tactical airlift to meet the immediate needs of our forces in Afghanistan?

Hon. Gordon O'Connor (Minister of National Defence, CPC): Mr. Speaker, this government will implement our defence policy in accordance with our policy. When cabinet approves the acquisitions, we will go forward with the proper procurement processes to acquire the equipment.

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, for reasons of security and sovereignty and to maximize the regional industrial benefits for Canadian industry, previous governments invoked national security exceptions to ensure that maintenance contracts for all our air fleets were handled by Canadian companies.

Could the minister commit today to the Canadian aerospace industry that it will be responsible for the maintenance of any Canadian military aircraft the government will acquire?

Hon. Gordon O'Connor (Minister of National Defence, CPC): Mr. Speaker, the procurement strategy for various pieces of equipment will be determined by the government. I find it strange that the member opposite, who has such an interest in defence, voted against our troops in Afghanistan. He certainly has some interest in the welfare of our troops by his hypocritical act.

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[Translation]

WORLD TRADE ORGANIZATION

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, at the Bonn conference on the extension of the Kyoto accord, the Government of Quebec did not have access to the texts of the Government of Canada, and this is totally unacceptable.

At the meeting of the World Trade Organization, where agriculture and services are being discussed, which could threaten supply management and cultural diversity, will the texts be available this time for the Government of Quebec?

*Oral Questions**[English]*

Hon. Chuck Strahl (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, our negotiators are busy in Geneva right now, negotiating with the 149 other countries there and trying to get the best deal they can for all of Canadian agriculture. The texts are not prepared by Canadians. They are prepared by the chairmen of the different committees. As they become available and public, of course, they will be discussed in Geneva and I imagine here in the House as well.

• (1435)

[Translation]

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, as I understand that we will not have texts before the accord is nearly final, I ask the following question: can the government reiterate as of now that there is no question of altering in any way the Canadian position at the WTO respecting supply management in agriculture and cultural diversity?

[English]

Hon. Chuck Strahl (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, we have been very clear. We have been clear in the House and we have been clear in Geneva about our support for supply management. The discussions that are ongoing there involve not only the supply managed industries but access for our export markets as well. The deal we are trying to drive over there is to benefit the entire agricultural sector. We have supported supply management. We have done that in committee, we have done it publicly, we did it during the campaign, and we will continue to support it in the years to come.

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*[Translation]***EMPLOYMENT INSURANCE**

Mr. Yves Lessard (Chambly—Borduas, BQ): Mr. Speaker, on Sunday, June 4, pilot project No. 6, which extends by five weeks the duration of employment insurance benefits in certain regions, will end, leaving the unemployed to their sad fates.

Can the Minister of Human Resources and Social Development tell us how far she has got in her analysis of the situation and whether she intends this week to announce an extension of these measures or their replacement with permanent measures?

[English]

Mrs. Lynne Yelich (Parliamentary Secretary to the Minister of Human Resources and Social Development, CPC): Mr. Speaker, our government has placed a high value on these workers. They are the ones who make us competitive and they are the ones who make us productive. We are reviewing the results of the evaluation as we speak before making any decisions on our options.

[Translation]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, I would like to remind the government that June 4 is in six days. We would like to have the results. Members of the Coalition des sans-chemise, from my riding, are here to remind the minister that the government cannot remain indifferent to their fate.

Do these people not have enough to suffer with seasonal job losses, without going through the anxiety caused by the inability of the minister to settle this question once and for all? These are human beings. These are families that are suffering.

[English]

Mrs. Lynne Yelich (Parliamentary Secretary to the Minister of Human Resources and Social Development, CPC): Mr. Speaker, this is part of an evaluation of a five week pilot project. The pilot project is considering several options. They are being considered as we speak and the decision will be made in the next five days.

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*[Translation]***TAXATION**

Hon. John McCallum (Markham—Unionville, Lib.): Mr. Speaker, as the Minister of Finance continues to deny an obvious truth, I will speak very slowly.

As of July 1, the lowest rate of income tax will be 15.5%, rather than 15%. Obviously, 15.5% is higher than 15%. So, this is an increase in the tax rate, is it not?

[English]

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, all Canadians in all tax brackets will, on average, pay less income tax as a result of the federal budget.

The reductions in taxes are almost \$20 billion over the course of the next two years. These are greater tax reductions than the last four Liberal budgets combined.

Hon. John McCallum (Markham—Unionville, Lib.): It is a breathtakingly dishonest budget, Mr. Speaker.

Why does the government shower special benefits on a transit riding pensioner needing \$1,500 worth of tools per year but who goes to school full time and has a child under six who plays lots of sports?

Why does the social engineering government feel that the government always knows best on how Canadians should spend their money?

Why favour sports? Why not dance? Why not music?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, I have heard many members opposite being called social engineers but I think it is the first time I have been called a social engineer.

I will say this about transit, and we saw it today in Toronto where we had a transit strike this morning, it reiterates once again the importance of public transit for people in the greater Toronto area and all our large urban areas in Canada.

The transit pass will mean that people who buy monthly passes to commute will have about two months free transit per year. It is environmentally friendly and it is a good idea for commuting in Canada.

Oral Questions

● (1440)

*[Translation]***THE ENVIRONMENT**

Mr. Massimo Pacetti (Saint-Léonard—Saint-Michel, Lib.): Mr. Speaker, instead of supporting the provinces financially as it promised, the Conservative government is cutting their funding. That is its way of saying it will let the provinces pay the bill.

We learned on the weekend, in fact, that the \$328 million set aside for Quebec for the environment are now in doubt.

Instead of playing with the fate of the planet, why will the Prime Minister not guarantee that the Government of Quebec will receive the \$328 million? How will he reconcile his lip service with reality?

[English]

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, when it comes to the environment, the only thing our government will cut is greenhouse gases.

The Liberals failed Canadians when it came to the environment. They failed the provinces when it came to the environment and they definitely failed Quebecers when it came to the environment.

We will work with Quebec in the area with which it needs most help in cutting greenhouse gas emissions. That is in transportation, which is why we have made a huge investment in public transportation in Quebec and that will show real results on reductions in Quebec.

[Translation]

Mr. Massimo Pacetti (Saint-Léonard—Saint-Michel, Lib.): Mr. Speaker, I will put the question another way.

While the Conservative government is throwing in the towel over global warming by cancelling the EnerGuide program, the Liberal government of Quebec announced last week that it will maintain the EnerGuide program with the help of its partners, such as Hydro-Québec and Gaz Métro.

Is the Prime Minister not ashamed to drop Quebec and its partners in the fight against global warming? Will he compensate Quebec instead of leaving it with the bill?

[English]

Hon. Gary Lunn (Minister of Natural Resources, CPC): Mr. Speaker, as the Minister of the Environment just said, the only thing we are cutting is greenhouse gases and pollution, unlike the previous Liberal government which sat on its hands and watched greenhouse gases skyrocket.

When we develop energy efficient programs we will ensure they get results for every Canadian in this country, including Quebecers. We do not want them to end up in envelopes of cash in the streets of Quebec.

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SPONSORSHIP PROGRAM

Mr. Patrick Brown (Barrie, CPC): Mr. Speaker, we have heard story after story of sponsorship cash finding its way into Liberal campaign coffers.

Canadian taxpayers deserve to know how much money was squandered. Millions of dollars are not accounted for and Canadians deserve to have that money returned.

Could the Parliamentary Secretary for the Minister of Public Works and Government Services tell us what the government is doing to retrieve that cash?

Mr. James Moore (Parliamentary Secretary to the Minister of Public Works and Government Services and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, after the sponsorship scandal, Canadians were repeatedly asking where the money went. They should know that this government will leave no stone unturned in getting that stolen money back.

Three days ago the government amended its claim for the recovery of funds to \$7 million and two new defendants, bringing our claim to \$63 million against 30 firms and individuals.

Let me be clear, on behalf of the entire government, to Canadian taxpayers, that we will get the stolen money back.

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ELECTIONS ACT

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I suppose it is possible that all six children of two drug company executives would choose to donate their life savings to the Liberal leadership campaign of the member for Eglinton—Lawrence. It is possible but not likely. It is a lot more likely that this is a case of deliberate and premeditated fraud to circumvent the donation limits of the Elections Act.

The Liberal Party of Canada says that it sees nothing wrong with this practice.

What legislative solutions can the government put in place to teach the Liberal Party the difference between right and wrong when it comes to election financing?

Hon. John Baird (President of the Treasury Board, CPC): Mr. Speaker, I will not stand in my place and defend the corruption from the Liberal members opposite.

We will be bringing in the toughest anti-corruption law in Canadian history. We will ban union and corporate donations and, most important, we will lower donations to just \$1,000 to ensure Canadians can count on an honest, transparent and democratic government that obeys the law in this great country.

● (1445)

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, senior party officials say that this type of blatant fraud is “in full compliance with Liberal Party guidelines”. It makes one wonder how many other Liberal candidates have been funding their campaigns illegally.

Today I am filing the necessary papers with the elections commissioner asking him to investigate, not only this case but all Liberal candidates dating back to 2004.

Oral Questions

Will the government commit today that the elections commissioner will have the resources to investigate, not only this case but all cases and that where he finds fraud they will be prosecuted to the fullest extent of the law?

Hon. John Baird (President of the Treasury Board, CPC): Mr. Speaker, this government is a law and order government. This government wants to ensure that all of the laws of this country are fully respected and fully upheld. We will do everything we can to ensure the rule of law prevails.

The one thing this Parliament can do is to clean up government and to enact the federal accountability act. I am pleased to hear that the New Democratic Party and that member are prepared to stand up for accountability, which is why we need to ensure the federal accountability act becomes law. I hope we can count on the support of members opposite.

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ABORIGINAL AFFAIRS

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, the government's response to the Auditor General's report is at odds with reality. The government offers the Kelowna accord as evidence that progress is being made on aboriginal issues. The government further speaks about the need to consult with aboriginal organizations. We all know it killed Kelowna and we certainly know it did not consult aboriginal organizations when it drafted the accountability act.

What are we to believe, the government's actions or the government's spin?

Hon. Jim Prentice (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, I am astounded that the hon. member would have the temerity to stand in the House after the Auditor General's report, which is a sad epitaph on 13 years of Liberal mismanagement.

From the time of the 1993 red book, followed by throne speech after throne speech of empty promises and rhetoric, finally in 2004 the Liberal government said, "The conditions in too many aboriginal communities can only be described as shameful", a shame which the Liberals created. I am surprised they would have the audacity to raise that suggestion in the House.

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, what is really clear is that the government has difficulty aligning the truth with reality. It says that it supports the Kelowna accord and that it understands the need to consult but it is clear that the government's words in response to the Auditor General's report are not compatible with the truth.

Given this record, why should Canada's aboriginal peoples accept the government's word as anything more than empty promises?

Hon. Jim Prentice (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, in the recent budget put forward by this government more money was provided for aboriginal Canadians than was ever provided under the previous Liberal government.

The reason aboriginal Canadians are prepared to work with this government is that we are consulting with them. We have established

working groups to determine how that money will be spent. They know that what they will see from this government is actions and results and not the sort of empty rhetoric, empty promises and voidness that they saw from the Liberal government.

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HUMAN RESOURCES AND SOCIAL DEVELOPMENT

Hon. Geoff Regan (Halifax West, Lib.): Mr. Speaker, since the Conservative government came to office, literacy groups across the country have been fearing for their future. In fact, Literacy Nova Scotia has been in limbo for two months without federal funding. It has been abandoned by the government. Now it looks like it will be forced to lay off staff or even close its doors because it is not one of the government's five narrow priorities.

Will the minister today assure literacy groups that they will not continue to be ignored by her government?

Mrs. Lynne Yelich (Parliamentary Secretary to the Minister of Human Resources and Social Development, CPC): Mr. Speaker, absolutely. The government recognizes how important literacy is for our trades, skills and education. We will ensure ongoing spending.

Hon. Geoff Regan (Halifax West, Lib.): Mr. Speaker, it is not a priority for the government. Literacy groups cannot even get their calls returned.

[Translation]

And yet, we are beginning to find ourselves short of time and money for programs teaching people to read and write in Nova Scotia, Quebec, Alberta and elsewhere in the country.

When will the minister call for new proposals so these groups may continue their work?

● (1450)

[English]

Mrs. Lynne Yelich (Parliamentary Secretary to the Minister of Human Resources and Social Development, CPC): Mr. Speaker, the government knows that education and training are critical to productivity and economic growth. We have proposed to provide students and their families with tax relief, new tax credits on books and a reduction in parental contributions to expectant parents. We take literacy quite seriously in the development of our children.

Oral Questions

[Translation]

CANADIAN BROADCASTING CORPORATION

Mr. Maka Kotto (Saint-Lambert, BQ): Mr. Speaker, recent comments by the chairman of the board of the CBC are singularly lacking in objectivity. Guy Fournier criticizes the CBC for deviating from its mandate and no longer promoting Canadian unity.

Does the government share the vision of the chairman of the board of the CBC, who sees the organization first and foremost as a defender of Canadian unity rather than an objective source of information?

[English]

Mr. Jim Abbott (Parliamentary Secretary to the Minister of Canadian Heritage, CPC): Mr. Speaker, of course we are aware of some of the comments that have been made by Mr. Fournier but CBC is a crown corporation. It acts at arm's length from the government. The government does not interfere with its internal operations.

[Translation]

Mr. Maka Kotto (Saint-Lambert, BQ): Mr. Speaker, seeing is believing.

Guy Fournier's comments take us back to when Pierre Trudeau denounced the CBC for its lack of willingness to be the voice of Canadian unity.

Can the government make a solemn promise in this House not to use public television or radio for propaganda purposes, but to maintain their role as objective reporters of reality?

[English]

Mr. Jim Abbott (Parliamentary Secretary to the Minister of Canadian Heritage, CPC): Mr. Speaker, the Broadcasting Act states that CBC Radio-Canada should only act with the highest standards and integrity and, from the Broadcasting Act, to contribute to a shared national consciousness and identity.

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INTERNATIONAL AID

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Mr. Speaker, our hearts go out to the people of Indonesia who have been affected once again by a natural disaster. We all know that effective assistance on the ground is a race against time and it is a matter of life and death.

My question is for the Minister of Foreign Affairs. What specifically will the \$1.8 million that the government is spending be spent on and when will the victims on the ground see this assistance?

Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, unlike previous governments, this government acted immediately with its pledge of support. We immediately sent personnel into the region and they will be arriving today. As well, I spoke with the foreign minister from Indonesia to assure him of Canada's ongoing commitment and support. As for the specific spending, that will be done in conjunction, obviously, with the Indonesian government, our international partners and other groups

that are there, including the Red Cross which is doing exemplary work.

I thank the hon. member for the question because it is important for Canadians to know that Canada has been very active, proactive and out in front on this issue leading all countries.

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AGRICULTURE

Mr. Merv Tweed (Brandon—Souris, CPC): Mr. Speaker, farmers in Manitoba have faced years of flooding, which has resulted in lost income and lost potential as land is often saturated and unproductive for long periods of time. This year floods again threaten their livelihoods.

Could the Minister of Agriculture and Agri-Food tell us what the government has done to help those farmers?

Hon. Chuck Strahl (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, we are aware of the losses that Canadian farmers, especially those in Manitoba and Saskatchewan, have suffered because of the flooding in 2005 and 2006. That is why in these past few days we have committed to provide another \$50 million in funding for our new cover crop program. We are continuing with programming to help restore an estimated three million acres of flood-affected farmland. There are major changes to the CAIS program, better support programs, better biodiesel production and better disaster relief programs.

This government remains committed now in the crisis and in the future for Canadian agriculture.

* * *

● (1455)

[Translation]

PERSONAL INFORMATION

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, the newspaper *La Presse* reports today that the American Patriot Act is once again threatening the privacy of not only thousands of Quebecers, but also many other Canadians who work for Canadian subsidiaries of American companies.

Can the government promise these concerned Canadians that their personal information will be protected and that George Bush and the FBI will not have access to it?

[English]

Hon. John Baird (President of the Treasury Board, CPC): Mr. Speaker, we are all tremendously concerned about the privacy of Canadians. This government will take every measure necessary to ensure that the private information of Canadians is fully protected.

When this issue was brought to my attention, we immediately acted. This has been on the public radar screen for some two years.

Oral Questions

I did notice that after we came forward with an action plan to address the privacy concerns, the Privacy Commissioner said in a press release, “This comprehensive strategy is a positive step toward addressing Canadians’ concerns about the flow of their personal information across borders”, and the Privacy Commissioner congratulated the government for our swift action.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, the reality is that unless there is legislation passed specifically prohibiting this data from flowing out of this country into the United States, whether by an employer or any other source, that information has to be passed on. There are legal opinions from two of the major law firms in this country that have told the government that.

Will the government today commit to bring forward immediately legislation prohibiting that data from leaving this country to the United States?

Hon. John Baird (President of the Treasury Board, CPC): Mr. Speaker, the member is right in that all Canadians should be concerned about every aspect of the privacy of personal information. I can commit to the member that we will take every reasonable effort to ensure that the privacy of Canadians is fully protected.

We have worked with a number of the departments which are affected, those where there is a concern, and we will continue to do that. They will be required to report back to the Treasury Board Secretariat every three months. We will be giving vigilant examination of this. In conjunction with the Privacy Commissioner, we will work to ensure that the very best can be done to ensure the protection of Canadians' privacy.

* * *

DARFUR

Mrs. Susan Kadis (Thornhill, Lib.): Mr. Speaker, the continuing violence in Darfur has taken the life of an African Union peacekeeper in a bloody ambush. The Sudanese government agreed to allow a UN team to visit Darfur to prepare for the possibility of peacekeepers. The UN Secretary-General is now preparing to deploy nearly 20,000 needed peacekeepers.

We know that the genocide in Darfur is not one of the government's five priorities, but can the minister guarantee that Canadian troops will take part in the UN peacekeeping force that is currently being assembled?

Hon. Gordon O'Connor (Minister of National Defence, CPC): Mr. Speaker, we have had no requests for troops for Darfur additional than what we have provided. If and when the request comes, we will consider it.

* * *

INDONESIA

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, this weekend we saw the devastating effects of an earthquake on the country of Indonesia. People have been left homeless. While searching for food and water, Indonesians are also working hard to rebuild their homes, their schools and their lives.

Could the Minister of International Cooperation tell us what she has done to offer assistance to this devastated country?

[Translation]

Hon. Josée Verner (Minister of International Cooperation and Minister for la Francophonie and Official Languages, CPC): Mr. Speaker, on Saturday, our government immediately set aside \$2 million to aid the disaster victims. In the hours that followed, \$500,000 was allocated to the International Red Cross Federation. As well, thanks to our efficient method of funding the world food program, it was able to provide assistance immediately following the earthquake.

* * *

[English]

SECURITIES INDUSTRY

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, we have just witnessed Enron executives being brought to justice and convicted of securities fraud. In the United States corporate criminals go to jail. Here in Canada they go to the golf course.

As soon as the Enrons and the Worldcoms came to light, the United States took immediate action against corporate white collar crime. Canada is still seen as the wild west of securities regulation.

When will the government turn its attention to corporate crime and investor protection and raise our standards at least to those south of the border?

Hon. Vic Toews (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, indeed corporate white collar crime is a serious concern. When this party was in opposition we expressed concern about some of the weak legislation that was being put forward by the Liberals. I am prepared to work with opposition parties to see how and when we should strengthen that legislation.

* * *

● (1500)

[Translation]

HEALTH

Mrs. Vivian Barbot (Papineau, BQ): Mr. Speaker, a study published in the *Journal of the American Chemical Society* found that women with silicone breast implants had very high levels of platinum salts in their urine and hair, which could cause toxic reactions, such as asthma and nerve damage, and weaken the immune system.

Given these results and the astronomical number of breast implants women have received, will the minister review the current special access program for medical devices?

Hon. Tony Clement (Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, I would like to tell the hon. member that no medical device, including silicone gel breast implants, is approved or authorized for sale in Canada if the health risks exceed the benefits. That is our government's position. We support women's health.

[English]

The Speaker: We have exhausted the list of questions for today.

ROUTINE PROCEEDINGS

[English]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's responses to 17 petitions.

The Speaker: The Chair has notice of a question of privilege from the hon. member for Kitchener—Waterloo.

* * *

PRIVILEGE

IMMIGRATION TARGET NUMBERS

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Speaker, my question of privilege relates to the question and answer period on May 18 where I posed a question to the Minister of Citizenship and Immigration about immigration targets.

The minister stated in the House that the Liberals missed their targets in each of the past 10 years. I asserted that the previous Liberal government in the past six years not only met the targets each year, but exceeded the targets four times.

The information I used is information that is tabled in this chamber each year. The information is on the Citizenship and Immigration Canada website. No doubt, because the minister is brand new in his portfolio and has not read his briefing notes yet, he has inadvertently misled the House.

We should either get the correct facts from the minister, or at the very least, change the government website. When a minister gives us an answer in the House that is totally contrary to the facts, then I submit that my privileges as a member have been breached.

Mr. Speaker, should you find that I have a prime facia question of privilege, I am prepared to move the appropriate motion.

• (1505)

Hon. Monte Solberg (Minister of Citizenship and Immigration, CPC): Mr. Speaker, I have a pretty formal response that I could deliver to the hon. member across the way, but I think I will dispense with that. I would simply point out that this is not a prime facia case of privilege and I could point to page 50 of Marleau and Montpetit where Erskine May is quoted as saying:

Routine Proceedings

Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively...and by Members of each House individually, without which they could not discharge their functions—

I could go on along that line, but I will simply say that if the member would refer to his own party's 1993 red book, it states:

We should continue to target immigration levels of approximately one percent of the population each year—

One per cent of the population would mean from 1995—I have given the member the benefit of the doubt—to the time the Liberals ceased to be the government, they fell short of their target by about 943,000 people.

I want to point to the 2000 Auditor General's report where she analyzed Citizenship and Immigration Canada. Here is what she said about the annual plan that was presented to Parliament:

The annual plan is based on the federal government's current direction to accept annually a number of immigrants equalling up to one percent of Canada's population.

The Auditor General was labouring under the same illusion apparently that I was, which is that the previous government really meant what it said when it put one per cent down as its target.

I would simply say that not only is the member wrong about what I said in the House, he in fact does not even know the facts about what his own party committed to in 1993. The fact is that he and his party fell short of their commitment by close to one million people. I wish he would read his own platform before he gets up and makes a claim like the one he has made today.

The Speaker: It is apparent that the issue raised, while no doubt of interest to the minister and to the hon. member for Kitchener—Waterloo and I am sure to many other hon. members, is clearly a matter of debate and not a question of privilege. I think the Chair has shown sufficient latitude in allowing the two members to make the statements they made and to clarify the matter for all hon. members.

ROUTINE PROCEEDINGS

[English]

BREAST IMPLANT REGISTRY ACT

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP) moved for leave to introduce Bill C-312, An Act to establish and maintain a national Breast Implant Registry.

She said: Mr. Speaker, I am very pleased to have an opportunity to reintroduce this bill, which I have tried in the past on numerous occasions to get before the House or to suggest to the government that it might want to take it and run with it.

Here I am again trying to convince all members of Parliament to support an initiative that would establish and maintain a national breast implant registry. We want to do this out of the concern of safety, health and well-being of women in the country today. It fills a critical gap in women's health protection by collecting currently unavailable data about implant procedures and data that is needed as a base for informed health based decisions by women and physicians.

Routine Proceedings

The bill will protect individual privacy, while providing an effective means of notifying women of threats to their health. I hope all members will support this initiative.

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

* * *

• (1510)

[Translation]

BROADCASTING ACT

Ms. Caroline St-Hilaire (Longueuil—Pierre-Boucher, BQ) moved for leave to introduce Bill C-313, An Act to amend the Broadcasting Act and the Income Tax Act (closed-captioned programming).

She said: Mr. Speaker, I am very pleased to be introducing, for the fourth time, this bill to amend the Broadcasting Act to make closed captioning mandatory. I hope that the government will support this bill in order to ensure that every Canadian has equal rights in terms of communications and information.

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

* * *

[English]

PETITIONS

CHILD CARE

Mr. Steven Fletcher (Charleswood—St. James—Assiniboia, CPC): Mr. Speaker, I am honoured to introduce a petition on the subject of child care, an issue which is important to many Canadians. This petition comes from people in my riding from the Strathmillan Children's Center. The petitioners are concerned that there are not enough resources to conduct child care in a manner that they would like.

CITIZENSHIP AND IMMIGRATION

Mr. Mario Silva (Davenport, Lib.): Mr. Speaker, I am once again rising to present a petition that calls upon Parliament to immediately halt the deportation of undocumented workers.

Last Friday, in Toronto, I participated in a press conference organized by Access Alliance with health care workers who expressed concern about the recent acceleration in deportations. As a result of the fear that has developed, many undocumented workers are failing to get the health care that they and their families require.

I would ask the government to respect the principles set out by the World Health Organization on international migration, health and human rights. Health care is a fundamental right to be enjoyed by every human being without discrimination. The international convention on the protection of rights of all migrant workers and members of their families also provides additional human rights protection for migrants and undocumented migrants.

HUMAN RIGHTS

Mr. Mario Silva (Davenport, Lib.): Mr. Speaker, I also have a petition that calls on the Prime Minister, his government and Parliament to strongly condemn the Chinese communist regime crimes against Falun Gong practitioners, particularly in the Sujiatun concentration camp and to speak out at the UN to mobilize an

investigation and rescue. Such action is vital to the thousands who are facing elimination at any moment.

CHILD CARE

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, I am pleased to present a petition in the House today on child care from the city of Selkirk and area. The parents in that area feel quite strongly that they need to ensure that they have child care that supports both the families directly through income support, as well as creating child care spaces in community day care centres across the country. I am pleased to present this petition on their behalf.

RIGHTS OF THE UNBORN

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC): Mr. Speaker, this petition is from 145 British Columbians. It calls on Parliament to recognize unborn children as separate victims when they are injured or killed in the commission of a crime against the child's mother.

This pro-woman proposal recognizes the grief that women experience when their children are harmed or killed. Research shows that women are at greater risk of violence when they are pregnant. This pro-woman proposal would add another deterrent against boyfriends, husbands and others who may be tempted to harm women because they are pregnant.

CHILD CARE

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, I am pleased to present another petition from the people of my community who are very concerned about the Conservative government plan to kill child care in Canada. They say among other things that 70% of women with children under the age of six are employed. A taxable \$100 a month allowance amounts only to a child benefit and will not establish new child care spaces. Child care is an everyday necessity.

They call upon the Prime Minister to honour the early learning and child care agreement in principle and to commit to fund it for a full five years.

* * *

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, if Question No. 2 could be made an order for return, the return would be tabled immediately.

The Speaker: Is that agreed?

Some hon. members: Agreed

Government Orders

direction. Coupling these changes with enhanced border security will definitely have an impact upon the safety of the people of the Niagara Region.

[Text]

Question No. 2—**Hon. Wayne Easter:**

With regard to the Canadian Agricultural Income Stabilization Program (CAIS), from its inception until January 23, 2006: (a) what has been the annual allocation and expenditure by the federal government; (b) what has been the annual allocation and expenditure by each provincial government; (c) what has been the combined federal and provincial annual allocation and expenditure by province; (d) what has been the annual allocation and expenditure by commodity sector, nationally and provincially; and (e) have any audits, evaluation reports or analysis of the CAIS program been conducted by or for the Department of Agriculture and Agri-Food?

(Return tabled.)

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

The Speaker: Is it agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

•(1515)

[English]

CRIMINAL CODE

The House resumed consideration of the motion that Bill C-9, An Act to amend the Criminal Code (conditional sentence of imprisonment), be read the second time and referred to a committee.

The Speaker: Before question period the hon. member for St. Catharines had the floor. He has 14 minutes remaining in the time allotted for his remarks. I therefore invite the hon. member for St. Catharines to resume his speech.

Mr. Rick Dykstra (St. Catharines, CPC): Mr. Speaker, it is certainly my honour to speak. I guess I was the bookend today on both ends of question period. I will continue my remarks on Bill C-9, an act to amend the Criminal Code on conditional sentence of imprisonment.

Even before this legislation was drafted, the Prime Minister determined that we needed to get out to communities across the country to talk first-hand with Canadians and hear what measures they would like implemented. Last summer we put together the task force on safe streets and healthy communities and several party members, including the current finance minister, travelled across the country speaking to police officers, crime victims, social agencies and many others connected with the justice system.

As a result, we decided we needed to open up the Criminal Code and make some real changes that we believe will have a significant impact on the criminal justice landscape of this country.

From a local perspective, Niagara Regional Police Chief Wendy Southall, once she had a chance to review the bill, offered this comment:

Obviously from a Niagara perspective, as well as an Ontario and Canadian Chiefs of Police perspective, we're all focused on the significant consequences that must await people who possess illegal firearms and use them in the commission of an offence. And I believe these legislative changes are certainly a step in the right

I agree with Police Chief Southall and so does this government. In order to achieve our goal of safer communities, there needs to be a four pillared approach that involves: stronger penalties for those committing violent crimes; long term crime prevention plans that target young people, especially those at risk; realistic and effective rehabilitation programs; and finally, recognition within the justice system of victims' rights. I would like to speak directly to each of these four points.

In terms of justice, Bill C-9 is very clear. Criminals have to understand there are going to be consequences for their actions and we are serious about sending them that message. If people commit a serious crime, rest assured they will do serious time.

Any criminals convicted of a serious crime, including violent and sexual offences, major drug offences, crimes against children, and impaired driving causing death or bodily harm will be required to serve their sentences in prison, not at home. In fact, any criminal convicted of a crime that has a maximum prison sentence of 10 years or more will be ineligible for a conditional sentence.

The second pillar is prevention. Prevention begins with sound economic policy and good social programs. Our budget includes \$20 million, a commitment to invest in youth programs that target young people at risk of becoming involved with guns, gangs and drugs. Ideally, we need to put tools and textbooks in the hands of our young people, not guns and not gangs, tools that will help them realize they can grow up to lead successful and productive lives. That means working with parents and agencies in my community, such as RAFT or Niagara Child and Youth Services, Big Brothers Big Sisters, and the countless others who work with troubled young people who feel they have no real choice or no real opportunities.

Everyone in our community should share a strong focus when it comes to working with our youth. We all need to play a role and take the time to help build our youth, and help them become positive members of our society. Our justice minister has been asked to put together a council of individuals to advise him on how to make these investments.

The third pillar is rehabilitation and reintegration. Both are an important component of our justice system. Rehabilitation programs help contribute to a strong community by helping all members of our society make a positive contribution.

Government Orders

• (1520)

Our new government understands this and has made rehabilitation a key component of this strategy, but let me be clear: justice and rehabilitation are not one and the same. We firmly believe that those who commit criminal acts must pay their debt to society and their victims, but we must not forget that they may one day earn the opportunity to re-enter society. We all have a responsibility to provide effective programs to ensure that those who have served their time return to society with the tools they need to become productive citizens. We must make every effort to assist these people and prevent them from returning to the same circumstances that led them to commit a crime in the first place.

The fourth pillar of justice is the protection of victims' rights. Perhaps this is the most important aspect of our new government's plan to provide stronger rights for the victims of crime. Twenty-six million dollars has been set aside in the budget to implement programs and provide better services for victims of crime to give them a voice in a system that often considers them last, if at all.

New options and programs are being developed to ensure that the federal government can appropriately address the needs of victims. Funds for programs such as financial assistance for victims to attend National Parole Board hearings and for covering travel expenses will ensure that victims are not treated like criminals but respected in their time of need, not ignored but listened to, not embarrassed but embraced.

Victims are the ones whose rights are too often discarded in our efforts to make sure that criminals' rights are protected. It is time for victims of crime to know that they matter too. In fact, they matter most.

In closing, I will acknowledge that even the toughest laws are not going to prevent all crimes, but our new legislation is based upon similar measures enacted in the state of Virginia in 1997, measures that provided positive results. Through 1998 in Richmond, the capital of Virginia, a city with one of the highest murder rates in the United States, homicides dropped by 40%. In fact, following the implementation of measures like those we have in front of the House today, the homicide rate in 1998 was the lowest in a decade. I can only hope that these measures have a similar impact on our communities.

In my community, for example, the Niagara area, a crime is committed with a gun every 36 hours. In 2005 there were 3,246 violent crimes committed in the Niagara area, with an unprecedented 14 homicides. This cannot and will not continue. I want nothing more for my community and for all Canadians than I want for my own family, a city where we can all feel safe and a country where we can all be safe to walk the streets. I do not understand why others would not want that for their communities and for their own families.

As I have outlined, getting tough on crime is a four-pillared approach that involves justice, prevention, rehabilitation and, finally, victims' rights. This approach is not necessarily new and it is not big on spin. It is a straightforward approach to fixing what is wrong in our country, our society and our communities. Bill C-9 sets out to do that. It puts the right focus on conditional sentencing and ensures that when a serious crime is committed there will be consequences.

Those consequences, respectfully, do not include a penalty that consists of a weekend at home.

• (1525)

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, it is difficult to speak about Bill C-9 without also talking about Bill C-10. They are the twins of Conservative legislation in the area of justice.

I have two questions for my friend. I thank him again for his very thoughtful and thorough speech on the subject. I join with him, obviously, in wanting safe communities across this country. These two questions do not necessarily come from comments he made today or comments that he has ever made, but comments that have been made by his government. They go to respect for judges.

I have the greatest of respect for judges. Judges, parole officers, rehabilitation consultants, prosecutors, defence lawyers and legal aid specialists are in the trenches of our criminal justice system. I cannot believe that the government canvassed their entire thoughts on this project before tabling this legislation.

I want to ask this question of my friend, the hon. member, in light of comments made publicly about judges, Liberal judges, and comments made by one member, and not necessarily retracted by the Prime Minister, about the Chief Justice of the Supreme Court of Canada. Does this bill, with its companion bill, give enough respect to judges who are in the trenches? Does it give them enough discretion to understand that there might be a bad apple who can be rehabilitated, that every criminal is somebody's son or daughter, wife or husband?

Second, in light of the fact that both bills encompass a prospect that there will be more incarceration—and we know this is a likelihood because the Minister of Finance has put away some money for prison funding—has there been some thought given to the increased need for legal aid?

My friend will know that legal aid is now achievable, really, only if one's personal liberty is in peril. In most provinces across this country, there is only enough legal aid funding to fund those whose liberty is in jeopardy. If the bills, in tandem, contemplate less liberty for those accused, is there room for or has thought been given to increased legal aid funding across this country, which every law society in this country has been asking for, by the way?

Mr. Rick Dykstra: Mr. Speaker, my colleague's comments and questions are thoughtful. First and foremost, I am not going to speak this afternoon about comments made by one person. If we did that in this House, in fact, we would be here for a whole lot longer than 26 or 27 weeks out of the year. I think what we do in this chamber is speak directly to the commitment that we make prior to an election. The government of the day has to try to ensure that it keeps those commitments once it has made them.

Government Orders

The foundation of the bills that the hon. member speaks about, both Bill C-9 and Bill C-10, did not come to the House on the basis that right after the election they were important to do or they might be done or they perhaps should be introduced. They were built on the foundation of the Minister of Finance's tour prior to the election, a tour on what safe streets and our communities should be built on.

The input we received from across the country allowed us to prepare the foundation for what these two bills would be built on. Then we included the foundation of those bills in our platform so that the people of this country would know that when we went out to talk about safe streets, justice and prevention, this would be built upon that foundation.

On January 23, the election happened. We set forth one of the first two pieces of legislation to be moved, Bill C-9 and Bill C-10, and specifically the one we are dealing with today, ensuring that serious criminal activity having anything to do with a minimum sentence of 10 years would look toward and be specific to ensuring that it would not be house arrest but would be significant jail time. I think we have addressed that from start to finish.

With respect to the second part of the question, the hon. member who asked the question was not able to ensure that he directed the question in such a way that it spoke to the fact that the provincial governments are responsible for legal aid, in fact. They are responsible to carrying that out. It is not the federal government that carries out that responsibility. However, I will say to the hon. member across that I think his comment and his question were well put and that on this side of the House we supported legal aid prior to these two pieces of legislation and we will be supporting legal aid after their implementation.

• (1530)

[*Translation*]

Mr. Yves Lessard (Chambly—Borduas, BQ): Mr. Speaker, my question is for my hon. Conservative colleague.

First, in his speech, he talked a lot about law and order. He also said that all criminals should go to prison. Will he not acknowledge, along with the rest of us, that not all are equal in our society? That not all individuals are equal in being defended in the courts or in society either in how they are treated or in terms of their responsibility at the time they commit a crime? Will he not acknowledge that there is a marked difference between a hardened career criminal—a reoffender—and a person who makes a bad judgment call at some point in his life? If he compares the two, in the spirit of justice, can he see that though they have committed the same kind of crime, they should not receive the same sentence, and one of them should have the opportunity to redeem himself without going to crime school?

[*English*]

Mr. Rick Dykstra: Mr. Speaker, I would like to point out that I did not say Bill C-9 was a piece of legislation that would put everyone in jail. What I did say was that a criminal who commits a serious crime should not be walking the streets of our communities, our provinces and our country. Let us be clear that we are specifically talking about serious crimes. As I pointed out, those serious crimes are laid out very carefully in the bill and it is shown exactly what they are.

The hon. member makes a good point about dealing with the issue of what happens to a criminal or an individual who is actually looking toward a better life. I agree with the member that the purpose of that is rehabilitation and ensuring the opportunity happens so they can lead a life that is productive for themselves, their families and obviously their communities.

The other side of that, of course, is to ensure that at an early age we have the opportunity. That is why we have committed in the budget to ensure that prevention is a key part of the young person's life, so that, as I said, tools and textbooks, not guns, are in the hands of our children.

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Speaker, I understand that through Bill C-9 and Bill C-10 we are going to have increased jail times and our prison population will increase. Considering the fact that in the province of Ontario the experiment in privatized jails has just been ended, can you reassure the House that the federal government will not go the way of privatizing our prison system?

The Acting Speaker (Mr. Andrew Scheer): I will remind the member for Hamilton East—Stoney Creek to address his comments through the Chair.

Mr. Rick Dykstra (St. Catharines, CPC): Mr. Speaker, while I appreciate the question, I do not think it needs a long answer. We have made a commitment in the budget to ensure that the facilities are there if there is an increase. Based on the legislation, judges will have what is laid out before them in terms of acting to ensure that serious crimes for which criminals are convicted will mean that criminals do time in jail, not at home on the weekends.

• (1535)

[*Translation*]

Mr. Yves Lessard (Chambly—Borduas, BQ): Mr. Speaker, I am pleased to speak in the debate on Bill C-9. I consider it to be a very important bill. If we look at it more closely, it gives us an indication of the direction this government is intending to take in terms of the type of society we want to gradually build.

Before talking about Bill C-9, I think we must first look at what it is meant to be solving. Members from the Conservative Party should be telling us what the results of conditional sentences have been since 1996, or at least learning what they are first.

We are given cold, hard figures about the number of murders, armed robberies and other crimes, but nothing about the progress that has been achieved with conditional sentences.

But as one of my colleagues pointed this out this morning, since 1996, that is, between 1996 and 2003, recidivism has fallen 13% in Canada. The only year since 1996 when there was a slight rise was the 2% increase in 2004-05.

That was my first point, because I neglected to mention that I will be splitting my time with the member for Richmond—Arthabaska. I had promised to say that, but I forgot to when I started to speak. I will be splitting my time with him.

The second point that must be noted, and what the bill is also meant to be solving, relates to what prison terms lead to. In 10 years, we have cut prison terms back by 55,000, while at the same time, in my view, the Canadian judicial system operated very effectively.

Government Orders

The Conservatives therefore need to tell us why they want to dismantle all of this, and what they are trying to accomplish in doing it. Otherwise, it amounts to moving away from the kind of society we have been building in recent years, and moving toward something that looks much more like American justice and the direction taken by the United States in recent years.

I would point out that Bill C-9 adds dangerously to the list of offences for which a judge will no longer be able to impose a conditional sentence. The judge will be de facto required to operate on auto-pilot in the case of many prison sentences, several hundred, as we saw in the speech this morning, thereby adding thousands of prison terms.

Before 1996, there were no conditional sentences. We must therefore look back to the primary concern addressed by this 1996 measure, which the Bloc Québécois also approved at that time. It was to enable judges to assess mitigating circumstances.

Earlier, in a question, I indicated that we are not all equal in society. Let us look at our fate in terms of our social status or the vagaries of life or even our defence before the courts. Criminals can get off if they have good counsel. The same situation occurs when we are faced with a crisis or a crime. There are some people with a past, a career in crime, who have to be assessed on the basis of not only what they did at the time in question, but also what they did previously.

• (1540)

In our opinion, people who have run into difficulty in their lives or slipped off the straight and narrow must not be treated the same way.

I would like to give an example here. I could provide dozens of them. I had occasion to work quite a bit with volunteer centres, the resources to which judges directed individuals to serve their sentence in the community. I will speak of two young people, today aged 24 and 25. They were 9 or 10 when tragedy occurred. Their parents were killed in front of them. I do not have to tell you that these children remained troubled.

They are now young adults. One of them committed an offence that is considered serious here, forgery. With Bill C-9, this person would automatically have been sent to prison. And yet, this person had what it takes to succeed in life. Under the Criminal Code, it was a major offence. Had this person been sent to crime school, their life would have been very different. However, this young person was directed to a community resource and went there for over a year, while under house arrest. At that community resource, the young person was considered very valuable and someone who contributed a lot. In addition, it was felt that this person had developed the potential to succeed in life.

I could give more examples, but I will stop there since the sister of that person ended up in a similar situation. Why send these two people automatically to prison? Simply because their case fell under a small provision of Bill C-9 and the only school that could bring them in line was the school of crime? Today these two people have succeeded after suffering the same type of hardship.

In this House, if we look back on our careers we will see moments in life, to varying degrees, when we strayed from the straight and narrow.

In the list of crimes for which judges will no longer have the authority to hand down conditional sentences we find theft over \$5,000, credit card fraud—a crime usually committed by someone who has not killed anyone—theft from mail, disguise with intent, false prospectus and forgery. The two people I was talking about committed forgery; they did not hurt anyone. They did commit a crime that is punishable by law, since they went after people who had other rights in their society.

The justice in conditional sentencing is intended to ensure that we have restorative justice and that the offender participates in righting the wrong that has been committed.

Since this morning I have listened closely to the arguments from the Conservatives to justify Bill C-9. None of these arguments highlight the principles we have just described here, namely to ensure that we end up with restorative justice and not repressive justice.

• (1545)

[*English*]

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP):

Mr. Speaker, back in the 1960s, a neighbour of mine, a young man who came from an abusive home, stole seven cars in one evening. He hot-wired them and drove them three miles out of town into a snowbank. He then returned to the police station and made it clear that he had done this. He went before a magistrate who allowed him to repay the damages. The young man went on to complete his high school education. He is now a very productive and valued member of our community.

Do you see measures contained in the bill that would prevent a magistrate or a justice from applying that kind of good common sense?

The Acting Speaker (Mr. Andrew Scheer): I again ask the member for Hamilton East—Stoney Creek to address questions and comments through the Chair.

The hon. member for Chambly—Borduas.

[*Translation*]

Mr. Yves Lessard: Mr. Speaker, the answer to my friend's question is obviously yes. Bill C-9 does target that part of the current act that allows a judge to impose a conditional sentence on someone who otherwise would have been sentenced to prison. This in no way eliminates the responsibility to serve the prison sentence if the person does not abide by the conditions that the judge imposes.

Let us take the example of the young man the member mentioned. If he did not follow the judge's order that he repay the people he had wronged, he would be arrested and his punishment would be more severe. Since he had not complied with the terms of his conditional sentence, he would be obliged to serve his full prison term.

Clearly, then, Bill C-9 would prevent the judge from having that freedom.

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, I would like to ask the hon. member for Chambly—Borduas this question:

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When he talks about the kind of society that the government wants to create, is he talking only about American justice and American society? I would like him to explain, if he can, why he does not consider this way of changing society as worthwhile. Why would it not necessarily be worthwhile to change society when we greatly admire the Americans in a number of areas?

I would like the hon. member to tell us why we should not move toward American-style justice.

Mr. Yves Lessard: Mr. Speaker, I would like to thank my colleague from Brome—Missisquoi for his question. I recognize his interest in social justice. I know that he works very hard in his riding in that regard.

What we have here is a dynamic where law and order are advocated. Certainly, we must have laws and also order, but they must be in the context of and have a specific objective for society. That is where I see the potential for a gap or a significant breakdown. This approach to the law leads us away from social justice.

A sense of justice contains elements of sharing, support and acknowledgement of others, of where they are in their life's journey and their actual place in society. My colleague is quite justified in making a comparison to what is happening in the United States. What is happening there is not comparable. The crime rate is much higher. In addition, these types of measures do not give the results expected.

When we examine the changes in our own country—prior to 1996, and over the last ten years, when the possibility of conditional sentences has meant that 55,000 fewer offenders have gone to prison—we see that the rate of recidivism has decreased by 13%.

This is major and my colleague is quite right in putting his question in that way.

• (1550)

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, I thank my eminent colleague from Chambly—Borduas for agreeing to split his time with me for speaking on this very important bill.

Yes, this bill is important, but it would be frightening if it were passed. This act to amend the Criminal Code (conditional sentence of imprisonment) gives us a glimpse of the true face of this government. Since the election on January 23, all sorts of accusations have been made about the government's propensity for modeling its policies on those of George W. Bush. My colleague from Brome—Missisquoi brought this up a few moments ago. This is disturbing.

The true face of the Conservatives will become increasingly clear, and not only in justice matters. They are moving increasingly to the right, and they are copying the policies of George W. Bush. I know this is not necessarily being received with pleasure, but that is precisely what this sort of bill is doing. This is happening not only in justice, but also in the environment, where the example is quite convincing indeed. They cannot say that scrapping the Kyoto protocol was a "made in Canada" policy when Quebec, the other provinces and even previous governments have always made the environment a priority, even if they did not always do so effectively. At least we supported the Kyoto protocol, we submitted a plan. The

Conservatives are in the process of setting all of this aside. It is the same thing with employment insurance. I could go down the list, but I prefer to spend my time talking about Bill C-9.

The people of Quebec are increasingly worried about the values being promoted by this government. In the present case, these values are modeled on those of the United States, as I have said. In the United States, they have built prisons, they have increased the severity as well as the length of sentences. Is the crime rate lower in the United States than in Canada? The answer is no. My colleague from Chambly—Borduas gave an eloquent demonstration of that just now.

Our criminologists, who are as good as those of other countries, have long agreed that harsher sentences do not reduce the number of offences. In Bill C-9, the approach of the Minister of Justice is illogical because it is not aiming at the right target. Here is what we could have done to be constructive and help lower the crime rate in this country: the government should have corrected the quasi-automatic nature of parole. All releases should be tied to merit, instead of taking place virtually automatically once the criminal has served one sixth of the sentence. I do not understand why the government has not considered this issue, instead of imposing on judges the sentences they have to give.

Instead of that, the minister preferred to restrict judges' discretionary powers. Thanks to Bill C-9, judges will no longer be able, in nearly all circumstances, to allow offenders to carry out their sentences in the community—a practice that has existed since 1996—even when they have committed a minor offence involving no violence and accompanied by mitigating circumstances. It can happen, even though all crimes must be punished. There must be agreement on this. No one is saying that what happens is not serious.

We can count on our judges, I believe. No doubt we can find examples of decisions that were perhaps not the best or the most convincing, but, generally speaking, we must trust in our judges and our legal system. It has served us very well, we have to admit, particularly if we compare it with that of our neighbours to the south. A distinction must be made between a dangerous repeat offender and a first time offender.

It has been said in this House that a judge had the responsibility of examining the evidence adduced and deciding, based on the circumstances, whether an individual could serve his sentence in the community. This does not mean that the person is released, returns home and continues to offend. The criteria are very strict. A person who reoffends or fails to meet the conditions very often receives a much harsher sentence than they would have had had they not been given a conditional sentence.

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The minister decided to back up ten years, when conditional sentences did not exist. The Bloc Québécois supported the establishment of such sentences in 1996 because it felt that every crime is different and must be evaluated accordingly. The government has therefore decided to take away judges' prerogative of evaluating the cases according to the conditions and circumstances surrounding them. A number of criteria come into play in the determination of a sentence, such as the seriousness of the offence and the degree of responsibility of the offender. With Bill C-9, the government withdraws this discretionary power, which must be available to a judge throughout a case.

• (1555)

Conditional sentences are part of a well accepted model of justice in Quebec and in the other provinces in general. It is based on a process customized to each case. This is particularly true in Quebec. Here in the House we had a big battle in connection with the Young Offenders Act. At that time, the Liberals let themselves be pushed towards the right by the Reform Party in its bid for increasingly tough legislation. At the very moment when this tougher law was being imposed in Quebec, however, the rate of rehabilitation among young offenders was at 82%. This way of doing things, this toughened approach, was never understood in Quebec, when the approach to follow was in a way to open wide the doors to the rehabilitation of young offenders.

The government wants to take away the possibility of giving an individual a sentence to be served in the community if this person does not represent a threat to the safety of the public. That is what Bill C-9 does. We are talking about prison sentences of less than two years, are we not? If we introduced conditional sentences, it is because we believe in rehabilitation, as I said earlier, and restorative justice.

The Minister of Justice chose the approach of imprisonment at all costs and repression. We heard this earlier from the very mouth of a Conservative member, who was talking about law and order. Obviously, we are not against law and order, but at all costs and the way in which they want to impose it on us, it is not the right approach. That is the priority of this government concerning rehabilitation. It is not the priority of either Quebec or the other provinces. This law and order must not be achieved to the detriment of the necessary rehabilitation. Have we forgotten that the prisons are schools of crime? That has been said here many times. A first time offender who goes to prison has every chance, or rather mischance, of ending up with someone who can teach them a great deal about how to improve their criminal potential. This is obviously not what is desired when we talk about rehabilitation.

Do the government members really think that building bigger prisons and filling them even fuller are the ultimate solutions for dealing with crime? The example of the U.S.—that was also mentioned—however, is very conclusive in this regard.

The direct impact of Bill C-9 will be an increase in the number of inmates in the prisons of Quebec and the provinces housing offenders serving sentences of two years less a day. These prisons are already full. Some are overcrowded. This will allow the Conservative government to keep another promise, that of building new prisons perhaps. I do not think this is a good move for

rehabilitation and I do not think this is the type of promise the public was expecting. The Department of Justice itself estimates there will be an additional 5,000 prisoners, offenders who normally would have received community sentences and who will now be sent to prison.

Financially speaking, I am not sure they have truly looked at the cost of implementing Bill C-9. The current average annual cost per inmate in a provincial prison is more than \$50,000. That is the cost per year. The average annual cost for an offender serving a sentence in the community is less than \$2,000. That is a big difference. The government jumped into drafting this bill without even comparing or assessing the financial burden it will have on Quebec and the provinces. And the Conservative government brags about saving taxpayers' money. But no money was saved when it drafted this bill.

The Bloc Québécois could have supported a bill that would have prevented the use of conditional sentences for the most violent crimes that are not excluded by the current legislation. Victims deserve justice, but very few of these crimes are not covered by the current legislation. The Criminal Code could have been amended; that approach could have been considered.

I will close by saying that we are asking the government to take action with respect to parole. We support the creation of a victim's ombudsman office that could react to and counterbalance the powerful National Parole Board and Correctional Service Canada. The priority should be to force these agencies to take the victims into account. Bill C-9 is a rather repressive measure and an ineffective one. We will vote against it.

• (1600)

Mr. Jean-Yves Roy (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ): Mr. Speaker, I personally worked for many years in volunteer organizations and in the health care system, where I came in contact with young offenders. The residential facilities were in fact operated by health and social services. I was in a position to observe that when effort was invested in rehabilitating those young people, the success rate was nearly 88%, as the member for Richmond—Arthabaska was just saying.

I was in close contact with those young people. I went to visit the residential facilities and I saw how young people were treated. I imagined that if those young people had been 18 years old or more and had ended up in prison on their first offence, as the Conservative government is now proposing, they would have been completely traumatized. These were of course young people in difficulty who had committed significant acts, acts that could be characterized as criminal. Most of them, however, were on their first offence. Those young people would have been completely lost to society.

On an annual basis, it would have cost us over \$50,000 to put those young people in prison, and for how many years? We have to count the number of years. If those young people are not rehabilitated, they may well, in fact, get out of prison and go back in, in other words, spend their lives going through that revolving door, and that amounts to much more than \$50,000.

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It is extremely important to invest in rehabilitating those young people. The member spoke about this, and I would like to direct my question for him to what he said. What kind of society do we want to live in? Do we not see a dichotomy here? Once again, visions of the justice system in Quebec and Canada are extremely different, so different that our society, our society as Quebeckers, is being placed at risk.

Mr. André Bellavance: Mr. Speaker, I thank my colleague for his very relevant question. I would add that this type of bill also presents a conservative view. A bill is usually tabled in order to correct a situation. As I was saying earlier, the Bloc Québécois would have agreed in order to correct certain shortcomings in the existing legislation. Then again, why fix something that is not broken? As I said, we could cite many examples in which judgments were not terribly relevant or were ineffectual, which of course, can happen in society. However, we must look at the situation as a whole.

As my hon. colleague just said, in Quebec we have developed tremendous expertise in the area of rehabilitating young offenders. Why should we send them to a school for crime? What is the idea behind Bill C-9? It is no more than a populist notion to please certain people who say that if young offenders commit crimes, they have to pay their debt to society.

We agree that offenders must pay their debt to society. However, we have found a way that works for us, one that focuses on rehabilitation. This method has been successful. If it had not been so successful, I would agree that new legislation should be brought in to fix the situation and we would support it. However, the exact opposite is true. Judges have ample latitude to impose a conditional sentence, depending on the circumstances, if that proves to be the best solution.

Under this bill, their hands would be tied and that would be it: from now on, everyone would automatically go to prison, in other words, to the school for criminals. This is a bad idea.

[*English*]

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Speaker, I thank the member for sharing with us the enlightened approach being used in Quebec. We, in the rest of Canada, seem to forget that sometimes that is a very progressive way of viewing young people, in particular, who get involved with crime.

I am concerned with the government's cookie-cutter approach which it has proposed with this change. One thing people do not seem to take into account is if a young person winds up before the courts. The working poor or the working families who cannot afford the \$1,200, \$1,500 or even \$2,000 a day for a lawyer may face the same kind of situation that the young blacks do in the U.S. Two-thirds of the people who are in prisons there are of colour. Of that number, it is figured that almost three-quarters of them may be totally innocent of the crime of which they have been charged and convicted.

I am very fearful, and I would suspect the member opposite would share this concern, that we are heading down an Americanization road with our system where people want quick solutions to very serious situations.

• (1605)

[*Translation*]

Mr. André Bellavance: Mr. Speaker, I thank my colleague opposite for his question and his very relevant comment.

His is the same concern expressed by members of the legal community in Quebec. I should add that Quebec also has another interesting feature: legal aid. People who are entangled in the justice system, whether they have committed offences or are charged with offences, but who do not have the means to defend themselves in court, can take advantage of legal aid. As in all other things, nothing is perfect, but at least we have a system in place that enables people without means to defend themselves in court.

Quebec is setting a good example. Quebec is also setting an example in terms of rehabilitation, which keeps people out of prison rather than sending them there to learn how to commit more crimes, which is what happens when people are sent to jail systematically.

The government's plan is very troubling. I share my colleague's opinion on that.

Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC): Mr. Speaker, this is the first time I have spoken in this House, and I would like to take the opportunity to thank the people of Charlesbourg—Haute-Saint-Charles for placing their trust in me on January 23. They are proud to see that we have kept our promises to date.

I would like to say a special thank-you to my wife Julie and my four children—David, Guillaume, Anne-Gabrielle and Élisabeth—and to my father, my brother and my two sisters for their support. I also want to acknowledge the unwavering loyalty of my team of volunteers and the support of the Conservative Party of Canada Association for the riding of Charlesbourg—Haute-Saint-Charles.

To close this aside, I would like to congratulate the Quebec Remparts on winning the Memorial Cup. It was a long time coming.

I am honoured to be able to speak at second reading about Bill C-9, which aims to modify conditional sentencing.

Before I speak about the bill and its implications, I would like to remind this House that a conditional sentence can be ordered only if certain conditions are met.

First, there must be no minimum term of imprisonment for the offence the offender is convicted of. As well, the offender must be sentenced to a term of imprisonment of less than two years, and the court must be satisfied that allowing the offender to serve the sentence in the community will not endanger the community and is consistent with the fundamental purpose and principles of sentencing set out in sections 718 and 718.2 of the Criminal Code.

These sections stipulate that a sentence must have one or more of the following objectives:

(a) to denounce unlawful conduct; (b) to deter the offender and other persons from committing offences; (c) to separate offenders from society, where necessary; (d) to assist in rehabilitating offenders; (e) to provide reparations for harm done to victims or to the community; and (f) to promote a sense of responsibility in offenders, and acknowledgment of the harm done to victims and to the community.

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It is also useful to understand the intention of the legislator by looking back at the information document accompanying Bill C-41 in 1994. This bill is the one that created conditional sentences in our Criminal Code. According to it, the addition of this new sentence meant that offenders who had committed less serious offences and who otherwise would have been incarcerated could, under strict control, serve their sentences in the community.

Reducing the number of offenders in prison for minor offences protects the public by isolating from society those who have committed more serious offences and taking, for those whose offences are less serious, effective alternative measures in the community.

This government is of the opinion that conditional sentencing has a place in certain instances, but it is also convinced that the aim and fundamental principles of sentencing are violated when the accused is given a conditional sentence for a serious crime in which there are no exceptional mitigating circumstances.

Therefore, in the latest general election, the new Conservative Party promised to eliminate conditional sentencing in the case of serious crimes requiring greater denunciation and dissuasion.

The underlying principle in sentencing being proportionality, sentences for serious crimes must henceforth “reflect the gravity of the offence” and the “degree of responsibility of the offender”. That is exactly what Bill C-9 proposes to do. To this end, it would amend section 742.1 of the Criminal Code so that indictable offences for which the maximum term of imprisonment is ten years or more cannot be eligible for a conditional sentence. This would cover not only offences in the Criminal Code, but also those in the Controlled Drugs and Substances Act.

• (1610)

This bill will target certain offences such as driving while impaired causing death or serious injury—a scourge in Quebec—dangerous driving causing death or serious injury—another scourge—criminal negligence causing death or serious injury, sexual assault prosecuted by way of indictment—a problem—aggravated sexual assault, assault with a weapon causing bodily harm, and manslaughter.

The bill will also target serious drug-related offences punishable by a sentence of 10 years or more and prosecuted by way of indictment. As we can see, implementing this threshold will target the offences in the government's electoral program. This threshold will also prohibit the use of conditional sentences for serious property offences and justice related offences. For example, persons found guilty of corruption or of arson could no longer serve their sentence in the community.

The true purpose of the bill is to correct a persistent anomaly. Conditional sentencing was not introduced in the Criminal Code in order to allow offenders charged with serious crimes to serve their sentence with their feet up at home. That is not what the legislation was made for. Such situations are not rare. They threaten our Canadian values, put the community at risk and discredit faith in justice.

This bill could also have repercussions on our correctional institutions. Some offenders currently given conditional sentences

would be sent to prison if Bill C-9 became law. It is important to note that only a third of offences currently eligible for conditional sentencing will be effected by this reform and those are offences punishable by a maximum of 10 years or more and prosecuted by way of indictment. As far as the number of convictions are concerned, we estimate that roughly 5,164 of the 15,493 conditional sentences in the 2003-04 fiscal year would be affected by Bill C-9.

Another important consideration is the prosecution procedure. The proposed amendment will have an impact only on those offences prosecuted by way of indictment. As we know, there are many offences which can be prosecuted either by indictment or by summary conviction. Crown attorneys and police officers will decide how they wish to prosecute a case depending on the circumstances under which the offence was committed. Furthermore, this reform will not prohibit the courts from utilizing other types of sentences. For example, they will be able to impose a suspended sentence or a sentence accompanied by a probation order in the case of offences for which a conditional sentence of imprisonment is prohibited, when they consider such an option warranted by the circumstances.

This will also impact on the aboriginal communities. Aboriginal people are overrepresented in our correctional institutions, but we often forget that they are also overrepresented among victims. The 1999 General Social Survey entitled “Canada’s Native People”, from the series of Canadian Centre for Justice Statistics profiles, shows that aboriginal people are three times more likely to be victimized than non-aboriginal people, as well as three times more likely to be victims of spousal abuse. It is for the protection of victims and our communities that this bill proposes to modify the conditional sentencing system.

There is one other consideration. That is the impact of this bill on the provinces and territories. We will be working together with our partners to ensure that the necessary adjustments can be smoothly put into place. As I explained earlier, if Bill C-9 were to become law, only one segment of those who today are receiving a conditional sentence of imprisonment would be sent to jail.

• (1615)

In our fields of jurisdiction, we will be working with the Federal Prosecution Service, the Correctional Service of Canada and legal aid to ensure that our measures are successful.

The impact on the federal government will depend on the number of accused who are given an unconditional as opposed to a conditional sentence. We will be monitoring that impact and, if necessary, we will take it into account in any future initiatives to combat crime.

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This bill reflects the intention of this government to go back to the source and prohibit the use of conditional sentencing for serious offences. This government is trying to protect victims and communities, not dangerous offenders. Only a prohibition, as expressed in this bill, will enable us to achieve that goal. The appropriate use of conditional sentencing will ensure that our Canadian values are protected and strengthen the integrity of and confidence in our criminal justice system.

Mr. Robert Vincent (Shefford, BQ): Mr. Speaker, I understood quite well the speech by my learned colleague on the other side of the House. But he talks at the same time of serious crimes and sentences of less than two years. He should know that sentences of less than two years are handed out for minor crimes and that they are served in prisons in Quebec and in other provinces. Who will build these prisons when more room is needed? You stated that 15,000 additional people would be incarcerated. Where will we put these people if we have no prisons? Will you build them? Will you maintain them and pay the staff? If it costs \$50,000 per inmate and we multiply that by 15,000, I think you will be running up quite a bill. However, I believe that you will pass that bill on to each province. That is the first thing.

We must consider something else that is important in all of this. People will think that they have a lot of money to do this. They have so much money. But fighting crime does not go together with poverty. Eliminating poverty and helping the poor would reduce slightly the number of people who go to jail, because they want to incarcerate people serving sentences of less than two years. That is another issue.

Then, if too much money is left over, they must think about older people who receive pensions and are living below the poverty line. If we can afford \$50,000 per inmate, we should be able to give a little money to these older people who do not even receive minimum wage. We must help these people who live below the poverty line.

If you still have too much money, you should also help people losing their jobs. There will be more such people in two industries since the minister did not uphold the Canadian International Trade Tribunal decision to apply a surtax on bicycles for Raleigh and for Pro Cycle. They did not think of that. This is not serious. The lobbying that is going to take place elsewhere, at the retail level, is more important. However, in terms of workers and businesses, that is not important. By the way, both of those businesses are located in Quebec.

If that is not considered important and you still have too much money, there is also the program to help older workers, which we have been working on for years. We have been demanding such a program to help older workers, but there has been no progress in this area.

I think that the gentleman at the other end does not know where he is headed. The problem is that you have too much money, too large a surplus. You want to build prisons and put everyone in them. As I was saying earlier, before instituting such repression, we could start by tackling poverty, which is where the true problem lies.

Thus, here is my question. What do you intend to do to tackle poverty to ensure that these people do not end up in prison?

• (1620)

[English]

The Acting Speaker (Mr. Andrew Scheer): I would like to remind the hon. member to address his comments through the Chair and not directly to other members.

[Translation]

The hon. member for Charlesbourg—Haute-Saint-Charles.

Mr. Daniel Petit: Mr. Speaker, the hon. member expressed a full and frank opinion on poverty, but as far as I can tell, we are discussing Bill C-9. We will therefore redirect the question toward this bill.

First, there is nothing repressive about Bill C-9. The crown attorney simply has the choice of proceeding by indictment or by summary conviction. Any lawyer knows that there is a difference between an indictment and a summary conviction.

When an indictment is issued, it is because, given the circumstances, the crown attorney and the police feel that the crime is serious. If the crown attorney finds that he can proceed by summary conviction for the same offence because of the circumstances or because the police tell him that it is less serious, Bill C-9 will not apply. It is important to understand that this applies to indictments. Everything depends on the crown attorney, who, along with the police and the people around them, will have the power to determine whether to proceed by indictment or by summary conviction.

This is not repression. This procedure already exists. The difference is that the crown attorney will have to proceed differently for indictments and summary convictions.

[English]

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, my colleague's intervention was a breath of fresh air after hearing some of the rhetoric on conditional sentencing that has been floating around the chamber today.

It is important that we get back to the basics in dealing with crime and punishment. The approach being taken by the Minister of Justice is the right one. It is the approach that people supported in the last election. Canadians want to make sure that people who do serious crimes do their time in jail, not under house arrest and not on conditional sentences where they walk our streets and reoffend. We want to make sure that we protect property values and protect people from injury so that we can continue to move ahead as a society and feel safe in our communities.

In Winnipeg not too far from my riding there has been a great increase in the number of property crimes. Car thefts are up exponentially. Various violent offences, injuries to seniors and personal injuries, whether they be from sex offences, break and enters or home invasions are on the rise.

Perhaps my hon. colleague would comment on the approach the Minister of Justice is taking with respect to conditional sentencing in order to ensure that criminals who reoffend and terrorize our communities will be kept off the street.

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[*Translation*]

Mr. Daniel Petit: Mr. Speaker, first I would like to draw the House's attention to the next question my colleague asked.

If we are going to use statistics to determine whether a law should be changed, we must go back more than two or three years. If we consider how the situation has evolved from one generation to the next, we see that, according to Statistics Canada, from 1970 to 2004, a period of 34 years, the overall crime rate has risen by 57%. The number of violent crimes has climbed by 100%. The number of homicides has dropped by 10%. The number of robberies has risen by 60%. The number of sexual assaults has jumped by 45%. The number of non-sexual assaults has grown by 112%.

These statistics cover all 10 provinces and the three territories. Clearly there is some urgency here. When we have people who should be incarcerated but who are sitting at home with their feet up waiting for their sentence, our system is not working. It cannot work because it undermines justice. If we want to regain the people's faith in the justice system, Bill C-9 must apply when serious crimes are committed so that delinquents will be kept in, not let go.

• (1625)

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, what I have just heard is scandalous. The member for Charlesbourg—Haute-Saint-Charles is telling us that the crime rate today is higher than in the past. He uses very old statistics and applies them to the present overall population and that of Quebec. To say that there was less crime 34 years ago is a complete misinterpretation of the facts. He is not comparing apples to apples, but tomatoes to apples. He is not comparing the same things. He is not comparing the number of inhabitants. He is not taking into consideration that, over the past 15 years, the crime rate has declined in Canada and even more so in Quebec.

The member has given us a course in law, but he has not taken a look at where he lives, that is Quebec. He has not studied the people with whom he lives. He does not live in the same society. We live in Quebec. We have made progress every year. I do not understand his attitude.

My question is the following. How can he sell his soul so quickly in the name of the Conservative agenda? That is what I think. This individual takes no heed of how Quebecers around him live.

Mr. Daniel Petit: Mr. Speaker, I would like to raise a point of order because of the remarks just made by the member opposite.

We are studying a bill, not questions of religion. The member opposite knows very little of the region I live in. People put their trust in me as they did in him in his riding because we represent something too.

Our program has always been clear. It was a five point program and included Bills C-9 and C-10. At no point did we take the public by surprise.

The fact of seeking the law and respect for human life by imprisoning others, which is possible, does not mean selling one's soul to the right. Rather, it is a question of expressing a legal approach and ensuring that the Criminal Code, which we must

review every five, seven, eight, nine or ten years, applies in certain places in a given manner, as required.

In this case, that is, a change in sentences, it is not difficult. The bill is simple. It involves indictment for a serious crime. Everything is relative. It is not a matter of excessive imprisonment. It involves only serious crimes.

[*English*]

Hon. John McKay (Scarborough—Guildwood, Lib.): Mr. Speaker, I appreciate the opportunity to participate in this debate. I hope to contribute some useful commentary.

This is a propaganda bill, nothing more, nothing less.

Mr. James Bezan: That you are not used to at all.

Hon. John McKay: Mr. Speaker, the government would like to believe, notwithstanding the propagandists on the other side, that Canada is being inundated with crime and therefore we need to take extraordinary measures to deal with this scourge on our society. The truth, however, is far removed from the propaganda. The propaganda says that crime is up. The truth is that crime is down. The propaganda says—

Mr. Gary Goodyear: Got any more verbs in that speech of yours?

Mr. James Bezan: That is propaganda?

Mr. Gary Goodyear: Do you have the results from last week?

Hon. John McKay: The propaganda—

• (1630)

The Acting Speaker (Mr. Andrew Scheer): Order. I cannot hear the hon. member for Scarborough—Guildwood because of the noise coming from, I have to say, largely the government side of the House. I would ask all members to allow the member for Scarborough—Guildwood to finish his speech in a way that we can all hear him.

Hon. John McKay: Mr. Speaker, I can see that the propagandists are out in full force. They would do credit to the communist party.

The propaganda is that crime is up in Toronto, the community which I come from, and it is overwhelmed by criminal activity. In fact, by any and every standard of measurement, crime is declining in every category. That is the truth.

This is politics pure and simple. When truth and propaganda collide, truth is a casualty. Even when the so-called law and order crowd, and my friends opposite would identify with that, is confronted directly with statistics that show that in every category crime is down, that crowd lapses into the rope a dope nonsense that statistics lie, et cetera. It is really quite pathetic because the propagandists will not deal with the truth.

Government Orders

We have here Bill C-9, an act to amend the Criminal Code (conditional sentence of imprisonment). The bar is set quite high here, unlike the propaganda. The propaganda says that Canada is having a crime wave and more criminals need to be doing hard time. If that is true, why does the bill only deal with offences prosecuted by way of indictment for which the maximum term of imprisonment is 10 years or more? If we are being inundated by a crime wave, surely we should be lowering that bar, not raising it.

This hardly speaks to a so-called crime wave. One, there has to be a conviction, something that the law and order crowd frequently forgets. Two, if convicted, there has to be an exposure to a sentence in excess of 10 years. Three, the crown has to elect to proceed by way of indictment.

This is a very high bar of offences. Because it is so high, there are therefore very few charges to which the bill could possibly apply. It is the old bait and switch technique. It would be seen to be basic if the government would at least put on the table the number of offences to which this particular amendment to the Criminal Code might apply.

The propaganda repeats ad nauseam that there is a crime wave, that it is out of control and something must be done. Members of the public become convinced because they are repeatedly told that there is a crime wave, that it is out of control and that something must be done. What is that something; what will rein in this catastrophic crime wave? Is it Bill C-9? Canada would be so much safer after the passage of Bill C-9.

Does anyone know the pool of persons who are to be prosecuted by way of indictment and are liable to imprisonment for a period of 10 years or more and would have received a conditional sentence? Does any representative of the government know what is the pool of individuals who would be exposed to Bill C-9? Does anyone have a number for this, or is it just more smoke and mirrors from the propaganda crowd?

The bill invites us to believe two things: one, that there is a crime wave going on in Canada; and two, that all of the judges have taken leave of their senses.

For the purposes of putting some facts into the debate, I will read section 718 of the Criminal Code. For the hon. members opposite who have probably never read section 718, these are the principles by which a judge imposes a sentence. It starts:

The fundamental purpose of sentencing is to contribute, along with crime prevention initiatives, to respect for the law and the maintenance of a just, peaceful and safe society by imposing just sanctions that have one or more of the following objectives:

- (a) to denounce unlawful conduct;
- (b) to deter the offender and other persons from committing offences;

● (1635)

I am reading slowly for members opposite. It goes on:

- (c) to separate offenders from society, where necessary;
- (d) to assist in rehabilitating offenders;
- (e) to provide reparation for harm done to victims or to the community; and
- (f) to promote a sense of responsibility in offenders and acknowledgement of harm done to victims or to the community.

That is followed by subsection 718.1, which states that:

A sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender.

That is followed by subsection 718.2 which states that a court that imposes a sentence shall also take into consideration certain facts that may increase or reduce any sentence imposed for any relevant, aggravating or mitigating circumstances and sets out what the aggravating circumstances might be such as:

- (b) a sentence should be similar to sentences imposed on similar offenders committed in similar circumstances;
- (c) where consecutive sentences are imposed, the combined sentence should not be unduly long or harsh;
- (d) an offender should not be deprived of liberty, if less restrictive sanctions may be appropriate in the circumstances; and

Finally, it states:

- (e) all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of aboriginal offenders.

To be able to support the bill, we really have to believe that the judges have taken leave of their senses.

I know members opposite may have been bored with the reading of that but, nevertheless, it is always good to set some context for the review of the bill. Regardless of one's views on the bill, one would have to say that section 718 is quite a comprehensive set of sentencing guidelines.

The government wants us to believe that Canada's judges are not smart enough to have read section 718. Alternatively, if they have read section 718, they are not smart enough to apply it. I do not know what members think about Canada's judges, but not smart enough is not one of the things that comes readily to mind. Regardless of whether one is left wing, or right wing or no wing at all, not smart enough is simply not applicable.

At one point in their lives, these judges have graduated from university, sometimes with one degree, sometimes with two. They have graduated from a law school. They have gone to a bar admission court. They have put in at least 10 years' in the practice of law. Not smart? I do not think so. Therefore, the bill invites us to believe that a judge did not apply his or her mind to the section 718 principles and did not consider whether the sentence should be served inside or outside of a jail.

These judges, having listened to all the evidence, having listened to and read the pre-sentence report, having heard submissions from the Crown and defence, are, according to the propagandists opposite, in a poorer position than others to apply a sentence.

If somehow members think we should sentence by what we read in tomorrow's newspapers, they are welcome to that belief. For me, I will be prepared to accept that Canada's judges have read section 718, have applied their minds to section 718 and have given serious consideration as to whether a sentence should be served inside a jail or outside.

I am satisfied that Canada's judges get it. All the bill accomplishes is a fettering of a discretion on a minimal number of cases to pander to a non-existent problem. The judges are smart, they do get it and there is no crime wave, in spite of the propaganda.

Government Orders

One might say “what’s the harm”, that it is a small number of people, that judges can do what they want and that it really is no big deal. I would like to remind all members in this chamber that we have a justice system. It is a justice system, not a sentencing system. It requires the application of justice to the convicted person. It is not a cookie-cutter system. It requires thought, knowledge and sometimes real agony on the part of the judge.

• (1640)

We have heard the law of physics which says that for every action there is an equal and opposite reaction. While law is not as precise as physics, the bill would set up some perverse equal and opposite reactions.

The first reaction is that probably more people will go to jail. For some, that is a wonderful consequence, at least until they get the bill. I heard one member say that it was \$50,000 per year. I thought it was \$100,000 per year. Regardless of whether it is \$50,000 or \$100,000 per year, an inmate does not take long to rack up quite a bill of millions, if not hundreds of millions of dollars.

For those who like to “hang ‘em high and hang ‘em longer”, this may be quite satisfying. To those who have to think about allocation of scarce resources, jailing people who could probably do their time outside jail just as well as they could inside jail can lead to the blowing of a budget quite rapidly.

The bill would scoop up people it never intended to scoop up. The welfare mom or dad convicted of fraud cannot be given a conditional sentence because it carries a penalty of over 10 years and because the Crown proceeded by way of indictment. We can all self-righteously say that he or she should be in jail, but who looks after the kids? Mom or dad are in jail at \$100,000 a year plus the local children’s aid society has to look after the kids. Not only is it expensive, but in all likelihood it will create our next generation of criminals.

Speaking of that, what increases recidivism? A spell in jail or a conditional sentence? Is there a greater likelihood of returning to crime after jail or after a conditional sentence where there is mandatory treatment, community service, house arrest, curfew and counselling? What is a better bet to prevent repeat offending? What about the unique offender populations? Does curfew and house arrest work better or does jail?

The bill is so crude and so poorly thought out. My colleague called it a legislative hammer where a legislative scalpel would do. When we bring in the propaganda of the ideology and we are committed, of course we go with a legislative hammer.

Instead of referring the bill to the justice committee at first reading so it could study it and Parliament could work collaboratively, the government wants to ram the bill through regardless of the facts. As Columbo might say, “Just the facts, ma’am, just the facts”. The government does not want to listen to the facts about the so-called crime wave. The government does not want to listen to the facts about sentencing. The government does not want to listen to the facts about recidivism. Certainly, the government does not want to listen to the facts about the unintended consequences of the bill.

It looks like a pattern and it probably is a pattern. The bill is typical of the government. It has no interest in the facts or in public

policy. It is only interested in propaganda. As a propaganda bill, this is a very successful bill.

• (1645)

[*Translation*]

The Acting Speaker (Mr. Andrew Scheer): Pursuant to Standing Order 38, it is my duty to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Acadie—Bathurst, Employment Insurance; the hon. member for Brant, the Environment.

[*English*]

Mr. Gary Goodyear (Cambridge, CPC): Mr. Speaker, I have only been here for two years so I can only comment on the last two years. Never in my short time in the House have I heard so much of what I would like to call propaganda, but it is worse than that. The member opposite stood up and actually suggested that we should not be in the business of putting forward sentences.

I remind the member that when he was in government, and thank goodness he no longer is, Bill C-48, Bill C-49 and Bill C-50 dealt with the terms of various criminal activity. For example, the Liberal government suggested that we have a 10-year sentence for illegally importing artifacts. The next bill suggested five years for human smuggling. First, both of those bills dealt with sentencing and that is where the old government put its priorities in terms of protecting humans.

Last week I met with the insurance industry for Canada. It suggested that the crime rate with respect to stealing cars was what was causing the folks in Ontario to pay so much for insurance. I guess that is propaganda. Could the hon. member comment on whether he is calling the insurance industry’s statistics propaganda.

For the families in my riding, could the hon. member comment on the four members of a gang who raced down another member and hacked him to death in front of innocent citizens. The convicted got 19 months, and it was not just house arrest. Let us call it what it is. He was sent home to watch DVDs, drink beer and eat popcorn. We have all heard about that.

Finally, would he comment on the sex attack in Guelph, Ontario, where an employer attacked his 15-year-old staff member and the judge said that he would not send the man to jail because it was Christmas, it would be embarrassing. How about that? Could we get a comment from the member on that propaganda?

Hon. John McKay: Mr. Speaker, if I look at my insurance bill, it is down this year. Therefore, I cannot comment on the statistics of the insurance industry that always seems to be able to bring up statistics to suit the increase in its premiums.

I would recommend to the hon. member that in all instances where he cites specific cases, that he sit in the court room, that he weigh the evidence, that he listen to the Crown and the defence, that he go through the defence process and then find out whether this is an appropriate sentence to fit the crime.

Government Orders

We have in the country a justice system and it is not just about us. It is about appropriate sentencing in appropriate instances to suit the offence. We have the best justice system in the world. We have among the lowest recidivism rates of anywhere. We have crime rates declining in all categories in virtually all communities.

Therefore, the bill is a propaganda bill. It starts out as a propaganda bill, it is a propaganda bill and it will end as one.

Mr. Roger Valley (Kenora, Lib.): Mr. Speaker, the members over there would have us believe that crime is up and we know that it is not true. Crime is down. One of the effects of their propaganda is that it is terrifying our elderly residents, creating fear, scaring residents and is creating a basis for something that is not true.

We go door to door and see our constituents. Could the member let us know about the fear that is being falsely created? The Conservatives carry on with the propaganda machine they have set up. How does it affect the residents in the member's riding? It affects the ones in mine, and it is unnecessary.

• (1650)

Hon. John McKay: Mr. Speaker, during the break week I had the privilege of going through my community which has been identified by the United Way as having among the poorest postal codes in the country. Many people in one or two places in my riding do not have incomes because of many factors, one primarily being immigration, but other factors as well. There is a direct correlation between poverty and crime. People can buy a \$2 million house in my riding and be living literally cheque to cheque.

The member is right. There has been an escalation of fear while the facts have gone the other way. As we go door to door there is a concern but at the same time we have excellent policing and very active judges in Toronto. We have a factual, statistical, provable reality that shows crime is declining. Frankly, this bill and the one to follow it will do absolutely nothing on the issue of recidivism. It will do nothing for the fear that Canadians have, rightly or wrongly. It will not contribute in any way to the actual lessening of crime in our community.

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Speaker, last week I met with the chief of police in Hamilton and he was very pleased to tell me that major crime in Hamilton was down. In fact, the chief's major concern was about the tinkering with the gun registry and the damage that could potentially have on the community.

Does the member not agree that there must be a better way of addressing the situation than to just go out and set mandatory sentences that will put us in a position where we are second guessing our judges at every turn? The court system in Canada is well respected around the world. Our magistrates and justices are well respected. It seems very strange that the government does not respect our justice system.

Hon. John McKay: Mr. Speaker, the member asks an intriguing question. I also have days where I wonder why there is such disrespect for a justice system that is so obviously working. As I said earlier, the judges are of the highest quality. The police are well-equipped and well-staffed. They are, by and large, free of corruption, which is not true in other countries. We have some of the lowest crime rates of any place in the world. Our recidivism rates are among

the lowest and frequently declining. We have all kinds of facilities and yet the government comes along with these minimum mandatory laws.

I sat on the justice committee for six years. I would like to say that minimum mandatories and conditional sentences work. If that were the magic bullet would we not have jumped all over it in the past six years? The problem is that they do not work. There is no evidence to support that minimum mandatories actually reduce crime. Just like this bill, there is no evidence to support that it will reduce crime.

We have this distortion of priorities, which is to put everyone who commits a crime in jail at a huge amount of money on an annual basis and we will all feel a lot better. What happened to that \$1 million, \$10 million or hundreds of millions which the government has not come clean on? What happens to all that money? It sure does not go into policing or into legal aid. It sure does not go into improvements in the justice system or into any diversionary programs. It does not do anything that would actually deal with the problem of crime in our communities.

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, before I put my question I must share the sentiments of my colleague who spoke a few minutes ago. I am flabbergasted. I have never heard a defence of the indefensible as I have heard from the hon. member just now, which is probably why Canadians voted the corrupt Liberals out of office. The Liberals had totally run out of ideas and they lacked a sense of what the country needed, especially in the area of justice reform.

I encourage the member to visit with the residents of my community of Abbotsford and explain to them why we have rampant grow ops, why we have meth labs throughout our community and why the incidence of gun crime has been increasing at a rapid rate.

What is so common with the Liberals is that they selectively take statistics, twist those statistics, especially for lesser offences, and build a flimsy case, but they do not reflect the reality of what is happening in Canada.

Given that the member denies that Canada has a crime problem, will he confirm that his party is satisfied with the status quo?

• (1655)

Hon. John McKay: Mr. Speaker, I think one of the reasons the hon. member is flabbergasted is that he has been drinking his own Kool-Aid and his Kool-Aid has a lot of propaganda. The member now believes that there is this huge crime wave. The problem is that his facts do not support his propaganda.

I would be more than willing to agree with him if in fact somehow or another we were in a world or in a reality where we had runaway crime, et cetera, but unfortunately, for the purposes of his propaganda, we do not.

I will comment on a couple of points with which I actually can agree. On grow ops, I agree with him. The issue of grow ops is an area in which the present government and the previous government tried to do something. I do hope the Conservative government will do something a little bit more aggressive.

Government Orders

In my community where there are grow ops, the police have been quite aggressive and there have been some arrests and convictions. I support that.

If the member wants to see how a bill with respect to these kinds of issues actually should be crafted, he should have looked at Bill C-70 which died on the order paper.

Hon. Jay Hill (Prince George—Peace River, CPC): Mr. Speaker, it is a personal and professional honour for me to speak today at second reading of Bill C-9, an act to amend the Criminal Code dealing with conditional sentence of imprisonment.

As many of my colleagues in the House will know, I have made it a priority throughout much of my time as the member of Parliament for Prince George—Peace River to address the misuse of conditional sentencing.

It was way back in the fall of 1994 when I had been an MP for less than a year that the former Liberal government introduced Bill C-41, legislation that introduced section 742.1 into the Criminal Code of Canada. The concept of conditional sentencing that this section enacted is not without merit. It can offer benefits to our society and preserve the integrity of our justice system if it is used for less serious crimes. I will elaborate more on that in a moment.

When Bill C-41 was being debated, I joined the chorus of Canadians, including legal experts, in warning the former Liberal government that section 742.1 would dangerously dilute the credibility and effectiveness of our justice system if those convicted of serious and violent offences were eligible for conditional sentencing provisions. As we are all well aware, the former government did not listen and shortly after section 742.1 became law on September 3, 1996, courts across Canada began granting conditional sentences to convicted murderers, rapists, child molesters and drug dealers.

Many of these miscarriages of justice were challenged through appeal, the most notable concerning the conditional sentence granted to Darren Ussel, who was convicted of attacking a woman and sodomizing her with a racquetball racquet.

On August 12, 1997, in a watershed moment in the history of conditional sentencing, the B.C. Court of Appeal ruled that “if Parliament had intended to exclude certain offences from consideration under section 742.1, it could have done so in clear language”.

Until this point, the Liberal justice minister had been justifying the use of conditional sentencing for violent and sexual offences by suggesting that such sentences could be appealed. However that same minister was now being told in clear language in an appeal ruling that murderers and rapists could continue to be eligible for house arrest because the Parliament of Canada itself refused to say otherwise.

When it became clear that the Liberal government would not act to close this serious loophole in Canadian law, I took it upon myself to introduce a private member's motion to do so in March 1998. I stepped up my efforts to restrict the use of conditional sentencing for serious and violent crimes by introducing clear and detailed legislation on March 26, 1999. Throughout the next three Parliaments, I reintroduced this private member's bill. When I reintroduced it in this Parliament just last month I expressed how

hopeful I was that Canada now had a Conservative Prime Minister and justice minister who would listen to what Canadians were telling us. They told us that it was time to crack down on society's most violent criminals.

I have always had a great deal of respect for my colleague, the hon. justice minister who hails from Provencher, Manitoba, and yet even I am surprised at how quickly and decisively he has acted to restore Canadians' confidence in their justice system. Finally, after nearly a decade of frustration, as violent criminals and sexual predators have been granted get out of jail free cards, the provisions outlined in my private member's bill are being advanced in this Conservative government legislation.

As I stated, this bill is designed primarily to restore confidence in the criminal justice system. It also aims at finally using conditional sentence orders in a manner that this Parliament originally intended to use them.

A conditional sentence is a sentence of imprisonment of two years less a day, which the offender may serve in the community provided that the offence for which the offender is convicted is not punishable by a mandatory minimum penalty and provided that the court is satisfied that serving the sentence under house arrest will not endanger the safety of the community and would be consistent with the fundamental purpose and principles of sentencing which are set out in the Criminal Code.

• (1700)

The government promised to undertake a number of reforms to protect our communities from serious crime. On May 4 the government delivered on two of its commitments. Bill C-9, which is of interest to us today, aims at ending conditional sentence orders for serious offences, including serious violent offences, punishable by a maximum of 10 years or more and prosecuted by indictment.

Some concerns have been voiced by jurisdictions with large aboriginal populations. While proposing this bill, we remain cognizant of these concerns. The concerns expressed by these jurisdictions are that the impact of this bill will exacerbate the overrepresentation of aboriginal offenders in correctional institutions in Canada and could put at risk some justice programs focused on native traditions of restorative justice rather than prison time. This is a problem that must be addressed, though not at the expense of lenient conditional sentences for serious offences, including serious violent offences.

Aboriginal justice issues are complex given their cross-jurisdictional nature. The overrepresentation of aboriginal offenders must be dealt with through partnership between federal, provincial and territorial partners, and aboriginal communities themselves.

The Department of Justice is supporting, through the aboriginal justice strategy, restorative justice approaches that include: diversion, sentencing alternatives, family and civil mediation, and other services that strengthen the links between community justice workers and the courts. Moreover, the government continues to fund programs to deal with lack of opportunity and substance abuse in our aboriginal communities.

Government Orders

However, restorative justice programs can be controversial if not implemented with appropriate safeguards. These programs are not intended to replace other criminal justice system responses to criminal behaviour. They do however represent an effective and progressive manner in dealing with minor offences.

A significant aim of Bill C-9, which is before us today, is the promotion of more peaceful aboriginal communities. In Canada, it is true, aboriginal people are overrepresented as offenders. Also true however is that aboriginal people themselves are overrepresented as victims.

According to a 1999 general social survey entitled "Aboriginal Peoples in Canada" prepared by the Canadian Centre for Justice Statistics Profile Series, 35% of aboriginal people reported being a victim of crime. This figure is approximately 10% higher than for non-aboriginal people. Moreover, aboriginal people are three times more likely to be victims of violent crimes than non-aboriginal people.

This is also true in cases of family violence and sexual offences. For instance, the general social survey reports that aboriginal people were three times more likely to be victims of social violence than those who were non-aboriginal. Furthermore, aboriginal victims of spousal abuse are more likely to suffer from some serious form of violence than non-aboriginal people.

In terms of sexual offences, the Canadian Centre for Justice Statistics reports that in 2002 the rate of sexual offences in Nunavut was 12 times higher than all of Canada. In the Northwest Territories it was six times higher than all of Canada. In Yukon Territory the rate of sexual offences was four times higher than all of Canada.

This bill does not sacrifice the protection of victims and the protection of our communities in favour of lenient sentences granted to serious violent offenders. Having a community live in fear is not an acceptable solution. I submit that it is with victim safety in mind that we support conditional sentences in a manner that closely aligns with the purpose and the principles of sentencing as set out in the Criminal Code.

Rehabilitation and reintegration into the community are important objectives that this government supports. Though appropriate in many situations, however, societal reality dictates that conditional sentences are equally inappropriate for the offences dealt with by this bill. That said, we must remember that conditional sentences are not being taken off the books entirely with this legislation. They will still be available in a wide array of cases involving less serious crime.

In addition, conditional sentences and prison terms are not the only criminal sentences available in our criminal justice system. While it is true that a number of offenders now eligible for a conditional sentence of imprisonment will be going to jail after this bill comes into force, some of the offenders now getting conditional sentences will be receiving suspended sentences with probation.

● (1705)

For all these reasons, we believe that the restriction of conditional sentences for serious offences is a necessary change in the working of our criminal justice system and in the protection of all communities, including aboriginal communities.

My government has committed itself to instituting reforms that adhere closely to the principles of justice which we hold dear.

In closing, I would like to repeat for the benefit of all members in this House, and for those viewing the debate today, the B.C. Court of Appeal's open challenge to this Parliament, and to previous Parliaments, I might add:

If Parliament had intended to exclude certain offences from consideration under s.742.1, it could have done so in clear language.

Canadians have always wanted their Parliament to exclude violent and sexual offenders from consideration under section 742.1. It has been nine long years since that ruling. I would like to thank the present justice minister for leading this Parliament into doing its job when it comes to clarifying legislation surrounding conditional sentencing.

Hon. Sue Barnes (London West, Lib.): Mr. Speaker, it was interesting to hear the member speak specifically about the aboriginal justice strategy because I have been in his riding when we were doing the Nisga'a debate. I do not think the aboriginal justice strategy was at the top of his agenda at that time, so I am very glad to hear him talk about it today. I am sure that this was a prepared text that he has read, but I would like to hear whether the aboriginal justice strategy is an important part of the justice department.

It is a small department. It has limited resources and this is a very important issue. I would like to be assured, and I am sure the first nations people in this country would like to be assured, that this department will be continuing because we know that the plans and priorities will not come out until September for the department.

I would like to hear the member's thoughts on how sincerely the government wants to pursue all of the restorative justice principles that have been encompassed in the aboriginal justice strategy. I would love to hear not just about it, because I know about the strategy, but I would like to hear about the commitment to the strategy and its continuation.

● (1710)

Hon. Jay Hill: Mr. Speaker, I appreciate the question and the sentiment that is being expressed. As I said in my remarks, I do not think anybody can dispute the fact that in our prison system currently, aboriginals are overrepresented as a percentage of the population, if we relate that to the percentage that they hold in the general population of our nation.

Obviously, this is a huge issue for any government to grapple with. I just want to assure her that I, all my colleagues, and this government are firmly committed to addressing this in every way possible.

Specifically, she referred to the aboriginal criminal justice strategy which includes, among other things, as I said in my remarks, diversion, sentencing alternatives, and family and civil mediation where appropriate.

Government Orders

I want to assure her that I cannot commit myself or my government today to any funding for any of the programs because they are all under review. It remains a serious concern of our government, as it was to the previous government, to do all we can to ensure that the representation as a percentage of our prison population does not increase any more, and indeed even comes down from the present high numbers of our aboriginal people who are incarcerated.

Having said that, I am sure she listened to my remarks when I stated that no matter which community one happens to be from, from coast to coast to coast in Canada, I have always believed that those people, regardless of their backgrounds, who commit serious crime must be held accountable for their actions.

That is one of the things that I have heard constantly over the last 13 years that I have been a member of Parliament, and Mr. Speaker, I know you have heard it during your long and distinguished tenure as a member of Parliament. People out in the real world, outside of this chamber, want to know that if people commit serious crimes, they will be held accountable and do serious time.

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Speaker, hearing the government whip speak about the high levels of aboriginal incarcerations across Canada, it has a ring of insincerity that we have not heard in the House from the government side through much of this debate. I am pleased to hear that.

In fact, I am very pleased that it shows a glimmer of understanding that also has been missing from the government side both throughout the election campaign and more recently in the House. That understanding of the aboriginal situation is a very important piece, but I must say that it rings a bit hollow when we see that it does not carry to the rest of Canadians who run afoul of our justice system.

Hon. Jay Hill: Mr. Speaker, as I have already alluded to, we take very seriously our commitment to not only the aboriginal people of Canada but to all Canadians. We need to have a justice system in our country that all people can have confidence in, can believe in, and know that whether they become victims themselves or their family member is a victim of crime, they will see justice done in our court system and people will be held accountable.

When the member said that he was glad to see some glimmer of understanding, I would refer him to the fact that the important aboriginal issue of the final settlement of the residential schools was recently signed by the government on behalf of all Canadians to bring that unfortunate part of our history to a close, a successful close in the sense of making some final settlement with the people themselves. Therefore, I would refer him to that and I appreciate his comments.

• (1715)

Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I would like to say, as a member of the bar from Alberta, that during the time that the conditional sentences legislation came into force, I was absolutely shocked. In fact, I practised criminal law in northern Alberta for years.

I will give a couple of examples of individuals who received conditional sentences: a woman who stabbed her husband to death, a

three time convicted crack dealer, and a gentleman, I use the term loosely, who sexually assaulted two of his daughters. I was quite frankly shocked, appalled, and ashamed to be involved in those cases.

However, I would like to ask the member, what does he see as the future of this particular section and more appropriately, who would have access to this kind of conditional sentence? What types of crimes would be applicable for a conditional sentence, and not these types of bizarre situations where someone can afford a lawyer?

Quite frankly, I say to the previous questioner, the only people who can actually get conditional sentences are usually those people who can afford good lawyers. Unfortunately for us and it is shameful for us that it does not include aboriginal populations for the most part.

However, I would like to ask the member specifically, what does he see as the proper situation for this kind of application of the law?

Hon. Jay Hill: Mr. Speaker, I appreciate the comment from my hon. colleague from northern Alberta. His riding is very similar to the riding that I have represented for almost 13 years now. I strongly suspect that his constituents are as concerned as mine are about this issue. Indeed, I would argue that most Canadians are concerned about it.

In my decade long battle against the Liberal legislation and the misuse and abuse of conditional sentencing, I have said that there are times, and I referred to this in my remarks, when conditional sentencing is appropriate. In some cases with youth crime where some young person might for whatever reason undertake some shoplifting, some minor vandalism, property damage and that type of thing, obviously it is not in the best interests of our courts or society to throw those young people in jail among the general prison population of hardened criminals. They would probably come out worse off than when they went in.

When the legislation was originally being debated, I said and all of us agree that there are certain cases where conditional sentencing could be used in those types of minor crimes. The reality is that when it is being used for serious crimes, it contributes to the deterioration of the justice system itself.

My goodness, when lawyers themselves can see the flaw in how it is being implemented by the courts to allow some people who commit horrendous serious crimes to not do one day in jail, how is that justice? How is that fair to the victims and their families when that criminal can go home, put his or her feet up, watch colour television and serve out the time with a bracelet on? It is ridiculous.

It is one big reason why the people of Canada saw fit on January 23 to elect a Conservative government. The reality is that most Canadians believe there should be something in our justice system known as punishment. I know that is a foreign concept for the Liberals. Just before I got up to speak, we heard from a former parliamentary secretary who talked about how there is no evidence that restricting the use of conditional sentencing would actually reduce crime.

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We could get into a statistical argument constantly, our statistics versus the Liberals' false statistics. However, there is a principle of punishment that people are actually held accountable and have to be punished if they step outside of the law and commit serious crimes. That is the difference between our government and the past Liberal government. It is something I fought against for 10 years, because they do not believe in the principle of punishment, that people should actually be held accountable.

● (1720)

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I represent the inner city of Winnipeg. Winnipeg Centre is the riding name and it represents the core area of the inner city. Like many of our major urban centres, it suffers from some of the stagnation that has occurred in many of our large urban centres. We have allowed our city centres to deteriorate to the point where some people even use the analogy that we have created a doughnut shaped city and left the inner city with a great deal of social and economic problems.

When I canvass the good people in my riding of Winnipeg Centre, the overwhelming number one, top of mind issue for them is crime and safety. It outstrips health care by four to one. It outstrips tax cuts by five or even six to one. Waiting times in hospitals are not the number one issue of the people I represent. To a person, man, woman and child, they cite safety, crime, violence in the streets issues.

I am happy to have this opportunity to join in the debate on Bill C-9 today so that I can share some of my views on this subject. It would be irresponsible of me not to take part in this debate on the number one issue of the people I represent.

Let us be clear. Many of the MPs who have taken part in the debate have expanded what the real subject matter is. As we are all wont to do sometimes, they have deviated somewhat from the actual content of Bill C-9 which deals with conditional sentencing. I have heard members talk about minimum sentences, about any number of criminal justice issues in the context of this debate, but what we are really talking about is quite narrow. It is about reducing the options for the criminal justice system to use conditional sentencing in a series of non-violent crimes.

The government has not made its case very well today. I listened to the Minister of Justice. I listened to the government House leader and a number of other speakers for the Conservative Party. They argued that there is rampant abuse of these provisions of the Criminal Code and that too many judges are giving conditional sentences and no jail time to violent offenders.

Yes, we know there have been isolated incidents, but no one has been able to tell us how many. No one has been able to tell us the extent of the problem, if it is a truly rampant problem that warrants this legislative intervention, or if it is isolated incidents that we all wish would not happen. I have not heard anyone make the argument that we should do away with the idea of conditional sentencing altogether. No one has said that, but they have said that for crimes of violence, crimes with a weapon, et cetera, no one should be spared doing some jail time and that the conditional sentencing option should not be used in those circumstances. That is the status quo.

Judges are not supposed to bypass the sentencing system and then use conditional sentencing in a case where there are victims of

violent crime or major crimes. If it has happened from time to time, I agree that it should be addressed. The people in my riding would agree as well. But we should keep in mind the empirical evidence does not bear out that tougher sentences for crime equals less crime. I wish it were true because frankly, we could solve our crime and social problems a lot more readily if it were as simple as giving people longer sentences, throwing away the key as it were. We have to look at the facts. We are duty bound. We have an obligation to come from an informed stance here.

The fact is that the United States has the highest rate of incarceration of any country in the world. Roughly 760 per 100,000 Americans are locked up in prison. Canada is the second highest. We incarcerate more than any other country in the free world of developed nations, except one, the United States, at about 160 per 100,000 people. It is less than one-third of the rate of incarceration in the United States. Most of western Europe incarcerates people at a rate of less than 100 per 100,000, which is far lower than Canada's incarceration rate.

● (1725)

One would think that the United States, in locking up so many people, would have the safest streets in the country, but the inverse is true. I do not want to be simplistic; there are many contributing factors, but the empirical evidence, the facts and statistics, tell us that the United States has more dangerous streets, more crime and more violence, whether it is property crime, physical assaults or armed robberies. The figures are way off the charts in terms of being greater than our figures and certainly greater than those of western Europe.

If I could go back to my riding and say that we can make our streets safer by simply tearing up this conditional sentencing option and putting more people in jail for a longer period of time, I would do it. I would vote for it today. But I cannot in all good conscience say that because it simply is not true.

We started this very important debate based on misinformation, based on the impression people get from a few sensational headlines where, granted, the conditional sentencing option should not have been used. That concerns me because we do not make good law when it comes from a stance of misinformation.

There is one good idea I would like to put forward as an option and which I hope members of Parliament would consider. It appeared in the last Parliament in the form of a private member's bill by a member from the Bloc Québécois whose name I can mention as he is no longer a member, Richard Marceau. His idea was that one way to reduce the incidence of crime is to cut off the profitability of crime. This made common sense.

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In fact, I am proud to say that the province of Manitoba adopted such a law recently. The proceeds of crime can be seized if the individual cannot prove that the property, let us say, a luxury car, was purchased with legitimate earnings. In other words, if the police and the courts have reason to believe that a luxury home of a drug dealer was purchased by ill-gotten gains, that property can be seized and sold and the proceeds realized from that property can go toward putting more police on the streets. That is a good idea. That is a radical innovation which I think we would have benefited from if we had given it more consideration in the last Parliament.

This practice has already been realized and the last figure I saw was \$650,000 in its first year of activity. There were plenty of examples where the police knew full well that certain people had no visible means of income and yet they had luxury homes, luxury cars in the driveway, boats and motorcycles, all believed to be ill-gotten gains. Under this new law the police can seize that property. It is an excellent idea and I would like to expand on that further given the opportunity in some other debate in the House. Perhaps I will reintroduce that private member's bill.

I should back up and start with the history of the conditional sentencing amendment that we are debating in Bill C-9. This is a relatively new concept. Maybe one of the reasons we are still struggling with it as members of Parliament and within the criminal justice system is that it has been an aspect of our justice system for a little over nine years.

At the time it was introduced, there was a clear objective on the part of the government of the day to reduce our prison population. Let us not make any bones about it. That was a stated goal. First, the results of locking people up are not anything to write home about and second, it is a very costly option. Keeping people in prison is no bargain.

Conditional sentencing was used fairly slowly for the first couple of years. In fact, in the total nine years of experience, only about 15,000 people have been sentenced by this conditional sentencing process. That means that many fewer people were being incarcerated and it means that if we pass Bill C-9, we can expect about that many people will be going into our prisons in the next couple of years.

• (1730)

I come from the province of Manitoba and the question comes to mind of who is going to pay for these prisons, because individuals receiving sentences of two years less a day go into the provincial prison system and those receiving sentences of two years plus a day go into federal institutions. In most cases, because of the nature of the crimes that these conditional sentences would apply to, the sentence would be in the former category, the provincial prison system.

As for Manitoba's share and just doing some mathematics here, with roughly 8% of the population, Manitoba could be looking at 1,200 to 1,500 prisoners that it would have to lock up and house. I know that our jails are bursting at the seams already. I do not know where we are going to get the help for this. This sort of takes us down the road of the United States, which is incarcerating so many people that it has actually privatized its jail system.

The United States has actually gone to outside contractors to build the prisons, staff them and even provide programs and services to the inmates. This has become quite a burgeoning industry in the United States, but I do not think many Canadians would have an appetite for going in that direction. However, I can also say that the province of Manitoba is not going to be too excited about building three or even four new institutions to house all these extra prisoners.

A bill brought forward by the former government toward the end of the last Parliament dealt with conditional sentencing. There was a recognition that some fine tuning or adjustments would be beneficial. That bill attempted to address some of the concerns and it reflected to some degree a consensus that had been building among all four parties. Had it moved into second reading and not died on the order paper as a result of the election call, I think we would have seen some unanimity in going in that direction.

What we are faced with today under Bill C-9, put forward by the new Conservative government, takes us much further in that 42 sections of the Criminal Code have maximum terms of 10 years and more where conditional sentences could no longer be used. Our party is having difficulty with the fact that a number of these sections are for crimes that are not at all of a violent nature. We have not heard any speakers in the House today say that we should do away with conditional sentencing altogether, nor have we heard anybody advocate that we should give conditional sentences for a crime of a violent nature.

Many of these crimes we are dealing with are not violent crimes. Many of them are property crimes. Many of them are crimes of nuisance, which I am no stranger to, living in the inner city core of a major city as I do. I know how irritating many of these property crimes can be.

The first one on the list of crimes that are not of a violent nature, that are crimes of a property nature, is theft over \$5,000. I ask members to consider an individual breaking into a house and stealing pieces of electronic equipment that would quite easily be rated at over \$5,000. It could be a first offence. Under this rule, this individual could be looking at not being dealt with by way of conditional sentencing.

We have heard extreme examples on the one end, where I agree conditional sentencing has been misused, but I ask members to consider a far more frequent scenario, which would be one like I have just outlined here. My colleague from Windsor—Tecumseh spoke earlier. He identified things like cattle theft, forgery of credit cards, unauthorized use of a computer, break and enter with intent to commit an indictable offence, and being unlawfully in a dwelling-house. I am not trying to downplay the seriousness of these crimes and how victims would clearly feel violated by these things, but I am also saying that in crimes of this nature we would be permanently removing the discretion of the judge to apply a conditional sentence even when prison would be a foolish option.

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In addition, there are the following: theft from mail; bringing into Canada property obtained by crime; false pretense of property over \$5,000; obtaining credit by false pretense; forgery; many white collar crime issues; and wilful mischief. I think there are about 20 offences, all of them property crimes. For some of them, frankly, one would question why we would even have a maximum penalty of 10 years, because nobody ever gets that kind of penalty for these kinds of crimes, but now they would all be listed in this new category where conditional sentencing would not apply because in extreme cases that type of crime could get 10 years. That is the cut-off point.

• (1735)

When we first saw this bill, people in our caucus who are knowledgeable about these issues, such as our justice critic, for instance, the member for Windsor—Tecumseh, made a prediction. He said that crown attorneys are going to have a look at this bill and they will immediately start making deals with the defence counsel. Of those 15,500 cases, somewhere around 5,300 or 5,400 are going to be excluded. These statistics are from the Department of Justice, so we are not just speculating on this. This is how it would probably break down. About one-third of these 15,500 offences that we have each year are going to be excluded now.

One of the things that is going to happen is that crown attorneys are going to start making plea bargain deals with defence counsel in our courts so that some criminals will get through in other ways. While we are closing one door, we may be opening two others for all we know, in the perverse consequences of our actions.

We have to anticipate the predictable consequences. We heard the parliamentary secretary mention in his address that one of them would be allowing for suspended sentences. I think we would rather see a conditional sentence than a sentence suspended altogether. That is not a good alternative in dealing with this type of crime.

Let us take this from a pure business case point of view. We do have to be practical, especially coming from a province like mine, where it costs about \$125 per day to keep somebody in our provincial prison systems. It varies from province to province, but that is the mean average. If we do the math, per day per convict who is now going into the system, we are in the range of \$200 million to \$250 million more per year by eliminating these options of conditional sentencing. I am not saying that Canadians would not be willing to pay for that. We do not really know how they would react to it, but I think they should be aware that there is going to be a considerable cost factor if we adopt this particular policy stance.

We listened as well when the Minister of Public Safety made some comments publicly about how the money is not specifically earmarked but has been set aside in the budget. We do not really know where. We have looked at that budget and I did not see where \$250 million is earmarked for this in particular, except for the vague reference that we are going to build more prisons. It must be the only budget in Canadian history that actually cited more jails as one of the objectives, one of the stated goals.

We have a situation in which I think the government slapped this bill together to meet some of its election campaign promises that it is going to get tough on crime. As I said, coming from an area where it is a number one issue, getting tough on crime is okay with me. I support that idea, but I want it to be for things that will actually

produce the right results, the consequences that we are after, and that means safer streets.

I suppose there will be fewer people on the streets when they get their two years less a day rather than conditional sentences, but only for two years, because one of the things we do know is that the rate of recidivism in the provincial jail system is even worse than for those who are housed in the federal system. Two years less a day is almost like con college. There is very little rehabilitation. There are very few programs.

I see that I am almost out of time, but I note my concern that with all the best intentions the Conservative government may have brought us a bill that will compound the problems rather than solve them. Getting tough on crime may feel good. Revenge feels good, but when sentencing there have to be other objectives as well. One is rehabilitation, because hopefully some day these people are going to come back into the community, and we want them to be better people, not to be carrying on with their old practices.

On behalf of the people of the riding of Winnipeg Centre, who are very anxiously looking for ways to make their streets safer, I have to raise these cautions and these concerns that Bill C-9 in and of itself may not lead to safer streets. It may cost us a lot of money. It may saddle provincial governments with another couple of thousand people per year that they have to house, clothe and feed. I am not convinced that it is advantageous.

• (1740)

I will close the way I began. The number one concern of the people of Winnipeg Centre, their top of mind issue, is crime and safety and making their streets safe. If I thought for one minute that this legislation would in fact lead to safer streets, I would vote for it in a heartbeat, without question. I am not convinced of that. Serious time for serious crime is something I endorse and we all believe in, but I do not think the idea of taking away the option of conditional sentencing from judges in 42 new categories is going to help us.

Hon. Jay Hill (Prince George—Peace River, CPC): Mr. Speaker, I appreciate the comments made by my colleague from the New Democratic Party, although I must admit I am a bit puzzled by his summation at the end of his remarks. If I heard him correctly, he said that on behalf of his constituents he fully supports serious time for serious crime and that if he could only believe that this legislation would potentially, or even theoretically, I think he said, lead to safer streets, he could find it within himself to support it.

I must admit that I am a bit puzzled by this, because unfortunately we have something in this country called “repeat offenders” and many people in society believe they do not receive an appropriate sentence, an appropriate punishment. He used the term revenge. I do not think it is revenge or vengeance, far from it. I think there is an expectation by law-abiding citizens. The vast majority of Canadians are hard-working, law-abiding citizens. They just want to raise their families in relative peace and tranquility and be good, law-abiding citizens, and they expect that when others deviate from this they are held accountable.

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That is what we are trying to do here. As I said in my remarks earlier today, the courts themselves have said that Parliament can exclude certain crimes from conditional sentencing.

Therefore, in all sincerity, I would ask my colleague why he would not see the advantage in supporting this legislation and sending it to committee. He voiced some of his concerns about property crimes, but even then I would state that all too often when people break and enter it leads to assault of the homeowner if the homeowner happens to be at home. We have seen that countless times. Things that might start out on the surface as a somewhat minor crime could end up being quite a horrific crime involving assault and, in some cases, deadly assault.

Why not send this bill off to committee where a lot of the concerns the member has expressed could be dealt with? If the bill can be improved, let us improve it. Let us work together to try to improve the bill, but let us not throw out the bill just because of one or two concerns with it.

Mr. Pat Martin: Mr. Speaker, I think what the House leader for the Conservatives has to say has merit. My first inclination is to get this bill to committee and have a good shot at it. I do not know what the official position of my party is going to be, but I can say that my inclination is to go that way, because I think we are responding to a legitimate and valid concern out there.

People have a right to be safe in their own homes. They have a right to walk down streets that are safe and free of mischief and interference. Canadians call upon us to do what is right. Looking after their best interests is our first obligation. It is our first obligation as members of Parliament to look after the safety and the well-being of the people we represent in that way, whether it is through our military or through our criminal justice system.

So I do not disagree. I am only pointing out that we may be creating consequences that we did not intend in the first place and we may not achieve the desired results. We have to go forward with caution. The goal was, nine years ago, to reduce the number of people in prison and find other ways to deal with the anti-social behaviour that they are engaged in.

What we do know is that the longer a person spends in prison, the greater the rate of repeat offences. It seems to be directly proportional. Longer prison sentences may have perverse consequences. I ask us to consider that. Maybe the committee is the right place to do that.

● (1745)

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, I thank my friend for his considered and cogent response to Bill C-9. At least he does not deny that the problem exists, unlike the party opposite.

I believe he shares a similar experience to mine. People on the street, people in our communities are very clear. They understand there is a problem with crime on our streets and it needs to be addressed.

I was encouraged to hear also a suggestion addressing the issue of profitability in crime. It is something that my community has tried to address through local safety and health regulations and bylaws. However, it is only one very small piece of the puzzle. Taking the profitability out of crime is not going to address issues such as gang

crime, sexual assault, impaired driving, street racing and those sorts of offences.

However, my question for the member has to do with the fact that it seems he is inclined to support the bill except for a number of concerns that he has. Given the fact that the matter will be referred to committee, and he has indicated he will likely be working to massage the bill to make it more acceptable to himself and his party, could I at least get a commitment from him? Will he, in principle, support Bill C-9 as it relates to violent crimes and to addressing the issue of violent crimes within our communities?

Mr. Pat Martin: Mr. Speaker, I am happy to have the opportunity to make it very clear. The NDP caucus and myself absolutely would never want to see conditional sentencing used in a violent crime. In fact, we will be going further than that as we go on to Bill C-10. In our election campaign we said that there should be mandatory minimum sentences for violent crimes of up to four years. I believe the government is about to introduce a bill that says it should be five years.

We are not that far apart if we both agree on the concept that when it is a violent crime and there is the use of a firearm, et cetera, mandatory minimum sentences would be something with which we would have no problem. In the case of conditional sentencing, even in their original construct they were never intended to be applied to a violent crime. It was supposed to be property crimes or crimes of that nature.

I thank my colleague for listening to the ideas about seizing property purchased by ill-gotten gains. We could all benefit from that. Even criminals, who have had their property seized in the province of Manitoba, when asked where they got the money, may try to use the line that they inherited from their uncle or something like that. They have to prove that. They have to show us the inheritance, the will, and then they can keep their Harley-Davidson. If they cannot show us, we will assume they got it by selling crack and we will seize their Harley-Davidson. It is working in Manitoba.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I am pleased to engage in the debate on Bill C-9. It is my first intervention on a bill since the election. I want to acknowledge the support of my electors in Scarborough—Rouge River. I continue to be supported and have wind in my sails as a member because of the strong support of my electors, and I thank them for that.

The bill would make a change to the conditional sentencing provisions of the Criminal Code. Bills dealing with crime and sentencing around here have a noble heritage, going back a century. One of the early interveners said, "Boy, we have a problem with crime and our voters know it". We have had a problem with crime since the beginning of time. We would not have enacted the Criminal Code over 100 years ago if we had not.

However, sentencing continues to be a modern issue and we continue to adjust our sentencing regime in Canada, as do other countries, to meet the needs of the changing demographics and population.

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The bill would make a change to remove the availability of conditional sentencing for a group of crimes that are described very generically in the bill. In the end, I have difficulty with that generic description and therefore I am inclined to be negative on the bill. However, I will acknowledge that my colleagues in the previous Liberal government introduced a bill which would have altered conditional sentencing to remove its availability from a certain group of crimes.

The bill before the House now appears to do it with a much broader list of crimes and it is for that reason that I am cautious about giving support to it.

At issue here is whether we have a huge crime problem, in particular, with reference to crimes that are on the list where conditional sentencing is available. I do not have enough wisdom to know whether we do or we do not. If the bill goes to committee, the committee will review the bill with some of these issues in mind. If it does not, we will not have to deal with it.

As we begin on this, I have the perception that the government has spent a bit of time generating what I call the politics of fear by telling everyone we have a huge crime problem and that we are all in jeopardy because of that. The facts are that in a relative and a real sense, we do not. Are there crimes? Yes. Are they serious crimes? Yes. However, all of the trend lines in crime are down, with the odd yearly spike up or spike down. I will refer to some statistics later on in my remarks, statistics from Statistics Canada. They are there for everyone to see. They are on the web and they have been obtained and analyzed seven ways to Sunday, but the information is there for all to see. Therefore, I do not think we have a huge crime problem.

Do we have problems from community to community? Yes, we do. Sometimes the solutions involve enforcement. Sometimes it involves some community action, crime prevention. Sometimes it is just the result of a bad crew or a bad gang. There are solutions out there for each of these and communities eventually get to them with the essential help of government to liaise with community groups.

In my particular constituency, and I have a Toronto constituency, we had a very serious problem such as criminal gangs, murders, drug dealing and a lot of the bad stuff. The streets had a problem. I, and MPs from the region, knew it, so did the city, so did the province and the federal government.

• (1750)

Following concerted police action about three years ago, the result was the arrests of some 25 or so gang members. The crime rate dropped for 19 weeks following this police action. There was not a serious criminal incident in Scarborough for 19 weeks, and Scarborough has a population of about 600,000, bigger than most places in Canada.

The police have learned how to use that toolbox of procedures to deal with this type of crime. In this case they were creative, along with the prosecutors, and imposed very strict bail conditions. These individuals, having been arrested and charged, would ordinarily be back out on the street pending their trials. In Canada one does not go to jail until one is convicted. One is free until convicted and sent to jail.

Bail conditions were developed, which had police officers doing bed checks. They would go to the residence of the person on bail and check to ensure that he was at home at 7:30 p.m. or 8:30 p.m., whatever the bail restriction was. If he was not, that constituted another offence, another arrest and a further detention.

The point I am making is that the solution to that problem was not to double the sentence for the crime. It was not to remove conditional sentencing. It was simply to creatively use the toolbox of procedures that were in the Criminal Code. The police have successfully done that.

Only two weeks ago the police conducted a similar operation in the west end of Toronto, the largest bust, if I can use the term, or arrest of gang members in the history of Toronto and Ontario. They will use these same techniques. We are learning to deal with these localized problems of crime.

I want to come back to this politics of fear issue. I mentioned it in the justice committee recently. I urge members to avoid the politics of fear and to look at the real data. If we do not look at the facts, we will fail to make good public policy.

I recently noted the fact that people said we had a lot of child poverty, which is a huge challenge, and that the House promised in 1990 to address it. They say nothing has been done and we have not made any progress. The statistics that came out two months ago, and poverty has a whole lot to do with crime, showed that we had made huge progress in dealing with poverty in Canada. Yet I have not heard much about it and I am not too sure why.

Statistics Canada tells us that between 1996 and 2004 the number of poor families dropped from 1.3 million to 865,000. That is a huge drop. Yes, there are still poor families and there is a challenge.

The other one was the proportion of families living below the poverty line. The first one was the number of children living in poor families. The second is the percentage of families who are living in poverty, defined generally across the country, dropping from 12.1% to 8.5%. That is a huge drop. Governments, not just the federal government but provincial and municipal, are collectively making progress. We have to keep that data in mind as we make public policy decisions about poverty, anti-poverty measures or what we will do to deal with children growing up in poverty.

It is the same thing in the area of crime statistics. I am not going to do a crime show. This is not politics of fear. What I am trying to highlight is real data about where we stand in Canada in terms of crime. I have selected a quote from Juristat, the Canadian Centre for Justice Statistics. We pay for this as taxpayers. It is available on the Internet and the government relies heavily on this information.

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● (1755)

After reaching its lowest point in more than three decades in 2003-04, the national homicide rate jumped 12% to 1.95 victims per 1,000 population. That was the data for 2004. That was a spike upward of the rate of homicide in Canada. It sounds like a significant spike and if we were one of the victims or the family of one of the victims, it is a huge spike. In that case it is binary, that my husband or my son was killed.

Overall, the trend is down and it has been going down since about 20 years ago. Since 1961, when national homicide statistics were first collected, there have been two distinct trends. Following a period of stability between 1961 and 1966, the homicide rate more than doubled over the next 10 years reaching a peak of 3.03 homicide victims per 100,000 in 1975. That was 30 years ago.

Since 1975, despite annual fluctuations, the rate has gradually declined from 3.03 to where it is now at 1.95 following the spike I just mentioned. That is a conspicuous drop of roughly one-third. In fact, it has dropped by more than one-third and I hope it will continue to drop.

I will point out for reference only that the homicide rate in similar data from the United States, our closest neighbour, is 5.70 per 100,000 compared to our 1.95. That is a huge difference. It appears to be a lot safer in Canada than it is south of the border. I am not sure why but if we look at what governments are doing or not doing on how we sentence people, I suggest it might not be appropriate to look south of the border when we look at how to sentence. Whatever we are doing here now seems to be working in terms of the long run trends.

Another notable statistic in the homicide envelope was also one having to do with youth. The total number of youth aged 12 to 17 accused of homicide fell from 57 in 2003 to 40 in 2004. That is a significant one year drop and it says that the rate of youth accused of that crime was at its second lowest point in more than 30 years. Over that trend line, we do not have a huge crime problem developing. The trend line is down.

The reasons for that probably are not related just to what government does or does not do, the various governments across the country and the federal government. There is a huge demographic component to this. People will recall the post-war baby phenomenon. As those post-war babies hit their most active years in the seventies and eighties the crime rate went up. I referred to it earlier in the general rates. It went up and then it started to go down. As those post-war babies reach their retirement years, which the Canadian pension plan says is really soon, they do not appear to be out robbing banks.

I represent a riding in Ontario. Juristat states that Ontario's crime rate was the lowest in the country for the second year in a row. The violent crime rate has dropped by 2% from the prior year to 2004. The youth crime rate dropped 4% in 2004. The rate of youths charged by police dropped 6% while the rate of youths cleared by means other than formal charge also declined. It states that over the past decade the national crime rate has fallen 12%.

● (1800)

The 1990s was a period of general decline in crime followed by relative stability from 2000-02. I could go on but the data is available for anyone who is interested. We spent good taxpayer to collect it. My purpose in raising these stats is to show that the problem is not so bad that we need to double all our sentences and change all our laws to deal with crime.

I was a member of this House when we finally produced, after a century, Canada's first bill on sentencing. That was in the mid-nineties and it was a huge exercise. It followed some bad years when how we sentenced, how we incarcerated and how we looked after public safety were justifiably questioned. There were a lot of escapes which were followed by killings, and a lot of parole problems. I am happy to say that a lot of the bad stuff that was around then is not around now. I will give appropriate credit to colleagues in this House, the Canadian public, Corrections Canada, governments from time to time and the people who run the penitentiaries and jails. They are doing a much better job of managing sentencing.

The reason I refer to the sentencing bill is that it makes it really clear what the criteria should be for sentencing a convicted person. The three most important parts are: first, the denunciation factor, not the revenge factor, the denunciation of the state and the public with respect to the offender. It is the mantra that "you do the crime, you do the time". Denunciation is one factor when a judge passes sentence or when we in this House pick a sentencing range for a crime.

The second criteria is deterrence. The existence of the penalty should deter a potential offender. I am not speaking about the guy in front of the court now because he has not been deterred. I am speaking about deterring another person in the public. Deterrence is a factor.

The third criteria is the rehabilitation phase. In addition to denunciation and deterrence, sentencing should enable the offender to choose a path that will allow him or her to become law-abiding citizens and to get into a lifestyle that will not bring them back into conflict with the law.

At the same time as the sentencing bill was put in place, we adopted the conditional sentencing rules. Conditional sentencing allows a judge to place a convicted person into a regime where the standard sentencing provisions are not followed. They do not necessarily have to go to jail and the parole provisions are altered to accommodate them. In every case, it was the intention of that legislation to enable a judge to pick a conditional sentence appropriate to the offender with reference to those same sentencing criteria, denunciation, deterrence and rehabilitation.

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If a judge could obtain those objectives by using a conditional sentence, that was a good thing. It was good for the public, good for the offender and good for the institution that did not have to be used because our institutions cost us between \$60,000 and \$80,000 a year to house one offender. If we could get denunciation, deterrence and rehabilitation by using conditional sentencing that was a good thing.

As things evolved, it appeared that some judges in some locations made use of the conditional sentencing provisions. I am sure they were coached properly by prosecution and defence lawyers perhaps in cases where the public felt that not enough attention had been paid to the denunciation factor.

●(1805)

As a result of that, it is easy for a public policymaker here in this place to decide that we should restrict somewhat how conditional sentencing should be used, particularly where violence is involved in the offence.

In the previous bill, which never made it all the way through this House, it had a range of sentences involving violence where conditional sentencing was to be restricted, and I can support that. I think most Canadians would see that as reasonable.

This bill, in my judgment, goes a little too far and maybe a lot too far. If it passes the House at second reading, the committee will have a chance to review that and there will be lots of experts with lots of opinions.

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Mr. Speaker, the hon. member has raised some very good points, especially with regard to statistics. He also mentioned that he is a longstanding member of this august place.

I worked in the legal system as a law enforcement officer from 1970 to 2000. I can tell the member that the average man or woman in 1970, as compared to the average man or woman in our society in 1999, felt a heck of a lot safer in their communities. They were not afraid to walk the streets at night. I am not referring to the streets of Toronto or Scarborough. I am talking about the streets in the small towns and villages in Ontario, the villages where I policed.

I just wonder if the hon. member happens to have any statistics with regard to how people feel about their communities and why elderly people feel ill at ease walking their dogs in the evening now, whereas they did not feel that way just five or six years ago. Maybe the hon. member can tell me and this House how those statistics relate to the actual feeling of those citizens in my community.

●(1810)

Mr. Derek Lee: Mr. Speaker, the hon. member does make a good point. Yes, 35 years ago in 1970 it was quite different. The data actually shows that the crime rate was slightly less than it is now. Between then and now, crime went up and now it is headed down again.

The member asked if I had more data and statistics. These are not my statistics. These are our statistics. They are there for everyone to access, look at and study.

He also raised another good point. He asked why people now are seemingly more afraid than they were 5, 10 or 20 years ago. I do not

have all the answers to that but I do know we watch a lot more television than we used to.

An hon. member: Oh, come on.

Mr. Derek Lee: Yes, we watch television, we listen to the media and we read magazines. The media is filled with crime stories and victimization. Some of the stories are not even real but we watch them like they are. Where do most of those stories come from? They come from a location that has a homicide rate of 5.90 compared to 1.95. No wonder people are afraid. The drama, the statistics and the life experiences that they are watching come from a place where the crime rate is triple that of Canada's crime rate.

The real TV, the murder and crime shows, all from the United States, might have something to do with it. It is great entertainment but that might have something to do with it. I do not know. I do not have enough wisdom to know all of that but I think that is a factor.

[*Translation*]

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, my hon. colleague gave a very interesting and very detailed statistical picture, and I congratulate him.

He raised a basic question: the link between poverty and crime.

This government is preparing to spend money on measures that will change how Canada deals with crime. These measures will cost more because there will be more people in prison and therefore there will be more prisons. I feel that this money could be put to better use in fighting poverty.

I therefore ask my colleague from Scarborough—Rouge River whether, with his statistics or data, he could help us understand how poverty could be reduced, whether through social housing or initiatives that get people off the streets or programs that give youth gangs the chance to play sports.

[*English*]

Mr. Derek Lee: Mr. Speaker, the hon. member makes a wonderful point that our crime is usually connected to a cause of crime. I would say that the justice committee went down this road as well with the crime prevention report in 1993. It was called the Horner report. It was chaired by a member of the Conservative Party at the time.

That report linked growing up in poverty, lack of success at school, learning disabilities in school, and other related items to the source of crime. If we can continue to make progress, as I said earlier, in addressing poverty, particularly children in poverty and we have made huge progress but there is so much more to do, the more progress we make in dealing with poverty, the more progress we make in dealing with the causes of crime. If we remove the causes of crime, we will reduce the crime.

●(1815)

Mr. Dave Van Kesteren (Chatham-Kent—Essex, CPC): Mr. Speaker, we heard a lot today about crime and punishment. I would like to challenge some of those statistics and some of the statements.

I grew up poor and I would bet that there are a lot of people here who grew up poor, too. All my friends grew up poor. Quite frankly, we did not break the law, but we did get into a lot of trouble at home.

Government Orders

I want to challenge some of these things that members are talking about and then I will ask the member a question. Another thing that I hear repeatedly is prison being referred to as repression. I wonder where we are going with all this.

Crime is going down. I have heard that so much. I have two sons who are police officers. We just listened to the hon. member on the other side. My sons tell me crime is not going down but the reporting of it is going down. The police and public are reporting less. The police are frustrated and I would suggest that the public is getting frustrated, as well. We have a system that just does not seem to be working.

Whether or not we agree on these issues, and we could debate them for a long time, but the underlying issue is, should the time be indicative of the crime? Is this repression we are talking about or should there be punishment for wrongdoers, and should it reflect what they have done?

Mr. Derek Lee: Mr. Speaker, the simple answer is yes. The sentence for a crime should reflect the seriousness of it, whether or not the offender is a first time offender, the denunciation factor which I had referred to earlier. Clearly, there are actually seven or eight different criteria set out in the legislation for sentencing. Right up there near the top is the denunciation factor. In other words the state and the people are saying that if individuals do that which is so serious, we will take away their liberty and they will be incarcerated for a period of time.

Running along with the denunciation are the other factors which I have referred to, which are in the legislation. That is there for everyone to read also. We are doing reasonably well at it.

I know the member would like to have more statistics that would enable him and police communities, who are working across the country to protect us, to show the sources of what they regard as the persistent crime that irritates them so much and I hope they can find that.

The connections between the propensity to commit a crime and the causes all relate to the poverty issue raised by the hon. member, the lack of success in school, and what happens to a young person growing up. Just because one is poor does not mean one is a thug or a crook. Of course it does not.

Half of Canada was poor during the depression, but the country did not grow up with thugs and crooks. It is the disadvantaged among us who are more likely be drawn into crime. It is that group that our social spending should be aimed at. That is what we should keep in mind as we discuss public policy in sentencing.

Ms. Helena Guergis (Parliamentary Secretary to the Minister of International Trade, CPC): Mr. Speaker, it is a privilege for me to speak today to Bill C-9, an act to amend the Criminal Code.

The government's platform commitment to take an active role in the proper administration of justice is clear. This bill is an equally clear legislative example of that commitment in the area of sentencing reform.

Bill C-9 would serve communities across Canada by eliminating the availability of conditional sentences for serious crimes, such as

sexual offences, weapons offences, impaired driving causing bodily harm or death, and major drug offences.

As our platform indicates, serious crimes involving violence and drugs demand appropriately measured penalties for offenders. As recent events illustrate, this demand is present in our communities and it is immediate.

After 13 years of Liberal rule, we know how crime has become worse. The statistics bear this out, and I am sure the hon. member for Scarborough will enjoy my speech this evening.

According to Statistics Canada, the rate of drug incidents increased 11% in 2004. Cannabis possession incidents increased 15% and cannabis cultivation cases, the marijuana grow op operations, have doubled from 3,400 incidents in 1994 to over 8,000 of them in 2004. In fact, the largest grow op in the country was in the riding beside mine, in the city of Barrie, in the old Molson plant. We had cocaine incidents increase by almost 70% in 2004, to almost 17,000; heroin-related incidents were up 19%, to almost 800; and drug importation offences were up 45%, to almost 1,000. These are staggering increases.

Drugs and drug-related violence pose a threat to our communities, our children and our law enforcement officers. I get tired of hearing people criticize government for wanting to punish drug users, growers and dealers. Drugs and the crimes that go along with them cost our economy huge dollars. Bill C-9 conversely sets out to curb them.

When conditional sentences are handed down for serious offences involving drugs, the purpose of sentencing is confused. The purpose of sentencing should be to show respect for the law, to prevent further crime, and to maintain a more just, safe and peaceful society. Perhaps I can take a few moments to list some examples.

A few weeks ago here in Ottawa, we had a home invasion by youths. They brutally beat a man in his nineties because they thought he had some money. This gentleman lived in an average family neighbourhood. Why should he have been worried that someone would break into his home and beat him up?

These are the types of crimes that are very frustrating to police. They feel as though their hands are tied. I know because I have gone on patrol with the police in my riding of Simcoe—Grey. They say the gangs from Toronto come up on the weekends and it is largely drug-related. The reason they feel their hands are tied is because of how they have to treat young offenders. If they charge someone without first offering counselling, the judge will throw the case out. I do not think many Canadians would agree that counselling is proportional punishment for savagely beating a helpless man, but I will come back to that a bit later.

A couple of nights ago, one of our staffers parked his car just around the corner from his house. At 7:30 in the evening, on Sussex, it was broken into. Significant damage was done to the vehicle, not to mention that property was stolen. Ask any police officer, why do people break into homes demanding cash or break into cars to steal a stereo or valuables? Ask police officers why it happened and they will tell us the same thing: drugs.

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Late last month in my riding, in the town of Collingwood, a man broke into a home and sexually assaulted a woman. When asked about it by a local reporter, the investigating officer said that usually when people break into homes, it is drug and theft-related and sexual assaults are part of the crime.

I hear the frustration of Simcoe—Grey police officers all the time. They arrest someone on a drug charge knowing full well that in all likelihood that person will be back out on the street within hours. For young offenders, they just do not even bother.

On Wednesday, May 3, a 16-year-old male was stabbed in my riding. The 17-year-old Alliston male who did it was charged by police with aggravated assault, possession of a dangerous weapon, assault with a weapon, and failure to comply with a probation order. Perhaps he had not had enough counselling.

I am also reminded of the beautiful young lady who was gunned down in Toronto while shopping on Boxing Day. We later learned that one of those charged had just previously been charged on a separate offence. We see this all too often.

● (1820)

Our system has to be changed so criminals cannot treat our justice system like a revolving door. I heard this over and over during the election campaign. Fortunately, my party had a plan and I was able to share that with my constituents.

Last year my colleague from Whitby—Oshawa, the Minister of Finance, led a Conservative Party task force on safe streets and healthy communities. During this time I toured Simcoe—Grey with various local police detachments. The growing anxiety that people have about crime is not, I believe, unfounded. For example, in 2004 a Nottawasaga OPP detachment reported 238 break and enters. The Collingwood detachment reported 2,206 criminal offences. The Wasaga Beach OPP reported 80 drug regulated charges with over \$3 million in drugs removed from the streets in Wasaga Beach.

We know that even so-called petty crime is crime that costs all of us, but I am not sure there is anything such as petty crime. Crime costs all of us and for too long. The previous government has been way too easy on crime and the criminals who commit it. Bill C-9 is going to help correct this.

That brings us to sentencing and what is fair. A further objective of the Criminal Code is that of proportionality. In all cases the aim is to find a sentence that is proportionate to the gravity of the offence and the degree of responsibility of the offender. It is the position of this government that the objective of proportionality is put in jeopardy when conditional sentences are granted to serious drug offenders.

Illegal narcotics, by virtue of their effects on citizens and their accompanying violence, are a phenomenon of which our government must be concerned. We made a platform commitment to take it seriously. People have been affected by drug crime. We promised to take positive action to do something about it, but there is no sense in making such a promise unless we are prepared to move immediately. These changes cannot happen soon enough. It is with this commitment in mind that we stress the necessity of the passage of Bill C-9.

In proposing this bill, we also keep in mind the matter of *Regina v. Kerr*. In this case the offender, Kerr, was convicted of three counts of trafficking in heroin and one count of improperly storing a firearm. Heroin is a schedule I narcotic, the trafficking of which is an indictable offence punishable by life in prison under section 5 of the Controlled Drugs and Substances Act. Though the trial judge found a conditional sentence inappropriate, the Court of Appeal overturned the sentence of imprisonment and granted Kerr a conditional sentence of 18 months.

I cannot explain that one to the hard-working taxpayer in my riding of Simcoe—Grey who respects the law, provides for his family and plays by the rules. Someone is charged with three counts of trafficking in heroin and gets a conditional sentence.

What the Court of Appeal deemed an overemphasis on general deterrence, the trial judge was found to have appeared to treat drug trafficking as creating a presumption against conditional sentences. The conditional sentence of Kerr was born of a culture of leniency owing to a lack of necessary legislative safeguards. This bill gives legislative teeth to impose more serious sentences for serious crimes.

In the periodic absence of proportionality at common law, we have found a need to legislate proportionality back into sentencing. This, we assert, requires some bounds by which conditional sentences may not be imposed. In the world of drug trafficking, sometimes people need to go to jail.

Among the mitigating factors cited by the Court of Appeal was the fact that Mr. Kerr was dealing in small amounts of heroin and that he was an addict. What the trial judge pointed out, however, was that heroin had not been sold to an undercover officer. It may have been sold to another addict. The judge correctly pointed out that the actions of the offender, his own addiction aside, had the potential to either ruin or put an end to another life.

The argument made by the trial judge bears some reflection. On one hand, many of the cases involving trafficking of narcotics examined by the Department of Justice contain an accused with sympathetic unfortunate circumstances. Often these circumstances are noted as mitigating factors in favour of a conditional sentence, but at what cost? What our platform commitment and indeed what this bill requests is that the circumstances of the trafficker be weighed against that of the addict being sold the narcotics. Lives are ruined or terminated at the hands of illegal drugs every day in this country.

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Our government is committed to punishing the purveyors of these drugs by limiting conditional sentences for these drug offenders.

• (1825)

Two points bear noting. The first is that this reform does not propose to modify or change the fundamental purpose and principles of sentencing contained in the Criminal Code. Instead it seeks to embrace them. With respect to serious matters, it implicitly requires the courts to focus principally but not exclusively on the objectives of denunciation, incapacitation and general deterrence. Second, we do not propose to ban conditional sentences altogether.

The Deputy Speaker: Order. The time provided for government orders has expired.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

* * *

• (1830)

[*Translation*]

EMPLOYMENT INSURANCE

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, I asked a question of the Minister of Human Resources and Skills Development in the House of Commons on the pilot project involving the five additional weeks to prevent what we call “the gap”. In the spring, seasonal workers are short on income.

I want to thank the Bloc Québécois for the press conference they held today. They brought people from the North Shore, the Coalition des sans-chemise, here to Ottawa. The purpose of the press conference was to call on the government to extend the pilot project, or better yet, make the project permanent.

The pilot project began in June 2004 and we are coming up to June 2006. That makes two years and I think the study is done. It is no longer time to study and keep studying; it is time to act.

At the end of two years of study, compared to what would have been the case without the pilot project, more than 98% of gappers were entitled to the full five weeks of extra benefits. We find this on page 83 of the 2005 Employment Insurance Monitoring and Assessment Report. “The preliminary results of the evaluation indicate that the pilot program potentially eliminated approximately 65% of all income gaps for seasonal claimants who had exhausted their EI benefits”. That is on page 83 of the report.

In the information document from the office of the Minister of Human Resources and Skills Development that I received when I met with her, we read that “roughly 110,000 claimants truly benefited from the additional weeks of benefits”. Without the pilot project they would have exhausted their five weeks of benefits sooner.

In 2004-05, some 22,760 seasonal claimants were gappers in Canada.

I could continue to read the report. However, what I am trying to say to the Minister of Human Resources and Skills Development is that the time to study is over. We absolutely must help people who end up in the employment insurance gap. A study has been done.

You know, the Liberal government—I have quite often used this term not permitted in the House of Commons—took, without asking workers, \$49 billion out of the employment insurance fund. Since 1996, this fund has been the Liberal's cash cow. Now, we hope that the Conservative government will not use employment insurance as the cash cow for balancing its budget and eliminating the deficit, to the detriment of workers. If we want to fix the employment insurance problem, there is only one way to do it, and that is through economic development. We must give individuals the opportunity to work.

I am asking the Minister of Human Resources and Social Development if she will make this decision. On behalf of her government, will she make the decision to add five weeks—and I would like even more—to the number of insurable weeks? We must recognize the seasonal workers of our country, recognize the people who work in the fishing industry. They are not the ones who decide on Friday that there will be no jobs on Monday.

I would like to hear from the parliamentary secretary, the government's representative who is here this evening, what her government will do about these five weeks that can help bridge the gap for seasonal workers in the Atlantic, North Shore, and Gaspé regions and any other areas where there is a need.

[*English*]

Mrs. Lynne Yelich (Parliamentary Secretary to the Minister of Human Resources and Social Development, CPC): Mr. Speaker, I appreciate the member's concerns regarding this issue.

Seasonal industries are an important part of the Canadian economy. Seasonality is a major factor in key Canadian industries such as construction, forestry, agriculture, mining, fisheries and tourism.

The economic importance of seasonal industries goes far beyond their direct impact on GDP and employment figures because of the additional economic activity performed by a range of companies serving them, particularly in rural and remote regions in Canada.

Seasonal workers present unique challenges for individual Canadians. Often these individuals face a limited working season, sporadic work durations and in many rural areas, a lack of off season alternatives.

Seasonal industries, by their very nature, are often vulnerable to factors beyond their control. Global market conditions, diseases, weather and many other variables can create fluctuation in supply and demand for their products as well as operating costs. Given this reality we have to determine how we can best address the needs of seasonal workers and their communities. We have to determine how to offer appropriate support.

In general, EI is serving the needs of seasonal workers well. Seasonal workers represent about 3% of the labour market, but approximately 27% of EI claimants. The average number of weeks of entitlement and benefits received are comparable for seasonal and non-seasonal workers. Seasonal workers also receive a higher average benefit rate than regular claimants. Moreover, an additional \$1 billion annually has been invested since 1996 to address the needs of these workers, including three new pilot projects totalling \$300 million per year just initiated by the previous government.

While a significant number of seasonal workers rarely need support under EI, the combined weeks of work and EI benefits for some seasonal workers are not enough to provide income each week of the year. These workers turn to the program on a regular basis. They experience an income gap when their EI claim runs out before they return to their seasonal job.

We are sensitive to the challenges faced by these workers, particularly so-called seasonal gappers, and the need for employment based long term solutions.

EI pilot projects are allowed under section 109 of the EI act in order for the government to assess the labour market impacts of new approaches to issues that have been identified within the EI program before national and permanent changes are considered.

The increased weeks of EI benefits pilot project was intended to test whether providing additional weeks of EI benefits would help address the annual income gap faced by a subset of EI claimants known as seasonal gappers; would maintain current incentives to work; and have any adverse labour market effects on other EI claimants.

It is important that pilot projects be assessed based on evidence and that consideration be given to the effectiveness and efficiency of these programs.

• (1835)

[Translation]

Mr. Yvon Godin: Mr. Speaker, we are at the stage where we must study, study and study endlessly. The pilot project was implemented two years ago, and people have been waiting two years for the government to tell them finally that it will grant them what they seek.

It is particularly important for these people that 110,000 claimants really benefited from the five weeks. In the latest election, the Conservative Party candidate opposing me talked of wanting the ten best weeks to be taken into account, while I called for it to be the best 12 weeks.

We have a government now that has the opportunity to make changes to employment insurance. We have workers. I call on the Conservative government to change the law, to give these people a program that is theirs and not the federal government's. We are not

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talking about taxes, we are talking about payment from insurance that belongs to workers.

If we do not want people to receive employment insurance benefits, the answer is simple: we must choose to create jobs. We will put our people to work. Our people are strong and therefore will not be EI recipients.

This is the only program I will put in place. A program to get people to work. However, employment insurance cannot be cut in the meantime.

So, I would like the government to put the pilot project in place and make sure that these people get the income they need to feed their families.

• (1840)

[English]

Mrs. Lynne Yelich: Mr. Speaker, I admire my hon. colleague's concern for his constituents. It is important that we do not automatically extend programs without taking a close look at the information available.

I want to make clear that at this point we are carefully examining the issues involved, listening to the views of those concerned. Whatever the decision is with regard to the increased weeks of EI benefits pilot project, the government's long term priority is helping Canadians participate in the labour market. We want to ensure that all Canadians get the best value for their dollars, that any programs we invest in really do help the people who need it.

We want to ensure that we have the proper balance. This is why we are taking the time we need. We need to make an informed decision.

THE ENVIRONMENT

Mr. Lloyd St. Amand (Brant, Lib.): Mr. Speaker, I rise to follow up a question I asked the Prime Minister some weeks ago, a question that was ultimately answered by the Minister of Natural Resources. It is the issue of brownfields and specifically municipally owned brownfield sites.

By way of background, Brantford is a city with a rich, historic industrial base, but as happens on occasion, certain industries have fallen on rough times and have essentially abandoned the city not to be heard from again. These industries have left behind them acres and acres of brownfield sites in Brantford.

One particular site, known municipally as the Greenwich-Mohawk site, consists of approximately 55 acres. This former industrial site has lain dormant for many years. This 55 acre site is in the middle of a residential neighbourhood in close proximity to homes and schools. It consists of the partial remains of unsightly, decrepit, dilapidated buildings, acres of rubble and dangerous contaminated soil.

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The city of Brantford has waited years for a private developer to wave a proverbial magic wand and to invest the minimum \$12 million necessary to clean up or to remediate this site. No such magic wand is likely to be waved as a prudent developer clearly looks first at the greenfield sites.

It is the position of the Liberal Party that the federal government must play a leadership role in order for abandoned brownfield sites in our cities and communities to be cleaned up once and for all. We have called upon the federal government to assist in funding the remediation for this site.

Last year the then minister of finance, under the Liberal government, committed \$12 million for the remediation of the Greenwich-Mohawk site. The election call, however, came before the money could be advanced. The current Prime Minister, obviously aware of the importance to my community of the clean up of that site, made a commitment in January of this year during the election campaign stating, "We'll help you clean up your brownfields".

The opportunities for development on this land are endless. The city of Brantford mayors and councillors have worked tirelessly on developing an extensive remediation and development strategy that would see this site become a wonderful and useful addition to our city. Our local newspaper has played a lead role in keeping this issue on the front burner. However, without the assistance of the federal government in providing the funds necessary for remediation, this site will continue to remain as a scar on the face of our otherwise attractive city.

Simply put, will the Prime Minister live up to the commitment he made to the citizens of Brantford on January 5 and deliver the \$12 million to our city? Will he match the commitment of the previous government?

Mr. Mark Warawa (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, this government has clearly stated its commitment to clean up federal contaminated sites and to encourage the private sector to clean up brownfield sites.

This government's approach to contaminated sites and brownfields is founded on the polluter pays principle. The federal government is applying this principle to itself through a \$3.5 billion program to address federal contaminated sites. There is action under way on hundreds of contaminated sites on federal lands across Canada.

This government will hold federal departments and agencies to their responsibility to protect the environment by identifying, assessing and cleaning up contaminated sites that represent a risk to the environment or to human health.

The federal contaminated sites program also encourages departments to take action on federal brownfield sites. There are opportunities for the federal government to make better use of its urban contaminated properties by cleaning them up so they can better be used and developed.

Federal brownfield sites that meet the risk criteria of the federal program will be treated as a priority for action. The federal government also recognizes the benefits to the Canadian environ-

ment and the economy for cleaning up and redeveloping non-federal brownfield sites.

Perhaps we should be clear on what we mean by brownfield sites. Brownfields are abandoned, vacant or underutilized commercial or industrial properties where past actions have resulted in contamination and where there is an active potential for redevelopment for productive uses.

Returning underutilized urban contaminated sites to economically productive uses has the potential to generate significant public benefits. Economic benefits include both the economic impact of remediation and redevelopment and the longer term benefits of the increased economic activity associated with the end land use.

By returning urban lands to active use, infrastructure expansion costs to communities can be avoided. Quality of life in the community will be improved when redevelopment contributes to revitalization of the urban core. The greatest environmental benefit of brownfield redevelopment results from intensified use of the urban core, such that the increased air pollution and greenhouse gas emissions associated with urban sprawl are avoided. These benefits are increased if the redevelopment incorporates environmentally sustainable features such that the environmental footprint of buildings and operations on the land is reduced.

Sustainable community design incorporates appropriate community and site planning, along with sustainable building and infrastructure design and materials. Energy efficient design, storm water management and water reuse systems as key elements of new developments on brownfield sites will make a positive contribution to community environments.

The redevelopment of brownfields has the potential to provide many community benefits, including an increased supply of affordable housing, improved health and safety of residents, increased economic activity, heritage preservation, and increased tax revenues for all levels of government.

The economic benefits of brownfield remediation and redevelopment include: transformation of a liability into an asset; reduced risk of effects on the environment and human health; creation of employment opportunities, both during the redevelopment process and in the long term; use of existing urban infrastructure such as roads, sewers and utilities, thereby reducing the need for new infrastructure; and the opportunity to utilize well-located properties in a developed area.

• (1845)

Mr. Lloyd St. Amand: Mr. Speaker, while I thank the member opposite for his answer, it was not, with respect, an answer to the specific question. The discussion about federal sites is of no consequence, frankly, vis-à-vis my question. My question is specifically about a particular municipally owned brownfield site in the city of Brantford.

The government seemingly has grasped the benefits of remediating brownfield sites. I agree entirely with the parliamentary secretary's comments about the importance of remediating such sites, but I will ask the question again in as narrow and direct a fashion as I can.

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Yes or no: will the government match the \$12 million commitment that was made by the previous government for the remediation of the Greenwich-Mohawk site in the city of Brantford?

Mr. Mark Warawa: Mr. Speaker, there are several federal initiatives that support remediation and redevelopment of urban brownfield sites.

For example, there are the green municipal funds provided by the Federation of Canadian Municipalities. Brantford is a member of FCM. The FCM provides loans to municipalities for remediation of brownfield sites and is currently funding a number of projects. The FCM has just recently issued another call for proposals to municipalities throughout Canada.

The Canada Mortgage and Housing Corporation is supporting redevelopment of brownfield sites through its residential mortgage insurance program.

The federal government is putting its own house in order with regard to contaminated sites and brownfield sites.

We enthusiastically support others doing the same.

• (1850)

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly this House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24 (1).

(The House adjourned at 6:50 p.m.)

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