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OFFICIAL REPORT
(HANSARD)

Tuesday, June 15, 2010

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Tuesday, June 15, 2010

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

● (1000)

[*English*]

ENDING EARLY RELEASE FOR CRIMINALS AND INCREASING OFFENDER ACCOUNTABILITY ACT

Hon. Vic Toews (Minister of Public Safety, CPC) moved for leave to introduce Bill C-39, An Act to amend the Corrections and Conditional Release Act and to make consequential amendments to other Acts.

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

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DOCUMENTS REGARDING MISSION IN AFGHANISTAN

Hon. Jay Hill (Leader of the Government in the House of Commons, CPC): Mr. Speaker, I will be very brief but I did not want to let this opportunity pass. I apologize to all my colleagues in the other parties for not being able to give notice of this ministerial statement.

I would like to inform you, Mr. Speaker, and all members of Parliament that I am very pleased to announce that there has been an agreement reached after very extensive negotiations over the last number of weeks. We had some 16 meetings with a lot of give and take and good faith on the part of everybody involved in these negotiations.

We have an agreement with three of the parties that were involved in those negotiations that respect not only the Speaker's ruling but also the need to preserve national security. My understanding is that in very short order that agreement will be signed by the Prime Minister and the leaders of the official opposition and the Bloc Québécois. We look forward to moving ahead on this issue of the Afghan documents.

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, I can confirm, as the government House leader has indicated, that an agreement has been arrived at involving the government, the official opposition and the Bloc Québécois.

This has been a very serious and difficult subject for Parliament over the course of the last many months, in fact a period of some two or three years. We are hopeful that the agreement that has been arrived at will bring the matter to a successful conclusion.

However, I need to tell the government that, from the point of view of the official opposition, we will continue to be alert and vigilant in the process. The process depends very much upon the honest behaviour of all parties going forward. We will expect to see that kind of behaviour and will call the government to account based upon the information that will now become available to members of Parliament.

We think the agreement maintains the principle of parliamentary sovereignty, which you described so eloquently, Mr. Speaker, in your ruling in April. It recognizes the right of members of Parliament to know, to have the information and to use that information to hold the government to account. The agreement eliminates any unilateral or arbitrary government control over information and, at the same time, it protects national security. We intend to operate under the terms of this agreement in good faith in pursuit of the public interest, and we expect all other parties to do the same.

I would add one caveat. Now that we have proceeded this far and can take some satisfaction in achieving this agreement, it will be important to get the process going forthwith. Parliament and Canadians have waited a long time for this step to be taken and the time for waiting has passed. We now must see the agreement brought to life immediately following the party leaders signing the documents in the next number of hours.

● (1005)

[*Translation*]

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, after a month of negotiations and concessions by both sides, which is the very essence of any negotiation, as the Leader of the Government in the House of Commons has announced and as you suggested, we have come to an agreement with the Conservative Party and the Liberal Party, which we believe will enable Parliamentarians to access documents, while still protecting, as you said in your ruling the confidentiality of sensitive information and protecting our national security.

The Bloc thinks that this agreement is consistent with your ruling of April 27, 2010, and of the agreement in principle reached by the four parties on May 14, 2010. We must remember that this is a very serious issue, which is to enable Parliament to hold the government accountable on allegations of torture against Afghan detainees. It is a serious problem that required and will require the good faith of all those involved. We think that the agreement we came to this morning shows the good faith of the Liberals and the Conservatives.

We also believe that as a result of this agreement we will have access to the information we need to shed light on these allegations of torture. The Bloc firmly believes that this process will work well. The agreement contains a series of measures, for example, that the special committee of members of Parliament will be able to report back to the House as necessary. I am convinced that this process will enable Parliament to achieve its goal of getting to the bottom of the allegations of torture in Afghanistan. This is good news for democracy.

[*English*]

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I rise today on behalf of the NDP.

Having heard the other parties, I would like to inform you, Mr. Speaker, that we in the NDP participated in this process and attended every meeting. We acted in good faith and put forward proposals on part of the negotiations.

However, Mr. Speaker, today our leader and our caucus came to the understanding that we could not sign this agreement that we heard about this morning because we believe there are significant flaws and problems, to an extent that we cannot sign on to this agreement.

I will say that at all times the NDP advocated a process that would protect legitimate national security concerns and the safety of our troops but we believe the process and the agreement that has been arrived at by the other three parties undermines the right of Parliament to hold the government accountable. That was central to your historic ruling, Mr. Speaker.

The committee that was set up was not even a parliamentary committee that will report back to Parliament. It is clear that there will not be full access to documents. The very fundamental issue of getting at the truth of what happened to the detainees in terms of torture and the Canadian government's involvement in that, we are very concerned that this agreement and this process that has been agreed to will not arrive at that truth. We therefore made a decision today that we could not participate in that agreement.

We will continue to do our work in this House to hold the government to account and to ensure the truth does come out.

Mr. Speaker, I know you are aware that in a short while the member for St. John's East will be rising in the House to present a motion. This will be happening in short order.

● (1010)

MARIHUANA MEDICAL ACCESS REGULATIONS

Mrs. Michelle Simson (Scarborough Southwest, Lib.) moved for leave to introduce Bill C-539, An Act respecting the Marihuana Medical Access Regulations

She said: Mr. Speaker, I thank the member for Brossard—La Prairie for seconding my bill.

I am honoured to stand in the House today and introduce my private member's bill, an act respecting the marijuana medical access regulations. The bill would help ensure that marijuana, which is being produced for medical purposes, is being used only for medical purposes. It would require a background check for all individuals applying to grow medicinal marijuana for their own use, ensure the proposed production site is reasonably accessible by the individual holding the production licence, require an inspection of the production site before the licence can be renewed and require producers to notify other occupants when the production site is in a location with more than one commercial or residential unit.

This legislation would not limit anyone's ability to access medicinal marijuana under the current Health Canada program. It would simply close some loopholes in the production regulations and help prevent abuses in a very important program.

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

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[*Translation*]

HOLIDAYS ACT

Mr. Claude Gravelle (Nickel Belt, NDP) moved for leave to introduce Bill C-540, An Act to amend the Holidays Act and to make consequential amendments to other Acts (St. John the Baptist Day).

He said: Mr. Speaker, it is an honour for me to speak today to introduce a private member's bill entitled An Act to amend the Holidays Act and to make consequential amendments to other Acts (St. John the Baptist Day). This bill aims simply to make St. John the Baptist Day a national Canadian holiday.

As Franco-Ontarians, my family and I have always celebrated this holiday, which is very important to us. Since being elected to Parliament, I have come to realize how important this holiday is for French Canadians across the country, and I cannot imagine a better way to celebrate the rich culture of Quebeckers, Franco-Ontarians, Franco-Manitobans, Franco-Albertans or Acadians than making June 24 a day to celebrate St. John the Baptist Day from one end of the country to the other.

[*English*]

I am pleased that the bill is being seconded by my colleague from Timmins—James Bay.

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

* * *

AIR PASSENGERS' BILL OF RIGHTS

Mr. Jim Maloway (Elmwood—Transcona, NDP) moved for leave to introduce Bill C-541, An Act respecting the rights of air passengers.

He said: Mr. Speaker, I am pleased to introduce Canada's first air passenger bill of rights. The bill relates to laws and regulations already in place in Europe and the United States. This is a newly amended version of Bill C-310 and continues to focus on compensation for overbooked flights, cancelled flights, unreasonable tarmac delays, delayed flights and many other provisions. It would also require all-inclusive pricing, that being the total cost of a trip, and airline advertising.

The new version incorporates amendments suggested by the other parties during the first bill's year-long journey through the debates and committee rooms of Parliament. It now includes the following; it clarifies the process by which the airlines can appeal to the Canadian Transportation Agency to decide whether delays are caused by decisions made by an airport authority or other agencies; and it reduces compensation from the first bill for tarmac delays from $500 to $100 per hour but only up to the ticket price, and for denied boarding and cancelled flights by 50%, to $250, $400 and $600, depending on the length of the flight, and only up to the price of the ticket.

I introduced my first air passengers' bill of rights to Parliament just months before the Obama administration began changing its regulations and fining airlines for what was considered unfair treatment of passengers involving tarmac delays. The American fines now add up to $27,500 per passenger for tarmac delays over three hours, with the money going to the government.

My bill has always been much more moderate in compensation, with the money going to the paying passengers who suffer the inconvenience. The bill is not meant to punish the airline industry but merely to correct bad behaviour. If the airlines follow the rules, they will not have to pay any compensation.

Air Canada and Air Transit are already operating under these kinds of laws for their flights to Europe. Today, Canadian passengers get better treatment when they fly to Europe than when they fly in Canada. Canadians want to know why they should not get first class treatment—

● (1015)

The Speaker: Order. I remind the hon. member that on introduction of bills members are to give a brief summary of the bill. We are going on a little long sometimes on these.

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

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CHRISTIAN ORTHODOX THEOLOGICAL INSTITUTE

Mr. John Cannis (Scarborough Centre, Lib.): Mr. Speaker, there have been discussions among the parties and if you were to seek it, I believe you would find unanimous consent for the following motion. I move:

That the House express its support for the reopening of the Christian Orthodox Theological Institute of Halki which is located in Halki, Turkey, and recognizes the institute as a significant part of the Christian Orthodox faith and world culture.

That is the motion and I seek everyone's support. At the same time, I want to thank our House leader for the great work he has done to bring this forward.

The Speaker: Does the hon. member for Scarborough Centre have the unanimous consent of the House to propose this motion?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

(Motion agreed to)

* * *

PETITIONS

POST-DOCTORAL FELLOWSHIPS

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, I am pleased to present two petitions today. These come mainly from Quebec and Ontario, and relate to the cancelling of the exemption of the post-doctoral fellows which took place in the 2010 budget. I have presented a number of these which represent the frustration of post-doctoral students and many others involved in the research community who fear that without having had discussions with the post-doctoral community that this decision is going to be a disincentive to research in this country.

It does not work well at all with a country that wants to increase its research and innovation, particularly with young researchers. They call upon the government to have some consultation with the Canadian Association of Postdoctoral Scholars before imposing such a punitive measure. I am pleased to present these two petitions today.

[*Translation*]

FORMER ST. VINCENT DE PAUL PENITENTIARY

Mr. Robert Carrier (Alfred-Pellan, BQ): Mr. Speaker, I am pleased to present a petition, signed by 2,813 Laval residents, that calls for the old St. Vincent de Paul penitentiary to be converted to include affordable or social housing and space for community organizations, all in coordination with the Government of Quebec and the City of Laval. This penitentiary is in my riding and has been closed for 21 years. That is the petition I am presenting today.

[*English*]

ARTS AND CULTURE

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I am pleased to table two petitions today signed by almost 80 folks who live in the area of Brandon, Manitoba, who continue to be concerned about the freedom of expression and the creative process with regard to arts and culture in Canada. They are very concerned that government support for the cultural sector, including film and video production, be objective, transparent and must respect the freedom of expression.

They note that no government official, no cabinet minister, should have the ability to make subjective judgments about artistic content that would limit the freedom of expression and they oppose that kind of censorship. They call on the government to have in place objective and transparent guidelines that respect freedom of expression when delivering any program intended to support film and video production in Canada.

● (1020)

PUBLIC TRANSIT SAFETY

Mr. John Duncan (Vancouver Island North, CPC): Mr. Speaker, I have a petition signed by 45 British Columbians who are extremely concerned with the increase in violent assaults against public transit, school bus, para transit, and intercity bus workers across Canada. The petitioners request the Minister of Justice and Attorney General of Canada to amend the Criminal Code to recognize the growing incidence of violence against these same operators affecting their safety and that of the travelling public in Canada in the same fashion that peace officers are recognized in the Criminal Code.

THE ENVIRONMENT

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, I rise to table petitions from citizens across the Prairies, from places like Indian Head, Fort Qu'Appelle, Regina, Saskatoon and Outlook, Saskatchewan and Sturgeon County, High Prairie, Deadwood, Edmonton, Red Deer and Peace River, Alberta, to name only a few,

The petitioners are calling upon this House to enact a Canadian environmental bill of rights because Canadians recognize that protection of the environment is critical to the long-term health of their communities. They wish broader rights to participate in environmental decision-making and the opportunity to hold the government accountable for enforcing the laws for their protection.

ASBESTOS

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I rise to present a petition from thousands of Canadians across Canada who point out to the House that asbestos is the greatest industrial killer that the world has ever known. More Canadians now die from asbestos than all other industrial causes combined and yet, they point out that Canada continues to spend millions of dollars subsidizing the asbestos industry and also blocking international efforts to curb its us.

Therefore, these petitioners call upon the government to ban asbestos, in all of its forms, and institute a just transition program for the asbestos workers and the communities they live in, and end all government subsidies of asbestos, both in Canada and abroad.

They also call upon the government to stop blocking international health and safety conventions designed to protect workers from asbestos, such as the Rotterdam convention.

CAFFEINATED BEVERAGES

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I have two petitions to present today.

The first petition is signed by dozens of Canadians who are opposed to Health Canada's authorization of caffeine in all soft drinks. Health Canada announced, on March 19, that beverage companies will now be allowed to add up to 75% of the caffeine allowed in the most highly caffeinated colas to all soft drinks.

Soft drinks have been designed and marketed for years toward children and Canadians are already concerned over children drinking coffee and colas, as they acknowledge caffeine is an addictive stimulant. It is difficult enough for parents to control the amount of sugar, artificial sweeteners and other additives that their children consume, including caffeine from colas.

Therefore, the petitioners call upon the Government of Canada to reverse Health Canada's new rule allowing caffeine in all soft drinks and not to follow the deregulation policies of the United States and other countries at the sacrifice of the health of Canadian children and pregnant women.

EARTHQUAKE IN CHILE

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, the second petition is signed by dozens of Canadians who call on the Canadian government to match funds personally donated by the citizens of Canada for the victims of the earthquake in Chile.

ELIMINATING ENTITLEMENTS FOR PRISONERS

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I am tabling a petition today on behalf of residents of Abbotsford, Aldergrove, and Chilliwack, British Columbia, residents of the federal ridings of Langley, Abbotsford, and Chilliwack—Fraser Canyon.

The petitioners are concerned about the fact that mass murderer Clifford Olson does have access to old age security and the guaranteed income supplement. They are asking the House of Commons and the Government of Canada to pass my Motion No. 507, which requests that the government prohibit the payment of old age security and guaranteed income supplement payments to individuals serving life sentences for multiple murders and allocate the proceeds to a victims' compensation fund, administered by the provinces.

The residents of these three Fraser Valley ridings are obviously very concerned about the fact that the government has not taken action in this regard. Very clearly, they want to see an increase in victims' compensation. That is something that in this corner of the House, in the NDP caucus, we have been very strong on pushing the government to do the right thing and allocate increased victims' compensation, providing support for those victims of crimes of violence.

* * *

● (1025)

QUESTIONS ON THE ORDER PAPER

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, the following question will be answered today: No. 229.

[*Text*]

Question No. 229—**Ms. Meili Faille**:

> Regarding the Integrated Relocation Program (IRP) and the reimbursement of excess broker fees paid by federal employees: (*a*) how many National Defence employees were reimbursed by the Royal LePage Relocation Services contractor; (*b*) what is the total dollar amount that was reimbursed; and (*c*) what methods were used to contact employees who were likely to have overpaid broker fees to the contractor or third-party IRP suppliers?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, the department has interpreted "excess broker fees" to mean property management fees that were paid by Canadian Forces members which should have been borne by the contractor, Royal Lepage Relocation Services.

In response to a) There were 151 Canadian Forces personnel identified as being eligible for reimbursement of property management fees. Almost all have been reimbursed for their expenditures. Fewer than ten individuals have not received their reimbursement due to changes to addresses and phone numbers. The department is still working to contact them.

In response to b) The approximate dollar value reimbursed by Royal Lepage Relocation Services was $137,000.

In response to c) A general message was sent to all Canadian Forces personnel, inviting those who had paid property management fees to self-identify. A review of files was also undertaken to determine and contact eligible personnel.

* * *

[*English*]

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, if Question No. 228 could be made an order for return, this return would be tabled immediately.

The Speaker: Is that agreed?

Some hon. members: Agreed.

[*Text*]

Question No. 228—**Ms. Meili Faille**:

> With regard to the Integrated Relocation Program (IRP), the contract for which was awarded to Royal Lepage Relocation Services since 1999 and Brookfield Relocation Services in 2009: (*a*) how many quarterly reports has the contractor submitted to the Treasury Board of Canada Secretariat, the Department of Public Works and Government Services (PWGSC) or any other department since the program was first implemented in 1999; (*b*) for each of the following periods, did the contractor produce a quarterly report detailing the breakdown of real estate transactions for each agency, were the reports submitted to the Treasury Board Secretariat, PWGSC or any other department, and what is the number of relocations of federal public servants, (i) April 1, 1999 to June 30, 1999, (ii) July 1, 1999 to September 30, 1999, (iii) October 1, 1999 to December 31, 1999, (iv) January 1, 2000 to March 31, 2000, (v) April 1, 2000 to June 30, 2000, (vi) July 1, 2000 to September 30, 2000, (vii) October 1, 2000 to December 31, 2000, (viii) January 1, 2001 to March 31, 2001, (ix) April 1, 2001 to June 30, 2001, (x) July 1, 2001 to September 30, 2001, (xi) October 1, 2001 to December 31, 2001, (xii) January 1, 2002 to March 31, 2002, (xiii) April 1, 2002 to June 30, 2002, (xiv) July 1, 2002 to September 30, 2002, (xv) October 1, 2002 to December 31, 2002, (xvi) January 1, 2003 to March 31, 2003, (xvii) April 1, 2003 to June 30, 2003, (xviii) July 1, 2003 to September 30, 2003, (xix) October 1, 2003 to December 31, 2003, (xx) January 1, 2004 to March 31, 2004, (xxi) April 1, 2004 to June 30, 2004, (xxii) July 1, 2004 to September 30, 2004, (xxiii) October 1, 2004 to December 31, 2004, (xxiv) January 1, 2005 to March 31, 2005, (xxv) April 1, 2005 to June 30, 2005, (xxvi) July 1, 2005 to September 30, 2005, (xxvii) October 1, 2005 to December 31, 2005, (xxviii) January 1, 2006 to March 31, 2006, (xxix) April 1, 2006 to June 30, 2006, (xxx) July 1, 2006 to September 30, 2006, (xxxi) October 1, 2006 to December 31, 2006, (xxxii) January 1, 2007 to March 31, 2007, (xxxiii) April 1, 2007 to June 30, 2007, (xxxiv) July 1, 2007 to September 30, 2007, (xxxv) October 1, 2007 to December 31, 2007, (xxxvi) January 1, 2008 to March 31, 2008, (xxxvii) April 1, 2008 to June 30, 2008, (xxxviii) July 1, 2008 to September 30, 2008, (xxxix) October 1, 2008 to December 31, 2008, (xl) January 1, 2009 to March 31, 2009, (xli) April 1, 2009 to June 30, 2009, (xlii) July 1, 2009 to September 30, 2009, (xliii) October 1, 2009 to December 31, 2009, (xliv) January 1, 2010 to March 31, 2010; (*c*) on what dates did the Treasury Board Secretariat, PWGSC, the Department of National Defence and the Royal Canadian Mounted Police conduct verifications to ensure that the contractor had distributed the "federal public servants to be relocated" equally among all the third-party suppliers; (*d*) which agencies are on the list of third-party suppliers participating in the IRP and what is the breakdown of real estate transactions for each agency; (*e*) what is the rate for real estate commissions; (*f*) what is the name of the departmental official or project officer who manages the files submitted by the contractor and how can this person be reached; (*g*) on what dates were the audits and verifications of the IRP carried out, were they carried out internally or externally, and who is the person or contractor responsible for carrying them out; (*h*) what information is contained in a standard invoice submitted by the contractor and under what headings would details on additional costs be found; (*i*) who within PWGSC is responsible for checking each invoice submitted by the contractor and monitoring the contract to ensure the contractor complies with all clauses therein; and (*j*) how much has the government saved to date through the IRP and how is this amount calculated?

(Return tabled)

[*English*]

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

The Speaker: I wish to inform the House that because of the ministerial statement, government orders will be extended by eight minutes.

PRIVILEGE

PROVISION OF INFORMATION TO SPECIAL COMMITTEE ON THE CANADIAN MISSION IN AFGHANISTAN

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, I rise today on a question of privilege in response to your ruling of April 27 regarding the decision and the question of privilege raised by me with respect to making available to members of Parliament and to Parliament itself the unredacted documents related to the Afghan detainee issue.

I wish to inform you, Mr. Speaker, that despite extensive negotiations and discussions over the last several weeks, as you suggested, there is no resolution to this issue with respect to the four parties sitting in the House. I wish to advise you of the concerns that we in the NDP have raised throughout these proceedings and wish to put on the record today.

Fundamental to your ruling, Mr. Speaker, was that parliamentarians would have access to unredacted documents as requested by the House order in December of last year. Three of the parties in the House have decided to reach an agreement for a process, but that does not include access to unredacted documents as outlined in your ruling.

There is a class of documents, which the government has the ultimate and unilateral right to indicate as being matters of cabinet confidence or matters of solicitor-client privilege. These documents will not go to the committee that has been proposed, so the committee will not see them. These documents will go to a panel of jurists who will decide whether or not they are indeed matters that are considered cabinet confidence or solicitor-client privilege, in which case they will not be seen by parliamentarians.

Fundamental to your ruling, Mr. Speaker, is that Parliament, in exercising its right to hold government to account, would have access to these documents. Fundamental to holding government to account is the ability to answer the questions: What did the government know? What advice did it receive? What decisions did it take in response to that advice and information? None of that information will be available to members of Parliament.

The process that appears to have been agreed to is that one member of Parliament from each party would sit on the committee, but the second fundamental problem with the process is that the committee is designated as that of a committee external to the House of Commons. In other words, it would not be a House of Commons committee charged with holding the government to account. The people on the committee are members of Parliament, but the committee is designated as being external to Parliament. It would not report to Parliament. It would not report to you as Speaker. It is not in keeping with the traditions of Parliament itself of holding the government to account.

This committee will not be able to make reports on any substantive matters that obviously holding the government to account involves and will really be a vetting committee that cannot reach any conclusions whatsoever. It will merely report on procedures and any methodology that it wishes, but there is no mechanism for reporting to Parliament or to you as Speaker.

This disrespects Parliament. It disrespects the role of parliamentarians in holding the government to account by instead substituting a judicial role to look at the documents and make decisions about them.

We advocated during this process that there was a need, if we were going to have a proper process, for a committee of parliamentarians to have access to staff. It is a very simple matter. We are talking about thousands of documents, some have suggested even hundreds of thousands of documents. But the constraints put on this process include: no support from any staff; no ability to bring any notes into any meeting; no ability to bring any notes out of any meeting; or as we suggested, experts in this area, such as special advocates who are already designated with the secret classification and are experts in arguing before courts, particularly the Federal Court, as to the whole process of balancing the need for disclosure with the claims of confidentiality.

In fact, there is no balancing process in the process that has been set out. It is only a question of whether a matter is a national security issue or not, not whether it should be disclosed despite the fact that it may have national security implications.

● (1030)

We see as well in the issue of cabinet confidence or the solicitor-client privilege category that once again, the decision is not whether something ought to be disclosed, despite the fact that it may come under that category, but the issue is whether it is or is not a matter of cabinet confidence. If it is a matter of cabinet confidence, it will not be disclosed even for parliamentarians who are given the job of playing the role of Parliament in holding the government to account which they will not be able to do.

We had certain other issues with respect to how the committee was established. We also had issues that were matters of procedure that were very important to us. However, the fundamentals are what I have stated. What we see in fact is a group of parties that has reached this agreement and is looking desperately for an agreement, even though it significantly interferes and undermines the historic ruling by you on April 27.

This ad hoc committee, even though it is external to the House of Commons, will be covered by the in camera rules and will not be allowed to discuss what goes on nor complain about matters of substance. We find this to be unacceptable.

Mr. Speaker, in light of all of the above, and the fact that we do not have an agreement as you provided for in your ruling of April 27, I am asking you today to indicate to us, as you said in your ruling, “if in two weeks' time, the matter is still not resolved, the Chair will return to make a statement on the motion that will be allowed in the circumstances”.

In these circumstances where there is no agreement or resolution by the four parties in this House, I am prepared to move a motion that would incorporate the matters that were proposed by us, in keeping with your ruling, which is a different memorandum of understanding than the one which I think you will see later today which provides for the protection of national security, provides for ensuring confidentiality, provides for an oath to be taken by members of the committee, provides for proper reporting to you as Speaker and to the House, and provides for access to all unredacted documents.

These are missing from the agreement that appears to have been entered into by the Conservatives, the Liberals and the Bloc, but we are not prepared to enter into such an agreement. We are not prepared to ask our leader to sign such an agreement. We would like you to advise what motion you would consider appropriate in these circumstances.

As I have indicated, I am prepared to move a motion that would set out a memorandum of understanding or a process whereby the committee of parliamentarians could have access to these documents with the kind of support that is required and with the full access to the documents as outlined in your historic ruling to Parliament, which we believe has been significantly watered down by the government and agreed to by two of the opposition parties.

● (1035)

Hon. Jay Hill (Leader of the Government in the House of Commons, CPC): Mr. Speaker, I will try to be brief in respect of the fact that I had already risen earlier this morning during ministerial statements to announce to colleagues in all parties that we have reached agreement with three of the four parties represented in the House of Commons.

I want to congratulate the members of the negotiating teams from the official opposition, the Liberal Party of Canada and the Bloc Québécois for some tough negotiations that took place over the past weeks. As I noted during my brief ministerial statement, there were some 16 meetings, most of them at least an hour in length. We spent a considerable amount of time.

I made the comment at this morning's meeting that indeed my sense was, as is the case in most negotiations among hon. members and political parties in trying to resolve outstanding differences of opinion, that in the end the agreement reached reflects the fact that everyone there had to put some water in their wine, as they say, about these types of negotiations. I felt, at least on the part of the parties that arrived at the decision, that they were comfortable in recommending to their leaders that they sign the agreement that will get this committee of members of Parliament up and operating, as the official opposition House leader said, as soon as possible to address these outstanding issues. That is good news.

As I said, it reflects not only the intent and substance of your ruling, Mr. Speaker, but also the needs of the government to ensure that the issues of national security, international relationships with our allies and the protection of information that could be damaging and indeed put members of our Canadian Forces at risk, are respected. It respects all of those things. That is why those negotiations were lengthy and involved, but they were always conducted with the utmost respect among all of the parties.

Mr. Speaker, in addressing this question of privilege, I would draw to your attention that it was certainly the government's hope all along and that of the people we had at the table that we could arrive at an agreement that would encompass all members of Parliament and all political parties in this chamber. Unfortunately, that has not proven to be the case.

However, three parties have indicated that their leaders have agreed to sign this agreement and get the process under way. It respects your ruling and represents the vast majority of members of Parliament in this chamber. As I said, it is unfortunate and I am disappointed that we could not include the New Democratic Party, but that was its choice.

I would point out as well that following this morning's meeting, we were apprised that the New Democratic Party, as it has done once or twice in the past, had already called ahead of time to organize a scrum before the meeting was even adjourned. It really calls into question whether the NDP members were negotiating in good faith this morning. I also find it unfortunate that the NDP chose to go down that path.

● (1040)

I do believe that the members of Parliament who will be tasked with working their way through all of the thousands of pages of documents, both redacted and unredacted, in being able to see all of the documents and the information that will be available, are going to get at the truth despite what the NDP is saying. That is certainly the hope of the government and, we believe, that of the ad hoc committee of members of Parliament.

The member for the New Democratic Party indicated that there would not be a provision for reporting. This was another instance and there were so many I could not possibly remember over the course of the 16 meetings how many different issues were dealt with from each of the parties bringing forward at times conflicting positions on different clauses of the agreement. However, this particular provision had been debated and discussed for some time. There is provision in the memorandum of understanding that will guide the work of this ad hoc MP committee, and the committee does have the means to make interim reports, if indeed that is the case.

Those reports will be as to whether the committee thinks the process is proceeding and whether there is any obstruction, that type of thing. Obviously those reports will have to respect the oath that each of those members of Parliament will take to ensure the security and, as I said earlier, the safety of our men and women in uniform and to ensure that information that must remain secure does in fact remain secure.

The members of the committee will see it. They will have the opportunity to report as to whether they believe they are getting all the relevant information as per your ruling, Mr. Speaker.

Mr. Speaker, I trust that you will understand, as you clearly do, that following these very extensive time-consuming negotiations, we have arrived at an agreement between ourselves, as the Government of Canada, the Conservative Party, the Liberal Party and the Bloc Québécois. We have arrived at this place in our nation's history.

I think what we are doing is precedent setting, and we were all seized with that. We were certainly constantly reminded, as we worked through these negotiations, of your suggestion that the Parliament of Canada has been confronted with this type of dilemma in the past and has always managed to work through it. That is what we endeavoured to do, and I think that is what we arrived at this morning in the agreement of the three parties.

Mr. Speaker, I hope that in considering this question of privilege you will take all of these points into account, as I am sure you will.

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, I am thankful for the opportunity to address the issue that is now before the House. Once again, it is the topic of the treatment of detainees in Afghanistan and the need for Parliament and Canadians to have the appropriate information so that in grappling with this issue, the government can be held to account.

These are, of course, very tough and serious issues of enormous gravity. They have to do with Canada's reputation in the world. They also have to do with the proper functioning of our parliamentary democratic system. The government maintained for a considerable length of time that the government, and only the government, would make a decision about the availability of documents and the use of information.

That was a position maintained by the government not just for a matter of weeks or months, but indeed, for a matter of years. The government would make available to the public or Parliament only that information it felt inclined to make available. We objected to that position. We thought it was unilateral, arbitrary, and in fact, contrary to parliamentary tradition.

The embodiment of that objection on the part of the official opposition came last December in a motion put before the House by the hon. member for Vancouver South, who is our defence critic. In that motion he enumerated a long list of documents that he thought, and we thought, were relevant to the issue of the treatment of detainees in Afghanistan. We called upon the government to produce that information.

The government said no. In the course of the debate, its position was that it would maintain unilateral control over that information. The House decided otherwise. That motion put forward by the member for Vancouver South was, in fact, adopted. All of us then waited anxiously for the production of the information. We waited through the rest of December, January, February, March, and into April.

Mr. Speaker, in April, you entertained a number of questions of privilege about whether the government had in any way honoured the order the House had made in December. That series of questions of privilege resulted in your ruling on April 27, when, in very eloquent terms, you indicated that Parliament did have the right to information.

You indicated, at the same time, that there were sensitivities around issues related to national defence, national security, and international relations and that the House leaders and parliamentary critics should get together and arrive at a process to make information available to members of Parliament and Canadians for the purpose of holding the government to account and to do so in a way that would not imperil national security, national defence, or international relations.

Accordingly, for some weeks now, since April 27, MPs have been at work on the task of finding the mechanism to make the information available in such a way that national security and other matters will not be improperly violated. We have arrived at a process. That process involves the government, the official opposition, and the Bloc Québécois opposition.

The process provides for a committee of members of Parliament to be established, a small committee, made up of one member from each party involved in this process. An alternate can stand in for that one member when circumstances warrant. That small group of MPs will be provided with all of the documents mentioned in the motion by the member for Vancouver South.

● (1045)

They will see all of those documents in both redacted and unredacted form. Those members of Parliament will then make a decision as to whether there is information in the documents that is relevant to the question MPs are pursuing that has to do with Afghan detainees, and whether that information is necessary for the purpose of holding the government to account.

If the MPs decide that the information is relevant and necessary, they can call upon a panel of expert arbiters, people of the most superior calibre and professionalism, eminent jurists who have expertise in these matters, to determine how the relevant and necessary information will be put into the public domain, for the purpose of holding the government to account, without treading on matters of national security. It may be some system of redaction. It may be written summaries of the materials. We sift out what is relevant and leave behind the issues that bear upon national security. It will be up to that panel of experts to decide on the methodology.

What is critical is that the panel of experts is not a government entity. It is not an arm of the government. It is to be selected by all of the parties participating in this process. In other words, all of the parties have a veto over who will be on the panel of arbiters.

In the first instance, the government has surrendered its unilateral authority to say what is relevant and what is necessary to the ad hoc committee of MPs. If there is an issue of national security involved, the decision will not be made by the government unilaterally and arbitrarily. It will be made by the panel of arbiters. The parties involved in this agreement will select the panel of arbiters together so that it is not unilaterally or arbitrarily an arm of the government.

If there are matters about which the government makes the claim that there is some cabinet confidence involved or some solicitor-client privilege involved, it is free to make that claim. However, it is not free to make the decision about whether there is a question of solicitor-client privilege or cabinet confidence involved. Again, the panel of arbiters will decide that. Only if the panel of arbiters agrees will the government's position with respect to those two matters be sustained.

Instead of unilateral, absolute control over information, which was the government's original position, the state of play today is that Parliament has taken charge of the process. I believe that it has taken charge of the process in a manner that is consistent with the order made by the House last December 10. It is consistent with the ruling you made, Mr. Speaker, in very eloquent terms, on April 27. It is consistent with the agreement in principle we reported back to the House on May 14. We have now translated that agreement in principle into a memorandum of understanding.

Let me make two further points. We expect the government to proceed to implement this memorandum of understanding in good faith. If it does, and that will be our expectation, and our members will be vigilant to ensure that this is, in fact, the case, then the process, as has been contemplated by the discussions over the last several weeks, will go forward successfully.

● (1050)

If there is any reason to believe that there is some lack of good faith, if the government is not producing the information in a timely way, if it is making extravagant claims about solicitor-client privilege or cabinet confidence and so forth, then the ad hoc committee of MPs has two further recourses.

First, if the government's behaviour seems to be inconsistent with the spirit of this agreement, the committee can report that lack of good faith publicly to you, to the House, and to the Canadian people.

The terms with respect to confidentiality and ongoing non-disclosure apply only to issues that bear upon national security or that, in these extraordinary circumstances, touch upon questions of solicitor-client privilege or cabinet confidence. The MPs are perfectly at liberty to report whenever they want if they think that the procedure of the government is illegitimate or untoward or is in some way designed to subvert the process. There is an ongoing right to report.

Second, if the government's behaviour is truly egregious, the opposition parties are perfectly at liberty to walk away from the whole process. They can come back to you and the House to report that bad faith, as they see it, and to call upon you to renew the question of privilege, because it has not been respected in those circumstances, as was contemplated in your ruling of April 27.

All of us are moving here on uncharted ground. There is no real precedent for what we are trying to accomplish here. It is important for this process to move forward and for us to make progress. We think that the agreement in principle, which has now been translated into a memorandum of understanding that will be signed in the next day or two by three of the four party leaders, moves the yardstick forward. In making available the information that members of Parliament need to hold the government to account, the process takes a thorny situation and makes it more transparent and more accessible. It represents movement. When we compare it to where the government was in December of last year, it is very significant movement forward.

Whether it will be successful, only time will tell. All of the MPs who participated in this exercise need to continue to be vigilant and aggressive in their vigilance to make sure that the spirit and the letter of your ruling of April 27 is, in fact, honoured. However, we think that on the basis of what is available to us today, we can begin the process and make that further progress.

I would conclude with this point. It is incumbent upon the government, as well as on the official opposition and the BQ opposition, to take steps immediately, as of today and tomorrow, to get this ad hoc committee of members of Parliament in place to make sure that it can begin its work forthwith. Canadians have been waiting at least since December 10 of last year, and in reality longer than that, to get this show on the road. It will be some demonstration of genuine good faith on the part of the government if it co-operates now, in the days immediately ahead, with the official opposition and the BQ opposition to make sure that this process comes to life, that the committees are put into place, and that the process of actually reviewing the documents gets under way without further delay.

● (1055)

[*Translation*]

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, I will be brief, because my two colleagues have presented a number of arguments against finding a prima facie case of privilege.

It is important to point out that we feel the agreement we reached this morning complies fully with your April 27 ruling, in which you recognized that parliamentarians should have access to all the information and documentation, provided that national security was not threatened.

From the outset, all the parties in the House knew they had to find a way to make the information available and public in order to shed light on the allegations of Afghan torture. All the parties were also aware that not all the documentation would be available to everyone at all times.

The government responded to the ruling by first setting up a committee consisting of one member per party—now one member per signing party—to study all 20,000 to 40,000 pages of documentation. As soon as one member—not the majority of members—feels that the information in a document could shed light on the allegations of torture, he forwards it to a panel of three experts chosen by consensus by all the political parties.

This means that no one representative or expert arbiter will support the government, the Liberal Party or the Bloc Québécois. The three parties will have to trust these experts. This three-person panel will find a way to make the information public and will censor it again if the government has been too heavy with its pen or summarize the facts and the situation.

What is important is that the information be passed on as soon as one of the members or the whole committee feels it could shed light on the allegations of torture in Afghanistan. This information will be made available; it will be made public. We also made sure that when the committee of MPs and the expert panel have reviewed the documentation, the information will be made public and tabled in Parliament.

In the end, the confidentiality of cabinet documents and the issue of solicitor-client privilege and legal opinions were sticking points. We managed to find a way to ensure that the information in these documents would also be released to the public and all members. We agreed on a mechanism whereby an expert panel will determine the validity of the government's request to keep a cabinet document or legal opinion confidential. We need to remember that such documents usually remain secret for at least 25 years.

Mr. Speaker, based on your ruling, we found a mechanism to ensure the transmission of the information. In all cases, the panel will have to transmit the information in the documents while respecting confidentiality and solicitor-client privilege. At the end of that particular paragraph, it is written that maximizing disclosure and transparency are the principles that must guide the expert panel in its decisions.

Mr. Speaker, it is clear that this agreement is a balanced and creative response to your April 27 ruling. To my knowledge—and I believe that other party leaders have mentioned this—this is the first time such a mechanism has been used. The parties that participated in developing this agreement are to be congratulated.

The other factor that seems extremely important to me is the fact that the ad hoc committee can report to the House at any time. If the government or one of the parties attempts to interfere with the work of the committee or the panel, you and the House will know about it.

● (1100)

I believe that this puts pressure on all parliamentarians, not just the government, to ensure that this agreement produces the outcomes identified in your ruling.

Lastly, I would note that the four parties reached an agreement in principle on May 14. We can review all of the points in the agreement in principle and look at how this morning's agreement addresses each of those points. The agreement in principle is honoured, bearing in mind that you called for a balance between national security and ensuring that parliamentarians have access to all of the documents.

In conclusion, until proven otherwise, the future rests on the members of the committee, on the selection of the three experts, and on beginning the process of sifting through the documents to find the truth. That is the ultimate goal of the process initiated on December 10 when the Liberal Party motion was adopted.

[*English*]

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, in your examination of this motion that is being proposed today by the member for St. John's East and in considering the agreement that you will see later, it is important to look at the difference between the agreement in principle that was reached by all parties in the House on May 14 and the agreement that will be before you today. Our opinion is that there is a clear departure from where your ruling started, the agreement in principle and where we are at today in terms of how these documents are to be treated and what process is used. I think that is a key point.

Mr. Speaker, I also want to draw to your attention and to make it clear that in our motion that is being proposed here it is very clear that if the government does not comply in giving access to all documents, as outlined in our motion and the memorandum of understanding, there is a provision in our motion for the House then to follow up with a motion of contempt, so that rather than going back to the beginning with a question of privilege, it would immediately flow in terms of going to a question of contempt.

Mr. Speaker, I wanted to make that clear as you consider this matter and all of the factors that are involved. We understand that it is a very important decision but your ruling did talk about the need for all parties and all leaders to arrive at an agreement and that has not been the case. It is important that you look at what has transpired here, from the agreement in principle to the details that we are now at, and whether it does indeed meet the intent and the substance of the ruling that you made. In our opinion, it does not.

● (1105)

[*Translation*]

The Speaker: I would like to thank the hon. members for their interventions on this point. I would like to thank the Leader of the Government in the House of Commons. I thank the hon. member for St. John's East for his question and I also thank the hon. members for Joliette and Wascana.

[*English*]

I will review the submissions that have been made and return to the House with a decision on this matter shortly.

GOVERNMENT ORDERS

[*English*]

PROTECTING VICTIMS FROM SEX OFFENDERS ACT

The House resumed from June 14 consideration of the motion that Bill S-2, An Act to amend the Criminal Code and other Acts, be read the second time and referred to a committee.

The Speaker: When the bill was last before the House, the hon. member for Elmwood—Transcona had the floor. There are nine minutes remaining in the time allotted for his remarks. I therefore call upon the hon. member for Elmwood—Transcona.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I am pleased to be back speaking to the bill today which, as I indicated yesterday, was Bill C-34 and is now Bill S-2, an act to amend the Criminal Code and other acts. Several acts are being amended by virtue of this legislation.

This enactment amends: the Criminal Code, the Sex Offender Information Regulation Act and the National Defence Act to enhance police investigation of crimes of a sexual nature and allow police services to use the national database proactively to prevent crimes of a sexual nature. It also amends the Criminal Code, the International Transfer of Offenders Act to require sex offenders arriving in Canada to comply with the Sex Offender Information Registration Act. It also amends the Criminal Code to provide that sex offenders who are subject to a mandatory requirement to comply with the Sex Offender Information Registration Act are also subject to a mandatory requirement to provide a sample for forensic DNA analysis. It also amends the National Defence Act to reflect the amendments to the Criminal Code relating to the registration of sex offenders.

The government has given it a slightly different title. It is calling it the protecting victims from sex offenders act. It has done that with a number of its crime bills.

As I have indicated, the more important legislation that is being amended is the Sex Offender Information Registration Act as well as the DNA data bank.

I will start with the Sex Offender Information Registration Act which came into effect on December 15, 2004, and established a national sex offender database that contains information on convicted sex offenders.

The purpose and principle of the act is to help police services investigate crimes of a sexual nature by requiring the registration of certain information relating to sex offenders. Information such as addresses, telephone numbers, offences, the aliases they may have used, identifying marks, places of employment, tattoos and when they leave their place of residence is all included in the national database.

The registry works to enhance public protection by helping police identify possible suspects known to be near the offence site. The above noted purpose of the registry is to be achieved in accordance with the following principles: first, in the interest of protecting society through the effective investigation of crimes of a sexual nature, police services must have rapid access to certain information relating to sex offenders; and second, the collection and registration of accurate information on an ongoing basis is the most effective way of ensuring that such information is current and reliable.

Police officers appearing before the committee during the review explained that time was of the essence in investigating crimes of all types but no more so than with crimes of a sexual nature, particularly in the case where a child has been kidnapped. During their appearance, the committee was told that in cases where children are kidnapped and murdered 44% were dead within an hour of the kidnapping, 74% were dead within three hours and 91% were dead within 24 hours. We can see that time is absolutely crucial and vital in such cases. We can see that the need to have an extremely quick ability for our police forces to access a data bank of known sexual offenders is critical, particularly in cases where children are involved.

The national sex offender registry is administered and maintained by the RCMP on a national basis and, upon conviction of a designated sexual offence that is enumerated by the act, which is a long list of offences, in one category the Crown may make an application for an order. There is another category of offences under the Criminal Code that are not sexual in nature per se but they may have a sexual component, for example, break and enter. Break and enter is normally not a crime of a sexual nature but if a person is breaking and entering for the purpose of committing a sexual assault, then that second group provides a type of offence that registration may be applied for.

● (1110)

Currently, the Crown may make application upon conviction for an order requiring the sexual offender to register within the database. Such an order is to be made as soon as possible after sentence is imposed for a designated offence or after the court renders a verdict of not criminally responsible for such an offence on account of a mental disorder. For certain designated offences, the court shall make the order when the Crown has proved beyond a reasonable doubt that the act was committed with the intent to commit one of the designated sexual offences.

The Criminal Code also requires the court to give reasons for making or refusing an order to register. Currently, there is no automatic registration of offenders upon conviction. Rather, it is left to the discretion of the prosecution and the court to grant such an order. Of course, there is a reverse onus on the accused.

Now a prosecutor has the discretion to make an application and such an application is routinely granted unless the accused meets a very high test of showing why that order ought not be granted. Depending on the offence for which an offender is convicted, he or she must be registered for one of the following three periods: one, a minimum of 10 years for summary conviction offences; two, 20 years for offences where the maximum term is 10 to 14 years; and, three, life for offences for which the maximum term is life itself.

In terms of reporting obligations, if sexual offenders are the subject of an order, they have to register with the police within 15 days after such an order, with a wide variety of information, such as their address, place of work, if they are leaving their domicile for more than 15 days, identifying marks and tattoos, or aliases. If any of those factors are changed, they must be indicated to the local police force very quickly.

These orders, quite properly, are very serious. They impose serious incursions on a person's liberty for a long time, as they properly should. It is important to note that the preamble and purpose of the statute as it is presently written make it abundantly clear that the purpose of the act is to help police investigate crimes of a sexual nature. This means that prior to searching the database, police must have reasonable grounds to believe that a crime has been committed and that it is of a sexual nature.

Police officers have said that this is too rigid a test, particularly in the case of an abducted child. When a child has been reported missing, they may have reasonable grounds to believe that a crime has been committed, but they may not have the basis to suspect that it is of a sexual nature. We think it is reasonable to expand that purpose so the police can have quicker access, do not have to satisfy this rigid test and have access to the registry quickly.

In addition, police officers have said they require a subject vehicle's information, which is another current deficiency of the act. By the way, that is being included in Bill S-2 as a result of the NDP at committee. Presently, an offender under such an order does not have to indicate vehicle registration. We think it is important the amendment be made to make the act clear because very often sex offenders are spotted in cars near schools or other areas where there might be vulnerable citizens. It is important that police know to whom a vehicle is registered in order for a rapid response.

● (1115)

Mr. Pat Martin (Winnipeg Centre, NDP): Madam Speaker, let me say at the outset that the member's speech is the type of speech in the House of Commons from which we can all benefit. It was a very serious treatment of a very serious issue. His speech has elevated the calibre of the debate in the House of Commons. It was factual, poignant and fitting of the serious subject matter we are dealing with. I think we could all take a lesson from the quality and the calibre of the speeches that my colleague from Elmwood—Transcona regularly, in fact constantly, gives in the House of Commons.

There is one thing on which I would like the member's views, and perhaps he could elaborate. Does he think that this bill, which was introduced through the unelected Senate I might point out, is a perfect example of the Conservatives playing politics with a serious issue rather than giving the serious issue the treatment that it deserves, the type of treatment that was typified by the speech from my colleague from Elmwood—Transcona?

Would he not agree that we could have had this issue dealt with and victims' rights would have been protected had the Conservatives not introduced this bill, then prorogued Parliament, then kept us waiting for months, and then when they chose to reintroduce the bill, they chose not to bring it back through the House of Commons? Actually the public safety committee had already done a statutory review of this very issue just prior to the introduction of this legislation. The Conservatives caused delays of months and months to the point that we are only just getting around to debating this now when the legislation had already been introduced prior to prorogation. The legislation could have been in place, up and running and protecting children as we speak.

I would like my colleague's comments on whether he believes this is a strategy on the part of the Conservatives, to introduce these crime bills and victims' rights bills with no intention of seeing them through to conclusion. In fact, would the member not agree that the Conservatives intend to use these issues on the doorstep during an election campaign, pointing to the opposition parties and saying that the Conservatives keep trying to introduce these crime bills to protect victims and the opposition parties will not let them get them passed?

In actual fact, the Conservatives are the architects of their own demise on these crime bills. It is the height of hypocrisy. If they cared about crime and justice, the Conservatives would introduce these bills and see them through so that they in fact got third reading, royal assent and became the law of the land instead of a political football on another Conservative campaign leaflet.

Mr. Jim Maloway: Madam Speaker, I think the member is on to the Conservatives on the basis of his analysis. That is exactly what is going on here. This is a very confusing process to the viewers who are watching today. What we saw with the pardon legislation yesterday was that the Conservatives did an examination of the pardon system because of a news article four years ago. They decided there was nothing wrong with the pardon system, and then recently they had one of their backbenchers introduce a motion in this House to study the pardon system and report back within three months. All of a sudden there is an article in the paper about Graham James, and boom, the Conservatives brought in a bill and undercut their backbencher who has credibility on the whole pardon issue in the first place. Basically, they took her off the agenda completely.

Now we are talking about Bill C-23, the issue of pardons. This bill has had a similar sort of routing. The committee met last year on the bill, and then the government prorogued the House and we have had to start the process all over again.

This bill could have been passed and enforced already. This bill and most of the other bills in the Conservative crime agenda could have been dealt with had it not been for proroguing the House. Then, as the member said, the Conservatives turn around and end up bringing these bills back through the Senate. That adds an additional level of confusion in the whole process. At the end of the day the bills are the same.

The fact of the matter is the NDP supports sending this bill to committee. We were in favour of it last year, too. There are some improvements that have been made through the committee process. I think it is just a matter of getting this bill off to committee, and hopefully we will get it through, unless or until the government prorogues again. If the Conservatives manage to short-circuit the process and they call an election in September, we will be back to square one again after the next election.

● (1120)

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Madam Speaker, I would like to reiterate equal concern with respect to the path that this bill has followed. For a government that supposedly believes in law and order, protection of citizens and avoidance of crime, we have to ponder why on earth it would prorogue and kill all of its crime bills. We would like this bill to go to committee, but there is one issue that troubles me about the progress of these crime bills.

In the environmental law work that I have done and the many governments that I have worked with around the world, I have always encouraged them to follow principles when a bill is being considered for tabling. Simultaneously, any implementing regulations and guidelines should be considered, as well as the budget and resources and training necessary.

I note that when Mr. Steve Sullivan, the federal ombudsman for victims of crime, testified previously on this bill, before prorogation, he begged for a mere $5 million to fund advocacy centres for child victims of sexual crimes in order to help them and to prevent future crimes.

I wonder if the hon. member could speak about whether or not he thinks it is appropriate for the government to spend $2 billion on a two-day summit but cannot find $5 million to protect child victims of sexual abuse.

Mr. Jim Maloway: Madam Speaker, the member raised an extremely important point.

The Achilles heel of the government's crime bills in actual fact is its lack in providing an estimate for the resources that would be required mainly for the provinces in order to enforce legislation. The minister admitted just a month ago that one of the bills was estimated to cost $2 million. The Parliamentary Budget Officer came up with a better, more studied opinion a couple of weeks later and said it would be $2 billion. Just on the cost alone of these crime bills, not to mention the Conservatives' whole approach to crime, a lot of their support base is going to turn against them on that basis.

Steve Sullivan was the federal ombudsman for victims of crime. He was hired by the Conservative government three years ago. After three years the Conservatives would not renew his contract because he criticized them. He said their focus was all on punishment and that they were not concerned about victims of crime at all.

Steve Sullivan suggested that we could put $5 million into a fund for centres to help children and the government simply threw the man out because he did not go along with its agenda. He is an expert in the area. The Conservatives do not like expert advice, so they simply shoot the messenger. That is their approach.

I agree with the member that $5 million would have been money well spent. There would be results to show for that expenditure, unlike the $1 billion for security for the G20.

● (1125)

Mr. Don Davies (Vancouver Kingsway, NDP): Madam Speaker, on behalf of the New Democratic Party, I am pleased to speak to Bill S-2, which is the reintroduction of Bill C-34 from last session, including amendments made by the committee to that bill.

New Democrats generally support the bill at second reading. We support a productive and, we hope, collaborative review of the bill at committee, as happened with Bill C-34 in the last session. Unfortunately, as has been pointed out by many of my colleagues, the bill died with the government's decision to prorogue Parliament.

The bill contains many important changes to the sex offender registry. The New Democrats support the general thrust of this. We believe there are important loopholes in the present legislation to close and there are strategic and surgical improvements that can be made to the bill that would strengthen the registry.

However, as with a lot of bills, the New Democrats have concerns with the bill. We have reservations around certain specific issues, which I will highlight in my remarks this morning. We trust that all parliamentarians will work together to ensure we have a strong sex offender registry that not only works to make our community safer but also is effective and, at the same time, respects the human and judicial rights of everybody involved in the justice system.

Sex offences generate a great deal of public concern and suffering for the victims of these offences. Many times offences of a sexual nature involve children. As parliamentarians, we are never more engaged than when we talk about protecting women, children and any type of victim from the egregious and horrific offence of a sexual nature.

As a result of these high personal and social costs, governments are constantly looking for tools and methods capable of reducing the incidents of sex offences and protecting the public against the threat that some sex offenders represent.

One attempt to find a solution was the creation, in 2004, of a national registry containing information on offenders who had been convicted of a sexual offence or who had been found not criminally responsible on account of a mental disorder. This resulted in the creation of the Sex Offender Information Registry Act, which established, for the first time, a national sex offender registry. This registry has been available to law enforcement agencies in Canada for slightly less than five years.

That original legislation contained a mandatory legislative review, which was supposed to take place after two years. Because of previous Conservative and Liberal governments, that review did not take place within the statutorily required two years. They will have to answer to Canadians for that.

However, the Standing Committee on Public Safety and National Security did commence and complete a review of this registry, beginning in 2009. I sat on that committee on behalf of my party and I was pleased to have participated in that review.

What is the sex offender registry? It is a national data bank that contains information on certain sex offenders who have been found guilty of designated offences under the Criminal Code of Canada. These include things such as sexual assault, child pornography, child luring and exhibitionism or, once again, those who were convicted of such offences but held not criminally responsibly on account of incapacity or mental disorder.

Pursuant to the code, the Crown must initiate the registration process. If a court rules that the offender should be registered in the national registry, then an order is issued that requires the offender to report to a designated registration office in the 15 days following the issuance of the order or the offender's release. In April 2009 the committee was informed that the national registry contained the names of over 19,000 offenders.

SOIRA is designed to help the police officers investigate crimes of a sexual nature by giving them access to reliable information on offenders found guilty of these crimes. The registry then contains information that is essential to police investigations, such as the offender's address and telephone number, the nature of the offence committed, the age and gender of the victim, the victim's relationship to the attacker, any aliases that the offender uses and a description of any distinguishing marks or tattoos that the offender might have.

● (1130)

It is important to note that the public does not have access to the national registry. Only police officers can access it and, under the previous act, only when they are investigating a crime of a sexual nature and have reason to believe that a crime of a sexual nature has been committed. Querying the national registry allows police officers to identify possible suspects among the sex offenders living in the area where a crime of a sexual nature may have been committed. It allows them to eliminate certain people from the list of suspects in order to move the investigation in a rapid and hopefully productive direction.

During her appearance before the committee, Chief Superintendent Kate Lines of the Ontario Provincial Police noted that a registry system:

> —saves a lot of time for investigators, who can now move in another direction.... Taking someone off the list rather than identifying them has great value when investigative time is of the essence.

With this point in mind, the crucial factor in designing the registry and proposing amendments should be in ensuring that those who pose a danger to the public are in fact registered, but equally, those who pose no danger are not on the registry. That wastes police time investigating pointless leads in those crucial minutes when lives are at stake.

Ms. Lines presented statistics to our committee to illustrate the vital importance of a rapid response in these cases. She said that in cases where a child was kidnapped and murdered, 44% were dead within an hour of the kidnapping, 74% were dead within three hours and 91% were dead within 24 hours. A well-designed, properly functioning sex offender registry is clearly an important tool for police across the country.

The sex offender information registry's purpose has always been based on the following principles. This is language from the current legislation, which has been supported by all parties in the House.

First, in the interest of protecting society through the effective investigation of crimes of a sexual nature, police departments must have rapid access to certain information relating to sex offenders.

Second, the collection and recording of accurate information on an ongoing basis is the most effective way of ensuring that such information is current and reliable.

Third, the privacy interests of sex offenders and the public interest in their rehabilitation and reintegration into the community as law-abiding citizens require that the information be collected only to enable police departments to investigate crimes that there are reasonable grounds to suspect are of a sexual nature and to ensure that access to the information and the use and disclosure of such information is restricted to police.

Proposals to amend the sex offender registry should be measured against those principles.

We have heard some reference to the current government playing politics with this issue and I reluctantly have to agree with that description. The bill could be law today, but the Conservatives prorogued Parliament and killed their own bill. This is a perfect example of the Conservatives playing politics instead of protecting victims of crime.

The public safety committee was 90% complete of our statutory review of the sex offender registry. While we were doing that mandatory legislative review and putting the finishing touches on our report, which had all-party co-operation and contained extensive recommendations after hearing voluminous evidence and careful study, the government introduced Bill C-34 in the last session without even waiting to read our report. Therefore, as might be expected, Bill C-34 contained many holes and did not include important changes that witnesses had proposed to the committee. I will give an example.

The NDP had proposed an amendment at committee that would require sex offenders to disclose the make, colour, licence plate and registration of vehicles they owned or regularly used and add that to the registry. The New Democrats proposed that important closing of a loophole and strengthening of the registry. The government introduced Bill C-34, which did not even have that in it.

We all know that in a case where sex offenders might be in dangerous areas, trolling around schools, knowing the vehicles they have access to and are using is a critical component to protecting our children. Yet the Conservatives, who always claim to be tough on crime, introduced a bill in the House that did not even require sex offenders to disclose the cars that they drove or used. It was the New Democrats who caught that and improved the bill.

● (1135)

This was something police officers testified they needed in cases where all they had was a report of a suspicious vehicle seen near a playground or a school. This shows what happens when the government plays politics instead of making sound legislation that is careful, considered and effective.

The proposed bill before us closes some serious loopholes in the registry. Currently there is no way to track whether a sex offender is presently incarcerated or even deceased. The criteria are so strict that what information can be tracked, police officers are legally prohibited from recording, whether they can even get that information. The bill closes that loophole, which is a good thing.

Because every minute counts in investigations of sex offences and in cases of missing children, police officers would be wasting their time verifying the whereabouts of dead or incarcerated individuals because of this flaw in the current registry.

The proposed bill will expands the range of data that is tracked in the registry and this also is a good thing. If we are investing money and police resources into maintaining the registry, it should contain all the information needed for police to rapidly investigate crimes.

However, I want to talk about something that, again, the government, in its rush to play politics with this issue, overruled its committee on, which makes the bill questionable. It has to do with the concept of automatic registration. The bill proposes automatic registration for all offenders who commit designated offences.

The committee undergoing the study examined automatic registration in great detail. After hearing from all the witnesses, even the Conservative members of the committee agreed there should be judicial discretion to not put someone on the registry where it would harm public safety.

The police representatives who testified before our committee that speed was of the essence when they were investigating. If there were a number of sex offenders who did not pose a threat to the general public, adding those people to the list would actually waste their time at critical moments where speed was called for. If they had 1,000 people on the registry who they had to check in a certain area and they only had 2 hours to do it, they had to track down all those people to rule them out as possible suspects.

We heard from police officers who were familiar with this registry. They said that it was far more important to put people on the registry who did pose a risk so the police could target those suspects in those critical moments. That is why judicial discretion and prosecutorial discretion are important in this registry. We should not put every person convicted of every kind of sexual assault on the registry. Some offenders are not appropriately put on that registry.

As an example, it might be an 18 or 19 year old male who commits a minor transgression, which is still considered a sexual assault. I want to be clear that all sexual assaults are serious, but there is a degree on the continuum and it may well be that it is not appropriate to put the person on the list. Maybe the person is simply not at risk, by any rational examination, of committing a sexual assault in the future. To add that person to the list clogs the system and makes our communities less safe as a result.

I want to talk about sexual abuse in general. The government is quick to go to the punitive side when we talk about sexual offences. I want to talk about helping victims of sexual abuse and show how the government's misdirected and misguided agenda does not really help in many cases.

Earlier this year, Steve Sullivan, the Federal Ombudsman for Victims of Crime, testified at the public safety committee. He spoke about the need for the government to fund child advocacy centres in major cities across the country. These centres would provide counselling, support and referrals to other resources for child victims of crime, particularly victims of sexual abuse. We know, and there is no question, the data shows that many sex offenders were themselves sexually abused, often as children. Therefore, child advocacy centres would be an important part of helping to prevent future sex offences.

● (1140)

The victims ombudsman asked the government twice for $5 million to fund these centres and the government refused. The government refused to put up $5 million so that child victims of sexual abuse in this country would have a place to go to in the major urban centres of this country where they could be treated and counselled.

Despite the fact that this was an egregious and terrible decision made by a government, we should think of the implications for public safety because once again, some of those victims of child sexual abuse will be more likely to become adult child sex offenders or sex offenders when they grow up because of their own victimization.

For a very small amount of money, the government could have taken a concrete step that not only helps the children of our country, some of the most victimized children who are most in need of our assistance, but it has also lost an opportunity to make a dent in preventing future sexual offences.

The other thing that is important to note is that we cannot just have a registry. We also need the resources necessary so that our police forces can have access to the registry. Nothing I see in the bill before us contains any increased resources for the sex offender registry. I am concerned that it downloads the burden on to already overstretched police forces. We will need to ensure that if we are to increase registration in the registry, we ensure police forces have the resources necessary to access that registry.

I also want to talk about crime prevention. The bill adds crime prevention to the list of purposes to the act. New Democrats agree with this because originally police officers told us that access to the registry was too rigid. They testified before our committee that the test of waiting until they had reasonable ground to suspect a crime had been committed of a sexual nature was too strict. The example they gave was that they might get a call from a distraught mother who said her child was missing. That may be enough to suspect that a crime has been committed, but there is really no reasonable basis at that point to suspect it is of a sexual nature. New Democrats heard from police officers and we agreed with them that we needed to make changes and expand the opportunity for police to access the registry.

I am pleased to see in the bill that the government is moving in that regard. By putting in crime prevention, it allows police to access the registry in order to prevent a crime, and I think that is a positive thing. However, we must also be careful to ensure that there are parameters around that power because once again, it is important to control access to the registry and the way police use it so that sensitive information is not used in an inappropriate manner.

I also want to talk a little bit about the New Democrat position on crime prevention because it is one of the major deficiencies in the government's approach to the crime agenda. Its agenda is always about measures to deal with a crime after it has been committed and it is always about punishing harder and longer. It does not put resources into crime prevention, which I think is what Canadians really want.

Canadians want to live in safer communities. We want to ensure we reduce our crime rate. We want to ensure there are fewer victims of crime, not harsher punishment of the offender after the crime has been committed.

In terms of crime prevention, what I am looking for from the government, not only with this legislation that is important to deal with offenders after they have committed a sex offence, but with my New Democrat colleagues, we will continue to press the government to add resources and to take legislative measures that will help prevent crime in this country.

I have already mentioned child advocacy centres. We have already heard that Steve Sullivan, the victims ombudsman, has testified that victims want more resources put into crime prevention because nobody can undo or understand the damage that is felt by a victim of crime.

● (1145)

What we need to do and what victims want is for us to pour resources into helping ensure that those crimes are not committed in the first place.

The government has a responsibility to work with offenders. We call on the government to ensure that we take intelligent measures, that when offenders are caught they get the kind of help and therapy that hopefully will help them not to reoffend in the future.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Madam Speaker, I listened with great interest to my colleague. I may be able to go further into this if there are no other questions.

There is something that I have not really grasped. Does my colleague agree with the automatic registration of sexual offenders when they are found guilty by a court or plead guilty to an offence under sections 490 and following? I would like to hear what he has to say about that.

[*English*]

Mr. Don Davies: Madam Speaker, that is a very thoughtful question. The mischief that was brought to our committee when we undertook our review was that prosecutors had the obligation to file the application for registration initially in the old act. That was a problem because sometimes they neglected to do so. What New Democrats proposed was that we would have a system where an application was automatically made upon conviction. So the judge convicts, the application is automatically before the court.

What New Democrats do think is a misguided legislative reaction is to have automatic registration of every single person who is convicted. The Ontario system has automatic registration, but it has a shorter list of offences that qualify. The list that is under the federal system includes a longer list of offences, including the hybrid offence of sexual assault. Now sexual assault can be preceded by summary conviction for less serious offences, to an indictable offence because it is a hybrid offence.

There are some cases of summary conviction sexual assaults where it may not be appropriate to have that person registered with the court. New Democrats believe that judicial discretion and prosecutorial discretion is important to remain in the system so that our prosecutors and judges can weed out those cases where it is not appropriate to have automatic registration because we trust judges and prosecutors in this country, unlike the government. They are the ones who are experienced in dealing with this. Before I conclude, there are a couple of really solid reasons for this.

Sometimes it is necessary to get a conviction. A prosecutor will sometimes need to make an arrangement for a plea of guilty to a sexual assault and in exchange for that may think it is appropriate to not have registration as a result. So we may get more convictions by having prosecutorial discretion. Again, I will not go into this in detail.

I will point out that police officers themselves have testified that they do not want full automatic registration for every single offender because then every single person in the country will be registered and it slows them down if they have to check out every one of those offenders in a case where there is a serious sexual assault. They waste time weeding out people who should not be in the registry to begin with.

● (1150)

Mr. Jim Maloway (Elmwood—Transcona, NDP): Madam Speaker, the member for Ajax—Pickering indicated in the past that the Ontario registry was a very effective one. He indicated it was used many hundreds of times a day, searched far more than the national registry. If that is the case, why do we have a system of two registries? Are we looking potentially in the future of having a merger of the registries? For example, for police officers in Ontario, which registry do they search?

Clearly, the member has already indicated that the registries are different with different information in each registry and there is a different set of offences to qualify to be in the registry. So if one is an Ontario police officer, does one have to search both registries to get the information and is that really a good idea long-term?

Mr. Don Davies: Madam Speaker, that is another very thoughtful question from the member.

To be frank, there has been no discussion of merging registries. There is a jurisdictional issue in this country where provinces are free to set up their provincial systems. I presume that would be for offenders who are convicted of offences of two years less a day. Then there is the federal jurisdiction which is responsible for inmates who have been convicted of offences with a sentence of two years or more.

It goes back to the important question of loosening up access to the federal registry. The Ontario registry is accessed almost 500 times a day and the federal registry is accessed approximately a third of that. The reason for that is the criteria was set too tightly for police officers to search a federal registry. New Democrats support changes to that access criteria so that police officers can have access to that registry when they need it, as fast as they need it.

[*Translation*]

Mr. Marc Lemay: Madam Speaker, here is my other opportunity. I listened carefully to my colleague's answer to the earlier question. I would like to ask him some questions because I want to understand something. Given that I have four minutes, the member will have four minutes to answer. My first question—

The Acting Speaker (Ms. Denise Savoie): I must point out that there are four minutes remaining in total. I recommend two minutes for the question and two minutes for the answer.

Mr. Marc Lemay: Madam Speaker, I will try to do it more quickly. I would like my colleague to talk about the obligation to consult. How can it be done rapidly? That is not clear in the bill, and it is one of the points that should be studied in committee.

What really bothers me—this is what I would like my colleague to shed light on—is, if we were to pass Bill S-2, I understand that there would then be only one registry. If that is the case, which I believe it is, what criteria would my colleague consider to ensure rapid consultation? He said it clearly just now, the objective is to allow police officers to consult it quickly, especially in the case of a vehicle near a school, for example. I would like him to talk about that.

[*English*]

Mr. Don Davies: Madam Speaker, I do not know that I can do justice to my hon. colleagues's questions in two minutes. He raises a number of important points.

This bill is about the national sex offender information registry. It is about setting up a federal registry that can be accessed by all police forces. That registry would contain the names of all offenders who have been convicted of designated offences and sentenced to two years or more in federal custody. Nothing prevents the provinces from setting up their own provincial registry, as Ontario has already done. Ontario has a registry and this is the federal registry.

In terms of access, this is a computerized database. An offender who has been convicted of a sexual offence and is properly registerable would then have the information entered into this data system. I have commented before on what those are, including modus operandi.

I must say that a lot of good work was done by the Bloc Québécois on that aspect. The modi operandi of offenders, identifying marks, details of their crimes, where they live, what kinds of cars they drive would be in the registry.

Let us say a phone call is made to the police by someone saying a person is driving around a school trying to entice children into a car. If that call goes in to a police station, police officers can immediately access the database, input that information and immediately identify what suspects might be living in that area that they can target. That is important because it may save a life. It may prevent a sexual assault on a young child, a woman or anybody, and may prevent a death.

That is why we want to ensure that police have rapid access. I believe loosening the criteria is an important step and I congratulate the government on making that move.

I look forward to working with all parties in committee to strengthen the registry and make it work while still preserving some of the other important principles that the government seems to forget about, principles like rehabilitation, respect for privacy, respect for judicial process, and ensuring that we do not put politics above sound, solid legislative improvements, which I think all parties are committed to.

● (1155)

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Madam Speaker, I thank my hon. colleague for his comments. I will continue along the same lines, but I want to explore the aspects of this bill that we find particularly interesting a little more.

The Conservatives should re-read this bill a little more carefully. They want to create a Canada-wide sex offender registry, yet they want to abolish the firearms registry. It is a little—how shall I put it—strange. I will leave it up to the public to decide. They want to create something with one hand while destroying it with the other. In 10 years they will probably want to abolish the sex offender registry. That would not surprise me, but of course we would oppose that.

It is important that both registries be maintained. I do not plan to talk about the firearms registry for the 20 minutes I have here today. We see that issue as having been settled. It is important to maintain it, considering how effective it is. Yes, that is what I said: effective. I think effectiveness is what should guide our work on Bill S-2.

We had begun studying Bill C-34 during the last Parliament. In fact, Bill S-2 is an exact copy of Bill C-34. It is important to remind those watching us at home that when a session ends with prorogation or an election, all bills die on the order paper. One of those bills was Bill C-34. The government decided to fast-track it and therefore introduced it in the Senate, which is why it is now Bill S-2. It is before us here today to be passed.

I would like to say right away that we will vote in favour of this bill, which is very interesting, although it still needs more fine tuning. As part of its proceedings the committee heard from a number of witnesses and a great deal of work was done, but there is still more to do. I would like to focus on a few points that still need to be debated.

Let us look at what this bill entails. There are many laws that deal with sex offenders. Today there is the Sex Offender Information Registration Act. Contrary to popular belief, it is not the same as the DNA Identification Act or the Identification of Criminals Act. The latter requires an individual who is found guilty of or has pleaded guilty to an offence to provide his or her fingerprints and photos. We looked at this briefly yesterday and we will have the opportunity to study it in committee. That is the gist of the Identification of Criminals Act.

The DNA Identification Act is different. In cases of murder, attempted murder, manslaughter and sexual assault and aggravated sexual assault—I am not going to list every crime—this legislation requires the individual to provide a DNA sample, in other words saliva, a hair or a drop of blood. The DNA is analyzed and entered into a data bank. This data bank is consulted by those who need it to conduct a criminal investigation in order to track an individual, for example. It is this DNA data bank that helped solve a 34 year old murder case in Montreal a year ago.

But we are not talking about that today. We are talking about the Sex Offender Information Registration Act. It is very important to point out at this stage that this legislation implies that the individual has been found guilty or has pleaded guilty to the offence.

● (1200)

I will not name every offence, even though there are some in the new bill that I wonder about and which I will come back to in a few moments. I can name a few such as aggravated sexual assault, sexual contact, sexual exploitation, incest, exhibitionism, sexual assault with a weapon and so forth that are in section 490 and subsequent sections of the Criminal Code.

An individual is found guilty or pleads guilty to one of these charges and receives a sentence from the court, whatever that may be. The court could—and that is the key word here—order this individual to register. Pursuant to clause 5 of this bill, registration means that the individual must supply his or her name, address, date of birth, gender, military title, such as officer, and so on. Everything is there. The individual must re-register every year, and that is the problem, and it was noted. It works very well for monitoring an individual who was convicted of sexual assault and sentenced to five years in prison and three years of probation. There is no need to look for the person so that he or she can register; it all works very well. It is once the probation is over that we start having problems. There are time periods set out in the legislation, which generally exceed the duration of the sentence, including probation.

But 80% to 90% of these individuals deliberately "forgot" to register. They did not care, because they were out of prison and had finished their probation. They perhaps had a job, and so we lost track of them. That is exactly what has happened many times in recent years, and Bill S-2 aims to put an end to these "lost" individuals, who disappear without a trace and suddenly reappear near a school or day care centre, or who find a job as a caregiver in a day care centre or school. We must absolutely put a stop to this.

It is easy now because the courts render a verdict and are obliged, in some cases, to issue an order to register. An easy example would be a case of aggravated assault or sexual assault with a weapon, when the courts would obviously issue an order. We have no problem with that. However, there are other crimes. In my day, they called it indecent assault, that is to say, a less serious sexual assault. It is harder in those cases because the word "assault" always implies violence, unfortunately, and we are trying to find the right words. There are some cases of sexual assault, for example touching at a party, where somebody gets drunk and unfortunately does something unacceptable. He is convicted and appears before a court. He could lose his job. He is charged with sexual assault, but as a summary conviction offence. Very often, the court passes sentence in this kind of case. Each case is obviously unique. I definitely would not want to generalize and would not want people to think I was generalizing about the kind of sentence the courts handed down. But in my career, I certainly saw a client of mine get this kind of sentence.

● (1205)

The court obviously did not issue an order to register because it was a moment of madness due to the overconsumption of alcohol and the person had never done anything wrong in his life. He is 55 years old and has a family. This is where the debate gets critical. We in the Bloc Québécois think that individualized sentences should be a priority. We believe it is very important that before a court passes sentence on someone, it should be careful to individualize the sentence.

When we start talking about individualizing sentences, this registry is directly involved. If we codify everything, we will have to take a very close look at all this in Bill S-2. In the schedule alone, there are four pages of designated offences. Included are offences of a sexual nature involving children, sexual touching, invitation to sexual touching, child pornography, luring by means of a computer —oops, I already start to have problems with that— and trespassing at night. When it comes to the latter offence, a question arises. If someone entered a house, was it for sexual activity or to commit the offence of theft? It is not clear. Throughout the list, there are offences that will have to be examined very carefully when the bill is studied in committee.

On the face of it, I think all of this will have to be studied very carefully, hence my questions about individualized sentences. We in the Bloc Québécois are convinced that if we want to rehabilitate people, it starts with individualized sentences that they accept. If sentences are handed down according to a formula and there is a single sentence including an order to register for both serious and less serious sexual assaults, there could well be a problem because the purpose of it all is distorted. The purpose of this bill—I agree and we agree—is very commendable. We think, just like our colleagues in the other three parties, that a registry is an absolute necessity.

I am having a little difficulty with the registry and I am going to come back to what my colleague said earlier. We think this should be a national registry. Who better than the RCMP to keep the registry, to know who is on file where? I will give an example of a case that has happened. My riding of Abitibi—Témiscamingue borders all of northwestern Ontario. So the only border we have is Lake Abitibi and Lake Timiskaming. On the other side, you are in Ontario. It has happened, unfortunately, that individuals who are on file only in Quebec or only in Ontario—we are not talking about the same individuals—cross over and commit offences on one side of the border or the other and the police forces are not aware of it.

We think it is important that there be one registry for all of Canada. As we know, people move around. We know that very often, unfortunately, sex offenders travel. They travel a lot and they move. Not just from one city to another, but from one province to another. They leave Quebec and go to New Brunswick or to Ontario or somewhere else. So we think there should be one registry. That is the first point that has to be considered.

The second point is automatic registration. There may be some difficulty in terms of the number of offences. It seems to us that there needs to be automatic registration. Consider the example of a person who is convicted.

● (1210)

Consider a case where the sentencing decision is very easy to make, a case of sexual assault with a weapon. It seems to us that this individual should be put on file and registered automatically. It cannot be left to the offender himself to give his name when he gets out of prison. That cannot be the case. We think it should be done automatically and there should be no hesitation.

For actual sex offences, the sentence does not present any problems for us, but the problem is all the fuzzy situations, as I said earlier. Consider a break-in at night, or luring by computer. We saw offences in the list that are somewhat difficult to analyze. For the moment, we will look at them very carefully, but we think it is important for it to be automatic registration.

As well, a problem arises in determining who may consult the registry. It also seems to us to be important that the registry be confidential and only people who are entitled have access to it. Obviously we are talking about police forces and investigators in certain cases. However, and I will say it straight, it seems to us to be essential to find resources, such as making sure there is adequate funding and making sure the laboratories and the sex offenders registry are able to absorb the anticipated increase in the number of DNA profiles to be analyzed, an increase caused by the change to the list of designated offences.

In other words, it is nice to have a piece of legislation, but if we are not able to implement it we will have problems, and that is what could happen with Bill S-2.

We are going to need appropriate tools. For the Bloc Québécois and for myself it is extremely important that police officers be able to act quickly. As my colleague mentioned earlier, when police officers receive a call from a school principal or from a kindergarten teacher, to the effect that a vehicle bearing such and such licence plate number has gone around the school three times, has stopped close to the entrance door, and so on, time is of the essence and police officers must know immediately whether they can make a quick check in the registry. They must be able to proceed very quickly, because the purpose of this registry is to identify potential sex offenders.

We must be able to have some control over an individual whose name is already in the registry, and for as long as he is registered. Otherwise, what is the point? So, we will have to quickly find ways to ensure that analyses are done and that the database is quickly established, because with the legislation now before us, prevention is obviously the goal. With regard to this bill, we should be able to engage in prevention.

Clause 40 provides that the registry can only be used when there are reasonable grounds to believe that a crime of a sexual nature was committed. Under the proposed change, Bill S-2 would extend the scope of section 16(2) by allowing the use of the registry for prevention purposes.

In conclusion, it is critical that, once the registry is established, it can be used for prevention purposes. We must also be careful with the provisions of the Charter of Rights and Freedoms. In other words, we must respect the person's privacy. However, if an individual's name is already in the registry, and if that individual is required to stay away from schools but happens to be in his vehicle close to a school, we have a problem. Police officers must be able to make a quick check. As for the other provisions, we will be pleased to answer questions. I am looking forward to this bill being referred to the committee, so that we can take a close look at it.

● (1215)

[*English*]

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, in dealing with the registry, it is my information that the Ontario registry is used perhaps four times more in a day than the national registry is used in a year. Obviously there is some information in that Ontario registry that makes it important to use and easy to use for the police.

There is also an issue of funding. I understand that the Ontario registry is perhaps funded, and I am not sure of the figures, but perhaps with several million dollars, whereas the federal registry is funded to much less of an extent.

The Bloc member made a very good point when he indicated that he wants a national registry because people move around. As user friendly as the Ontario registry is, the fact is that it can be defeated very easily if an offender simply moves out of Ontario and moves to another province and then basically escapes the purview of the registry. So a national registry is very important.

[*Translation*]

Mr. Marc Lemay: Mr. Speaker, I agree with my hon. colleague. Under section 490.013—for that would be the new section—the length varies according to the seriousness of the offence: 10 years for summary conviction offences, that is, when someone is convicted of a less serious offence; 20 years for offences carrying a 10- or 14-year maximum sentence; and lifetime for offences with a maximum life sentence.

This means that unfortunately—or fortunately—in our society, especially in this country and in Quebec in particular, criminals move around. I completely agree with my hon. colleague on this. Once you have a record somewhere, you move. This is where we need to be careful, which is why I agree that we need a national registry, as long as Quebec is still part of Canada.

However, we must also give the RCMP the resources it needs to implement this registry, as well as sufficient funds to keep it up to date.

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Speaker, I would like to thank my hon. colleague for his excellent speech.

Since it came to power, the government has been introducing public safety and justice bills that have often been rehashed, sometimes to death. The government prorogues Parliament and then re-introduces old bills with big press conferences and lots of grandstanding, saying that they care about public safety. Bill S-2 is just that kind of rehashed bill. It has already been studied in committee. A report on the registry has even been produced.

Would my colleague not agree that when it comes to public safety, the government likes to make a show of things, instead of actually tackling crime?

● (1220)

Mr. Marc Lemay: Mr. Speaker, do I have half an hour to respond to the very interesting question from the member for Ahuntsic? If I were allowed, I could take three-quarters of an hour, until question period, to explain the answer, which is, of course, yes.

It is obvious. Bill S-2 is just a rehash of earlier material and everyone knows it. It is surprising that the government went through the Senate to bring it back to us since that was not what they wanted to get through the Standing Committee on Justice and Human Rights. I see this every day. I was at this committee about an hour ago. They are trying to speed up the timeline and hear more witnesses. They want to move faster but they prorogued the session and we lost six weeks.

Senator Boisvenu introduced a bill concerning the Parole Act. We have been calling for the elimination of the one-sixth of the sentence rule for a long time. I worked in criminal law for 30 years and we plea bargained all the time. We have been told for a long time that the public does not want harsher sentences. With all due respect, that is not true. Those who are saying that are liars.

What the public wants is for people to serve their full sentences. When a person is sentenced to 12 years, he must serve that sentence, unless he is very well behaved.That is the current problem.

With all due respect, do not try to make me believe that victims are being taken care of. I have not seen a single bill that helps victims. What is more, funding meant to help victims is being cut. When it comes to justice, sometimes we need to go easy. Not much would be changed. They need to stop taking the cheap populist approach on this issue.

Mrs. Maria Mourani: Mr. Speaker, I am very interested in what my colleague has to say. Thank you for letting me ask another question. Two very important bills were drafted to fight child pornography on the Internet. Unfortunately, though, Bills C-46 and C-47 died on the order paper when Parliament was prorogued.

To date, the government has not reintroduced these two bills, either separately or together. So far, we have seen nothing on child pornography on the Internet. The government says it is fighting to protect our children and it is drafting bills on a sex offender registry, but there needs to be a comprehensive approach. A registry is not enough. We have to be able to fight against this pornography as well. We are talking about nearly 5 million images posted and shared on the Internet, which is home to roughly 450,000 networks of people who make child pornography.

Does my colleague think this government really wants to do something about these pedophiles and producers of images and videos of our children, or does he think it is still just making a show of dealing with this issue?

Mr. Marc Lemay: Mr. Speaker, do I still have 45 minutes to respond?

The answer is clear. I think that the Conservatives are stuck in the 20th century. They need to understand that we are now in the 21st century. These days, people do not commit crimes the same way they did just 20 years ago. The best example of that are crimes committed using a computer.

There are offences in Bill S-2 such as "luring a child by means of a computer system". That is all well and good, but how do we catch these people? That is the problem, and it will continue to be a problem. This bill will not give the police the means to catch criminals.

My colleague from Ahuntsic is absolutely right. There are currently millions, perhaps even billions of pornographic images on the net. We have to find ways to give the authorities effective means to catch these criminals, who use very sophisticated tools. With all due respect, we need the right tools to do that.

Bill S-2 is good. However, the problem with the bill is that if we do not give the RCMP money to run the registry, we can call the world's biggest press conference and bring out as many victims as we want, but it will not make a difference. For a year and a half now, we have been asking the Conservatives to implement Bill S-2, but they have refused. The problem is not that they do not have the means; it is that they do not have the political will. Calling a press conference to announce their plans is just an attempt to appeal to the lowest common denominator and engage in petty electioneering. They should lay off that kind of behaviour.

To my fellow MP, I say that we must absolutely tackle this issue and that to do that, we have to give law enforcement the tools they need to put an end to these new aberrations and to catch criminals.

● (1225)

Ms. Nicole Demers (Laval, BQ): Mr. Speaker, I am pleased to rise in this House to speak to this very important Bill S-2. However, I find that it is a little late in the session for this, even very late, because we will be adjourning soon. I also wonder whether the government is ultimately responsible for things dragging on like this. We know that this bill has been introduced a number of times, but when the government prorogued Parliament and then called an election, bills have died on the order paper.

The government often accuses the Bloc Québécois of siding with the criminals. When we see what is going on with this bill today, we wonder whether it is the government that is siding with the criminals since the government is the one that has been holding up this bill and delaying its passage until now. We were in favour of this bill. My colleague from Charlesbourg—Haute-Saint-Charles can make faces and shake his head, but it is his government's fault that the bill is being debated in this House right now when it should have been debated and passed a long time ago.

When we talk about criminals who commit offences against young people, who are pedophiles or who commit offences against women or even men, we must ensure that the police have all the necessary tools to find those criminals and ensure that they do not commit any more offences. We were talking about pedophilia on the Internet. I must say that I had a particularly traumatic experience with that.

My grandson is 17 years old now. Two years ago, he called me at my office in Laval, where I see my constituents one day a week. He called to tell me the police were coming to the house. I wondered, "Why are the police coming to the house? What have you done?" Obviously, that was a gut reaction. We do not think it is because someone else did something. We think right away that our children are the guilty ones. So I asked, "What did you do, Alexis? Why are the police going to the house?" He said, "Grandma, someone made advances toward me on the Internet and I did what you told me, I called the police. They are coming here to see if they can catch him. They asked me to remain in contact with him on the Internet until they arrive. They are coming, they are on the way." So I said, "OK, let me know what happens. I am in my office. I am meeting people here and cannot leave right away, but I am anxious to know what happens".

About 30 minutes later, a policeman called me to say, "Madam, we are at your place and your grandson is with us. Do not worry. We should tell you we are going to take action to arrest this person. Through your grandson, we set up a meeting with him in a particular place and we are going to wait for him. We will hide and your grandson will be the bait so that we can catch the person". I said, "Well, excuse me but I do not agree with that entirely. You are going to use him as a lure, as bait. How do I know that he will be safe, that he will not be at risk? We do not know who the person is. How can I be sure my grandson will not be in danger?" I was very worried and told him, "I am going home and will try to get there before you leave with my grandson".

I obviously wanted justice to be done and this criminal arrested. That is for sure. I was also thinking about my grandson's safety. I arrived at the house, but they had already left. My blood just froze. I thought, "What is going on? Where have they taken him? Where are they meeting this man, this criminal? Are they going to arrest him or something?" I waited and waited very impatiently for the phone to ring. I did not dare use it for anything because I did not want to miss the call. Finally, about 45 minutes later, the phone rang and my grandson said, "Grandma, it is OK, they arrested him", and he told me where they were. They were at the variety store at the corner of Montée Masson and des Mille-Îles boulevard. They laid a trap. My grandson had said he would meet the person there. The police told my grandson, "Regardless of what he says, do not get into his vehicle. Talk to him through the window on the driver's side to say hello and tell him you are the person he was talking to. There has to be contact. Go to the other side, but stay outside the vehicle and wait for him to say to get in".

● (1230)

The two police officers were hiding; one was inside the convenience store and the other behind a bush. The man twice told my grandson to get into the car. The officers had told my grandson that when the man asked him the second time he was to open the car door. At that point, the officers would take action and arrest the man in question.

After the man asked my grandson to get into the car a second time, the police arrested him. There was a coil of rope and a knife on the back seat of his car. The police also found videos. This person had been charged a number of times in the past. Thanks to my grandson's presence of mind, and what I had taught him, this man was arrested. Today, he is in prison for a full seven years.

Under the bill presently before us, he will have to register with the registry when he leaves prison. If the bill we are debating is adopted now, he will have to register. The police will know who he is; they will know this person and be aware of his criminal activities. That may save the lives of other children. One never knows.

It is very important to the Bloc Québécois that this bill be debated, voted on and adopted. We hope that, for once, the government will do more than just talk to convince us that it wants to help victims, especially since it is not renewing the mandate of the Ombudsman for Victims of Crime. The government does not even have the courage to renew the mandate of a man who has done remarkable things for victims. His major mistake may have been to ask for money to help them.

Why does the government want to spend so much on criminals and so little on victims? If we really want to help victims, we should also provide money for them. It is nice to have a registry, but I will only be satisfied once it is efficient and once police officers can use it on a daily basis, just like they use the gun registry every day to prevent crime and to ensure that people we love are not murdered. In order to achieve that result, the government must stop introducing bills at the end of sessions. The government always pretends that it wants to put criminals behind bars. However, when we introduce legislation that would keep these criminals in jail, such as abolishing parole after serving one-sixth of a sentence, the government shows no interest.

There is a French song that goes like this: "Paroles, paroles, paroles", talk, talk, talk. That is all the government does when it comes to dealing with criminals. And it is even worse in the case of victims. The government calls on people who make senseless speeches about deer, hunting and single mothers. It makes no sense at all. It is as if single mothers are responsible for the fact that there are no hunters anymore. And because there are no hunters, there are too many deer, and if there are too many deer around, then we do not need the gun registry. If the gun registry exists, some deer will get killed. And if deer are killed, what will single mothers do? That just does not make sense. It is as ridiculous as the billions of dollars that are being spent on the G8 and the G20. It is insane. There is no consistency at all in the government's policy against criminals. The only thing that is consistent is the lack of consistency.

Still, I hope we can vote on this bill, because it is very important for the future of our children, of the women and of the persons who are sexually abused. We also need to know the identity of those individuals who have committed other crimes.

● (1235)

We want to do more prevention, but we must be careful not to violate the rights and freedoms of individuals who are found not guilty by the courts, after being targeted because of a judicial error, or any other reason.

Mr. Speaker, I thank you for taking the time to listen to my remarks. I will be pleased to answer my colleague's questions.

Ms. France Bonsant (Compton—Stanstead, BQ): Mr. Speaker, I noticed that you were paying close attention to my colleague's speech.

I think that what is happening to our young people is very unfortunate. Young men and women are not safe from many things. I have daughters, and I was a bit of a mother hen. I am not siding with the criminals; on the contrary.

The Conservative government has been talking about law and order non-stop for four years. Everyone knows that I introduced a bill in this House to provide assistance to victims. It is not simply a matter of locking up criminals and giving them a steak once a week. My bill provides emotional and financial assistance to individuals whose loved ones are murdered or go missing.

Is my colleague aware of other bills introduced by the Conservatives that do as much as mine does to help victims?

Ms. Nicole Demers: Mr. Speaker, there is a bill on Canadian Heritage and another for veterans. Is there one on agriculture? I do not think so, because the government wants to get rid of farms that take advantage of agriculture programs. There are no bills to specifically help victims of crime. That is what we find most disappointing. Fighting crime is good, but it would be even better to ensure that crime victims receive the care they require, the resources they need and money to get themselves back on track, reintegrate into society and start living a normal life.

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Speaker, I would like to thank my colleague for her excellent speech and especially her very personal story about what many parents in Quebec and Canada and around the world have to go through.

The first thing that struck me as I listened to her speak was that we should have a bill that would allow police officers who receive this sort of report to ask the Internet service provider for the IP address of the guy who contacted the young person. If such legislation were in place, the police officer would not have taken the risk of using the hon. member's grandson as bait and putting his life in danger—had anything gone wrong—to catch the predator, who was a repeat offender.

If the boy had panicked and been afraid, the offender would have reacted. If he had had a gun, not a knife, what would have happened? If the police could tell an Internet service provider they had had a report and wanted the guy's IP address to catch him at home, this problem would not have occurred.

Does my colleague not think that enough is enough and that the government should bring back this bill when the House reconvenes in September, and not at the last minute, so that we can deal with it quickly and by the end of December everything will be settled and the police will have this tool available?

● (1240)

Ms. Nicole Demers: Mr. Speaker, I agree completely. The police also need the money to take action. When this happened to my grandson, he told me he would like to go into schools and tell other young people what had happened to him. He talked to the people at the police station. They told him it was a good idea, but they had no money for that sort of thing.

There is no money for prevention or for obtaining IP addresses. There is no bill on the horizon to ensure that these offenders will be arrested before they commit or think of committing a crime.

Mrs. Maria Mourani: Mr. Speaker, thank you for giving me the opportunity to ask another question.

Regarding public safety in general, I wonder what my colleague thinks not only of this bill, but of all of this government's actions, regarding everything from firearms to the lack of resources given to the police for Internet crimes. There is absolutely nothing to stop criminals. On the other hand, I find—and my colleague can correct me if I am wrong—that they are very good actors when they put on their show for victims and children. Every time they put on their show, there are always victims with them. They find a way to exploit people's suffering. They even named one bill "Sébastien's law". How could they do something so appalling? Would my colleague not agree that this government does not care at all about public safety? All it cares about is putting on a show for the next election.

Ms. Nicole Demers: Mr. Speaker, my hon. colleague is quite right. They have been putting on these shows every day for nearly four and half years now, every time they introduce a bill to get tough on crime. It is time for the government to walk the talk. This government is all talk and no action when it comes to taking care of the victims of crime.

[*English*]

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

Some hon. members: Question.

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

Some hon. members: Agreed.

The Acting Speaker (Mr. Barry Devolin): I declare the motion carried. Accordingly, the bill stands referred to the Standing Committee on Public Safety and National Security.

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

* * *

● (1245)

[*Translation*]

PROTECTING CHILDREN FROM ONLINE SEXUAL EXPLOITATION ACT

Hon. James Moore (for the Minister of Justice) moves that Bill C-22, An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service, be read the second time and referred to a committee.

Mr. Daniel Petit (Parliamentary Secretary to the Minister of Justice, CPC): Mr. Speaker, I am honoured to speak in support of Bill C-22, the Protecting Children from Online Sexual Exploitation Act, a government bill.

I think everyone in this House would agree there is no greater duty for us as elected officials than to ensure the protection of children, the most precious and vulnerable members of our society.

Although the Canadian laws designed to combat child pornography are among the most exhaustive in the world, we can and must do more to make sure our children are protected from sexual exploitation.

The creation of the Internet has provided new means for offenders to distribute and use child pornography, resulting in significant increases in the availability and volume of child pornography.

This bill is aimed at the Internet, and in particular the distribution of child pornography on the Web. Exactly as Bill C-58 did in the previous session, it proposes to enhance Canada's capacity to protect children from sexual exploitation by requiring that Internet service providers report child pornography on the Internet.

This piece of legislation would strengthen Canada's ability to detect potential child pornography offences. It would also help reduce the availability of online child pornography, and would facilitate the identification, apprehension and prosecution of offenders. Most importantly, this bill would help identify victims so they may be rescued from sexual predators.

Last summer, the federal ombudsman for victims of crime released a special report entitled "Every Image, Every child", which provided an overview of the problem of online sexual exploitation of children. According to a special report, the number of charges for production or distribution of child pornography increased by 900% between 1998 and 2003. Additionally, the number of images of serious child abuse quadrupled between 2003 and 2007.

Again according to that report, 39% of those accessing child pornography are viewing images of children between the ages of three and five, and 19% want to see images of children under three years old.

The federal ombudsman's special report quotes Ontario Provincial Police detective inspector Angie Howe, and this quotation was from her appearance before the Senate committee in 2005. She said:

> As recently as one year ago, we did not often see pictures with babies, where now it is normal to see babies in many collections that we find. There is even a highly sought-after series on the Internet of a newborn baby being violated. She still has her umbilical cord attached; she is that young.

According to this report, commercial child pornography is estimated to be a multi-billion dollar industry worldwide. Thousands of new images or videos are put on the Internet every week and hundreds of thousands of searches for child sexual abuse images are performed daily.

There are more than 750,000 pedophiles online at any given time and some of them may have collections of over a million child sexual abuse images.

The conclusions in the special report from the Federal Ombudsman for Victims of Crime were quickly used in a more recent report from the Canadian Centre for Child Protection, which presents an overview of the information obtained through tips received by Cybertip.ca.

Cybertip.ca is a Canada-wide tipline for the public reporting of online child sexual exploitation, which includes child pornography, Internet luring, child prostitution, child sex tourism and child trafficking for sexual purposes.

I would like to quote from this report because it contains troubling statistics about the prevalence of online child sexual exploitation. It also reports that the images are becoming increasingly violent and are showing increasingly younger children.

● (1250)

> The results of this assessment provide some disturbing data on the issue of child abuse images. Most concerning is the severity of abuse depicted, with over 35% of all images showing serious sexual assaults. Combined with the age ranges of the children in the images, we see that children under 8 years old are most likely to be abused through sexual assaults. Even more alarming is the extreme sexual assaults which occur against children under the age of 8 years. These statistics challenge the misconception that child pornography consists largely of innocent or harmless nude photographs of children.

The government is committed to doing everything it can to put a stop to this growing problem. That is why we are reintroducing in the House this legislative measure to create a uniform mandatory reporting regime across Canada that would apply to all Internet service providers.

The new measures in Bill C-22 will complete a series of existing measures in Canada that are intended to protect children from sexual exploitation, including child pornography.

Canadian criminal laws against child pornography are among the most comprehensive in the world and apply to representations involving real and imaginary children. Section 163.1 of the Criminal Code prohibits all forms of making, distributing, transmitting, selling, importing, exporting, accessing, advertising and possessing child pornography.

The Criminal Code provides a broad definition of child pornography that includes any visual, written and audio depictions of sexual abuse of a young person under the age of 18 years, and any written material or audio recording that advocates or counsels such unlawful activity, or whose dominant characteristic is the description of such unlawful activity.

The Criminal Code sets out tough sentences for child pornography offences, including a maximum sentence of 10 years for producing or distributing child pornography. Since 2005, all child pornography offences carry a mandatory minimum term of imprisonment, which prevents persons found guilty of such an offence to be given a conditional sentence, for example house arrest.

In addition, committing a child pornography offence with intent to make a profit is an aggravating factor when determining the sentence. Since 2005, the courts responsible for sentencing have had to pay particular attention to the objectives of denunciation and deterrence when imposing a sentence for an offence involving the sexual exploitation of children.

The government recognizes that, although tough criminal laws are necessary to fight this scourge, they are not enough. For that reason, we announced last year that we were renewing our commitment to work with our partners on the national strategy for the protection of children from sexual exploitation on the Internet. This strategy has been successful and has played an important role in recent years in ensuring that the increasing number of youth using the Internet are protected and that measures to stop sexual predators are in place. The government will invest $71 million over five years to ensure that this national strategy continues to be successful.

This money will make it possible for the government, through the National Child Exploitation Coordination Centre, to increase its capacity to fight against the sexual exploitation of children on the Internet by identifying the victims, conducting investigations and helping to bring offenders to justice, and also by improving the capacity of municipal, territorial, provincial, federal and foreign police by providing training and support for investigations.

We also want to enhance the centre's ability to help young people take charge of their own safety while engaging in online activities, and enable the public to report possible cases of online sexual exploitation of children through initiatives like Cybertip.ca

The international community has also recognized that the protection of our children is of paramount importance in the many treaties that address the issue. In particular, the Council of Europe Convention on Cybercrime seeks to standardize a definition of child pornography and offences related to child pornography in an attempt to foster international co-operation in combating crimes against children.

On May 6, 2010, the government reintroduced this important bill in the House to enhance our ability to co-operate with our international partners in combating this scourge.

I would now like to explain how this piece of legislation will work. The bill focuses on the Internet and those who supply Internet services to the public, because the widespread adoption of the Internet is largely responsible for the growth in child pornography crimes over the last 10 years or so.

● (1255)

Because Internet service providers provide Canadians with the Internet services through with child pornography crimes are committed, they are in the best position to discover these crimes. That is why this legislative measure requires them to report to the police any Internet address related to child pornography that can be publicly accessed on the Internet, to notify the police if they think that their Internet services have been used to commit a child pornography crime, and to preserve any related evidence.

It should be noted that this act will cover more than just ISPs. The term ISP usually refers to those who provide access to the Internet, in other words, the wires that go into our homes and deliver signals. This bill applies to ISPs and to all those who supply electronic mail services such as webmail, Internet content hosting, which would include web designers and co-location facilities, and social networking sites that allow members to upload images and documents. The law would also apply to those providing free Internet services to the public, such as cybercafés, hotels, restaurants and public libraries. This wide application will eliminate as many pedophile safe havens as possible.

This legislation would impose a certain number of obligations on those who provide Internet services. First, if a person is advised, in the course of providing an Internet service to the public, of an Internet address where child pornography may be available, that person would be required to report that address to the organization designated by the regulations. To be absolutely clear, these providers would be required to provide only the Internet address. No personal information would be sent to the designated organization. We chose this route in order to comply with the Privacy Act and because the designated organization would not require additional information to fulfill its obligations under the regulations. Even though the regulations have not yet been written, we foresee the organization's main roles to be: one, to determine if the information communicated about that Internet address does give access to child pornography in the meaning of the Criminal Code; and two, to determine the geographic location of the server where the content is stored, if applicable. Once this information has been confirmed, the organization would send it to the appropriate law enforcement agency.

The second duty C-22 would impose on Internet service providers would be to notify the police if they have reasonable grounds to believe that their Internet service has been used to commit a child pornography offence. For example, an email provider that realized while maintaining its message server that a user's mailbox contained child pornography would be required to notify police that it had reasons to believe that a child pornography offence had been committed. In addition, the provider would be required to preserve the evidence for 21 days after notifying police. However, to minimize the impact on the privacy of Canadians, the Internet service provider would also be required to destroy the information that would not be retained in the ordinary course of business after the expiry of the 21-day period, unless required to keep it by a judicial order.

So as not to prejudice a planned or ongoing criminal investigation, a person could not disclose that they had made a report or a notification under the legislation.

The general principle behind this legislation is that it must not promote the use or distribution of child pornography. In keeping with this principle, the bill expressly states that it does not require or authorize anyone to seek out child pornography. As well, the bill is not worded in such a way that Internet service providers themselves are required to check the information on an Internet address or investigate users' activities

The last two things I would like to talk about are offences and punishment. Failure to comply with the duties under this proposed legislation would constitute an offence punishable by summary conviction with a graduated penalty scheme.

● (1300)

Individuals, or sole proprietors, would be subject to a fine of not more than $1,000 for the first offence, a fine of not more than $5,000 for a second offence, and a fine of not more than $10,000 or imprisonment for a term of not more than six months, or both, for each subsequent offence.

Corporations and other entities would be subject to a fine of not more than $10,000 for a first offence, a fine of not more than $50,000 for a second offence, and a fine of not more than $100,000 for each subsequent offence. This two-level penalty system takes into account the diversity of the Internet service sector in Canada, where there are just as many sole proprietorships as there are multinational corporations.

Some might feel that these penalties are light, but we have to remember that this bill is a complement to all of the existing measures to protect our children against sexual exploitation, including the harsh penalties provided for in the Criminal Code for child pornography offences.

This bill sends a message to those who provide Internet services to the public that they have a social and moral obligation, and now also a legal one, to report the existence of this heinous material when they become aware of it.

We believe that the penalties provided for in this bill would allow us to balance the objective of the bill with its effectiveness. In order to achieve the objective of this bill, to better protect children, the government wants to ensure that all Internet service providers in Canada abide by the law, not just the major Internet service providers who already voluntarily declare such cases and assist the police.

In conclusion, I hope that all parties and all parliamentarians will support Bill C-22, the Protecting Children from Online Sexual Exploitation Act.

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I listened carefully to my hon. colleague and I will come back to what he said in a moment.

I have before me two press releases, one dated November 24, 2009, and the other dated May 6, 2010. In November 2009, this bill was known as Bill C-158 and now it is Bill C-22. We began studying it. Perhaps my colleague will say that we care more about criminals than victims, but that is completely false. In fact, we agreed with this bill and I will come back to this a little later, when I speak to this matter again.

I have a question for my colleague. As he might recall, the Standing Committee on Justice and Human Rights had begun studying this bill. Something drew my attention and I hope my colleague is listening to me. According to a study by the Canadian Centre for Child Protection, 65% of child pornography websites are located in the United States.

The government had six months to introduce this bill again. We asked the government what it has done to implement an agreement with the United States in order to be able to access these sites, which are polluting Canada's cyberspace.

Mr. Daniel Petit: Mr. Speaker, through you, I would like to mention that, according to our information, most pornographic sites are hosted in the United States and others are hosted in Canada and other countries. Most of the rules will apply to any company, big or small, that hosts child pornography sites. The company will be required to take the necessary steps to protect children from this abuse and, to some degree, help the victims.

● (1305)

[*English*]

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, the bill is laudatory in its aims but what is important is not just what is on the face of the law, but the resources behind that law in order to implement it. I understand that some efforts are being made by police forces in Canada to work together and work across borders to further the exchange of this information and stomp down on this egregious activity.

In keeping with moving forward on this bill, what further efforts are being made to formalize arrangements between police organizations within this country and to formalize intelligence sharing between this country and other nations? Are there negotiations under way or presentations at the world customs forum? Are there specific resources being geared up to give support to these very specialized workforces?

I know from very close friends and associates who are criminal prosecutors and criminal defence that it is extremely emotional work, particularly when one is dealing with crimes involving children. Are we putting measures in place to ensure that we have enough officers on board dealing with these matters so they do not get completely burned out?

[*Translation*]

Mr. Daniel Petit: Mr. Speaker, through you, I want to thank my colleague for her question. Indeed, for the past four or five years, Cybertip.ca, a not for profit agency, has already been helping the system uncover pornography distributed by Internet providers.

I would like to point out that under the bill, Cybertip.ca may be one of the agencies chosen to help us fight sexual exploitation and child pornography on the Internet. Funding will be provided to these agencies that are already helping us for free.

Mr. Marc Lemay: Mr. Speaker, I listened to both the English and French versions of my colleague's response. Since he did not answer the question, I will ask it again. Can the Parliamentary Secretary to the Minister of Justice tell us whether an agreement has been worked out between Canada and the United States authorizing us to take action in the United States, which hosts 65% of the child pornography sites that are polluting Canada? Does such an agreement exist?

The members of the Standing Committee on Justice and Human Rights had asked him to be sure to answer these questions. I expect him to answer me.

Mr. Daniel Petit: Mr. Speaker, I want to explain something to the hon. member. When what is known as the main drive is located in the United States, its content is released through a system that is licensed in Canada, namely the Internet service provider. That ISP is governed by Canadian laws. Even if the main drive is located in the United States, the Canadian company will have to convey the information. That is what I mentioned in my speech. Where is the child pornography site, and where is its geographical location? If the Canadian provider does not want to be at fault, it will simply have to stop presenting the content of this site.

[*English*]

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, the website cybertip.ca showed that the Internet sites containing child pornography are hosted in close to 60 countries and they provide a table indicating the rank of the top countries. For example, the United States is number one at 49.2% and Russia is number two at 20%. Canada is at 9%, Japan is at 4.3% and South Korea is at 3.6%.

The fact is that we know these sites are mobile. This is based on the 12,000 sites available right now. What we want to know from the government and the parliamentary secretary is what sort of strategy or agreements the government has to work in concert with these 60 countries. Perhaps it can look at expanding it beyond the 60, because we know that when we move on these 60, they will simply move to country number 61 or 62.

In the area of penalties, companies may pay $10,000 for a first offence, $50,000 for a second offence and $100,000 for a third offence. Assuming that organized crime is involved in Internet pornography, does it not sound reasonable that a $10,000 fine would just be part of the cost of doing business?

● (1310)

[*Translation*]

Mr. Daniel Petit: Mr. Speaker, I thank the hon. member for his question.

It should be noted that, in the systems that bring Internet to our homes, a Canadian company monitors or houses the system that is called a server. The server is Canadian. It communicates with other servers located in other countries.

When our Canadian server discovers, is told, or reports to the police that it houses a child pornography site, it is the one that would be penalized. Therefore, it will stop housing pornographic sites from another country. Servers communicate among themselves. They can stop an activity, and that is what we are requiring them to do with our commercial trade partners. We are asking them to monitor everything that comes from other countries, since they are interrelated. This means they can put an end to an activity.

As regards the hon. member's second question, it is true that the organized crime may be behind this and may make billions of dollars. However, I should point out that the penalties are gradual. For example, in the case of an individual, it is $1,000 for a first offence, then $10,000 for a second offence, and so on. We felt that international companies and large corporations for which $50,000 is not much money should keep in mind that we can have a different scale for a small company and an individual.

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I would like to agree with my colleague, the Parliamentary Secretary to the Minister of Justice, I would like to agree with him, but he has tried to pull a fast one on us because what he is saying is not true at all. In fact, that is the problem. On the question of child pornography, I have the two documents, Bill C-22 and Bill C-58. They are the same thing. Allow me to go into one of the two documents that were prepared.

At the justice committee, we examined this famous Bill C-58. With all due respect, if the government had not prorogued the session, that bill would be in force. We are entitled to expect that the government would have put procedures in place, international agreements, to put an end to child pornography. That is what we were told in committee, and allow me to review a bit of it. When that bill came to us in committee, the first witnesses who appeared before us told us: "At last, Canada has entered the 21st century." And that is not bad news.

The government has dragged its feet on this for several years when there was in fact an agreement. Governments had agreed to have a child pornography bill passed in the United States, France, England and several countries, including Canada. Quite obviously, Canada has dragged its feet. We asked the Conservatives: "What have you done?" We were told that all the impacts had to be studied. That is why they came in with Bill C-58, which is now Bill C-22. I will say right now that the Bloc Québécois agrees with this bill. Our Conservative friends are going to stop spreading it around that what we care about is defending criminals, because it is not true. This is more exaggeration, more demagoguery.

There is a section in the Charter of Rights and Freedoms that clearly states that every human being whose life is in peril has the right to assistance. That has been adopted everywhere. It is part of the charter of the rights of the child adopted by the United Nations. One of those examples is child pornography. In fact, it travels exponentially, and contrary to what the parliamentary secretary said, and I will say this again: when they tell me that the service provider is important and they are going to control the one doing the distributing, that shows a very poor grasp of how the Internet works. You have to go to the sites, and obviously I am not suggesting anyone do that, to see that once a site is detected it closes down as fast as it was opened. The justice committee was told what will have to be done with this bill, it was reiterated and everyone agreed, and that is to start now to put in place what the government needs for implementing this bill. At that time we were talking about Bill C-58, which is now Bill C-22. This Bill C-22 does not change anything. It is a copy of what the government handed to us in November 2009, except that it has now been able to hold two press conferences, to say the same thing two times: that they care about victims and that on this side, which makes no sense, we do not care about children, and we are this and we are that.

Sometime the government should stop trotting out these old ideas. Everyone has heard them. I hope no one in the House is in favour of child pornography. Once that has been said, we need to take the appropriate action. What is it? It is to force Internet service providers to report people to an organization. That is where the problem lies. We asked the government if it had already started to set up this organization. Does it know who it will be? Will it be the RCMP or some other agency? There was no answer.

● (1315)

We agree that this bill should be studied in committee, but these questions will still have to be answered. Everyone knows the bill will not be studied in committee this session. It will be studied next session, starting September 20, unless the government prorogues Parliament or calls an election or manages in some other way to make political hay.

It will soon be a year since this bill was introduced in the form of C-58 or C-22. That is why we want our police forces to be immediate authorized to set up an action group. It is sad to say, but in order to put an end to child pornography, it is necessary to go on-line with snooping software. The RCMP, the Sûreté du Québec and some other police forces have special teams and computer geniuses who can snoop and trace pornographic sites back to where they are located and installed. If they are located in Canada, it is easy to take action against them. However, legislation is needed to do so. The necessary legislation is Bill C-22, which we support.

There is a very important point that should be repeated over and over. People in Canada, Quebec and all the provinces need to know that child pornography will be diligently prosecuted. We should never yield in the face of this odious crime. There is no need to describe what child pornography is. The words speak for themselves.

It is important to remember that the increased likelihood of getting caught is much more dissuasive than increased penalties, which often seem distant and abstract. Everyone who hosts these child pornography sites should be told to watch out beginning right now because they will be hunted down thanks to a new system and they can be traced and punished.

Unfortunately, I must say very respectfully that I have not received any answers. The Bloc does not know whether the government is prepared to fulfill its obligations and implement Bill C-22. I am afraid it is not. We obviously will get back to this and agree that the bill should be studied in committee.

What is an Internet service provider? It seems to refer to people who provide an Internet access service. But who are they? Do they also provide e-mail services, website hosting services and social networking sites? It is not really clear in the current bill. Internet service providers generally means people who provide access to the Internet. Does this include Cablevision in Abitibi or Vidéotron? The bill needs to go further. We have to be able to get at e-mail, website hosting services and social networking sites. Does it include Twitter and Facebook? Will all these networks be subject to Bill C-22?

● (1320)

That will be the debate. The committee members were not satisfied with the government's responses. The government said it was the responsibility of the Internet service providers, Videotron, Rogers or Bell Canada, for example. We must go farther. What we are asking the government is whether it is prepared to go onto the Twitter and Facebook sites. I give those two examples, because I think that is enough.

As members of the House, we receive between 200 and 300 messages a day. Very often we have no idea where they come from. Sometimes we see some rather special images, to put it mildly. How do we go about stopping all this? Of course I am not talking about child pornography only, but it is an example. There are also hate crimes.

The hon. member for Gaspésie—Îles-de-la-Madeleine has a whole series of photos against the seal hunt, which are incredibly biased and which were distributed to us over all the networks. You can imagine what the situation is with child pornography.

Many of our friends are on Facebook and Twitter. What will happen if those networks are not included? We think that it will be absolutely necessary to get answers to these questions. Since the bill will not come back before committee until next fall, the government will have time to answer these questions. We in the Bloc are even prepared to propose amendments to this effect. We must absolutely and totally eradicate the slightest possibility of access to child pornography on sites hosted in Canada. We will have to find ways of doing this. It is vital that police forces be able to implement special squads and task forces.

In this bill, there is a duty to report. Any person or group providing Internet services to the public will have to report if advised of an Internet address. The minute there is an Internet address where child pornography is available, what methods will be used to track down those responsible?

I would draw a parallel with drugs and money laundering. It is all very well to arrest the drug traffickers, but where does the laundered money go? This is how the commission of other crimes is abetted.

It is obvious to us that child pornography brings in hundreds of millions of dollars for organized crime. There is no doubt about that. The police must have effective means of dealing with this. This is something we need to come back to. Analyzing websites is fine, but once they are analyzed, how do we step in? We must and we will have to step in, not only in Canada, but also in the United States, in other countries of the Americas and even abroad. Some sites are hosted in Russia, and others in Asia. The Government of Canada, in particular, must take the leadership in signing agreements so that intelligence can be transferred very quickly and we can put a stop to this. For we know how it works.

● (1325)

As soon as someone realizes that they might be suspected, they close their site and open it somewhere else. The government will have to find the resources, but for the moment, unfortunately, we are not getting an answer. We absolutely have to be given answers to these questions. Otherwise, we will have passed a bill and done our job. Members are being asked to do their job: to introduce, develop and analyze legislation to combat child pornography or pedophilia sites.

Have no fear, we are going to do it. The public can rest assured that the Bloc and its colleagues in the Liberal Party and the NDP agree with the government. We are going to move forward, but the government absolutely has to find the resources and gives some speedy indications that it has given very serious thought to what has been decided at the international level to combat child pornography, which is extremely harmful to our young people.

In September 2008, the federal, provincial and territorial justice ministers agreed that Canada's response to child pornography would be strengthened by federal legislation. It has been almost two years and to date nothing has been done because the session was prorogued last fall. We resumed almost six weeks late, and so we have not been able to study the bills quickly enough.

We are in favour of Bill C-22. We believe it is necessary and it is an important tool to combat criminal organizations and crime, something we should be doing day after day, fighting the people who put our children at risk of falling victim to these kinds of crimes.

I invite my colleagues to give their opinions on this bill, but it must be passed quickly so we can study it in committee next fall. The government must not delay implementing it; it can do it.

I would like to offer some interesting statistics. In 61% of sexual assault cases reported to the police and 21% of physical assault cases, the victim was a child. Seventy-two percent of Canadians think it is easy to find child pornography on the Internet. Ninety-two percent of Canadians say they are concerned about the distribution of child pornography on the Internet, and 96% think it is important to have a service for reporting child pornography on the Internet.

In those homes where the use of Internet is not monitored, 74% of the children say that it is when they are left alone that they surf on the Internet. Moreover, 21% of them say that they have met in person someone they first got to know on the Internet.

It is urgent that Canada take its responsibility and tackles the issue of child pornography on the Internet.

● (1330)

[*English*]

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, as I mentioned, cybertip.ca analyzed over 12,000 websites and found that of the hosting countries, the United States was at 49%, Russia 20%, Canada 9%, Japan 4% and South Korea 3%. I do not see countries like Sweden and Germany on the list. Sweden has a policy of blocking child porn as do Germany and other European Union members.

Why should we be playing cat and mouse with these people and spending huge amounts of money on police forces to chase people who are going to evade us by moving to one of the other countries that are not currently hosting these sites? Why would we not take the approach of Sweden and Germany, block child porn in the first place and avoid all this needless expense of having the police play cat and mouse with these people for many years to come?

[*Translation*]

Mr. Marc Lemay: Mr. Speaker, I can only say to the hon. member that I do not know who must do what. I do not know if it is Cybertip.ca. What I do know, however, is that we must absolutely and quickly target the issue of child pornography. To me, that is clear. We must absolutely fight it aggressively, by taking appropriate means, whether it is Cybertip.ca, organized groups within the RCMP, task forces from the Sûreté du Québec, the Ontario Provincial Police, or whoever else, but we must do something about it. That is clear. We must have the means to tackle this issue and to closely monitor the individuals who house these Internet sites. In my opinion, that is a critical requirement.

Can this be done the way it is being done in Europe? I do not know, but it has to be done. When this bill is referred to the committee, our concern will be to ensure that the government has begun taking the means to deal with this issue.

● (1335)

[*English*]

Mr. Jim Maloway: Mr. Speaker, I have another question for the member on the whole area of offences. We already have indicated that the bill has been in progress for about five years. There is no reference to Twitter in the bill, for example. The technology is ahead of any government, but it is miles ahead of the Conservative government.

In terms of offences under the bill, we are looking at individual offences of $1,000 for a first-time offence, $5,000 for a second-time offence and $10,000 for a third or more offence or six months in jail. When we get to the corporate side of it, we are looking at $10,000 for a first offence, $50,000 for a second offence and $100,000 for three or more offences. As I indicated before, the child pornography sites, I believe, are being run by criminal organizations.

Is this level of fines really nothing more than just the cost of doing business for people like criminal organizations?

[*Translation*]

Mr. Marc Lemay: Mr. Speaker, I thank the hon. member for his question.

It is obvious to me that my colleague is right. We should be able to prosecute the individuals who are hiding behind these networks and these child pornography sites. I fully agree with the hon. member that we should sue these individuals.

The problem is very simple: the government does not have the means to fulfill its ambitions. This means it is going to have to find those means. If we support a legislation such as Bill C-22—which, in my opinion, is a certainty—we must absolutely be able to implement it, so that it does not remain an empty shell, as is too often the case with bills that do not achieve anything. We will have to find those means, and I think we should begin looking for them now, since we know that we are going to adopt this legislation.

Mr. Daniel Paillé (Hochelaga, BQ): Mr. Speaker, being very close to my colleague for Abitibi—Témiscamingue, I know that he did not have time before to answer a question. I will give him the time to answer the question.

Mr. Marc Lemay: Mr. Speaker, I have answered so many questions that I would have liked my colleague for Hochelaga to indicate which one, although I have an idea.

What I wanted to say earlier is that the government has to stop holding press conferences to give press conferences. It has to stop holding press conferences to tell us that it is fighting crime and taking care of victims. With regard to the matter before us, Bill C-22, the House is clear and unanimous. Unless I am told otherwise, the last I heard it was unanimous: everyone here is against child pornography.

Therefore, the government must stop holding press conferences and start taking action. That is what we are debating. We have to provide the means to implement this bill as well as others. Barely one hour ago, we were discussing Bill S-2. How are they going to implement Bill S-2 if they do not provide police forces with the money to carry out their responsibilities when these bills are passed?

● (1340)

[*English*]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, as I was preparing to speak, I pulled my speech from the last time this bill was before the House.

It is one of a number of bills that the government has been grossly incompetent in dealing with. I say that from two vantage points. This is one of the bills that died on the order paper because of the prorogation decision by the Prime Minister in late December 2009.

It also reflects the inability of the government to deal seriously with major crime issues. It is much more concerned about using it for blatant political purposes than it is for dealing with crimes that affect a good number of Canadians, and in this case children in particular. It is much more concerned about maneuvering and manipulating the political system to its advantage, as it did with the prorogation in December, than actually dealing with the problem and the crime, and dealing with it effectively.

On top of that, in spite of all of the claims of getting tough on crime that the government makes, this issue has been before Parliament since even before it was government, but it has now been government for four years. There have been two elections. This is an identification, however, that this problem with regard to child pornography dispersed electronically, in particular, has existed for quite some time.

The government cannot claim ignorance of the reality. It certainly cannot claim to a significant degree either an unwillingness or an incapacity to deal with it and certainly to deal with it in a timely fashion.

We saw this bill before. It is identical to the one that was here before prorogation. It was Bill C-58 at that time and it is now Bill C-22. It deals with the issue of imposing a mandatory responsibility on the part of Internet service providers and other companies that provide services to the Internet, that in effect make the Internet function.

It requires both individuals and corporations, and it will be almost all corporations, to report incidents of child pornography on the programs and hardware equipment that they identify.

Before I go to more of the specifics, I want to say two things. One, as I said earlier, this bill has been required for some time. I recall in the justice committee back in 2004-05, the issue was before us. We heard some very interesting evidence at that time from our police forces and some of our prosecutors about the refusal on the part of some of these providers, private company providers, to co-operate with the police during the course of an active investigation.

It was with a good deal of anger from all members of the committee that we responded to those facts. What has happened since then is a significant increase in co-operation, in part because of the pressure by the police and the prosecutors but also by the justice committee in terms of talking to some of the major service providers in the country. So they have become more co-operative.

However, it is quite clear that they have not all done that and they have not all fully co-operated, and that they have not gone out of their way to identify sources of child pornography within their system or network and to report those.

I have to say a bit in their defence. It was not clear how much they could divulge without exposing themselves to civil lawsuits around breaches of rights of privacy.

● (1345)

The bill addresses some of that. One of the concerns I have is whether it is clear enough and broadly scoped enough to provide that protection. However we knew about that in 2004-2005. It was very clear what the problem was.

The other point I want to make before moving into the bill specifically is that this issue of protecting our children by imposing a responsibility on the part of adults, in particular professionals, is not new to our law. It is, I believe, the first time we will do it in the Criminal Code, but we have imposed this responsibility at the provincial level for child abuse for over 30 and almost 40 years now. We started back then in the late sixties and early seventies.

We began imposing on doctors, social workers, psychologists, psychiatrists, teachers, and a number of groups who have extensive interaction with children in their professional lives, the responsibility that if they determine that the child has been a victim of child abuse that has to be reported either to the children's services agencies that are responsible for child protection in the region or to the police.

That legal principle of doing that is not new. In fact, as I said, it is almost four decades old in Canada at various provincial government levels. However, it will be the first time that we will do it in the Criminal Code at the federal level.

I know my colleague from Manitoba keeps making this point, but we as parliamentarians are constantly having to catch up with new electronic developments and new technological developments. This is certainly a classic example of the law running well behind what has become a major tool for purveyors of child pornography to use to send that child pornography all the way around the world.

Child pornography has been with us forever. We can find it going back into the Egyptian period, the Roman period, and further into Asia during some of those civilizations. It shows up in some of the paintings and sculptures that were created during those periods of time. Therefore, we know it has existed for a long time.

What has happened because of the Internet, because of that technological development, is the ability to spread the child pornography that is created primarily in eastern Europe and in Asia, because most of the sources are from there. The ability on the part of those organized crime syndicates to get that out across the globe has proliferated to the nth degree. I do not think we know how much more is getting out as compared to what was being processed prior to computers and certainly prior to the Internet.

That is the factual reality that we have known about, at least for the last half decade in terms of its extensive proliferation, and our police forces and prosecutors have known about it for at least another five years before that.

The bill is way overdue. What it does do is impose upon the operators of the network a very specific responsibility that if they identify it, and I want to be clear on that, if they identify it or if it comes to their attention, they have to report that to an agency that will be established under this legislation.

In that regard, it immediately begs the question of whether the government will provide the necessary resources for that agency to exist in an effective and efficient manner.

Mr. Pat Martin: That is unlikely given its history.

Mr. Joe Comartin: As my colleague from Winnipeg is saying, given the history of the government being prepared to spend hundreds of millions and billions of dollars to incarcerate people, it is much less willing to spend money on prevention.

That is what we are talking about. The identification of the purveyors of this pornography, if we can identify them, will prevent a great deal of crime.

● (1350)

The other point I would make in this regard, and I think the government really has a hard time understanding this, because I do not think the Conservatives have the intellectual capacity to gather it, is—

An hon. member: Speak very slowly.

Mr. Joe Comartin: Speak slowly. Is that the advice? I will slow down my speech.

The Conservatives are really strong on deterrence. That for them means punishment. It means beating people into submission by incarcerating them for life. I am sure that the majority of the Conservative caucus members, if they had the ability to do it, would bring back the death penalty as well, because they think of deterrence that way.

The approach in this bill is a much more effective deterrent. It is a deterrent to organized crime. Deterrence rarely works, certainly not in crimes of passion or in crimes to our youth. Deterrence just does not work. There is no evidence to the contrary. All of the evidence we have shows that deterrence does not work in those circumstances. However, making an effective tool available to our police so that they can get to the purveyors of child pornography is a very effective deterrence tool.

I do not think that the Conservatives have the ability to comprehend this fact, but every study we have ever done, and I learned this in law school and repeatedly in my professional practice as a lawyer, shows that we deter crime by convincing those people in our society who contemplate committing a crime that they will be caught. This bill is an effective tool in sending the message that if people put this stuff on networks across the globe, we are going to catch them, and we will deal with them under the rest of the sections in the Criminal Code. This bill is an effective tool from that perspective.

We are supportive of this legislation. However, I think that the government threw it together rapidly, when it was Bill C-58.

I have asked some of these questions before, but I have not received satisfactory answers.

The bill definitely needs to go to committee so that we can take a look at it and have some people in from the industry, the Department of Justice, and the police to tell us whether in some respects it goes far enough. There may be some overreach, but in this case, as opposed to most crime bills we get from the government, it may not go far enough.

I ask people to look in particular at the penalties. A constant problem we have with the government is that it does not trust our judiciary. If convicted of not reporting, the maximum fine on the first offence, for individuals, is $1,000. I believe that the fine is $10,000 for corporations. These are very small amounts of money, given the individuals and the kind of revenue they generate from their operations. That is all the judge can impose. That is the maximum fine a judge can impose.

The situation that immediately jumped to my mind, and I am not sure why the government did not catch this, was this: What if over several months or several years there has been a whole series of reports to a company about child pornography on its system, and the company has not reported it? What is going to happen in the courts is that the company is going to be convicted for all of them all at once. The maximum fine in that situation would be $1,000. The individual who may have breached his or her responsibility under this bill one time would also be exposed to the maximum fine.

What this comes down to is that the government does not trust judges to look at that situation and say that this was one time on the part of this company, but on the part of that company, it was the 10th, 15th or 20th time people complained and pointed out that child pornography was on the network it controlled, and it had not reported it. That company would also get that $1,000 fine or that $10,000 fine.

Clearly, it is not a proper approach. If it were left to the judiciary, they could assess the situation once the convictions had been entered and could determine whether there would be a much more substantial fine for a company that continually breached its responsibility under the legislation as opposed to the individual or company that did it only once. That is one problem with the bill.

● (1355)

A couple of other provisions give me cause for concern. There is a provision in the bill that requires the individual or company that has the material to keep it for a maximum of 21 days. Knowing the workload we have imposed upon our police and prosecutors, that period of time seems tremendously short. The only way they can be required to keep it for more than 21 days is if the prosecutor goes to court to get a judicial order requiring them to keep it until further order. That process would require our police and prosecutors, in fewer than 21 days, to get the material together and get a court date. It is a very short period of time for them to function properly and make sure that the material or data is kept so that an effective prosecution can be pursued.

I do not know where they came up with 21 days. It seems to be totally out of keeping with the practicalities our police and prosecutors face in doing their jobs. I believe that we will have to take a look at that. As I say, they have not been flexible enough to look at this situation and say that this is just not adequate. I do not know whether they consulted with police and prosecutors. However, I think that anybody I would have talked to would have said that it is simply not a long enough period of time for the data to be held.

I just want to cover one more point, and that is the issue that in the past has caused companies and individuals not to co-operate. Some provisions in here, in several sections, deal with the right of corporations and individuals who identify this material, this child pornography, to report it without being sued. I have to say that I am questioning whether these provisions are adequate.

There are three provisions in clauses 8, 9, and 10 that in my mind raise doubts as to whether the bill goes far enough to protect them. These are individuals or corporations that are being responsible. They are reporting. However, they may step back and ask if they are going to be sued. Are they going to hesitate? It is very important that they do that reporting as soon as they possibly can so that an investigation can be carried out. The material can be saved, but taken off the Internet, and the police can be given the opportunity to chase back through that whole network system, which oftentimes includes a large number of providers.

We have heard from the police that they have had cases when they went through 25 to 50 service providers before they found the source. That is, of course, where we want to go. The sources, with very few exceptions, are international sources. They are not Canadian sources. It is very important that once they have the information, the service providers provide it. What we have to do is be very clear with them that they have absolute immunity from civil suits or prosecution under other legislation if they provide the material in a timely fashion.

We have to look at that. When it goes to committee, it will be one of the areas we look at.

STATEMENTS BY MEMBERS

[*English*]

CITIZENSHIP AND IMMIGRATION

Mr. Devinder Shory (Calgary Northeast, CPC): Mr. Speaker, we all appreciate the need to improve Canada's immigration system. We need a fair and balanced system to help those who truly need our protection and to protect those who are at risk of being abused by crooked consultants. We must also protect Canadian taxpayers from those who would abuse the system by crawling through loopholes.

Canada is a land of immigrants, and whether we were born here, flew here, drove here, or sailed here, I know that all members of the House want to make Canada a better place for our children and grandchildren. Therefore, it makes me extremely proud that all sides are working together to reach consensus on such a sensitive matter.

On behalf of the constituents of Calgary Northeast and future new Canadians, I ask all members to rise with me to thank and congratulate the hard-working minister and the Standing Committee on Citizenship and Immigration for working together.

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● (1400)

DAY OF CONSCIENCE

Mr. Mario Silva (Davenport, Lib.): Mr. Speaker, for 21 days, beginning on June 17, 1940, Portugal's consul general in the French city of Bordeaux issued visas to over 30,000 refugees fleeing the Nazis, in defiance of his own government's orders and at great personal sacrifice. His courage and commitment to conscience saved those who would have otherwise perished and gave life to their descendants who today live in all corners of the world.

When asked about his decision, he would answer, “I would rather stand with God against man than stand with man against God”. In Israel, Aristides de Sousa Mendes is known by the revered title, “Righteous Gentile”.

The same courage and commitment was shown by the Brazilian diplomat Luiz Martins de Sousa Dantas.

I encourage all parliamentarians to recognize this devotion to conscience by supporting my motion to designate June 17 each year a day of conscience, consistent with the international efforts of Joao Crisostomo.

* * *

[*Translation*]

DENISE TREMBLAY

Mr. Jean-Yves Laforest (Saint-Maurice—Champlain, BQ): Mr. Speaker, the Regroupement des maisons pour femmes victimes de violence conjugale has given the Colette-Breton award to Denise Tremblay, the general director of La Séjournelle women's shelter in Shawinigan, for her extraordinary contribution in the area of domestic violence. Ms. Tremblay is an exceptional woman who has been the director of La Séjournelle for 26 years, and decided to dedicate her life to women's issues, at both the regional and national level.

This forward-thinking and visionary woman initiated a pilot project called Carrefour Sécurité en violence conjugale. Convinced that shelters could not single-handedly ensure the safety of all women who are victims of domestic violence, she proposed partnerships within the legal system, which has brought about significant advances in preventing assault and homicide. Now that is what I call a real model for effective crime prevention.

Congratulations, Ms. Tremblay we thank her for her willingness to give women an empowering experience that gives them the confidence to use their collective strength to change the world and make things better for all human beings.

* * *

[*English*]

ON TO OTTAWA TREK

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, on the 75th anniversary of the historic "On to Ottawa Trek", I am proud to welcome eight modern day homelessness trekkers from my riding of Vancouver East, who are here in Ottawa.

Am Johal, Diana Hart, Al Mitchell, Georges Maltais, Shawn Millar, David Murray, John Richardson and Garvin Snider left Vancouver on June 6 to re-enact the 1935 workers' protest against poor wages and abysmal working conditions in government camps during the Great Depression.

This wonderful group is also marking the end of the 2010 Homelessness Hunger Strike Relay, which I was honoured to participate in.

These groups and over 50 major Canadian organizations are calling on the government to support a national housing strategy and to vote yes to Bill C-304.

* * *

ELDER ABUSE

Ms. Lois Brown (Newmarket—Aurora, CPC): Mr. Speaker, I am pleased to rise in the House to commemorate World Elder Abuse Awareness Day. As Canada's population is aging, the needs and interests of older people's safety and security are becoming increasingly important.

The issue of elder abuse is no exception. Elder abuse can take many forms. Many seniors do not report abuse, because they feel isolated or are afraid to speak out. As a result, the problem of elder abuse remains largely hidden.

The government has recognized the importance of this serious issue and has been working to raise awareness of elder abuse. In 2008, we introduced the federal elder abuse initiative, which invested $13 million over three years to help seniors and others recognize the signs and symptoms of elder abuse.

I am proud to say that our government fully understands that this is a complex problem that requires us to work together. Combating elder abuse requires all of us to do our part to raise awareness of this serious issue.

* * *

BRAIN INJURY AWARENESS

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, last month, I tabled a motion to officially recognize June as Brain Injury Awareness Month.

I stand today to draw attention to Canadians who sustain cerebral concussions because they do not wear CSA-approved helmets when engaged in recreational activities where there is risk of head trauma.

Acquired brain injury is a silent epidemic. In Canada it is the number one killer and cause of disability of persons under the age of 44. There is new research linking repeated brain injury to Alzheimer's. The social, economic and emotional consequences of brain injury are devastating not only to the survivors but to their families. They may seem physically untouched, but can lose cognitive abilities and intellectual potential.

Currently, a young man, Brad Cownden, is cycling alone across Canada to raise awareness of acquired brain injury. I urge the government to amend the Hazardous Products Act to add CSA-approved helmets for ski and snow sports. All it takes is a stroke of the pen.

* * *

● (1405)

GENERAL SIR ARTHUR CURRIE MEMORIAL PROJECT

Mr. Bev Shipley (Lambton—Kent—Middlesex, CPC): Mr. Speaker, I rise today to commemorate one of Canada's greatest heroes, General Sir Arthur Currie. General Currie was the first Canadian to command the Canadian Corps, which he commanded to victory during the last year of World War I, including the battle of Vimy Ridge, which is said to have defined Canada as a nation.

Currie is a true statement that hard work and skill will be rewarded. With no formal military experience, Currie answered his nation's call to serve as a private at the beginning of the war and ended as the commander of Canada's forces. General Currie is one of Canada's finest soldiers. If it were not for him, we would not be the country we are today. He served with dignity and honour.

This brave Canadian is from the town of Strathroy in my riding of Lambton—Kent—Middlesex.

I want to thank the members of the General Sir Arthur Currie Memorial Project for their efforts in bringing tribute to this man who so richly deserves it. I ask members to please join me in paying our respects to this hero.

* * *

[*Translation*]

DAVID FOURNIER

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, I would like to offer my sincere congratulations to David Fournier, a municipal counsellor for the City of Windsor, who won the title of municipal leader of tomorrow from the Union of Quebec Municipalities.

His remarkable contribution to the community dates back many years. For example, at the tender age of 11, he worked as a volunteer coach with Windsor's minor soccer association. His interests are varied and he takes on more than one cause at a time, which helped earn him the Claude-Masson "youth volunteer" award for the Eastern Townships, presented by the Government of Quebec in 2007.

It is because of passionate and professional people like Mr. Fournier that Windsor is able to offer its best to the public.

On behalf of my Bloc Québécois colleagues, I would like to congratulate David Fournier on investing so much of himself in the well-being of his community.

* * *

[*English*]

JUSTICE

Mr. Dave MacKenzie (Oxford, CPC): Mr. Speaker, earlier today, the Minister of Public Safety tabled an important piece of legislation entitled, "An Act to End Early Release and Increase Offender Accountability".

This legislation, among other things, ensures that protection of society is the guiding principle and objective of corrections and conditional release. It moves toward a system of earned parole by increasing offender responsibility and accountability and strengthening the disciplinary system. It gives victims a greater voice and ensures that our streets and communities are safer for everyone.

The legislation responds to the concerns of victims' groups and police associations across the country. The chief of police for Winnipeg has said that statutory release "should be earned; it shouldn't be automatic".

We could not agree more, and that is why we are taking this action. We are strengthening Canadians' faith in our justice and corrections system after years of Liberal neglect.

We call on the Liberals, the NDP and the Bloc to listen to victims groups and police associations and support this much needed legislation.

* * *

KAREN'S QUEST

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, I would like to pay tribute to Sherry Welsh, member of the South Brant Lions Club.

For the past two years, Sherry has organized fundraising walks approximately 600 kilometres long in loving memory of her sister, Karen Manary Klassen, who passed away 10 years ago to kidney disease.

Under the banner of "Karen's Quest" and sponsored by the South Brant Lions Club, Sherry's walks have raised funds for the Lions Camp Dorset and awareness of organ and tissue donation. Lions Camp Dorset is the only camp in Ontario that specializes in support of families that have a family member who requires kidney dialysis. For approximately 13 weeks each summer, a full medical staff and dialysis equipment is provided for the families who attend. This allows the families to enjoy a summer together filled with activities, which otherwise would not be possible.

This year, Sherry began her walk at Lions Camp Dorset on May 1 and finished on Parliament Hill on June 6. I invite the House to join me in congratulating Sherry Welsh, the South Brant Lions Club, and the Weston Lions Club for a job well done.

* * *

● (1410)

[*Translation*]

JUSTICE

Mr. Bernard Généreux (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, CPC): Mr. Speaker, today our government announced legislative changes to eliminate the early parole process and increase offender accountability while strengthening victims' rights.

These changes will ensure that the protection of society becomes the paramount principle of the corrections and conditional release system. The punishment should fit the crime, and the rights of criminals should not come ahead of the rights of victims and law-abiding citizens

Once again, we have listened to Quebeckers and Canadians. The proposed legislation responds to the concerns of victims' groups and police associations across the country, and to the recommendations of the Correctional Service of Canada's Independent Review Panel.

Here again, our Conservative government has taken the necessary steps to eliminate practices that undermine Quebeckers' and Canadians' confidence in the justice and correctional system.

[*English*]

WORLD JUNIOR BASEBALL CHAMPIONSHIPS

Mr. John Rafferty (Thunder Bay—Rainy River, NDP): Mr. Speaker, the world will be gathering in Thunder Bay from July 23 to August 1 for the World Junior Baseball Championships.

I want to thank and congratulate executive director Warren Philip and the membership of the Thunder Bay International Baseball Association for their winning bid to host these championships.

These championships are an opportunity for people from around the world to experience all that Thunder Bay offers. I know that the people of our great city and the Thunder Bay International Baseball Association will be welcoming hospitable and generous guests.

I urge all members, their constituents and baseball fans across Canada to share our pride and make the short trip to Thunder Bay to attend a world-class tournament that is being hosted by a world-class city.

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GOVERNMENT LEGISLATION

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Mr. Speaker, the past year has been a difficult one for many Canadians. That is why our government has remained focused on the economy, keeping our communities safe and strengthening Canada's voice on the world stage.

While we have been working on important legislation that Canadians want and expect from their government, the opposition has been playing political games by turning committees into kangaroo courts and fuelling tabloid politics.

Our Conservative government has introduced over 40 bills this session. Thanks to the opposition's delay and obstruction, not one new government bill has passed Parliament to become law. Our government is calling on the opposition to immediately put aside the partisan rhetoric and get to work on our important bills before this session ends.

Canadians expect results on priorities that are important to them. It is time for the opposition to stop interfering, get serious and start working.

* * *

[*Translation*]

ELDER ABUSE

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): Mr. Speaker, today is World Elder Abuse Awareness Day and I would like to draw the attention of the House to the suffering some seniors face.

Elder abuse is often of a financial nature, but it can take many other forms: negligence, physical abuse or unwanted medical treatment.

Some statistics are particularly worrisome. For instance, nearly half of all people who commit suicide are 65 or older. Of course money does not solve everything, but having greater financial means would allow many seniors to live with additional dignity.

For some time now, the Bloc Québécois has been calling for measures that will allow seniors to become more autonomous, such as a $110 monthly increase in the guaranteed income supplement, as well as automatic registration of persons 65 and older.

Let us take the opportunity we have on this special day to think about what we can do for our seniors. Above all, we must remain vigilant.

* * *

NDP DEPUTY LEADER

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Mr. Speaker, the comments made by the deputy leader of the NDP concerning the state of Israel are not only irresponsible and counterproductive, but they are unworthy of Canada's foreign policy.

While acting as a moderator in the region, Canada has always defended Israel's right to exist.

● (1415)

[*English*]

The comments of the NDP's deputy leader, on the other hand, qualify as gratuitous rhetoric that reveals intolerable ignorance of Israel's history. When she questioned Israel's right to exist, her remarks went beyond the realm of what is acceptable.

If the leader of the NDP does not demand the deputy leader's resignation, then he is indeed condoning her remarks.

Canadian politicians can give neither authority nor publicity to this kind of anti-Israel rhetoric, and the leader of the NDP knows it.

[*Translation*]

Canadian politicians cannot repeat this kind of rhetoric, nor give it any platform. The NDP leader knows this and should ask his deputy leader to step down.

* * *

[*English*]

LIBERAL PARTY OF CANADA

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, in a shocking development, it has been revealed that the Liberal Party was selling access to the Liberal leader and his taxpayer-funded residence, Stornoway, just last night. In fact, the event was advertised on the Liberal Party's partisan website, where people could buy tickets and access to Stornoway and the Liberal leader for a cool $1,100.

The contact phone number for this partisan event was a 1-800 hotline phone number for the Liberal Party's exclusive and elite Laurier Club, where membership costs $1,100 each year, and the contact email address was a Liberal Party email address.

It is the same old Liberal Party that was caught handing out brown envelopes stuffed with cash during the sponsorship scandal. It is clear the Liberals have not learned a single thing by selling access to the Liberal leader and his taxpayer-funded residence.

By selling access to himself, the Liberal leader proves once again that he is not in it for Canadians, he is just in it for himself.

ORAL QUESTIONS

[*Translation*]

G8 AND G20 SUMMITS

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, according to the University of Toronto, the G8 conference in L'Aquila cost $260 million—

Some hon. members: There is no translation.

[*English*]

The Speaker: I am sure if hon. members are quiet they will hear the hon. member for Toronto Centre and understand every word in any event. I am sure we can switch around the dials and the translation will come.

The hon. member for Toronto Centre has the floor.

[*Translation*]

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, I will start again.

According to the University of Toronto, last year's conference in L'Aquila cost $260 million. The G20 meeting in Pittsburgh cost a total of $18 million.

So what is the reason for the huge differences between the past two conferences in Europe and the United States and the $1 billion the Government of Canada has spent? What is the reason for the difference?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, Canada will host two international conferences. We have consulted and used the experts who planned the security for the Olympics. We have made the same preparations as for the other summits, and even the experts at the University of Toronto said so.

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, I would like to ask the Prime Minister a very simple question about responsibility.

Is the Prime Minister at least prepared to accept some degree of responsibility on behalf of the Conservative government for the fact that there are untendered contracts, for the fact that the conference venue has changed and for the fact that the guest list is still changing? There must be some reason why the costs are so high in Canada, but not in Italy or Great Britain or even the United States, which is very concerned about security.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the member's statements are totally false. For example, it is standard practice to invite developing countries, African countries. They have been invited to every G8 summit I have attended. I noted yesterday that the Liberal Party was opposed to inviting African countries to the G8 summit. That is a historic flip-flop.

● (1420)

[*English*]

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, I will return the favour to the Prime Minister and say that those comments are also totally false.

However, the real question is why we have an extraordinary number of contracts being let without tender and without competition, single source contracts, and we need to recognize the degree of the problem.

Is the Prime Minister prepared to accept any degree of responsibility on his part and on the part of his government for all the changes that took place and all the shifting of ground that took place for the change of venue? Where is the responsibility—

The Speaker: The right hon. Prime Minister.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, once again the statements by the individual are completely false. I will take, for example, his statement about untendered contracts. All contracting processes have been followed. I suppose what the member for Toronto Centre is referring to is the fact that we do not tender contracts for police services. We use police officers for those services.

All of these costs were budgeted for and approved in the budgets approved by the House of Commons, including the Liberal Party, so I accept its share of responsibility.

Mr. Mark Holland (Ajax—Pickering, Lib.): Mr. Speaker, the eyes of the world are on South Africa as it hosts the World Cup of soccer. It is hosting nearly 400,000 people, including world leaders, for a full month at a security cost that is $700 million cheaper than 72 hours of private fake lake summit meetings.

At 500% more than the last summit Canada hosted in 2002, everyone knows these costs are crazy. How can the Conservatives say that they do not have money for real priorities, priorities like prison farms or EI for cancer patients, when they have a billion dollars for this kind of waste?

Hon. Lawrence Cannon (Minister of Foreign Affairs, CPC): Mr. Speaker, as we all know, a large part of the costs will be associated with security. We have consulted the experts in that field. Our costs are in line with comparable events that have taken place elsewhere. In that case, of course, we are very proud of what we have done.

I will remind colleagues that the auditor will review the costs after the event.

Mr. Mark Holland (Ajax—Pickering, Lib.): Mr. Speaker, the Conservatives should not be so proud of running up more than a billion dollar tab for 72 hours of meetings. It does not happen because of one mistake. It takes countless acts of incompetence: shoving a summit into a cabinet minister's riding where it would not fit; doubling costs over two venues; putting half the summit in the security nightmare of downtown Toronto; and blowing millions on gazebos, fiddlers, a fake lake and a sunken boat.

However, a huge driver of costs is untendered, sole source, no competition contracts. More than 85% of the contracts the government has doled out were sole sourced.

Why? Who is getting these contracts and what connections do they have?

Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC): Mr. Speaker, the planning process the G8 and G20 has been managed by professional public servants and they work to ensure that all contracts are tendered in an open, fair and transparent fashion.

Any contract entered into by the Government of Canada must adhere to the Government of Canada's contracting regulations. For example, over 90% of the value of contracts procured by my department for the G8 and G20 were done in an open, fair and competitive process.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, in response to pressure from the international community, the opposition and environmental groups, the Prime Minister has finally listened to reason and has put climate change on the agenda for the G8 and G20 summits. We have known for a while that maternal health would be a very important subject discussed at these summits.

If the Prime Minister was able to change course with climate change, why does he not do the same with abortion and include it in the maternal health program that will be discussed at these summits?

● (1425)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, as I indicated at the start, we will be discussing all topics at the G8 and G20 summits. Obviously, the G20 summit is the world's principal economic forum. From time to time, the leaders will discuss subjects like climate change as they relate to the economy, but we cannot override the UN process when it comes to very important discussions.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, that was not my question. He has decided to put climate change on the agenda.

My question is this: when the topic of maternal health comes up, why will abortion not be part of that discussion?

Will the Prime Minister take a firm stance on abortion and include this option in discussions on maternal health?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, our priority is discussions on maternal and child health. I am very confident that all G8 members will agree on this priority. Countries are free to choose their priority within this broad issue. Our objective is to save the lives of mothers and children all around the world.

* * *

INTERNATIONAL CO-OPERATION

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Mr. Speaker, non-governmental organizations that offer services promoting maternal health in other countries fear that their budgets will be slashed by the Conservative government if they continue to offer abortion-related services.

Will the government set aside its backwards ideology and commit to not slashing funding to NGOs that offer abortion-related services and information in developing countries?

[*English*]

Hon. Bev Oda (Minister of International Cooperation, CPC): Mr. Speaker, as we have made clear, the ongoing practices of CIDA's ongoing programming will not change.

However, we are very proud that at our G8 we will be championing saving the lives of mothers and children and, in fact, as Melinda Gates said, "Canada is proposing a bold but achievable plan that can save countless lives".

The international community is supporting us, as are our G8 colleagues, so we can save the lives of mothers and children.

* * *

[*Translation*]

GOVERNMENT PROGRAMS

Ms. Nicole Demers (Laval, BQ): Mr. Speaker, women's groups such as KAIROS, Match International and CCIC have all been victims of ideological and retaliatory cuts after having spoken out against Conservative policies. Community groups are so worried about facing the government's wrath that they are refusing to take part in public consultations.

Why is the Conservative government using public money to reward friends of the regime and silence groups that do not share its ideology?

[*English*]

Hon. Bev Oda (Minister of International Cooperation, CPC): Mr. Speaker, the hon. member is not correct. In fact, this government is proud that we are ensuring that our international assistance is actually going toward helping those who are living in poverty. We will ensure that we get value for our international assistance dollars, which means more health for our aid dollars, more education for our aid dollars, more medicine for our aid dollars and more mothers and children whose lives will be saved because of Canada's G8.

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AFGHANISTAN

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the coalition of the unwilling is on the march: unwilling to let members of Parliament do their jobs, unwilling to give them access to all of the documents that are necessary to be revealed, as per your ruling; and unwilling to get to the bottom of the role that was played by both Liberals and Conservatives in covering up what they knew about torture in Afghanistan.

Is the Prime Minister not ashamed about having put together this coalition of the unwilling to prevent the truth from becoming known to all Canadians?

● (1430)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, thanks to the hard work of the Minister of Justice, the government House leader and their counterparts in the Liberal Party and the Bloc Québécois, an agreement was reached to deal with what has been a very difficult parliamentary question.

My compliments go out to all three of those parties and, obviously, my regrets that the NDP has taken an extreme and irresponsible position on this matter.

[*Translation*]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, this agreement between the Conservatives, the sovereignists and their Liberal partner is shameful. They are excluding important documents and muzzling committee members. The government has a veto that will paralyze the entire process. As a result, Canadians will not know the truth, the whole truth, about the torture in Afghanistan.

The Prime Minister must be happy.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, once again, the members of our party, the Liberal Party and the Bloc Québécois have worked hard for many weeks to come to an agreement. The NDP has taken an extreme and irresponsible position.

[*English*]

However, this, unfortunately, is not the only kind of extremist and irresponsible position taken by the NDP. I am looking forward to seeing the leader of the NDP get up and unequivocally distance himself from the comments of his House leader and his deputy leader who have called Israel's existence an occupation.

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, let me give an example of how the government and this whole—

Some hon. members: Oh, oh!

The Speaker: Order, please. The hon. member for Toronto—Danforth has the floor. We will have some order.

Hon. Jack Layton: Mr. Speaker, our party has never denied and no one in our party has ever denied the right of Israel to exist. Let that stand on the record.

Let me give an example of how the government is breaking your ruling, Mr. Speaker, with the coalition of the unwilling. The Toronto *Star* obtained a legal opinion produced by the JAG in 2007. This document is the smoking gun about this whole affair. However, this document and documents of its type will now be excluded from this process, never to be seen by any member of Parliament. It is a major flaw and we cannot agree with it.

Why is the Prime Minister keeping the truth from Canadians?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the only person hiding the truth here is the leader of the NDP, who has a deputy leader and House leader who says that Israel's existence inside its pre-1967 boundaries is an occupation.

This is a fundamental denial of Israel's right to exist. It repeats the kinds of comments that were made by Helen Thomas on which she was forced to resign. The member of the NDP who said that should be forced to resign as well.

* * *

[*Translation*]

G8 AND G20 SUMMITS

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Mr. Speaker, the G8 and G20 summits were supposed to give Canada an opportunity to put its best face forward. Unfortunately, the Conservatives missed the boat with their billion-dollar muck-up, their partisan spending and their $2 million fake lake. The worst part is that most of the contracts were awarded without a tendering process. In other words, it is payback time for the party's pals.

Why is the Prime Minister using these summits to promote his party instead of his country?

Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC): Mr. Speaker, everyone has to comply with Canada's Government Contracts Regulations. For example, over 90% of the value of the public works contracts for the G8 and G20 was awarded through an open, fair and competitive process.

● (1435)

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Mr. Speaker, the Conservatives manipulated Canada's foreign policy for partisan purposes. The G8 and the G20 represent yet another missed opportunity, another step backward for Canada. Leading up to the summits, the Prime Minister has done everything in his power to avoid environmental issues and chip away at women's right to choose. The only economic proposal we can expect will have to do with saying no. Their fake agenda is as scandalous as their $2 million fake lake.

Does the Prime Minister realize that his partisan blindness is compromising Canada's future?

Hon. Lawrence Cannon (Minister of Foreign Affairs, CPC): Mr. Speaker, I would like to point out to my colleague that contrary to what he said, Canada is a great country. The Liberal Party of Canada and its leader are constantly trying to play down Canada's role abroad. We are leaders, we are shouldering our responsibilities. People are watching and they are proud of Canada.

[*English*]

Ms. Judy Foote (Random—Burin—St. George's, Lib.): Mr. Speaker, we all are hearing from our constituents how angry they are that the government has allowed the summit costs to balloon to over $1 billion. They know this all goes back to the costly political decision to have two summit sites.

The government now plans to hold a meeting of 18 world leaders in Muskoka when it claimed it was impossible to host 20 leaders without spending half a billion dollars more for a separate site in Toronto.

How does the government justify this outrageous mismanagement to Canadians?

Hon. Lawrence Cannon (Minister of Foreign Affairs, CPC): Mr. Speaker, this is in line with the tradition when previous host countries have extended invitations to other countries to participate. It is an outreach exercise and Canada is very proud to have asked countries from Africa, as well as from Latin America and Central America, to be part of the outreach program.

Again, costs are associated to security and we have vetted all these costs with the consultants and they are in line with all comparable summits.

Ms. Judy Foote (Random—Burin—St. George's, Lib.): Mr. Speaker, the President of the Treasury Board is so lost for ideas on how to cut the Conservative deficit that he is holding a contest. Here is a free tip for him: he should drain the lake. That will save him $2 million alone.

The Minister of Natural Resources says that spending $1 billion to build a 50 year reactor for isotopes for cancer patients is "irresponsible". What does he call over $1 billion blown for absolutely nothing at the fake lake summit?

Hon. Stockwell Day (President of the Treasury Board and Minister for the Asia-Pacific Gateway, CPC): Mr. Speaker, in our 2010 budget, the Minister of Finance has already laid out the road map to a balanced budget for 2014.

What we are putting in place is an opportunity for our hard-working public servants, and mainly those in the rank and file who communicate with me regularly. They have indicated that many of them have ideas on how to actually reduce spending and improve service.

We want to encourage that. We are not afraid to say that our public servants have great ideas that need to be put in place. We want to award them for that and save the taxpayers a whole lot of money.

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[*Translation*]

VETERANS AFFAIRS

Mr. Guy André (Berthier—Maskinongé, BQ): Mr. Speaker, the veterans charter put in place by the Conservatives in 2006 has had unfortunate consequences and created inequities. The main result is that the lifelong monthly pension for injured veterans was replaced with a lump sum payment that does not provide long-term financial security for injured veterans.

Will the minister restore the lifelong monthly pension for injured veterans, as requested by veterans and the thousands of signatories to a petition?

Hon. Jean-Pierre Blackburn (Minister of Veterans Affairs and Minister of State (Agriculture), CPC): Mr. Speaker, the member's comments indicate that some people have criticized the lump sum payment. I personally went to Valcartier to hear what was said when the ombudsman held his consultation. I was so concerned by this point that I asked our department to verify what those receiving the lump sum payment were doing with their money: were they spending it carefully or, on the contrary, inappropriately. In the next few days, we will be releasing the results of this survey.

● (1440)

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, employees of the Quebec office of Veterans Affairs are concerned that a number of veterans are not receiving the support needed for rehabilitation. In the Quebec region, for example, veterans must wait an average of 17 weeks before meeting with a social worker.

Instead of lecturing Quebeckers about the respect owed to veterans, could the minister not start by ensuring that veterans have access to the services they are entitled to?

Hon. Jean-Pierre Blackburn (Minister of Veterans Affairs and Minister of State (Agriculture), CPC): Mr. Speaker, yesterday's message from some of our employees is the message I heard at the various consultations held. At present, it does take too long to process cases. Thus, just yesterday, I presented a five-point action plan. One of the priorities is to reduce case processing times by at least one-third.

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OFFSHORE DRILLING

Ms. Paule Brunelle (Trois-Rivières, BQ): Mr. Speaker, the Minister of Natural Resources claims that Canada's offshore drilling regulations are among the toughest in the world. The events in the Gulf of Mexico prove that the current rules provide no guarantee. The Premier of Newfoundland is protecting the oil companies and saying that relief wells cost too much.

Does the Minister of Natural Resources intend to echo his colleague from Quebec City and call on Newfoundland to impose a moratorium on offshore drilling?

Hon. Christian Paradis (Minister of Natural Resources, CPC): Mr. Speaker, my colleague knows full well that we are talking about a shared jurisdiction. The Canada-Newfoundland and Labrador Offshore Petroleum Board is responsible for monitoring this project. Again, extremely strict rules are applied.

Let them stop scaring people by saying that there is no relief well requirement. Emergency relief wells are required. Again, no drilling projects will be approved unless and until the health and safety of the workers, and the environment are protected.

Ms. Paule Brunelle (Trois-Rivières, BQ): Mr. Speaker, the Minister of Natural Resources must promise that throughout Quebec's jurisdiction, and in accordance with the agreement to be reached with Quebec, he will not authorize any offshore drilling unless a relief well is drilled.

Will the Minister of Natural Resources promise to include this requirement in the legislation?

Hon. Christian Paradis (Minister of Natural Resources, CPC): Mr. Speaker, my colleague knows full well that we are talking about a shared jurisdiction. The hon. members from the Bloc Québécois are the first to get up in arms and say we do not respect the nation of Quebec. I have a message for them: if ever there is an agreement with Quebec, it will be based on a shared jurisdiction and, again, the best rules in the world will apply to drilling in the Gulf of St. Lawrence.

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MULTIPLE SCLEROSIS

Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.): Mr. Speaker, last night there was an extraordinary debate in the House about the diagnosis and treatment of multiple sclerosis.

Thousands of Canadians across the country, from all the provinces, suffer from this chronic disease. In fact, we have one of the highest rates in the world.

Those who are suffering from MS are asking for access to the best treatment possible, a treatment that will give them and their families hope.

Why is the Conservative government refusing to take a leadership role and not proposing a national strategy?

[*English*]

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, I thank all the members who participated in a very important debate last night on MS. I also thank my colleagues for the input I received not only from the House last night but also from committee this morning.

We recognize the importance of research. Through the Canadian Institutes of Health Research, we are initiating the key researchers to come together to see how we can start this procedures research process in Canada through the leadership of the Canadian Institutes of Health Research. The research that we will be conducting will be providing support to the provinces and territories that, as the member —

The Speaker: The hon. member for Etobicoke North.

Ms. Kirsty Duncan (Etobicoke North, Lib.): Mr. Speaker, last night the House came together to support MS patients from across the country, fighting for diagnosis and treatment of CCSVI, or narrowed veins.

This morning, the Subcommittee on Neurological Disease heard compelling testimony from Dr. Zamboni, who first described the treatment.

Would the minister commit today to convene her provincial and territorial counterparts immediately to ensure that no Canadian be deprived of the imaging necessary for a diagnosis of CCSVI and treatment, if required?

● (1445)

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, Dr. Zamboni also said during committee that his research was experimental. He is very much at the early stages of his research. It is important to support research. It is important for CIHR to conduct a team of researchers to Canada to organize the meeting to deal with this research. That will help the provinces and territories in the decisions that they need to make in the delivery of health care.

No jurisdiction in Canada would allow a procedure without the necessary clinical trials.

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OIL AND GAS INDUSTRY

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, time and time again I have asked a simple question. What plan does the government have to clean up a catastrophic foreign oil spill that could drift into Canadian Arctic waters?

Therefore, I ask this again. If there is a spill from a blown out well or a foreign tanker in waters off our coast, what plan does the government have to deal with it? What will happen to our Arctic coast? Will it simply leave it in the hands of the foreign private sector so our pristine Arctic beaches are polluted with globs of oil like in the Gulf of Mexico?

Hon. Christian Paradis (Minister of Natural Resources, CPC): Mr. Speaker, I responded to that question several times. We are taking all necessary steps to ensure that the protection of the environment is ensured.

I urge the member to take all the necessary steps to respect the will of his constituents and vote against the gun registry.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, again, the government cannot answer the question. It is pretending an oil spill cannot happen. Tell that to the 18,000 workers cleaning up globs of oil in the Gulf of Mexico.

Almost every coastal member state of the European Union has a primary response vessel to clean up a spill. Norway has specialists and cleanup ships ready to be on site within four hours. In Canada, we do not even have such ships.

Why is the current government so unprepared?

Hon. Christian Paradis (Minister of Natural Resources, CPC): Mr. Speaker, we are more than prepared. We enforce world-class standards. We have plans and he knows that. He should stop fearmongering people.

He should do the same with his constituents. He should protect them, protect their will and vote against the long gun registry. That is what he should do. That is what he promised, and he broke his promise.

* * *

JUSTICE

Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC): Mr. Speaker, earlier today the Minister of Public Safety tabled the bill to end early release and increase offender accountability. As Canadians know, this government is committed to protecting the safety and security of all Canadians.

The bill would give victims a greater voice and would ensure that the protection of society principle is the guiding principle of corrections and conditional release.

Could the Minister of Public Safety explain how this bill would continue our government's strong commitment to the safety and protection of our communities?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, I would like to thank the hon. member for her hard work on behalf of victims and for her support for this important piece of legislation.

Our government agrees with Canadians, that the corrections and conditional release system should put public safety first. The rights of criminals should not come ahead of the rights of victims and law-abiding citizens.

I ask the Liberals to put aside their soft on crime ways, support this important piece of legislation, and stand up for victims.

* * *

HUMAN RIGHTS

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, Statistics Canada has released a report showing that hate crimes are on the rise in Canada. Hate crimes related to race or ethnicity increased by 15%. Those related to religion by 53%. This reflects only those hate crimes that are reported, far too many still go unreported.

What will the government do to increase the confidence of victims of hate crimes in the police and the criminal justice system? What steps will be taken to increase reporting of hate crimes?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, among other things, the Canadian Human Rights Commission has launched a comprehensive study into the whole question of hate crimes. We have been very busy on our justice agenda, standing up for victims and law-abiding Canadians.

I wish for once we could get the support of the NDP on these matters. I heard today that when we wanted to get a bill through that would crack down on the reporting of Internet child pornography, New Democrats were the ones who wanted to get the bill to committee instead of getting it unanimously passed. Why do those members have such a problem doing the right thing?

● (1450)

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, hate crimes against gay, lesbian, bisexual, transgender and transsexual Canadians are rising faster than those against other groups. Hate crimes against GLBTT people are far more often violent.

Will the government work with community groups and police to put in place policies and educational programs to prevent these crimes and protect GLBTT Canadians? Will the government ensure that specific data is gathered regarding hate crimes against members of the trans community?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, the hon. member does not want to foster hate. I indicated to him what this government is doing.

I know something that he could do. Why does he not get the leadership of his party to stand up and apologize for the hateful comments that were made toward Israel. That would be doing the right thing on that member's part.

* * *

[*Translation*]

SECURITIES

Mr. Daniel Paillé (Hochelaga, BQ): Mr. Speaker, the Conservative government has run out of ideas so it is offering $10,000 to anyone who can do its job and come up with ideas on how to save public money. I have a good idea to submit and this time I will do so free of charge. This will also prevent the Minister of Finance from trampling on Quebec's authority.

Why does the government not avoid wasting $350 million to create a federal securities commission, when the current system already works perfectly well, as pointed out this morning by the Quebec and Alberta finance ministers?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, this is a voluntary initiative that has always respected regional jurisdictions. It will continue in the same manner in the future. We respect the jurisdictions of the other levels of government.

[*English*]

This matter has now been referred to the Supreme Court of Canada, which will deal with the issue of the legislative competence of Parliament to legislate in this area.

[*Translation*]

Mr. Daniel Paillé (Hochelaga, BQ): Mr. Speaker, the Quebec and Alberta ministers reminded the federal minister that there is nothing to corroborate what he is saying when he maliciously exploits the victims of Earl Jones. If he really wants to protect investors, he should amend the Criminal Code and stop claiming that a federal commission could have prevented the Earl Jones fraud. Fighting fraud comes under federal jurisdiction.

This morning Raymond Bachand and Ted Morton basically told the minister to do his job and let them do theirs. When will the minister start doing his job?

[*English*]

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, there were a lot of victims in Quebec in particular, unfortunately, arising out of the Earl Jones scandal and the Ponzi scheme that he operated in Quebec. As Joey Davis of the Earl Jones victims committee said: “We support the idea of a single national regulatory body overseeing organizations. We definitely support the Canadian securities regulator initiative. Ottawa has been far more responsive to our plight. I have more faith in the federal government”.

ABORIGINAL AFFAIRS

Mr. Todd Russell (Labrador, Lib.): Mr. Speaker, for over four years first nations, Métis and Inuit people have heard much from the government, but they have seen very little action. Two years ago an apology for the tragedy of residential schools was to be a turning point.

Unfortunately, it was just a brief exception to the rule. Now thousands of children are in care, a growing education gap for students, and funding for the Aboriginal Healing Foundation has disappeared. Now a broken promise to recognize the rights of indigenous people on the world stage.

I ask the minister why the hollow words?

Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development, Federal Interlocutor for Métis and Non-Status Indians and Minister of the Canadian Northern Economic Development Agency, CPC): Mr. Speaker, I have been here for 17 years and if empty promises from the Liberals could solve problems in aboriginal circles, there would not be any problems. We have listened to this for a long time.

What we are hearing now, for example, from Chief Bill Montour, Six Nations, is: "I'm used to dealing with the Liberals but you can't get anything done". Dealing with the Conservatives, that is how they got their water plant. That is how they had more successes in Six Nations country because we can do business. We can never out-promise the Liberals, but we actually get the job done.

Mr. Todd Russell (Labrador, Lib.): Mr. Speaker, $57,000 spent on a fake lake would close the educational funding gap for 28 first nations students; $208,000 for the northern oasis would close the gap for 104 students in the real north; the $186,000 fake lighthouse would have helped 93 real students; and $6 billion in Conservative corporate tax cuts this year alone would close the funding gap for 300,000 first nations students for the next decade.

I ask the minister, fake lakes or real action? What is his party's priority?

● (1455)

Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development, Federal Interlocutor for Métis and Non-Status Indians and Minister of the Canadian Northern Economic Development Agency, CPC): Mr. Speaker, while the hon. member fakes the indignation and talks in grand terms about what he wished he had done during 13 years of Liberal rule, we have been working for example with the people from Barriere Lake. This last year we built new teachers' residences. We put $500,000 in housing repairs, new fire trucks, new service trucks, school repairs, a multi-purpose youth centre, and other equipment.

When we work together in good faith with first nations, good things happen. When the Liberals talk about it, nothing happens and they did it for 13 long miserable years.

* * *

[*Translation*]

HEALTH

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, Canadians depend on the assisted human reproduction industry watchdog to protect their health, but that watchdog does not have much bark or bite.

The agency has a $10 million budget, yet it has publicly stated that it is not doing its job.

Its meetings are closed to the public, and it frequently meets with industry representatives, but it has ignored patients for years.

When will the minister stand up for Canadians and demand some accountability from this agency?

[*English*]

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, our government has been transferring funding to the provinces and territories where health care is delivered to first nations and Inuit people. This year alone it is $25 billion. We will continue to work with the provinces in improving the health outcomes of aboriginal people and Inuit.

As to first nations' health, as the member is aware, this morning at committee we were discussing the additional investments we are making to address the health outcomes of aboriginal people on first nations reserves.

* * *

ABORIGINAL AFFAIRS

Ms. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, the government claims to care about violence against first nations women, but its actions tell a different story. Iqaluit has the highest rate of domestic violence in Canada, but when it comes to funding, the only woman's shelter in the territory, the cupboard is bare. Yet again, Conservatives are ignoring the most vulnerable.

When will the government members stand up to protect first nations women? When will they put their money where their mouths are?

Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development, Federal Interlocutor for Métis and Non-Status Indians and Minister of the Canadian Northern Economic Development Agency, CPC): Mr. Speaker, it is tremendously important that we address the issue of violence against aboriginal women. That is why we announced in the last budget $10 million specifically for that. That will be rolling out shortly. We also invested $30 million to fund a network of women's shelters. We have added five new shelters to the network across Canada.

Of course, there is more to be done and all of us need to be conscious of the need to be sensitive to the situation, which is why we should do things like pass the matrimonial real property rights legislation because that will allow aboriginal women to have the rights that every other Canadian takes for granted.

* * *

GOVERNMENT EXPENDITURES

Mr. Mike Allen (Tobique—Mactaquac, CPC): Mr. Speaker, budget 2010 laid out a clear plan to return to a balanced budget. We froze departmental operating budgets, cancelled raises for the PM, ministers, MPs and senators, and are pressing ahead with tough strategic reviews to identify savings.

Could the President of the Treasury Board further explain to the House how this Conservative government is demonstrating leadership in controlling spending.

Some hon. members: Fake lake, fake lake.

Hon. Stockwell Day (President of the Treasury Board and Minister for the Asia-Pacific Gateway, CPC): Mr. Speaker, along with the means that have just been described to us which will get us to a balanced budget by the year 2014, we also want to give our public servants, especially those who work on the front lines, the opportunity to provide proposals. They have often communicated to me that they have ideas on how programs on which they are working could be delivered in a more efficient way and at a reduced cost.

We are going to make that available to them, to bring forward a business plan to propose how they can do that. Then that working plan would be audited and 10% of the savings would go to the workers and 90% to the taxpayers.

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ABORIGINAL AFFAIRS

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, the government's treatment of aboriginal peoples has consistently fallen short. But its broken promise to adopt the UN Declaration on the Rights of Indigenous Peoples is perhaps its most shameful act yet.

The hopes of Canada's first nations, Métis and Inuit have been dashed in mere months. Canada was once a leader in human rights, recognizing the worth and value of every Canadian. Today we fall short of the standard we once set.

Why did the Conservatives break this promise?

● (1500)

Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development, Federal Interlocutor for Métis and Non-Status Indians and Minister of the Canadian Northern Economic Development Agency, CPC): Mr. Speaker, that is simply not true. We said in the throne speech that we are going to endorse the UN Declaration on the Rights of Indigenous Peoples. It would be consistent with the Canadian Constitution, of course, but we will be doing that. We are consulting with the national aboriginal organizations right now. We will be doing that in short order.

But the real question is, why will the Liberals not support things like matrimonial property rights? Why will they not support water legislation so first nations have the same quality of water as anyone else in this country? Why do they oppose us on things like the inclusion of aboriginals under the Canadian Human Rights Act?

They talk a good line, but they do not care about aboriginal people.

* * *

[*Translation*]

FOREIGN AFFAIRS

Ms. Francine Lalonde (La Pointe-de-l'Île, BQ): Mr. Speaker, the Canadian Civil Liberties Association is calling on the Minister of Foreign Affairs to meet his legal obligations in the case of Nathalie Morin, the young woman being held in Saudi Arabia with her children. Under its international obligations, the Government of Canada cannot ignore or be a party to violations of someone's rights.

Will the Minister of Foreign Affairs take advantage of Saudi King Abdallah's presence at the G20 summit to finally demand that Nathalie Morin and her children be returned to Canada?

[*English*]

Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Speaker, the Minister of Foreign Affairs has clearly stated that it is his wish that this matter be settled. Our government is doing everything it can to facilitate this file. Most recently, the Minister of Foreign Affairs met with the minister of health from Saudi Arabia to raise this issue. We will continue raising this matter with the Saudi authorities.

* * *

G20 SUMMIT

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, the Conservatives can find billions to stage the G20 photo op and millions for a fake lake, but nothing for the small businesses suffering from the lockdown of the largest city in Canada.

There will be no compensation for any property damages and it will take businesses up to seven years to get help. Yesterday 150 small businesses met to discuss the issues, but the federal representative did not even show up.

When will the Conservative government stop stonewalling and ignoring the needs of small businesses or does it just not care?

Hon. Lawrence Cannon (Minister of Foreign Affairs, CPC): Mr. Speaker, I thought my hon. colleague had a wonderful opportunity to set the record straight and to correct and apologize for the statements made by her party regarding Israel but, unfortunately, she did not seize the opportunity.

PUBLIC SAFETY

Mr. Phil McColeman (Brant, CPC): Mr. Speaker, the Liberals continue to show how their party is out of touch with Canadians and farmers. The Liberal members for Ajax—Pickering and Malpeque continue to support the ineffective prison farm system and the wasteful and ineffective long gun registry.

Unlike the Liberals, this government places the rights of law-abiding Canadians above the rights of criminals.

Would the Minister of Public Safety inform the House why the prison farm system and the long gun registry are so ineffective?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, I thank the member for his strong support of our farmers and of all law-abiding Canadians.

Our government does not believe that a program in which less than 1% of released offenders ever find work in the agricultural sector is effective or helps our farmers. We want to find skills for prisoners that they can actually put to use when they are back out on the street.

We also do not support the wasteful and ineffective long gun registry like the member for Malpeque does. He should apologize and vote against it.

* * *

● (1505)

PRESENCE IN GALLERY

The Speaker: I would like to draw to the attention of hon. members the presence in the gallery of the Hon. Yogi Huyghebaert, Minister of Corrections, Public Safety and Policing for Saskatchewan.

Some hon. members: Hear, hear!

* * *

POINTS OF ORDER

ORAL QUESTIONS

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, during question period, I asked the Minister of Health a question about assisted human reproduction. It is my understanding that the translation was a bit garbled and I think it might have been evident because the answer was about aboriginal health.

I would like to give the minister the opportunity to hear the translation properly and give an answer to the question.

The Speaker: That would be great, I am sure, but we do not normally have repeats of responses to questions after question period is over. However, the minister will be able to examine the record and, if she needs to make a correction, I am sure the minister could get up on a point of order and correct the record if such were necessary.

Hon. Jay Hill (Leader of the Government in the House of Commons, CPC): Mr. Speaker, just on the member's point of order. I would urge the hon. member to approach the Minister of Health, as I know she is very approachable, and have a conversation with her about that subject matter.

Government Orders

GOVERNMENT ORDERS

[*English*]

BALANCED REFUGEE REFORM ACT

(Bill C-11. On the Order: Government Orders:)

June 11, 2010—Concurrence in report stage of Bill C-11, An Act to amend the Immigration and Refugee Protection Act and the Federal Courts Act—the Minister of Citizenship and Immigration.

Hon. Jay Hill (Leader of the Government in the House of Commons, CPC): Mr. Speaker, I have a number of motions whereby there have been consultations among all parties and I think, if you were to seek it, you would find unanimous consent for them. I will begin with the first one.

I move:

That, notwithstanding any standing order or usual practice of the House, Bill C-11, An Act to amend the Immigration and Refugee Protection Act and the Federal Courts Act, be deemed to have been amended at the report stage as proposed in the report stage motion in the name of the Minister of Citizenship, Immigration and Multiculturalism on today's notice paper; be deemed concurred in as amended; and that the House be authorized to consider the bill at third reading later today.

The Speaker: Does the hon. government House leader have the consent of the House to propose this motion?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

(Motion agreed to)

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FIRST NATIONS COMMERCIAL AND INDUSTRIAL DEVELOPMENT ACT

Hon. Jay Hill (Leader of the Government in the House of Commons, CPC): Mr. Speaker, the second motion is as follows. I move:

That, notwithstanding any standing order or usual practice of the House, when the House begins debate on the second reading motion of Bill C-24, An Act to amend the First Nations Commercial and Industrial Development Act and another Act in consequence thereof, a Member from each recognized party may speak for not more than 10 minutes on the motion, after which the bill shall be deemed to have been read a second time and referred to a Committee of the Whole, deemed considered in Committee of the Whole, deemed reported without amendment, deemed concurred in at the report stage and deemed read a third time and passed.

The Speaker: Does the hon. government House leader have the consent of the House to propose this motion?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

(Motion agreed to)

ROUTINE PROCEEDINGS

[*English*]

COMMITTEES OF THE HOUSE

INTERNATIONAL TRADE

Hon. Jay Hill (Leader of the Government in the House of Commons, CPC): Mr. Speaker, the last motion that I have, although I understand there is one more coming following this, is the following. I move:

That, notwithstanding any standing order or usual practices of the House, the debate pursuant to Standing Order 66 scheduled for tonight be deemed to have taken place and the motion to concur in the first report of the Standing Committee on International Trade, presented on Wednesday, May 26, 2010, be deemed adopted on division.

● (1510)

The Speaker: Does the hon. government House leader have the consent of the House to propose this motion?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

(Motion agreed to)

CITIZENSHIP AND IMMIGRATION

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, I have the last motion, the best one, actually. I move:

That, notwithstanding any standing order or usual practices of the House, the third report of the Standing Committee on Citizenship and Immigration, presented on Tuesday, April 20, 2010, be deemed adopted on division.

The Speaker: Does the hon. member for Trinity—Spadina have the consent of the House to propose this motion?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

(Motion agreed to)

* * *

BUSINESS OF THE HOUSE

The Speaker: I would like to inform the House that under the provisions of Standing Order 97.1(2) I am designating Tuesday, September 21, 2010, as the day fixed for the consideration of the motion to concur in the second report of the Standing Committee on Public Safety and National Security.

The report contains a recommendation not to proceed further with Bill C-391, An Act to amend the Criminal Code and the Firearms Act (repeal of long-gun registry).

[*Translation*]

The one-hour debate on the motion will take place immediately following private members' business, after which the House will debate the motion to adjourn, pursuant to Standing Order 38.

GOVERNMENT ORDERS

[*English*]

BALANCED REFUGEE REFORM ACT

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC) moved that Bill C-11, An Act to amend the Immigration and Refugee Protection Act and the Federal Courts Act, be read the third time and passed.

He said: Mr. Speaker, I rise today to commence third reading of Bill C-11, the balanced refugee reform act, which would reform Canada's asylum system to make it both faster and fairer. I encourage all hon. members to support the bill.

I am pleased to report that the proposed reforms in the original version of Bill C-11 received widespread support. However, many concerns were raised in good faith by parliamentarians and others concerned about Canada's asylum system. We have, in good faith, agreed to significant amendments that reflect their input, resulting in a stronger piece of legislation that is a monumental achievement for all involved.

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

[*Translation*]

There is a remarkable spirit of co-operation around this bill. It is amazing to see that a consensus could be reached on such a sensitive issue by all the parties in the House with their divergent views.

[*English*]

I will just add that I have been here for some 14 years and in a minority Parliament for several years. It is very seldom that we see all parties working together on anything. To have seen all parties come together, following a diligent and serious debate on this very complex matter of policy that involves people's lives, is truly remarkable. It is a commendation to all Canadians that, indeed, notwithstanding the political differences here, at least from time to time this minority Parliament can work and, in this case, it has worked. That only happened because of the diligence and good faith of those parliamentarians who worked most closely on the bill. I commend, in particular, my parliamentary secretary, the member for St. Catharines.

[*Translation*]

I would like to acknowledge the tremendous efforts of the Bloc's immigration critic, the hon. member for Jeanne-Le Ber, who demonstrated an incredible knowledge of these reforms and this aspect of our legislation. He was open to an agreement, which was really unexpected at the start of the process.

It is rather rare for a so-called ordinary member to have an opportunity to implement an idea taken from a private member's bill. The hon. member for Jeanne-Le Ber proposed a bill to implement the appeal division of the Immigration and Refugee Board. That was rejected by the House because it was not part of a larger reform of the asylum granting system.

Thanks to his tenacity and dedication, Bill C-11 gives all rejected asylum seekers access to a new appeal division. This is thanks to his efforts. I would like to salute him and thank him for his remarkable efforts.

● (1515)

[*English*]

I would like to acknowledge the great efforts and remarkable spiritedness and diligence of my colleague from Trinity—Spadina, who is a long-standing spokesperson for refugees, for people who are in need of our protection. She brought a great deal of compassion to this debate but also a tremendous knowledge of the complex details of refugee policy. To quote my new favourite newspaper, the Toronto *Star*, the fact that the member for Trinity—Spadina and I could come to an agreement on a matter as delicate as refugee reform is nothing short of a miracle. Miracles happen.

I would also like to acknowledge the efforts of the member for Vaughan, the official opposition immigration critic, who first raised this issue last spring, in March 2009. He worked with us in good faith to advance the cause of a fair and fast asylum system. I regret that he ran into some internal political difficulties in his own caucus.

Not to sour the note, there was at least one member of this place, the member for Bourassa, who was not exactly representative of the kind of consensual approach that has characterized this bill. In fact, he engaged in the kind of lowbrow demagoguery that really has no place in debates on immigration, suggesting that this positive reform would "build walls around Canada". Nothing could be further from the truth.

In point of fact, the reforms that this bill will allow us to implement will lead to a 20% increase in the number of resettled UN refugees, who we will welcome to our shores, victims of ethnic cleansing, warfare or persecution. There will be some 2,500 a year, year after year, who will find the certainty of Canada's protection and to whom we will be giving protection, thanks to these reforms, thanks to the broadmindedness, the soft-heartedness but also the hard-headedness of members from all sides.

We have been able to bring about these reforms that will help to save 2,500 additional lives every year as we welcome more resettled refugees and give them more support for their successful integration. This bill does not build walls around Canada, as the member suggested in a fit of demagoguery. Rather, it breaks walls down so that Canada can be true to its vocation as a place of protection and refuge for those most in need of it.

[*Translation*]

We can all be proud of the Canadian asylum granting system, although all the parties acknowledge that it is typified by extensive backlogs and lengthy processing delays. This is not a temporary situation that arose just recently. It is typical of a broken system that has been that way for a long time.

[*English*]

I do not need to belabour the point. We all recognize the system in many respects is broken, with a 60,000 person backlog taking 20 months for an initial protection decision, with some nearly 60% of claims being rejected, with our number one source country, a European Union democracy, from which 97% of claimants go on to abandon or withdraw their own claims. Therefore, it is imperative that we find a way to deter abuse so that those who really need protection get that protection faster and those who seek to abuse Canada's generosity are removed from this country much more quickly.

That is what Bill C-11 would achieve. The bill and its related regulatory and operational reforms would create a new information-gathering interview at the independent Immigration and Refugee Board early in the claims process. It would put in place independent decision makers at the Refugee Protection Division of the IRB who are not political appointees. They in fact would be appointed according to a transparent process. It would create a new fact-based refugee appeal division.

● (1520)

[*Translation*]

This is something that refugee advocates and more especially the hon. member for Jeanne-Le Ber have been demanding for years.

[*English*]

It would create the certainty of Canada's protection for bona fide refugees in about four months rather than the current 19 months. It would allow for the removal of false claimants in about a year rather than several years under the status quo, which would yield about $1.8 billion in savings for Canadian taxpayers.

It would allow for the possibility to fast track the processing of claims from designated countries, as well as the identification and expedited processing of manifestly unfounded or fraudulent claims. It would create a new pilot program of assisted voluntary removals for failed claimants. It would invest $540 million in new resources for the refugee system, including the enhancements to resettlement from abroad that I mentioned.

[*Translation*]

As I mentioned at the outset, the government was open to the idea of making thoughtful improvements that would help achieve what I believe we all want: a quick, fair asylum granting system.

During second reading of Bill C-11 in the House of Commons, I listened to all the speeches. During the debates and consultations, the government took constructive criticism into account and recognized the need to work together with the opposition to design a bill that reflected the parliamentary consensus.

The reforms we are proposing should have been implemented long ago. They would have enabled us to use our resources to protect people who really need it.

[*English*]

Bill C-11 would put in place authority to develop a designated country of origin list. This list would include countries with a strong record of human rights and protection of their citizens and that are not normally refugee producing, probably in the end, no more than a handful of countries.

We need such a tool to deal with large spikes in unfounded claims from typically safe democratic countries, claims that are often later abandoned or withdrawn, suggesting that claimants may not have been in need of our protection in the first place. I am confident that we will seize the opportunity before us to implement these reforms.

As the IRB presently delivers the majority of risk assessment making through the Refugee Protection Division, and additionally the refugee appeal division under Bill C-11, the IRB is the logical organization in which to centralize the function of risk assessment, which we have done through an amendment to the original bill, moving the pre-removal risk assessment for failed asylum claimants to the IRB.

[*Translation*]

The government has also heard the concerns expressed by a wide range of stakeholders regarding the proposed deadlines. To respond to those concerns, we have agreed to move the deadlines back, to 15 days instead of eight for the initial interview by the information gatherer that is being incorporated in the Act, and to 90 days instead of 60 for the initial hearing, which will be incorporated in the regulations in the section dealing with processing times in the Refugee Appeal Division.

The deadlines proposed for the interview and the subsequent hearing are reasonable, realistic and fair, and for certain exceptions, in particular in cases where there is evidence of trauma or vulnerability, the officers handling the interviews would have the power to adjourn an interview.

The decision-makers at the first-level hearings will be trained in accordance with the same standards as are used in the present system and hired in accordance with the values of the public service: merit, transparency, access, representativeness and fairness.

[*English*]

The government has worked with our colleagues in other parties to make further changes to our policy direction with respect to the designated country approach. These changes are reflected in amendments passed by the standing committee with support from all parties. We have accepted an amendment from our colleagues in the Bloc that gives claimants from designated countries access to the refugee appeal division while ensuring even faster processing of their claims than was originally proposed in Bill C-11.

The amended designated country provisions maintain the intent of our policy to more quickly process and remove claimants from designated countries. Criteria for the purposes of designation have also been included in the legislation. These include the volume of claims from that country, the acceptance rate at the IRB for claims from that country, the human rights record of that country and the availability of avenues for seeking protection and redress in that country.

While a review would be conducted against all four criteria, the amendments ensure that the quantitative thresholds established in regulations actually trigger the review. In other words, a review for designation could only take place if certain quantitative thresholds established in regulations are met. Countries that do not meet this threshold would not be reviewed. Manifestly unfounded claims would also be a factor in country designation decisions and would be reflected in regulations.

● (1525)

[*Translation*]

I would like to express my thanks to the member for Jeanne-Le Ber, because he was the one who heard the experts and the other people who actually came up with idea that was seriously considered and approved by the standing committee. This is a very flexible tool for dealing with fraud when it arises in our refugee protection system.

[*English*]

Manifestly unfounded claims would also be a factor, as I have said. The concept of the manifestly unfounded claim is well established with the UNHCR and is focused upon cases which are clearly fraudulent in nature.

These amendments provide for greater transparency around the criteria that will have to be met to designate a country, and also clearly limit the powers of the minister.

Regulations would also require that a designation can only be made if an advisory panel including at least two independent human rights experts recommends it.

These amendments go a long way in providing greater clarity and transparency around the process of designation.

Amendments also propose to schedule a hearing for designated country claimants earlier than for other claimants, within 60 days of the initial interview, as opposed to 90 days.

The bill also proposes that the refugee appeal division would hear an appeal from a failed claimant from a designated country within 30 days following an application, as opposed to the 120 days for claimants from other countries.

With these amendments, the same policy objective would be achieved but by speeding up processing timeframes rather than denying access to the new RAD at the IRB, which was initially proposed in Bill C-11.

As well, faster processing, including prioritization of failed designated country claimants for removals, would ensure that designated country claimants could not stay in Canada for long periods of time.

The government further proposed an amendment to allow the RAD to expedite the appeal of a claim that is determined to be manifestly unfounded, that is to say, essentially fraudulent claims. This would ensure that appeals of such claims would take place in the same expedited timeframe applied to failed claimants from designated countries.

Manifestly unfounded claims would have 15 days to file an appeal at the RAD and appeals would be considered within 30 days of the filing. The processing time standard at the front end, however, would be the same as for claimants from other countries, 15 days for the information-gathering interview and 90 days for hearings following that interview.

This new provision would respond to spikes in fraudulent claims more quickly than would the designated country designation.

Also under the proposed amendments, if either designated country or manifestly unfounded claimants chose also to apply for judicial review, their removals would not be stayed and they would be subject to priority removal.

With these amendments we would still be providing fast protection decisions for those in need with quality first-level decisions by an independent quasi-judicial body. We would continue to provide for expedited processing of claims from designated countries without denying the claimants access to an appeal.

In fact, we would actually do a bit better under these proposed reforms and amendments than the bill as originally tabled. Claims from designated countries would be processed in an estimated 120 days, about half of the processing time of most claims and about 10 times faster than under the status quo.

Claims determined to be manifestly unfounded would have the same arrangement for expedited appeal as designated country claimants.

[*Translation*]

We have also agreed to other amendments which clarify the existing policy and respond to certain concerns that have been raised, including the fact that considerations associated with undue hardship would continue to be examined in applications on humanitarian and compassionate grounds.

The risk assessment under sections 96 and 97 of the act would be eliminated from that process, as initially proposed, to avoid redundancies in the refugee protection system.

With the exception of the committee's decision to eliminate the one-year time limit for access to applications on humanitarian and compassionate grounds, I will be happy to say that I completely approve of the amendments approved by the committee.

With respect to the limitation on humanitarian and compassionate applications, the government continues to believe that these measures would contribute to the overall effectiveness of the system and deter abuse.

In general, however, the amendments proposed would continue to enable us to achieve our objectives of expediting processing, deterring abuse and giving claimants access to the Refugee Appeal Division.

[*English*]

As I said earlier, the amendments are actually an improvement from the original proposal, a real and unique win-win situation for all involved in this debate and for legitimate claimants as well as for Canadian taxpayers. That is because the fast-track process would be even faster than our original timelines.

I look forward to taking questions on the technical aspects of the bill and the associated regulations.

Let me close by thanking all parliamentarians and members of the committee who so diligently exercised their true role as legislators and for giving evidence and hope to Canadians that we can work together to achieve sound public policy.

I thank all of the hard-working officials at Citizenship and Immigration Canada who, quite frankly, have worked on this issue for years and with tremendous diligence in the past several months. I thank as well my own political staffers, particularly my policy director, Mr. James Yousif, who has done remarkable work in advising me and the government and making this day possible.

● (1530)

[*Translation*]

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Mr. Speaker, I will have the opportunity to make a speech a little later today to convey my feelings about the bill.

I myself am fairly satisfied with this bill. The result is a real improvement, and everyone left committee satisfied. It was not one of those compromises where everyone was a little angry. All the participants believe that this is a good bill.

However there is one question that concerns me, and that is everything that is left in the regulations. That will be the subject of my question to the minister.

The legislation includes certain criteria and a mechanism that allows the minister to establish a list of designated countries. But there is nothing in the legislation explaining how this list will be periodically reviewed, or what would prevent a country from staying on the list indefinitely simply because no one has done a review.

What does the minister intend to put in the regulations in this regard?

Hon. Jason Kenney: Mr. Speaker, I thank my colleague for his question. We did something extraordinary in committee. I provided the committee with draft regulations setting forth the criteria and process for the designation of certain countries.

The hon. member for Jeanne-Le Ber and the hon. member for Trinity—Spadina proposed expanding our regulations so that the panel of experts providing advice to ministers on country designation can conduct a periodic review of designated countries. It is quite clear that it is not our intention to keep certain countries permanently on the list of designated countries. That list would be reviewed periodically by the panel of experts.

[*English*]

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, I am pleased this bill is in front of us. I have two areas on which I will ask questions.

First, often with legislation, unless we have the best public servants to implement it, sometimes there can be problems. During the committee, we had a lot of discussion as to how the hiring process would take place. Would the minister briefly describe how people of the highest merits will be hired and how it will be a very transparent process?

Second, when the bill comes into force and the regulations, spending will be needed to create the refugee appeal division and to hire staff for it. Could the minister give us a description on his plan on implementing Bill C-11 and also the hiring process?

● (1535)

Hon. Jason Kenney: Mr. Speaker, let me emphasize that for all of the consensus that is here, this is a compromise. I do not think either the government or any of the opposition parties see this as everything they would hope for.

The member for Trinity—Spadina is correct to place the emphasis on implementation. In that respect, my officials advise me that it will take approximately 12 months from royal assent of this bill to put the new system in place and to launch it. There are many operational changes to the IRB, the Canada Border Services Agency and other agencies, including my ministry, such as the creation of the refugee appeal division. Therefore, these things will take time.

However, we hope the implementation will be about a year from now, and I invite the opposition to hold us to account on that objective.

With respect to hiring of the new public service decision-makers who will be situated at the refugee protection division of the Immigration Refugee Board, I can assure the member there has been an exchange of letters between the chairman of the IRB and the chairperson of the Public Service Commission, providing an undertaking that these positions will be open to both internal and external competition. Current staff or GIC appointees at the IRB will be able to apply, as will people in the broader federal public service or people outside the federal public service who feel they are qualified. Those applications will be considered in a fair and transparent manner, consistent with the principles of the Public Service Employment Act which governs hiring practices of all other quasi-judicial boards and agencies.

Mr. Rick Dykstra (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC): Mr. Speaker, I know the minister also wanted to thank the members on this side of the House, the members for Oakville, Oak Ridges—Markham, Richmond and Fleetwood—Port Kells, who sat on the committee and did tremendous work on behalf of the government. I also compliment the chair, the member for Dufferin—Caledon, who oversaw a lot of the process as we worked through 42 clauses. It was not always easy, but he did a good job. In fact, he kept the parliamentary secretary in line on a regular basis.

The minister should be complimented, too, for the work he did. He spent tireless hours with both staff and the ministry to ensure we put forward a bill that would be passed in the House. I extend compliments for his hard work and determination both on behalf of the government and also as an individual who truly believed that the reforms were necessary. It looks like it is ready for third reading.

Could the minister comment on the draft regulatory issues that were brought forward and presented by him at committee with respect to designated countries? He spoke about the details. Could the minister spend a little time answering why those were so important in this process?

Hon. Jason Kenney: Mr. Speaker, I thank the member for St. Catharines for his good work. Let me echo his remarks and congratulate all members of the standing committee, including those on the government side who worked so diligently on this.

With respect to the designated country provisions, we need a tool to address large waves of unfounded claims that come from what most people would generally regard as safe democratic countries, waves such as 20 years ago from Portugal, in the mid-nineties from Hungary and Czechoslovakia, in 2000 from Chile, in 2003 and 2004 from Costa Rica and right now from Hungary again. These large waves will receive rejection rates higher than 95%, or 99%. They do not happen spontaneously. They are coordinated and organized. We need a tool to send a message to those who organize those waves that clearly false claimants will be returned to their country of origin in a short period of time rather than the several years under the status quo.

That is why we felt so passionately about the need for an accelerated process for designated country nationals and claimants. Opposition members, quite understandably, wanted to see some criteria, a legitimate process. They did not want to see an abuse of ministerial discretion in this respect for a politicization of the process.

Therefore, we responded with the criteria that I outlined in my speech. The process will be guided by an interministerial committee of relevant agencies and ministries that will consult with the United Nations High Commissioner on Refugees. This panel will include two external human rights experts. They will look at the quantitative criteria that I have outlined: 1% of claims over any one of the preceding three years, only 15% or less of which are accepted. If the country meets those quantitative thresholds, there will then be a qualitative assessment of that country's compliance with international human rights norms and protection for their citizens.

We believe this is a very high standard and should not lay any concerns about problematic designations of countries.

● (1540)

Hon. Maurizio Bevilacqua (Vaughan, Lib.): Mr. Speaker, first, I begin by expressing my heartfelt gratitude to the Minister of Citizenship, Immigration for the leadership he has demonstrated throughout this process of turning our commitment to refugee reform into reality. His openness to change, his ability to seize the one in a generation opportunity to deal with a sensitive and often difficult area of public policy is to be commended. It is proof that in our vocation, when we answer the call of public service, we can achieve great objectives for the sole purpose of demonstrating the fact that we are not in this place for some vanity trip or the power of self-indulgence. Rather we are here to bring about positive change to the lives of people and a great willingness to do good for society and show respect for our democratic institute and indeed the democracy within which we live in our country.

Throughout this process the minister has demonstrated a great capacity and work ethic as well as political know-how and leadership. It is not always easy to negotiate. Sometimes it can be quite difficult. People have certain views on issues and they express them openly and sometimes forcefully, because that is part and parcel of what democracy is truly all about.

I want to underline the fact that the minister's willingness to share the credit with his fellow members of Parliament on both sides of the House of all political stripes really speaks to his generosity of spirit and dignity as a parliamentarian. For that, I want to express my gratitude for all he has done.

This issue really began over a year ago, in March of last year, when I asked the question of the Minister of Citizenship, Immigration in relationship to some of the major challenges that the refugee system in Canada was facing and had faced for a while. The issue of backlogs, for example, and many others were brought to light by an Auditor General's report that had some major concerns about Canada's refugee system and we needed to do something very quickly to rectify this issue.

Conversations took place with my caucus colleagues a number of times throughout this process to see how we could better improve the legislation. The minister in his answer essentially said that he would welcome discussions about the refugee system and really opened up a sincere dialogue between members of the opposition, myself included, and his department. He was actually very much involved in ensuring the concerns that were raised by my caucus, for example, were addressed in our own conversations about how to better address some of the challenges. The minister in his speech has really covered all the areas that we needed to address and he also clearly has outlined the concerns.

● (1545)

I am speaking at length about the process today, as we reflect on Bill C-11, because what is very evident to me, and I am sure to members of the committee who worked diligently on this and to everyone who cares about the refugee determination system in Canada, is that if there is a sense that there are issues that need to be dealt with in Parliament in a very open way, and if we, as parliamentarians, have the political will to bring about positive change, things can be achieved.

I read with interest an editorial in the Toronto *Star*, and this is a headline I am sure the minister will treasure for a while:

> Miracle deal on the Hill.
>
> Political miracles are still possible on Parliament Hill.

It ends by saying:

> The real miracle would be to transform this isolated incident into standard operating procedure.

I think we need to reflect upon that. We need to reflect upon the fact that minority governments can produce great legislation. However, there has to be an openness. There has to be an openness to dialogue. The answer really does not lie in shouting at one another but rather in putting thoughts on paper, discussing, and being open to changes that may even mean giving up some things that are very dear to you.

When we look at what I hope will become a case study of Bill C-11, I hope, with all due respect to other ministers in the government, that they take a page from the Minister of Citizenship and Immigration to see how they could facilitate a better performance of Parliament.

I can speak at length about the changes, the significant amendments that were made, but I am underlining the issue of co-operation, because I sense that it is what Canadians are really seeking. Canadians are seeking from Parliament a new style, a new way of doing things. They look at us, and they want to know that when we rise in the House, we are not thinking only about our own personal agenda. It goes beyond personality. Rather, it goes to the core of what proper representation in the House is truly all about. We can, as a House of Parliament, get up every morning with the ultimate reality in our minds, and that is that we need to come up with the best possible policy available to deal with the challenges Canadians face.

As I look at some of the significant amendments to Bill C-11 that were already mentioned by the minister, whether it was the Liberal Party pushing very hard on the humanitarian and compassionate applications, whether it was the work of the NDP and the Bloc on designated countries, whether it was the member for Vaughan, if I can refer to myself, pushing for changes to timelines on humanitarian and compassionate grounds, or whether it was dealing with the minister—and may I say that receiving an e-mail at 2 a.m. or 4 a.m. was common during these negotiations—it speaks to a willingness to get things done.

As we look down the list of humanitarian and compassionate changes, timelines, the financial commitment of over $540 million made by the government, we can see that this is serious. We answered the call of Canadians. We answered the call of concerned individuals and organizations that deal with refugees. We answered the call of individual Canadians, who felt that our refugee system was, quite frankly, being abused. They wanted parliamentarians in the House to stand up for our country, for the dignity of our system, and for the integrity of our system. This is a bill that goes in the right direction. It is a thoughtful bill. It is a bill that in its original form was a bit flawed. However, with the work of parliamentarians on both sides, we were able to achieve positive change.

● (1550)

When we looked at the advisory panel, when we looked at the trigger points to designate countries, which was a major issue in my caucus, as some members may recall, eventually, we found solutions.

The minister, in his wisdom, when he found that a certain partner was not at the table, sought other partners. At the end of the day, the minister and the country got what we needed. That is more important than a political victory.

What is important is that we, as parliamentarians, have been able to deliver to the people of Canada what is rightly theirs: a bill and a policy that addresses their key concerns. It addresses those things they care about, those issues they talk about around the kitchen table, those concerns of families, of refugees, who have to wait years upon years for a decision to be rendered. Now they will not have to.

If this system works well, what we will need to remember is that public life is about people, at the end of the day. If we can relieve the pain that some of these individuals have felt over the years because of a flawed system, then we have done our job. If we can stand up as parliamentarians and say that we have a refugee system that has elevated Canada's status as a system that is fair, that is just, and that allows individuals to come to our country to seek refuge, then we have done our job.

Upon reflection, as we think of the process of that very first question to the minister, of his openness in his response, of the work done by members of Parliament on all sides, of the agreements and disagreements, and of the tension, and may I say, today, the relaxation, we begin to comprehend in a very real way that positive change in this chamber is indeed possible. Things can, in fact, happen for the better.

There are many refugees who have come to this country who have made great contributions. They have enriched the cultural fibre, the economic fibre, of our country. We welcome them with open arms, because we have a responsibility, as people in one of the greatest democracies on earth, to play our role as parliamentarians. We engage in an international and global society, a global village, where countries and citizens need one another to create the type of global environment in which we mutually benefit from each other and mutually benefit from the gifts we have been given.

I want to particularly say that from a governance point of view, Bill C-11 represents a good model to follow, because although we have certain views and some very strong views on issues, I think that the give-and-take is extremely important in the creation of good public policy.

There is a reason refugee reform is often not touched. It is difficult. It is sensitive. It is, at times, politically charged. People want to avoid that. However, I think that this citizenship and immigration committee has really demonstrated leadership in ensuring that these changes the minister stated in his speech were achieved.

● (1555)

As a final comment, I would like to see more of this in the House. I would like to see more Bill C-11s in the House. I want to see ministers who are just as open. I want to see opposition members who are just as forceful and aggressive and who care about people. In the final analysis, when we make our contribution to public life, we need to look back and ask if we made a difference in people's lives.

If the answer is yes, as is the case in Bill C-11, it is definitely a good day for Parliament. It is a good day for politicians. It is a good day for all parties involved. It speaks to the fact that when we gather our energies and focus on an issue of common purpose with good will and faith, we can succeed.

On a final note, during my negotiations, I was helped a great deal by a young man named Vince Haraldsen who works in the office of the Leader of the Opposition. I want to thank him. Obviously, I want to thank the chair, my neighbour from Caledon, for his great work, and all members of the committee. I express to all of them my sincerest gratitude for what has been a great experience.

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, it is not often that anything productive emerges from the chaos of question period. However, it is true that a substantive policy question put by the member for Vaughan, in March 2009, made me realize that there might just be the possibility of common ground in this place on the hugely important issue of asylum reform.

I am a former director of question period for the official opposition. Perhaps, on occasion, we can allow substantive exchanges to replace partisan rhetoric, which is an inevitable part of the combative atmosphere that is the Westminster system. I would hope that we can sometimes emulate the kind of exchange the member for Vaughan and I had in March 2009.

Let me thank him again for his diligence on this, for his efforts to reach out and bring along members of his caucus, and for his responsible ideas. I would, perhaps, just ask him a question. One thing that troubles me about these reforms is that they need to work. This bill is a very carefully calibrated, balanced package of reforms. We know that previous efforts to adopt an efficient asylum system have been occasionally crippled by unexpected judicial decisions and by lawyers seeking to burden the system.

If that happens, I hope that he would agree with me that we are not closing the book on a fair and fast asylum system. It is an ongoing process. This Parliament will have to be responsible in the future for responding to developing circumstances, whatever they may be. For the people reading this transcript years from now, I hope he will convey that there is an ongoing responsibility to make sure that the system we are seeking to fix now does not become broken again in the future, for whatever reason.

● (1600)

Hon. Maurizio Bevilacqua: Mr. Speaker, the minister has raised an important point. It reinforces my thoughts on the fact that when negotiations are difficult and when people give it their all, we end up with a very good product. When we look back at all the months that have passed and all the exchanges we have had, the bill itself was improved to make it the best possible bill.

Obviously, like any new law, it will have its challenges. I can guarantee the minister that there will be some days, which I hope is not the case, when people will ask if this was the right decision. I think the minister and Parliament has benefited from the forceful debates and strong ideas because the bill itself was tested. It was certainly tested by people on this side of the House, and I can vouch for that myself, and I know that other parties went through exactly the same type of dialogue, discussion and internal debate. That is what benefits the final product.

It would have been very easy, hypothetically, if it were a situation where the government could decide everything. I do not think, quite frankly, that the minister would have had this legislation, which is superior to the one we originally looked at. That is the benefit of engaging individuals who are quite responsible and knowledgeable on this issue.

Even if there are challenges to this bill, it is my wish that the government of the day will not give up on the principles of the bill because they are sound.

[*Translation*]

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Mr. Speaker, I would like to hear from my colleague from Vaughan about the prevailing tone during our discussions and deliberations, including during the clause-by-clause study last week. In this committee I have in the past sat through some rather stormy clause-by-clause studies, with series of amendments and subamendments that not always particularly well thought out or well placed, with bitter discussions and so forth. Last week, however, our debate was intelligent, orderly and thoughtful.

I know that the hon. member for Vaughan is himself a very level-headed person. As we saw in his speech today, he is very respectful of different opinions.

Does he think it a good thing that our committee be able to operate in this way, and can he continue to encourage all the members on this committee, including those from his caucus, to always conduct themselves with as much dignity and sobriety as he does?

● (1605)

[*English*]

Hon. Maurizio Bevilacqua: Mr. Speaker, the way this entire bill was negotiated was quite different because we had a minister, as well as his staff, who were willing to sit down with people and we had opposition parties that were willing to work together.

I do not want to give the impression that the government got it right on everything. For example, on the issue of humanitarian and compassionate grounds, which was a motion that I moved, as everyone will recall, it was the members of the New Democratic Party and the Bloc who supported it, which was a good thing. The reality is, however, that the minister, although I am not sure, probably had to go an extra mile to ensure his cabinet would approve of that particular condition that we set.

Can this be duplicated everywhere? I do not know if these conditions will exist in other committees. Are these conditions that I wish could be duplicated? Of course I do because today my hon. colleague from the Bloc Québécois has a smile on his face, as does the member for Trinity—Spadina and the minister. The reason is that they feel within themselves that they have accomplished something positive and good for the country.

That is the reason for the smiles on their faces and I hope one day there will be more smiling faces in Parliament.

[*Translation*]

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Mr. Speaker, since we are talking about smiles, I would like to start off on a lighter note. Over these past weeks and months, the most frequent method used to discredit adversaries was to accuse them of forming a coalition. This is the popular thing to do right now. Earlier, I calculated that there are 10 possible combinations. There is the possibility of a Liberal-Conservative coalition, a Bloc-Liberal coalition and so on. If we do the math, we can see that there are 10 possible coalitions. Based on what has been said during question period over the past few months, there is always one party that is not in the coalition and that will insult its adversary by saying that there is a new coalition. That is what has often happened and what is happening again today.

In fact, we have formed an 11th coalition, one that is perhaps surprising because it involves all four parties. This bill was passed unanimously. It is in front of us for a third and final reading. In all likelihood, it will be passed a bit later.

The people who are watching at home and who are seeing the minister and the critics from the other parties smile, laugh and converse might wonder what is happening in the House today. Anyone who watches question period expects the opposition to say that the government's actions make no sense and that it is not doing things the way it ought to. Then the government says that the opposition knows nothing. But this is different because, frankly, our committee work was infused with this same spirit of co-operation, which I believe is necessary and in line with the behaviour expected of us by the citizens who elect and choose us.

The committee worked very hard. We had long evenings of consultation. We had consultations during the day but also at night because we wanted the changes to be implemented quickly. However, we wanted to do our job properly and take the time to hear everyone's comments.

I believe we did everything we could. We did as much as humanly possible. I remember sessions on Thursday evenings when members were a bit tired and would start joking around a bit. I made a point of apologizing to certain witnesses who were wondering whether MPs took things seriously. With all due respect, I think we did good and necessary work.

At the same time, following lengthy consultations, there were exchanges between people from the different parties. Contrary to what people often think, we talk to our Liberal, New Democratic and Conservative colleagues. We had discussions that led to a rather interesting and effective situation in which we could proceed with a clause-by-clause review, in other words, that time in committee when we vote on the clauses of the bill and make amendments.

We managed it in just a few hours without any drama. I believe that the majority of the votes were unanimous and a few were on division. There was no animosity in the discussions. We finished relatively early that evening and we would have finished earlier still if we did not have to go back and forth between Parliament Hill and downtown Ottawa three times to vote in the House. Maybe the fact that we got some air and walked around a bit got our minds in gear and allowed us to come up with this solution.

As those who spoke before me have pointed out, there is a general sense of satisfaction with the result of the committee report.

● (1610)

This is not the sort of compromise where you go home saying you had to give up this, you got that, you had no choice and you have to live with the end result. We are pleased with what we accomplished. Of course, it is not the bill that I would have written or that the members for Trinity—Spadina or Vaughan would have written, and it is not the bill the minister had drafted. It is something else, the result of everyone's contributions, but it is not an awkward compromise, an agreement we are forced to accept with resignation because we have no choice. It is good work.

We want to thank everyone who had a hand in amending the bill. Needless to say, we want to thank the minister, who was open and wise enough to come and talk with the critics from the various parties and who was open to new ideas. He did not reject them out of hand, just because they came from party *x* or *y* or a separatist party, which unfortunately sometimes happens in the House. We had good discussions. In some cases, the minister also convinced us that some amendments might not be appropriate. We worked hard, and as the member for Vaughan said, I hope many other ministers will take a page from this minister's book.

We would obviously also like to thank the parliamentary secretary, who worked hard as well. He was always very respectful and very open to the proposals made by the other committee members and the witnesses who appeared. I want to thank the Liberal and NDP critics, with whom I worked closely in many ways. Together, we achieved something very worthwhile.

We also want to thank the people who were our raw material, the people who appeared before the committee to tell us what they knew about the reality of refugees. We heard from lawyers, representatives of the Quebec and Canadian bars, refugee advocacy groups, the Canadian Council for Refugees, the Fédération des femmes du Québec and all sorts of groups that work with these people every day and have an intimate knowledge of what they go through. We even heard from refugees who had gone through the process and who came to testify.

These people provided the material that helped us achieve this result. I honestly do not think we can simply say that we did a good job as parliamentarians. It is true that we did, but it was only possible because of those who got involved, participated in these consultations and provided us with the material we needed to get results.

I find it interesting that, although the public is unfortunately too often cynical and disillusioned, this refugee protection reform will perhaps be a positive example for all those who hesitate to get involved in politics or to appear before this type of committee, who hesitate to take the time to draft briefs, thinking that nothing will change, since everything is already decided in advance. These people will perhaps realize that they can contribute and help make changes to legislation.

Personally, I would also like to thank all those within my party who worked to help me, particularly my researcher, Marie-Eve Therriault, as well as Annie Desnoyers, from the office of the House leader, who is a formidable resource on House procedure. I am sure that many parties in the House would love to have her work for them, but her heart is obviously with the Bloc Québécois; she is already taken.

Let us talk about the bill, because that is what we are discussing today.

● (1615)

First of all, I would like to point out the major improvements that appear in the version before us today, things that were not present at first reading or second reading. The Bloc Québécois will support this bill, albeit with some reservations, because we still have some concerns. We want to ensure that it will be implemented. It is a good bill and it is far better than the status quo. No one will be surprised to hear that I am especially pleased that there is now a refugee appeal division that is accessible to everyone.

I thank the minister for pointing out that the Bloc Québécois has been fighting for this for quite some time. I personally took up this fight and brought it to this Parliament with my private member's Bill C-291, which was introduced in the House in my name. It reached second reading and report stage in committee, but it was unfortunately defeated in the House by a single vote.

I could certainly make some sort of political statement, but in the spirit of co-operation that abounds today, I will refrain from doing so, for I am very pleased that we now have an appeal division. It is very important to have such an appeal division in order to be fair. All justice systems that are administered by human beings, who are not perfect and can be wrong and make mistakes, must have a mechanism to correct those mistakes. This is quite obvious, since all of our natural justice systems—our tribunals and courts—always provide the opportunity to appeal, even in matters that are far less serious. People go to court for a squabble between neighbours over a fence and if they are not satisfied with the verdict, they can appeal it to a higher court, explaining why they feel the decision was wrong.

It is obvious to me that in a matter that, quite frankly, is much more serious—whether or not a person will be sent back to a country where they risk persecution, torture, or even death—we must be absolutely sure that we do not make a mistake. In fence disputes, even a judge may be mistaken five or six times out of all the cases in a year, which is not very serious. However, in an application for refugee status, a mistake has serious consequences.

By establishing a refugee appeal division, we are assured that a mistake made at the first level can be corrected at the second level. I believe that the system will be more efficient with the appeal division. It will ensure that real jurisprudence, a body of jurisprudence, is established, and that decisions will be much more consistent.

For example, two brothers from the same country and with the same experiences were brought before two different board members. One application was accepted by one board member whereas the other was refused. I do not know which board member made a mistake but one thing is certain: one of the two board members made a mistake. The same case was presented but the outcome was different. I have often pointed this out. Lawyers have told me that they cannot tell their clients whether or not they will be accepted because it depends on which board member hears their case.

● (1620)

With an appeal division to which rejected claimants will be able to apply, or if the minister finds a decision maker to have been too lax in his decision, it will be possible to validate the decisions and to determine, after a period of time, which cases are accepted or not according to case law.

I also commend the fact that the committee has decided to maintain the possibility for refugee claimants to apply on humanitarian grounds. This is the safety net of our process.

In many cases, a person may be in situations of extreme difficulty and grave concern, and yet not meet the strict definition of refugee and be inadmissible. The definition of a Convention refugee is quite narrow. A person must not simply be seeking refuge and require assistance, but be truly persecuted and unable to find a place in the country where he would be protected. The hope is that, with a claim on humanitarian grounds, persons in this situation would be accepted.

There remain certain concerns, such as country designation. At first, I was not convinced. I was always concerned about whether diplomatic or political issues would interfere in the process.

I am relatively satisfied with the final text and the way it is drafted. Unlike some, I did not want the word "safe" to appear in the enactment, because in my opinion it would have introduced a value judgment. Countries could have brought diplomatic pressure to bear to obtain this label of safe country, whereas the more neutral term "designated country" does not pose this problem. I think that the two tools are balanced.

We also considered whether an interview is better or not as good as the previous form. Each method has its advantages and its disadvantages; time will tell. I think it is reasonable to trust in the professionalism of our public servants to conduct interviews properly in the best interest of the system.

Finally, I remain concerned by the complete absence of any possibility of reopening a case between the time someone receives a final decision from the refugee appeal division and the time he or she is actually deported. There might be personal events in his country: for example, his family might be massacred, with the result that when the final decision was made he was not a refugee, but he subsequently became one.

I hope that the system will be able to deal with this sort of case and that the Immigration minister of the day will take the proper action if such cases should arise.

I will close on what is perhaps a lighter note. In the end we decided to keep the title of the bill, since it can now be said to be truly balanced. However I can assure the minister that the committee will return to the charge on these next two bills, whose titles are frankly ridiculous. We will see to it that the titles contain objective criteria only, and not political opinions.

Personally, I emerge from this experience very satisfied: it is very rewarding. There are often difficult moments in our work as members. Sometimes, I stop at my desk, listen to question period, and ask myself what I am doing here, what is going on. But a moment like today is a good moment, and whatever happens to me in the years ahead, the day I leave politics I will be able to say that at least I did something important which had an impact on people's lives, and possibly for many decades.

● (1625)

[*English*]

Mr. Rick Dykstra (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC): Mr. Speaker, the most important part of the statement by the member opposite was his conclusion, and that is one that I certainly echo. We come here, we do a lot of work, but when we look back on what we have done in the future, there will be points, certainly, that are highlighted in one's own career. I think the member has done a very elegant job of explaining that this will be a signature to which he can be very proud.

He did indeed spend a little bit of time speaking about the issue that faced all of us at committee, which was that the original bill had the safe country of origin. Based on a recommendation that he brought forward, the word "safe" was removed, but the designated country remained. He did briefly touch on why that was a preference for him, but I would like to give the member the opportunity to speak to the importance of this designation within the bill itself and why it needs to be supported by the House.

[*Translation*]

Mr. Thierry St-Cyr: Mr. Speaker, I will start with the first bit, on the satisfaction we derive, as members of the committee, from having done our job properly. This just goes to show that the members in this House, first and foremost, have a desire to make changes and improve things. We all know that, in terms of winning over voters, few of our constituents are watching today or will be rushing out to congratulate us on the changes to clause 17 of Bill C-11. We know that we are doing this because we believe it must be done. People put their trust in us and sent us to Ottawa. They do not follow our deliberations daily, but they ask that we act professionally and that we do our jobs properly, and when we succeed at that, we can obviously be proud.

Now, as for the designated countries, I am adamant that we must not use the term safe. There could be countries that are on the line, but would not want not to be considered a safe country by Canada because that would hurt their image. My concern is that these countries would push to get on the list, and that we would end up needlessly expediting files of people from those countries, when in fact we should be looking at them more closely.

● (1630)

[*English*]

Hon. Maurizio Bevilacqua (Vaughan, Lib.): Mr. Speaker, I listened very carefully to the comments made by my colleague. I want to perhaps look forward, as we begin to look at the post-refugee reform package. We were able to come up with some major amendments on humanitarian and compassionate applications, designated countries of origin, time lines expedited for designated countries, regions and groups. The list is lengthy and meaningful.

I would like to ask the member this question. If there was one particular issue or one particular point that the hon. member could add to this reform package, what would it be?

I have had numerous conversations with the Parliamentary Secretary to the Minister of Citizenship and Immigration throughout this process, always seeking what would enhance the bill. I wonder whether the hon. member's satisfaction for this present bill overrides any desire to add to it.

[*Translation*]

Mr. Thierry St-Cyr: Of course not, Mr. Speaker. It is common knowledge that the Bloc members are never satisfied and that we always want more for Quebec. Of course we will not stop today.

More seriously, I mentioned this briefly and I am happy to have been asked the question so that I can come back to it in more detail. I believe that we should have found a way to include a provision about reopening files in cases where a person's situation has changed drastically after the final decision had been made. And this option should be available until the person has been deported.

I know that in terms of numbers, it does not represent many people. I am conscious of the fact that the system put forward in Bill C-11 is robust and will allow fewer cases to slip through the cracks. There will not be many errors of this type.

I also know that there are other voluntary mechanisms in place that allow the ministers to act in extremely specific cases. We know that in the past, immigration ministers were hesitant to use this type of mechanism. I would have liked to see something in writing—and not just another step that anyone could access—something that would have allowed a person in an unforeseen and unprecedented situation to ask, at the very least, to have their file reopened. Then, after a cursory study, we could tell them if there was a major change or if there was an extraordinary element that would result in reopening the file.

[*English*]

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, for years the member has really pushed to see the refugee appeal division established. Parliament has long said that it is important that an appeal division based in law and facts be established.

Initially the refugee board had three panel members and it was changed to two panel members and now one panel member. Perhaps the member could describe why having a refugee appeal division plus the support staff that comes as a result of this bill would repair the flaws in the present system which does not allow for an appeal. Why would this bill which establishes the RAD fix that problem?

● (1635)

[*Translation*]

Mr. Thierry St-Cyr: Mr. Speaker, my colleague is right in pointing out that the idea of an appeal division is not new here in Parliament. In fact, when the Immigration and Refugee Protection Act was passed under the Liberal government, an appeal division was planned for. Two board members evaluated each case at the same time, and each made a decision. If one of the two members supported the claim, it was granted. Some said that was very costly and 95% of the time, the board members' decisions were the same.

So instead of having two board members evaluate each case, Parliament decided to have a first evaluation and a follow-up. It was decided that a single board member would rule in each case. If the member made the right decision, the case was closed and there was no need to get a second member involved. However, if there was an error, a second member could reconsider the matter. Unfortunately, neither the Liberals nor the Conservatives ever set up the appeal division. I introduced a bill to force them to set up the appeal division, but unfortunately, it was defeated at the final stage by a single vote in the House.

So the bill includes the appeal division, and I must say that it is even better than what was originally contemplated in the IRPA. This appeal allows for a new hearing if necessary and allows individuals to introduce new evidence if, according to certain criteria, things have changed since the first claim or it was not reasonable to introduce the evidence during the first hearing. We finally have the long-awaited appeal division, and it is even better than before. We must salute the minister and the committee for their work on this and for finally implementing the appeal division.

The Acting Speaker (Mr. Barry Devolin): It is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for LaSalle—Émard, the Conservative Government; the hon. member for Dartmouth—Cole Harbour, the Canadian Council on Learning; the hon. member for Yukon, the Food Mail Program.

[*English*]

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, refugee laws have the ability to define a nation and sometimes it is not obvious until decades later.

Had the former prime minister of Canada, Mackenzie King, eased up on the refugee laws at the time, several hundred thousand Jews might have been saved from the Nazis.

Hiding behind the argument of the national self-interest of Canada, then immigration minister Thomas Crerar, with his official Fred Blair, barred Jews from entering Canada. Mr. Blair said it was "for the reason that coming out of the maelstrom of war, some of them are liable to go on the rocks"—he was talking about refugees—"and when they become public charges, we have to keep them for the balance of their lives".

Between 1933 and 1945 the United States under Roosevelt accepted 200,000 Jewish refugees. England accepted 70,000. Bolivia, a relatively poor country, accepted 14,000. Sadly and shamefully, Canada, a rich and vast country, accepted only 5,000 Jewish refugees.

Even the young Pierre Elliott Trudeau, in an election rally in November 1942, stated that he feared "the peaceful invasion of immigrants more than the armed invasion of the enemy", an obvious reference to Jews.

It was only when the Jewish community through the People's Committee Against Anti-Semitism protest action that Canada began to ease its refugee policies. The people's committee sent a delegation to Ottawa representing 10,000 Canadian Jews and met with minister Crerar. Because of the huge and sustained outcry, finally in 1944, 450 Jewish refugees were allowed into Canada.

By 1945, the 972 very highly skilled, professional male refugees who had been in jail since 1940 were finally released from jail and became a professional pool of musicians, teachers, artists, writers, theologians and scientists.

Why do I bring up the history? Because establishing a fair and humane refugee policy is very difficult. Oftentimes doing the right thing is not necessarily the most popular thing to do and any mistakes made can result in beatings, torture, jail, and sometimes death.

There is an important lesson to be learned from that dark chapter of our history. We have to work with the people who are most affected, people who work with refugees, and then the government laws and policy will be perfected.

Today, in these difficult times, many refugees have to leave their countries because they suffer persecution. Last year, 43.3 million people faced persecution because of race, religion, nationality, membership in a particular social group, or political opinion. They were forcibly displaced worldwide. This is the highest number of people uprooted by conflict and persecution since the mid-1990s and represents more than our country's population. If Canada makes a mistake and we end up turning away some of these people, it could be a matter of life and death.

That is why we must learn from that dark history and provide fast and safe entry for genuine refugee claimants and turn away those who are trying to exploit Canada's system.

New Democrats have always supported the creation of a fast, fair and effective refugee system. When this bill was first presented, we said we feared that no country is truly free from any form of persecution, whether it is hate crimes directed toward gays and lesbians, and transsexual people, or a woman fleeing domestic violence, genital mutilation, or an honour killing. Those countries may be democratic but they are not safe.

● (1640)

We are very pleased that people from those countries will now have the same rights of appeal. They will have the rights for humanitarian and compassionate consideration and the right to counsel.

That is why we are extremely glad that we are fast-tracking Bill C-11. We are compressing the timeline for report stage and third reading into one afternoon to give the bill fast passage so that the bill can become law, hopefully by the end of this month, or maybe even before the end of this month.

Allowing people to have humanitarian and compassionate consideration is critically important. Sometimes refugees may not know whether they belong in the refugee stream or the humanitarian stream. This is now built in and it is protected.

There are also extremely important regulations coming with the bill. We look forward to seeing them come into force. We are looking forward to the hiring of close to 100 refugee protection officers to clear the backlog. I believe there are over 60,000 claimants who have been waiting in limbo for close to four years for a decision. The Canada Border Services Agency's computer system will be upgraded. Those who are ordered to leave the country will be tracked by CBSA so they could be asked to leave Canada without Canada losing track of them.

New Democrats presented over 20 recommendations during the discussion at the citizenship and immigration committee. We would have preferred to see some other changes. For example, in the beginning we were quite uncomfortable with the interview process because the personal interview forms would no longer be used. We were worried about the cost of the humanitarian and compassionate application fees of over $500. We were worried that new information may not be able to be submitted to the refugee appeal division.

We were also worried that if countries had a last minute change and if refugees were deported to those countries, without the pre-removal assessment review, the refugees could face real problems when they returned home.

We also wanted all the clauses to come into force at the same time and that there be a built-in evaluation process. However, in the spirit of working together and of making compromises to make a better bill, I withdrew my recommendations in support of the humanitarian and compassionate grounds consideration, and allowing appeals for all refugee claimants and making sure that all claimants have a right to counsel. Those are things that we believe are extremely important.

Did we get everything that we wanted? No, however, it is a bill that is far more balanced. We believe when it becomes law, it will be worthy of celebration because at long last we will see the implementation of the refugee appeal division.

I want to thank people for the hundreds and hundreds of submissions that we received at committee. People took the time to write about the kind of changes they wanted to see. We heard from refugees themselves. It was extremely brave for them to describe their experiences and how happy and safe they feel now that they are in Canada.

● (1645)

We also heard from passionate refugee advocates who described their work with refugees and urged the committee members to we pass a bill that was balanced, fair and fast. They organized public meetings in Vancouver, Toronto, Montreal and many other parts of Canada and allowed people to speak out.

Our committee could not travel because we did not have the time, but we were able to hear from quite a large number of people through the Internet and video conferencing. Because of their wisdom, their persistence and their insistence that democracy means calling their member of Parliament when a bill needs to be improved, they did call us. I understand that a lot of members of Parliament received submissions, calls and visitations from people who have worked with refugees or refugees themselves.

That, in itself, was extremely precious because at the end of the day, when we come together collectively, whether we are refugees, refugee advocates, immigrants, organizations, members of Parliament, critics, the minister and his staff or public officials, the key component is that we must listen to each other and work together because we do want, collectively, the same thing, which is a fair and fast refugee determination process.

I hope that passing this law will mean that we will not repeat the tragic past of many years ago when we saw 907 refugees on board the *St. Louis* being sent away which resulted in half of them perishing. That is a lesson that we need to remind ourselves of over and over again as we talk about refugees and immigration issues because we do not want that terrible history to repeat itself. Canada is really a safe haven for many people seeking to make their homes in Canada and today, because we are passing a balanced, fair and fast refugee process, we have a lot to celebrate together.

● (1650)

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, I thank the member for Trinity—Spadina for her diligence and good faith. I know that for a member of the NDP to work constructively with a minister in the dastardly Conservative government is an occupational hazard, so the fact that she was willing to put ideology and her own party's politics to the side to get something positive done for refugees and Canadians is to her great credit.

I thank her for reminding us about the era of officially sanctioned anti-Semitism that barred access to Canada for European Jewish refugees before and during the second world war. That history is detailed in the devastating book *None Is Too Many: Canada And The Jews Of Europe 1933-1948*, which I actually reread over Christmastime, and it struck me deeply with a moral responsibility. It really caused me to think through many of these issues, that while we must be a place of refuge for those in need of our protection, we also need to maintain a legal system, and I think we have struck that balance.

Speaking of balance, it is important in these issues that we have balanced public discourse. I just want to raise something with the member for her comment.

One of the public meetings she talked about was in Toronto a couple of months ago at which a representative of the Canadian Council for Refugees, Francisco Rico-Martinez, said that I was the worst anti-immigrant minister ever and essentially called me a racist. This past weekend I was at a community event for the Filipino community in Vancouver where members of an anarchist organization called No One is Illegal, apparently good friends of the NDP House leader, as she seemed to be very familiar with them, were screaming at me at a family event that I was a racist and a bigot.

We may have differences of opinion across the political spectrum on some of these issues but I would like to give the member an opportunity to agree with me perhaps that certain kinds of charges and certain kinds of rhetoric are actually terribly counterproductive and go beyond the pale of what constitutes civil discourse on these issues.

Ms. Olivia Chow: Mr. Speaker, we could mire ourselves in hate and fear or we could rise above it: name-calling of any kind, calling people anti-Semite, hateful, bigot or racist.

It is easy to throw names around, to put people into straitjackets, to provide them with a label and then move on, but what does that accomplish? It does not raise any hope and no action comes out of it. It is just a blame game.

We can ask ourselves why we are members of Parliament. We have different points of view and different ideologies but at the end of day we are here to work together to make laws that are fair and good for every Canadian and for those who want to become Canadians.

If we persist in that kind of negative behaviour, we will repeat what I saw in the House of Commons during question period when no intelligent answers were given. It was just a lot of hateful name-calling. Or, we could work together at committees or on the side to ensure that the laws we pass are fair and balanced.

● (1655)

[*Translation*]

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Mr. Speaker, the hon. member for Trinity—Spadina did significant work in committee on the process that led to Bill C-11 being adopted. Certain themes are very dear to her. She was instrumental in helping me convince other committee members of the importance of an appeal division for everyone. She even put a bit of pressure on our Liberal friends to ensure that they support our position. She was also quite concerned about the issue of allowing permanent residence applications on humanitarian grounds for refugee status claimants.

Could the hon. member explain to this House the importance of this mechanism as a safety net for those who do not exactly fit into the definition of refugee status?

[*English*]

Ms. Olivia Chow: Mr. Speaker, this is an area that sometimes has a fine line. We want to establish laws that would not encourage unscrupulous, crooked consultants to exploit the law by bringing in large numbers of claimants who are not really refugees or who face no human terror on compassionate grounds to stay in Canada.

We also want to ensure that people can present their case, including those people who have been tortured, have suffered domestic violence or have been raped. Sometimes it takes a while for people to describe their experiences and sometimes they may end up hiring a person to coach them who gives them the wrong information. Then, through no fault of their own, they end up messing up their case even though at the end of the day they do have a very genuine case.

There is a fine balance as to how important it is that people are given a chance to present the human terror on compassionate ground consideration.

I want to thank the minister for working with all of us and accepting these kinds of amendments which, initially, were not part of the bill. I am very thankful that what we have today allows refugees to have a fair hearing.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I am very pleased to stand today to recognize the minister, the NDP critic and the members of the opposition parties, the Bloc and the Liberals, for accomplishing something very substantial in a minority government.

I want to quote from an article in the Canadian Encyclopedia for the year 2000 regarding comments on the previous Liberal minority government of Pearson just to show what a minority government can accomplish. It reads as follows:

> For all its superficial chaos—

Does that sound familiar?

> — the Pearson government left behind a notable legacy of legislation: a Canada Pension Plan, a universal medicare system, a unified armed force, a new flag and a revised transport Act.

I could read another quote but I will not. The fact is that minority government accomplished much more in that period than many majority governments. I hope this will be a new beginning in terms of working in a minority situation to get things done.

Ms. Olivia Chow: Mr. Speaker, yes, it is a new beginning and I look forward to the next bill, which deals with crooked consultants, something for which I have been pushing. I am sure the immigration committee will again work with the minister to bring that bill back to the House of Commons. Then maybe we can get unanimous consent on the crooked consultants bill and crack down on them.

● (1700)

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

Some hon. members: Question.

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

Some hon. members: Agreed.

(Motion agreed to, bill read the third time and passed)

* * *

FIRST NATIONS CERTAINTY OF LAND TITLE ACT

Hon. Jason Kenney (for the Minister of Indian Affairs and Northern Development) moved that Bill C-24, An Act to amend the First Nations Commercial and Industrial Development Act and another Act in consequence thereof, be read the second time and referred to a committee.

Mr. John Duncan (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, CPC): Mr. Speaker, if there is a single defining feature of our government's approach to aboriginal issues, it is our determination to make a measurable and lasting difference in the lives and livelihoods of Canada's aboriginal people. Bill C-24, the first nations certainty of land title act, provides firm evidence of the government's progress in delivering results.

I thank the members of the House for endorsing speedy passage of Bill C-24. Like me, they recognize that the bill will benefit first nations interested in pursuing commercial real estate development projects on reserve and particularly the Squamish Nation in British Columbia, which is awaiting passage of the bill.

When we launched the new federal framework for aboriginal economic development last June, I noted that it represented a fundamental change in the federal government's approach to aboriginal economic development. It reflects significant, real and growing opportunities for aboriginal people to become full participants in the mainstream Canadian economy as entrepreneurs, employers and employees and it underscores our government's commitment to provide the tools, resources and support they need to maximize this potential.

It also means finding creative ways to get around the Indian Act, the source of many of these problems, in order to unleash the untapped economic potential of countless first nations.

There are several pieces of legislation currently in place that enable communities to achieve their economic development goals. These include the First Nations Land Management Act, the First Nations Oil and Gas and Moneys Management Act, the First Nations Fiscal and Statistical Management Act and the First Nations Commercial and Industrial Development Act. This is the legislation we are now amending with Bill C-24.

The First Nations Commercial and Industrial Development Act grants authority for the federal government to make regulations at the request of a first nation. The act provides for the establishment of project-specific regulatory regimes to allow major first nation economic development projects to proceed. It enables the federal government to replicate the necessary provincial laws and regulations to allow communities to pursue complex, large-scale commercial and industrial development projects on reserve land, projects which would not otherwise be possible.

The First Nations Commercial and Industrial Development Act was developed with the active engagement of the Squamish Nation of British Columbia, Fort McKay First Nation and Tsuu T'ina Nation of Alberta, Carry the Kettle First Nation of Saskatchewan and Fort William First Nation of Ontario. All of these communities recognize the need for this legislation to help them capitalize on the economic prospects for their lands and resources to generate employment and increase prosperity for their citizens.

First nations are keen to pursue major commercial and industrial projects on reserve lands. However, all too often, such projects are delayed or put at risk due to regulatory gaps. That is because some provincial laws dealing with commercial and industrial activities do not apply to reserves. That is precisely the situation currently facing Squamish Nation as it attempts to undertake a major commercial real estate development project on its land, something not anticipated in drafting the First Nations Commercial and Industrial Development Act that Parliament unanimously passed in 2005.

While the First Nations Commercial and Industrial Development Act is starting to reach its potential, the proposed first nations certainty of land title act would further enhance economic development opportunities for first nations. The Kamloops and Musqueam First Nations in British Columbia, Tsuu T'ina in Alberta and Carry the Kettle in Saskatchewan are monitoring the progress of this legislation with interest.

● (1705)

Bill C-24 is designed to make sure any and all interested communities can take advantage of commercial real estate development opportunities. The bill would add new authorities that would enable some first nations to become major players in the commercial real estate development.

If adopted, it will permit the federal government to replicate provincial land titles or registry systems for commercial real estate projects on reserve, which will create a seamless property rights regime on and off reserve. Whether applying common or civil law, the first nations certainty of land title act would create parity on and off reserve lands when it comes to commercial real estate development, fostering economic development. This, in turn, would encourage self-governance and economic sustainability by providing first nation governments with the financial means to determine their own future.

Equally important, the bill would also build bridges between aboriginal and non-aboriginal communities.

The Squamish Nation commercial real estate development proposal would clearly enable new partnerships with the private sector. The first nation's business partner, Larco Investments Ltd., is committed to this initiative and has already invested approximately $1 million in the project planning and proposals.

I am proud to stand behind the first nations certainty of land title act, and I am pleased to hear my colleagues in the House will also give it their full endorsement.

Mr. Todd Russell (Labrador, Lib.): Mr. Speaker, I, too, am pleased to rise in the House to support Bill C-24, An Act to amend the First Nations Commercial and Industrial Development Act and another Act in consequence thereof.

The identical bill was first tabled in the fall and all parties received representation from the Squamish Nation at that time encouraging us to pass the legislation. Unfortunately, due to prorogation, the bill was delayed for some months and reintroduced this spring.

I take this opportunity to thank my colleague, the member for Yukon, who visited with the Squamish people and the leadership of the Squamish Nation and had an opportunity to be personally taken around the reserve, the traditional territory of the Squamish people, to get a briefing in detail on what they intended to do with the tools that the bill would provide.

Therefore, I thank the member for the work he has done and in encouraging the minister to move forward with this bill. The member for Yukon is a wonderful member and we thank him for his work and advocacy on behalf of first nations across the country. As well, I join with him in the fine work that he has undertaken.

The main purpose of the bill is to create a more level playing field off and on reserve to foster sustainable economic development opportunities. As I said earlier, it is an amendment to the First Nations Commercial and Industrial Development Act, which was first passed in 2005.

Since that time people have realized that there was a need to fill some of the gaps that exist. First nations that were planning large scale and/or complex development projects were hindered by a lack of adequate regulations for commercial and industrial development. This caused jurisdiction uncertainty for both first nations and industry proponents.

This legislation was developed to address the regulatory gap that existed between lands on reserve and off reserve. The legislation would enable the federal government to replicate the necessary provincial acts and regulations to allow first nations to move ahead with large scale complex commercial and industrial development projects on reserve.

The key component of the bill is the legislation is optional. It is triggered only at the request of a first nation. Regulations developed under the act apply only to a specific project and parcel of reserve land where there are gaps between federal and provincial regulations.

In a brief that was provided to me and in conversation with the Squamish leadership members, they outlined what they felt were some of the benefits for first nations. I will refer to those comments for the record.

They said that it would provide a regulatory tool to more effectively balance economic development and protection of reserve lands and resources for future generations. They indicated it would enable communities to compete for investment opportunities and develop their economies, increase economic self-sufficiency and enhance their quality of life. They went on to say that it would generate revenue that could fund land acquisition and infrastructure for member housing, employment and business opportunities.

As well, they articulated a number of benefits to the federal government in that it would help the federal government to meet its commitments to first nations regarding economic development and continued stewardship for reserve land. It would increase employment, wages, revenue tax base, infrastructure and overall economic output, which is essential to linking domestic markets to world markets, and that it would be a model for other first nations.

As well, they articulated benefits to provinces one of which would be increased economic activity in the region, direct and indirect employment and increased provincial tax revenues from businesses and individuals and benefits to industry. There would be the establishment of regulatory regimes that would be certain, transparent, familiar and well understood to the marketplace.

In short, although there is ongoing debate among first nations about land tenure, the nature of land, the title of land, the one security that this legislation provides is it is optional. They have the ability to opt in if they so choose, depending on the particular circumstances of the reserve.

● (1710)

Having said that, one would hope that in the future legislation will come to us with more time to debate it in a more fulsome manner, as well as with an opportunity to take it before committee.

Given the compressed timeframe, the fact that we had a prorogation which has shortened this particular sitting of the House and the amount of business we could get done, and given that first nations themselves have requested this type of legislation, we are happy to stand in the House and pass it with that particular caveat.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, people will have seen all sides of me today. After discussing two justice bills in the Standing Committee on Justice and Human Rights, I am now speaking as the Bloc Québécois critic for Indian Affairs and Northern Development.

I am going to talk about Bill C-24, which we think has great merit. The Bloc will agree to the government's request and support this bill without hesitation.

A few months ago, and I say this with all due respect for my colleagues in the party in power, if the government had not prorogued the House, all parties were in agreement to deal with this bill, which was originally called Bill C-63, as quickly as possible.

I will provide an explanation for the people listening to us. The Indians are always being accused of wanting more money, of wanting nothing but money. People say they do not do anything, they want money, they never have enough, they live on social assistance. In the matter before us, we have put the lie to those words. Bill C-24 is extremely important for the Squamish First Nations in British Columbia.

These communities live in the Vancouver region. It is important to note that it was the Squamish nations that hosted the 2010 Vancouver Olympic Games. We say "Vancouver", but in fact the games were held on the Squamish nations' ancestral land, land that they are claiming and in respect of which an agreement will be made. Bill C-24 will open the door for those lands to be used.

In fact, they are not lands, they are lots. Imagine land in downtown Vancouver being part of their aboriginal land. The aboriginal people cannot use those lands because they are worth less than if they were located outside a reserve. I know this gets extremely complex, but this bill is going to enable the Squamish nations to move forward.

The Bloc had questions. In Quebec, we have the Civil Code, which is different from the common law of anglophones in the other provinces. We wondered how the Civil Code was going to apply in Quebec in connection with this bill. We got answers.

That is why we consulted the first nations of Quebec and Labrador, who asked us to support the bill because it could be to their benefit.

I have two examples. The Essipit nation, one of the Innu nations in the village of Essipit, near Les Escoumins, wants to develop land and build condos with an unobstructed view of the river. With this bill, they will be able to do so and, little by little, they will no longer need to ask the federal government for money to carry out their projects. With Bill C-24, the Innu nation in the Essipit region can go ahead with its plans.

The same is true in Mashteuiatsh, which is in the riding of the Minister of State for the Economic Development Agency of Canada for the Regions of Quebec, just outside Roberval. The first nations socio-economic forum was held in Mashteuiatsh a few years ago. The idea of a bill to help develop reserve land and help meet the desperate needs of first nations communities was raised at that forum and everyone agreed.

When Bill C-63—which became Bill C-24 after the prorogation—was introduced, we met with the Squamish First Nation. Since Bill C-24 is exactly the same as Bill C-63, we will not hesitate to ask the House to vote in favour of this bill, which is so important to first nations communities.

● (1715)

I would like to read this:

> The First Nations Certainty of Land Title Act would [in fact, will] amend the First Nations Commercial and Industrial Development Act to permit the registration of on-reserve commercial real estate developments in a system that replicates the provincial land titles or registry system.

We know how this works. There is a land registry where our homes in the country or the city are recorded. But this is not true of reserve lands. With this bill, aboriginal communities near and even in major centres could develop commercial projects that comply with the rules of neighbouring cities. I am talking about the Squamish in the Vancouver area, the Innu in Les Escoumins and the Masteuiash area, near Roberval, and the Algonquin in the community of Pikogan near Amos, in my riding.

First nations would not be able to build condominiums and sell them at well below market price to bring down the market, absolutely not. In the case of the Squamish, they could sell condos at market price and become less dependent on government assistance for aboriginal community development.

When a good bill is introduced, we almost always support it. And that is what we are going to do. As I have always said, if it is good for Quebec, we will vote for it; if it is not good for Quebec, we will vote against it. We have studied this bill with the authorities and we have had the time to obtain all the information we need. Consequently, we believe it is a very good bill. I know that the session will end in the coming hours. However, if possible, the bill must be implemented quickly in order to allow aboriginal communities to depend as little as possible on government money.

This is an interesting bill that will allow the sale of property at values comparable to those off reserve. We are familiar with the value of condominiums in the Vancouver area. Why would property on reserves in Squamish territory, in the City of Vancouver, not have the same value? The purpose of this bill is to have the government allow aboriginal peoples to look after themselves. It is probably one of the good bills that have been introduced. There was another good bill to implement the agreement with the Inuit of northern Quebec. It is exactly the same thing.

Aboriginal peoples are capable of creating worthwhile projects. However, we have to lend them a hand and this is an interesting bill. It will allow aboriginal peoples to have much greater autonomy. That is why the Bloc Québécois will be voting in favour of this bill.

● (1720)

[*English*]

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, I am very pleased to rise in the House to speak to Bill C-24, An Act to amend the First Nations Commercial and Industrial Development Act and another Act in consequence thereof. New Democrats will be supporting the bill. There are a couple of really important points about how the bill was developed.

First, the bill was developed in full cooperation, support and consultation with the Squamish Nation. We can see the success of a piece of legislation that has had an appropriate consultation and involvement mechanism in place. We see in the House today a rapid passage of a piece of legislation that will directly impact on the economic well-being of the Squamish Nation.

The second point I would like to make is that many of the nations in this country talk about self-determination and the importance of having a say over how their lands are managed, how their lands are developed. I want to just point to the United Nations Declaration on the Rights of Indigenous Peoples. In that declaration, article 26 says:

> 1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
>
> 2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
>
> 3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

In this piece of legislation we have not moved as far as many of the first nations in this country would like, but I think it is fairly clear from the UN declaration that first nations expect to say what happens on their land.

In this particular piece of legislation, and I want to acknowledge the parliamentary secretary for ably outlining the history of how we got to this place, I want to touch on a couple of points. We are dealing with an amendment to a piece of legislation called the First Nations Commercial and Industrial Development Act, which came into force on April 1, 2006.

It is important to note that the legislation was optional. First nations had the right to opt in to that piece of legislation and it is totally within the control of the first nation itself about whether it chooses to use the mechanisms that are outlined.

As well, there are some regulatory gaps which leads us to the piece of legislation that we are dealing with today. The problem with a number of other pieces of legislation that could have been a mechanism for the Squamish Nation to use was that none of those acts had sufficient authority to clear the land title system as contained in the amendments that are before the House today.

Part of the challenge that we are facing is that it is very difficult to do commercial and industrial development on first nations reserve lands. Part of that challenge is because the reserve lands fall under federal jurisdiction and the management of the property rights infrastructure on first nations reserve lands is very different, and I am quoting from some of the briefing documents for the legislation. It says, "—property rights infrastructure on first nations reserve lands is administered by two different federal departments operating under two different statutes".

We have the Indian Act, which is administered by the Department of Indian Affairs, and then we have the Canada Land Survey Act, which stipulates that Natural Resources Canada is responsible for land survey information on all federal land.

We can see the challenges that would be facing a first nation if it was doing commercial and industrial development. It would have to wend its way through this complex bureaucracy, dealing with two separate federal government departments with two different pieces of legislation.

In addition to that, it was having a direct impact on a first nations ability to do that kind of economic development because again, in these briefing documents, it says that it is estimated that doing business on a reserve pursuant to the Indian Act takes four to six times longer than in adjacent areas.

We have these enormous time delays and this complexity of legislation, so when a first nation was working with a commercial developer, trying to bring forward a project, it was taking an inordinate amount of time to make that happen.

● (1725)

As some members have pointed out, this land was being discounted because of the complexity in getting projects approved and also because some of the issues around title were cumbersome and unclear. Many businesses simply were not willing to develop the partnership because of those issues. This legislation attempts to deal with that.

I want to talk historically about what the Squamish Nation has been developing over a number of years. The briefing document under "Potential Projects" states:

> In July 2007, Squamish Nation submitted a detailed proposal to the federal government to use the First Nations Commercial and Industrial Development Act to construct five waterfront condominium towers on Capilano Indian Reserve No. 5. The reserve is located on the north shore of Burrard Inlet at First Narrows, north end of Lions Gate Bridge in West Vancouver, British Columbia. The proposed amendments are integral to this proposal to address the market discount that arises due to title uncertainty. In the case of the Squamish Nation project, the regulatory regimes would replicate the provincial land registry, title guarantee and leasehold strata property rights regime by incorporating by reference the British Columbia Land Title Act and Strata Property Act and other applicable provincial legislation.

This is important because it is an established provincial system that would clearly outline the elements around title and strata. There is no point in reinventing a system when a very good system is already in place, has a proven track record and is well understood by commercial and industrial developers and, therefore, would remove some of the uncertainty.

I want to touch on a couple of sections of the bill because people are concerned that this somehow does something to first nations' rights to the land. I will refer to an explanatory note and not the actual wording of the legislation. The explanatory note around the specific regulation-making power states:

> A fee simple interest (or full ownership in the civil law of Quebec) is the most complete form of land ownership that a person can hold.
>
> Some provincial land titles systems permit only fee simple title to be registered. The regulations may therefore need to deem the interest in reserve land held by Canada to be a fee simple title, if the First Nation in question is still operating under the Indian Act. If the First Nation in question is operating under the First Nations Land Management Act, the interest of the First Nation would be deemed to be fee simple.
>
> Deeming reserve land would not turn it into a fee simple interest for purposes other than its registration and would not affect the real, underlying interest of either Canada or the First Nation in the lands in question. The deeming of such reserve land as fee simple would simply be a mechanism to permit the land to be included in a land titles system operated on the same basis as provincial law.

It is this point that is very important. What we have here is a recognition that the land continues to be held by the first nation or the Crown, depending on the arrangement, but it is permitted that the land be registered under the provincial land registry system. This would enable commercial, real estate, industrial and other developers to work in partnership with the first nations to make sure they are able to gain the economic benefits that would not be discounted as they currently are. It is this kind of certainty that the Squamish Nation is looking for in terms of having some of the economic benefits returned to its own nation.

For many people who are not familiar with the particular piece of land that the Squamish Nation is attempting to develop, it is in West Vancouver. This is a prime piece of real estate. It is unfortunate that the Squamish Nation has not been able to gain the full benefit as other landholders in the area have. The Squamish Nation would like to see this kind of return to its community.

The last piece I would like to touch on is the clause-by-clause analysis. The briefing document states:

> Lands of First Nations operating under the First Nations Land Management Act will be registered in the name of the First Nation. In order to remove any doubts about the legal status of First Nations operating under that Act to transact business under these proposed provisions and regulations, the regulations may, if necessary, confirm that the First Nation has the requisite legal capacity to hold, transfer and register interests and rights in the lands in question.

● (1730)

It may come as a surprise to many Canadians who are listening to this debate that first nations actually have not been able to use their land to lever loans from banks, for example, for development or for other commercial enterprises because of this uncertainty around the land title.

The legislation before us has been developed in conjunction with the Squamish Nation and will allow them to derive those economic benefits from their own lands. The NDP will be supporting it.

The Deputy Speaker: Pursuant to an order made earlier today, Bill C-24, An Act to amend the First Nations Commercial and Industrial Development Act and another Act in consequence thereof is deemed read a second time, deemed referred to a committee of the whole, deemed reported without amendment, deemed concurred in at report stage and deemed read a third time and passed.

(Bill deemed read a second time, deemed referred to a committee of the whole, deemed reported without amendment, deemed concurred in at report stage, and deemed read a third time and passed.)

Mr. Ed Fast: Mr. Speaker, I would seek unanimous consent to see the clock at 5:38 p.m.

The Deputy Speaker: Is there consent?

Some hon. members: Agreed.

PRIVATE MEMBERS' BUSINESS

[*Translation*]

CANADIAN ENVIRONMENTAL BILL OF RIGHTS

The House resumed from May 6 consideration of the motion that Bill C-469, An Act to establish a Canadian Environmental Bill of Rights, be read the second time and referred to a committee.

The Deputy Speaker: I am now prepared to rule on the point of order raised on May 6, 2010, by the Parliamentary Secretary to the Leader of the Government in the House of Commons concerning Bill C-469, An Act to establish a Canadian Environmental Bill of Rights, standing in the name of the hon. member for Edmonton—Strathcona.

● (1735)

[*English*]

I would like to thank the parliamentary secretary for having raised this matter, as well as the hon. member for Edmonton—Strathcona for her comments.

In raising his point of order, the parliamentary secretary set out two grounds on which he considered Bill C-469 to infringe the financial prerogative of the Crown. First, he argued that the bill creates potential new legal liabilities for the government because it allows the Federal Court to order that the government pay for the restoration or rehabilitation required by environmental harm or for the protection or enhancement of the environment generally. He pointed out that not only procedural authorities but also a number of previous Speakers' rulings make it quite clear that the imposing of liabilities on the Crown requires a royal recommendation.

His second point dealt with the role which the bill assigns to the Auditor General. He noted that clause 26 of the bill would require the Auditor General to review every regulation or government bill in order to determine whether or not they were consistent with the provisions of Bill C-469. This role would, according to the parliamentary secretary, shift the role of the Auditor General from one of simply auditing to that of reviewing policy proposals that have not yet been approved. He regarded this as an inadmissible expansion of the Auditor General's mandate. In support of his view, he noted that, in a ruling given on February 11, 2008, *Debates* pages 2853-4, concerning Bill C-474, the Federal Sustainable Development Act, an expansion of the role of the environment commissioner to include a national sustainability monitoring system had been found to represent a change of mandate that required a royal recommendation.

In addressing the point of order, the member for Edmonton—Strathcona argued that the bill does not create a new liability for the government, but merely provides legal standing for actions to be brought should the government fail to assert its existing jurisdiction and legislated powers. She also drew the attention of the House to the fact that statutory authority to make payments exists under the provisions of the Crown Liability and Proceedings Act, should the government fail to carry out its duties.

With respect to the mandate of the Auditor General, the member for Edmonton—Strathcona pointed out that the Office of the Commissioner of the Environment and Sustainable Development falls under the authority of the Auditor General. She indicated that a broad mandate is given to the commissioner and that, in her view, none of the requirements of Bill C-469 went beyond the authority already provided to the commissioner by the Auditor General Act. She also noted that any increased expenditure would be operational in nature and would not involve a new activity or function.

[*Translation*]

The Chair has examined Bill C-469 carefully, as well as the authorities and precedents cited. There are essentially two points which the Chair is asked to address: first, does the bill authorize new expenditures of public funds by creating new or contingent liabilities for the Crown and, secondly, does the bill alter the role of the Auditor General by expanding her mandate beyond that currently provided for in the Auditor General Act.

[*English*]

In his remarks, the parliamentary secretary cited two cases in which an extension of Crown liability was ruled to require a royal recommendation. In one case, concerning the Farm Improvement Loans Act, it was proposed to raise the loan ceiling from $25,000 to $40,000. In the other case, a bill sought to amend the Bankruptcy and Insolvency Act in a way which would have increased the government's liability under the Canada Student Loans Act. In both of these cases, the government, as guarantor of the respective loans, would have been exposed to increased liability.

[*Translation*]

While the requirement for a royal recommendation in cases concerning loan limits and loan guarantees is well established, not all types of liability are subject to the same requirement. It is important in this context to distinguish between a liability for new payments under an existing program and a liability arising by reason of a court judgment rendered against the Crown. The rulings to which the parliamentary secretary has referred relate to a liability of the first kind. Erskine May, 23rd edition, at page 888 states that no recommendation is required from the Crown where: "—such a liability arises as an incidental consequence of a proposal to apply or modify the general law."

[*English*]

The parliamentary secretary has argued that new liabilities are created by Bill C-469. The Chair is not convinced of this. The bill provides a new means by which the Crown can be proceeded against where it has failed to meet its legal obligations. This is simply a new means of being called to account, not to a creation of a new responsibility for which additional expenditures of public funds will be required.

The Chair is also of the view that creating a new basis for legal actions against the Crown does not extend the Crown's liability as it currently exists under the Crown Liability and Proceedings Act. In the absence of an expansion of a liability for the new payments under an existing program, there does not appear to be a basis for the claim that the objects and purposes of that act are being extended to where an authorization is being given to make new expenditures of public funds.

The Chair would now like to turn to the question of whether or not Bill C-469 seeks to expand the mandate of the Auditor General.

● (1740)

[*Translation*]

As the member for Edmonton—Strathcona pointed out, the Office of the Auditor General includes the position of Commissioner of the Environment, who reports to Parliament through the Auditor General. The Commissioner is given a broad mandate with respect to the content of that office's reports, as set out in paragraph 23(2) of the Act, which reads, in part:

> The Commissioner shall, on behalf of the Auditor General, report annually to the House of Commons concerning anything that the Commissioner considers should be brought to the attention of the House in relation to environmental and other aspects of sustainable development—

[*English*]

The provisions of Bill C-469 concerning the Auditor General are limited to the examination of federal bills and regulations. Here again, it does not appear that the bill broadens the mandate of the commissioner, nor does it require the commissioner to undertake any work not already within his purview.

In conclusion, the Chair is unable to find any authorization for a new expenditure of public funds in Bill C-469, nor does the bill appear to assign any function to the Office of the Auditor General that goes beyond the existing mandate of that office. I therefore rule that Bill C-469 does not infringe on the financial initiative of the Crown and so does not require a royal recommendation.

I once again would like to thank the parliamentary secretary for having raised this matter, as well as the member for Edmonton—Strathcona for her comments.

[*Translation*]

I thank honourable members for their attention.

Mr. Justin Trudeau (Papineau, Lib.): Mr. Speaker, I am pleased to rise today to speak to Bill C-469, An Act to establish a Canadian Environmental Bill of Rights.

Since the beginning of the 21st century, we have become increasingly aware that we can longer claim to keep the economy and environment separate. We understand that the two go together and should be considered as a single element to create prosperity for our country, our citizens and our communities. I would even go further and say that human civilization can no longer be separated from this planet and from this environment that nourishes us.

More of us are living in cities and taking for granted that which nourishes and sustains us. Our food comes from the supermarket. We turn on the tap and the water runs. For energy, we need only go to the gas station and use the pump to get gas or plug in our appliances and use the electricity. We take all of that for granted.

[*English*]

We have taken for granted, to a really troubling level, our planet's capacity to sustain us, to enable us, to give us the means to live these rich and fulfilling lives that we all have. We have done this because over the centuries our planet's capacity has seemed infinite to renew itself, to replenish itself, to heal itself from ills, natural disasters or from human-made shifts and changes.

However, things have changed now in the 21st century and through the latter half of the 20th century. We have begun to fill up our planet, not necessarily with human beings yet, although we are on our way to 10 billion, but with our footprint.

In this chamber right now, all the different members of Parliament sitting here in the clothes that they are wearing, the electronics on their wrists and in their pockets and in the food that is in their bellies, we are now drawing on every corner of this planet for things that seem very local.

We can no longer pretend that we are not deeply connected to the land. We can no longer simply assume what we have up until this point, two basic assumptions we tend to make that we no longer question and that no longer hold true in our civilization and in our society in the 21st century.

The first we have is about space, that we will always have enough space, that there will always be enough room to grow, that there will always be more resources to find and that there will be no consequences once we throw something away because it will just degrade and disappear into the environment. We think this way because we have been successful in thinking this way because we have been successful in thinking this way for the centuries and the millennia that humans have been organized into cities and even before. However, the reality is that we can no longer ignore the consequences of seemingly small actions because, added together, all of our individual actions have tremendous consequences.

Similarly, in our regard to time, we always feel like there is enough time for the planet to replenish itself, there is enough time for us to shift in our behaviours and there will be enough time for us to respond to whatever crisis comes by and react to it. We have always been this way because we have succeeded in this way. We have always felt that nothing we could do collectively would have much of an impact on our planet as a whole.

However, that has now changed. We now can no longer hold to those assumptions. We have to begin respecting and understanding our links to the land.

Canada is an extraordinary country that is defined by its land as much as anything else. We are a vast country that stretches from coast to coast to coast. Our capacity to imagine ourselves and to define ourselves hinges on recognizing the vastness that surrounds us, the size and the distances between communities, and the extraordinary variances we have across this country from the top of the mountains to the forests to the prairie plains to the muskegs and the tundra to the coastal communities.

Everywhere we go in this country we are surrounded by our land and yet in our cities we forget about that. We need to remember that we are linked to the natural processes, to the ecosystem services that sustain us and permit us to live these full and enriching lives. That is something that we could take for granted for an awfully long time but we now no longer can.

● (1745)

If we are defined by our land, we are so, too, defined by the principles and the values that we set forth in our core documents, like the Constitution or our Bill of Rights. The idea that 100 years ago or 500 years ago one would have to enshrine the right to fresh air or clean water would have seemed silly. Obviously everyone has a right to that, there was no need for it. It would be like trying to legislate that people have to obey the law of gravity.

Unfortunately, the reality has changed. We need to take a moment in this space to look at articulating and enshrining these principles that we have always taken for granted that we no longer can.

This discussion on the proposal brought forward by the member for Edmonton—Strathcona is one that is extremely worthy of our fullest consideration. It is a shame to me that we would have to be discussing this, that somehow it would be possible that as a governing body, as a federal government, as a Parliament we would be putting forward laws and bills that would not take into account human beings' rights to live in a healthy, ecologically balanced environment.

Unfortunately, we must consider it now. When we look around the world at the different countries and the different jurisdictions that have brought forward initiatives such as this, stood forward on the possibility and the requirement to consider environmental rights, environmental responsibilities in every piece of legislation passed, we see that there are a number of positive consequences to this. We end up with stronger laws, better implementation, a more engaged public, more active courts and an increased accountability.

Those are the things that we need to start looking at. We need to begin to understand that the environment is not something that happens out there. It is not just about trees, birds and butterflies. It is about human beings who breath, eat, drink, build, dream and hope, and we can only do that if we are building on a strong foundation that respects the world around us.

The Liberal Party is pleased to see this bill come forward so we can discuss it and look at the best ways to implement this, discuss it in committee and ensure that Canada starts founding all of its laws and principles on a healthy respect for a strong environment.

● (1750)

[*Translation*]

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, I am very pleased to speak to Bill C-469, introduced by my colleague, the member for Edmonton—Strathcona. I congratulate her on this excellent bill. I will start by saying that we are very happy with this bill and we will support it.

I hope that all members in this House will support this bill, even though the member for Papineau just told us that this bill will unite Canada, using the phrase from coast to coast.

We think that the provisions of this bill should apply in every region of the country. In Quebec, we think this bill would be a good idea because of the principles it sets out, which I will be discussing. I think it is important to talk about what is in this bill.

I will be a bit more down-to-earth than the member for Papineau. I will hold back on the rhetoric, but I will talk about this bill that would create a Canadian Environmental Bill of Rights.

This bill states:

> Whereas [people] understand the close linkages between a healthy and ecologically balanced environment and [Quebec's and all of] Canada's economic, social, cultural and intergenerational security;
>
> Whereas [people] have an individual—it is good to clarify that—and collective right to a healthy and ecologically balanced environment;
>
> Whereas action or inaction that results in significant environmental harm could compromise the life, liberty and security of the person and be contrary to section 7 of the *Canadian Charter of Rights and Freedoms*;

Mr. Speaker, it is quite interesting that in your ruling on the royal recommendation, you also tied this bill to the Canadian Charter of Rights and Freedoms. It seems that doing so makes this already interesting bill stronger.

I will continue to read:

> Whereas the Government of Canada has consistently made commitments to the international community on behalf of [everyone] to protect the environment for the benefit of the world;

We know how much this government just ignores these agreements. The previous Liberal government did more or less the same thing and put things off as long as possible in order to do nothing at all.

I will continue:

> Whereas the Government's ability to protect the environment is enhanced when the public is engaged in environmental protection;

That is essential and I am pleased to see that it is in the bill.

This bill defines the term "environment" and I would like to look at that, because it is truly well done.

The bill says:

> "environment" means the components of the Earth and includes *(a)* air, land and water;
>
> *(b)* all layers of the atmosphere;
>
> *(c)* all organic matter and living organisms;
>
> *(d)* biodiversity within and among species; and
>
> *(e)* the interacting natural systems...

I truly applaud my colleague's work on this definition of the environment. I think it is excellent.

Another interesting thing about this bill is that it defines the principles. There is the principle of environmental justice. The bill also defines the precautionary principle. In my opinion, the French translation is not quite right. The French should read, "principe de précaution". That is the more commonly used term.

This is how the precautionary principle is defined:

> "precautionary principle" means the principle that where there are threats of serious or irreversible damage to the environment, lack of full scientific certainty should not be used as a reason for postponing action to protect the environment.

Including such a principle in legislation is unprecedented. Currently, in my own riding, we are wondering about the potential impact of the Trailbreaker project, which would carry oil from the oil sands to the United States.

● (1755)

Such a provision would clearly indicate whether decisions should be made immediately, because of the potential threats.

The bill goes on to talk about the principle of intergenerational equity. We know how important it is that future generations have the resources they need and that life on earth be worthwhile. The bill also refers to the polluter pays principle, which we are quite familiar with. It would finally be written into this legislation, which is extremely complex. We admire how well drafted the bill is. There is one last principle I have not mentioned, and that is the principle of environmental justice.

So there are these five principles. Then there is the conclusion of part 5, which is a masterpiece, in my opinion:

> the right of the individual to life, liberty, security of the person, including the right to a healthy and ecologically balanced environment, and enjoyment of property, and the right not to be deprived thereof except by due process of law;

We find this charming. We vote for what is good for Quebec, and we are certain this bill is good for Quebec, so hon. members can be sure we will support the bill.

In conclusion, I want to say that this bill can be applied in very practical ways. Look at what the Secretary-General of the United Nations suggested to the leaders of all countries in 2008: they should adopt a green New Deal, meaning head in the direction of new energies. We, with a Conservative government like our current one, have continued with a brown Old Deal. It is too bad. Many countries responded to this appeal and devoted a considerable share of the funds in their economic recovery plans to green investments.

The Bloc Québécois made some very practical suggestions. None of them was taken into account. In other countries such as Korea, though, 70% of the economic recovery package was devoted to green energy. The United States spent five times as much per capita on green energy in its recovery plan. That is not what was done in Canada because they are not really convinced.

Take the example of Europe. It has something called the 20-20-20 plan. It is amazing. No one believes that the Conservative government might some day adopt this kind of program and align itself with Europe. This 20-20-20 plan means 20% more energy efficiency, 20% more renewable energy, and a 20% reduction in greenhouse gases by 2020. It is realistic, it is doable and we really could set this target.

Bill C-469 could underpin some regulations of this kind. I am sure we could be doing something other than developing nuclear energy and coal-fired plants in Canada. If we set off in the direction of a green New Deal, we would be showing a lot more respect for Bill C-469.

I hope all members of the House will want to defend this bill and everyone will be proud of passing it because it is essential for our environment.

● (1800)

[*English*]

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, I am so thrilled to rise in the House today and speak to Bill C-469 that would create an environmental bill of rights.

This bill was tabled by my friend and colleague, the MP for Edmonton—Strathcona, herself a tireless advocate for the protection of the environment for all Canadians, but in particular for future generations. Thanks to her vision, we have a bill that addresses not just a solution for one environmental issue or another, not just a policy position on climate change or toxins or land protection, but a true bill of rights, a historic federal bill that would enshrine the right of all Canadians to a healthy environment. I applaud my colleague for her efforts which have been crystallized in this piece of legislation.

As the NDP health critic, I want to use my time to talk about the links between environment and health because the two issues are so inextricably linked that I actually consider this to be somewhat of a bill of rights for health as well.

The purpose of the Canadian environmental bill of rights is to safeguard the right of present and future generations of Canadians to a healthy and ecologically balanced environment, to confirm the Government of Canada's public trust duty to protect the environment under its jurisdiction, and to ensure that all Canadians have access to adequate environmental information, justice in an environmental context, and effective mechanisms for participating in environmental decision-making.

I see this bill of rights as linked to health because, according to the World Health Organization, one-quarter of all preventable illnesses can be avoided through environmental management programs because those illnesses are directly linked and directly caused by environmental factors.

The health risks resulting from damage to the environment include the exposure to physical, chemical and biological factors. If we look at, for example, just air quality, human health is affected by air pollution, ranging from mild changes in respiratory function to increased mortality from respiratory and cardiovascular morbidity. For children, air pollution is of particular concern, as it raises the risk for acute lower respiratory infections, asthma and even low birth rate.

When our water, our air or our soil is affected, it in turn affects our bodies in terms of the development of illness and disease, the spread of illness and disease within populations and our ability to fight them off. Think of what it could mean for people's lives if the air, the water, and the soil that they interacted with, that their food grows in, and that their children play in was toxin-free and pollution-free.

Food production is also an incredibly important part of the environment and health. Biodiversity has to be a goal of ours, as well as sustainable food practices. This is how we can look at both the environment and health, and protect them both. We need to start thinking about the interaction between climate and health, and the negative effects that climate change renders on our planet and the health of our population.

According to the World Health Organization around the world, 13 million deaths annually are due to preventable environmental causes. Preventing environmental risk could save as many as 4 million lives a year in children alone, mostly in developing countries. This is a piece of Canadian legislation, but this bill shows leadership and it would set an example around the world.

We have heard quite a bit about this bill in the House already, but there are two parts of the bill that I would in particular like to highlight.

First, this bill provides legal protections for employees who exercise their rights under the bill in the name of environmental protection, potentially by providing evidence contrary to commercial interests or of their employer. This is incredibly important, as we want to encourage people to protect their fellow citizens, and not allow corporations and industries to make decisions and take actions that are dangerous and contrary to the public good, something that has been going on for years with disastrous consequences.

Second, this bill mandates that the Auditor General is obligated to review bills and regulations for violations of the environmental bill of rights, and to report any such violations to Parliament. This is exactly the accountability that is required to protect the health and the environment of Canadians.

Not too long ago in Halifax, I met with some amazing young people who live downstream of the tar sands. They were in Halifax raising awareness about their situation and the realities of living downstream from the largest industrial project on the planet.

● (1805)

Jada Voyageur is a young mother and activist who lives in Fort Chipewyan, a community that has been hit hard by cancer and other health impacts linked to contamination of water and wildlife. Simon Reece is the downstream coordinator for the keepers of the Athabasca, a group dedicated to uniting peoples in the Athabasca River and lake basins to secure and protect lands in the watershed. I met with both of them when they were in Halifax.

Ms. Voyageur and Mr. Reece were in Halifax to talk to people about how the operation and development of the tar sands is driving our national agenda on climate change. It comes at a very high cost to the surrounding environment and their people. They pointed out that as the G8 and G20 meet this summer in Toronto to discuss, among other matters, maternal and child health, our leaders are ignoring the health of mothers and children right here at home in Canada.

I was touched by their stories, moved by their passion, and inspired by their courage to take on the economic and political power of tar sands developers. When my colleague from Edmonton—Strathcona told me about her bill, the environmental bill of rights, I thought about Ms. Voyageur and Mr. Reece. I thought about the calls I have received in my office from people living around the Sydney tar ponds and dealing with the health impacts of that.

I thought about the people in Sydney who have been fighting for justice for decades. I thought about the Hillside-Trenton Environmental Watch Association in Nova Scotia, who are crusaders in linking health to the coal fire power plant in the middle of the community. I thought about mercury in our fish and toxins in our water. I thought about my hometown, a town built on a lake that does not exist anymore, a lake that was filled in with mine tailings just like so many lakes around it.

I thought about how this bill would change everything and I was very hopeful. It is with great pride and hope that I support the environmental bill of rights. I strongly urge all members of the House to do the right thing, to do the just thing, and support it with me.

Mr. Mark Warawa (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, I appreciate the opportunity to speak to Bill C-469.

Surveys with Canadians regularly rank environment and economic issues as number one or number two and what they want the government to place on the government's agenda. It is their high priority, as it is with this government.

These two issues, the environment and the economy, also have an important link in C-469.

First, we understand that the bill's intention is to ultimately provide better environmental protection in Canada. However, although it is a good objective the effectiveness of these rights compared to those which already exist still need to be proven. Canadians have watched as Parliament and successive governments have passed several laws and regulations to protect the environment. However, without a serious enforcement of the laws and regulations, environmental protection remains theoretical.

To achieve real goals in environmental protection, we need to have better enforcement of the laws and regulations that we already have. Our government is proud to have concentrated its efforts in the area of enforcement, notably through the adoption of the Environmental Enforcement Act nearly a year ago. We are already seeing a positive effect from that legislation.

As I mentioned in my introduction, Canadians also place an importance on the economy. In particular, Canadians expect the government to manage public funds effectively and with the greatest of care. However, we see that the impact of the rights proposed in Bill C-469 on Canada's economic growth and especially on the government's budget have not yet been documented.

With the perspective of sustainable development, it is imperative to evaluate each legislative measure so as to ensure the best possible synergy between environmental objectives and economic security. However, the creation of individual environmental rights could, depending on how they are written, lead to high cost and significant delays resulting from legal battles that would unduly delay the achieving of the planned objectives.

Furthermore the litigiousness of the environmental protection caused by Bill C-469 should in our view be questioned. The creation of individual rights to a healthy environment could cause in the transfer of environmental decisions from elected members of the government to non-elected members of the judiciary branch, who are not required to report to Canadians.

It should be remembered that Bill C-469 essentially proposes the creation of three types of environmental rights.

First, the bill proposes the creation of a right to a healthy and ecologically balanced environment for each Canadian resident in addition to creating a corollary obligation of the government to protect this right and to act as a trustee for Canada's environment. Legal actions would allow Canadians to enforce the execution of the obligations.

Second, the bill proposes a series of procedural environmental rights, including measures for the public's participation in the decision making process and the right to demand inquiries and access to information rights.

Third, the bill proposes civil action where any Canadian resident can ensure environmental protection from another person who has violated or who may violate the law, regulation or any other federal regulatory test.

In the first hour of debate, my opposition colleagues placed a lot of emphasis on the first type of right in Bill C-469 as proposing to create; that is to say the right to a healthy and ecologically balanced environment. The opposition colleagues gave a grim picture of the current situation in Canada. It was mentioned several times that, unlike Canada, more than 130 countries had included environmental rights in their constitution. The member for Edmonton—Strathcona notably quoted the example of India and Bangladesh, which have incorporated such rights in their constitutions. Given the serious impact of this bill, this comparative analysis needs to go a bit further.

● (1810)

First, it should be remembered that Bill C-469 would do nothing to amend the current lack of environmental rights in the Canadian Constitution. Rather the bill proposes to add the right to a healthy and ecologically-balanced environment to the Canadian Charter of Rights and Freedoms and to add this right to the new Canadian charter of environmental rights.

Second, it should be pointed out that of the 31 member countries of the OECD, 19 have not included any explicit right to a healthy environment in their constitution. Among the countries that have not explicitly recognized environmental rights, there are Australia, Denmark, Germany, Mexico, The Netherlands, Sweden, the U.K. and the United States. Furthermore, even in the number of OECD countries that have inserted explicit environmental rights in their constitution, this right is sometimes subject to limitations.

When we take a closer look at Bill C-469, we realize that it is an original proposal, different from most environmental right instruments being used currently around the world. For example, the obligation that would be given to the government to protect the right to a healthy and ecologically balanced environment and the corollary recourse by which legal action could be taken against the government because it did not ensure the enforcement of its law in a specific case is unprecedented. The discretion to enforce a law usually rests with the government.

During the first hour of debate, the member for Ottawa South referred to the Yale-Columbia environmental performance ratings. The ratings have countries, such as Bangladesh and India, ranked 139th and 123rd respectively in terms of environmental performance. In contrast, other countries which do not have environmental rights included in their constitution are countries such as Iceland, Switzerland, Sweden and the U.K. and they are ranked first, second, fourth and fourteenth in the report.

Without making any statements on the accuracy the Yale-Columbia rankings, it is obvious to me that whether environmental rights are included or not in the constitution is not in itself a determining factor on the state of the country's environmental protection measures. That is why we think we need to be very careful making a comparative analysis of Bill C-469 with the environmental rights placed in other jurisdictions.

Bill C-469 is unique because it is placed within a specific context, the Canadian legislative system, a system that already includes several environmental laws and several environmental protection measures. A thorough analysis of Bill C-469 requires participation from legal and scientific experts in order to evaluate the true impact of the bill on environmental protection, economic growth and social fairness in Canada.

By comparison, it should be pointed out that in France, the adoption of the environmental charter in February 2005 was done after four years of preparation from the Coppens commission, a commission composed of two committees, one legal, the other scientific. The commission also consulted more than 55,000 stakeholders during the course of its work.

It should also be mentioned, by the way, that the French environmental charter stipulates procedural environmental rights, such as access to information and participation in public decisions that have an impact on the environment, but only under conditions and limits defined by law. This type of express limitations is reminiscent of the environmental rights inserted into Ontario and Quebec law, which were defined within the limits stipulated by law.

We believe the measures included in Bill C-469 are unique and complicated, making it a bill whose consequences on the environment and the economy are not known. It would therefore be essential to wait for the stakeholders involved in this bill, including legal and scientific experts and economic stakeholders before making a final judgment.

● (1815)

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I must admit that I am enjoying this debate a lot and I have not even started speaking to the bill.

I want to point out for the voters in the riding of the member for Edmonton—Strathcona that they certainly got a bargain when they chose her as their member. She is extremely energetic. I do not think she ever sleeps. She constantly works and puts top effort into it.

It is interesting to note that the government has used every means at its disposal to try to derail this bill. On May 6, the Parliamentary Secretary to the Leader of the Government in the House of Commons told the Speaker that the bill required a royal recommendation. That is a government manoeuvre to slow down a bill because a private member's bill cannot call on the government to expend money. Governments draw long bows in many cases and look for obscure arguments to try to get bills ruled out of order on the basis that they need a royal recommendation.

Like the road runner in the cartoon, the member for Edmonton—Strathcona has gone through the government's defences. The Conservatives lost their request to the Speaker. The Speaker ruled in favour of the member for Edmonton—Strathcona, so it is now onward and upward with this bill. I believe the Liberals, the NDP and the Bloc are all united in support of Bill C-469. The government's best laid plans have gone awry and that is good news.

Bill C-469, An Act to establish a Canadian Environmental Bill of Rights, would be a first for Canada. I support this historic federal bill, which would enshrine the right of all Canadians to a healthy environment.

Rights are a reflection of what matters most to a society. At this point in history, few things pose a greater risk to the health and well-being of individuals and communities than the health of our planet. We only have to look at what is happening in the Gulf of Mexico right now. If that is not a wake-up call, then I do not know what is.

Recognition of environmental rights is a global phenomenon. National governments are stepping forward to recognize some form of right to a healthy environment in national constitutions. It has been pointed out that 130 countries recognize the right to a healthy environment in their constitutions.

We only have to look back to the recent past to see what happened after the fall of the Soviet Union. Rivers were polluted and the Chernobyl meltdown caused much devastation. We discovered that the military was dumping nuclear waste into the ocean. Even the American military has done such things in the past.

People demanded changes. They realized we cannot sustain ourselves in a toxic environment. There have been rising cancer rates among farmers across this land. There have been increasing movements to restrict cosmetic pesticides, to identify chemicals in things like perfume.

People are taking a positive approach to the environment and holding industry to account, and that rankles the Conservatives. Big business dislikes any type of tough environmental regulations because it hits it on the bottom line. Many businesses would like to move all production to the Third World, and they have certainly done a lot of it, but they cannot just pack up and take everything away. They will fight all attempts to hold them accountable in terms of tough environmental laws.

● (1820)

International bodies, regional authorities, and local municipalities all over this planet are declaring the right to clean air, clean water, and uncontaminated land. In fact, our environmental rights are enjoyed in over half the countries in the world, through either international agreements or the provisions of national constitutions.

The first document in international law to recognize the right to a healthy environment was only written in 1972, just a short time ago. The Declaration of the United Nations Conference on the Human Environment, also known as the Stockholm Declaration, was adopted June 16, 1972 at the 21st plenary meeting of the United Nations.

The first principle of the Stockholm Declaration states:

> Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations.

Since the adoption of the Stockholm Declaration, the world has seen a huge shift toward confirming environmental rights. Today a proliferation of international law agreements and at least 85 national constitutions recognize some form of right to a healthy environment. Environmental rights are also enshrined in the sub-national constitutions of many nations, such as state constitutions and provincial charters.

I might point out that it is disasters like the BP experience in the United States that will actually drive the agenda. We cannot see a lot of good coming out of a disaster like this, but it will actually set the legislative agenda, certainly in the United States, and probably in other countries around the world. It will pull a lot of people, a lot of politicians who are in the middle, onside and will make them recognize that we have to take a very tough position against the corporations.

In many respects, we cannot blame the corporations for wanting to maximize profits, as long as we have a system in our country that rewards the maximization of profits at all costs and rewards the executives with bonuses based on how efficient the system is and how lean and mean they run the company. They lay off the inspectors. They lay off the professionals. They operate with skeleton staff at the lowest possible cost to maximize profits so that they can get bigger bonuses. Any kind of environmental consideration is basically thrown by the wayside. Clearly, appealing to their good sense and corporate responsibility is not going to work. To rein in these corporations, they have to be legislated, and the legislation has to be followed up with proper enforcement and proper penalties.

These rights are further upheld by the national and sub-national legislation of many nations as well as by the declarations of countless local governments. Despite this global trend, environmental rights remain largely unconfirmed in Canada. The Canadian Charter of Rights and Freedoms does not address environmental protection or environmental health. In fact, environmental rights are recognized by only four provincial and territorial laws: Quebec, Ontario, Northwest Territories, and Yukon.

Environmental rights recognize and seek to protect the quality and health of the environment that is essential to human life and dignity. For example, the constitution of Argentina recognizes that all inhabitants should enjoy the right to a healthy and balanced environment that is fit for human development so that productive activities satisfy current needs without compromising those of future generations. They also have the duty to preserve the environment. Damaging the environment generates the obligation to repair it, and as a priority, in the manner established by law.

I had another example from the Philippines. A court in the Philippines has ordered a cleanup of the highly polluted Manila harbour, based on the constitutional right to a balanced and healthy ecology. There is also a case from Costa Rica, where a constitutional court ordered a halt to the unsustainable sea turtle fishery based on the constitutional right to a healthy and ecologically balanced environment.

As we can see, it can be done if we have a will to do it, and I think that we are getting there, little by little. We are getting there.

● (1825)

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, I would like to thank all of my colleagues in the House who spoke to my bill. I appreciate all of their comments and I appreciate their ongoing support in moving forward stronger environmental laws and their enforcement at the federal level. I greatly appreciate it.

In closing, as Dr. David Boyd, a renowned environmental lawyer in Canada, has documented, there has been a remarkable and ongoing shift toward constitutional recognition of the importance of protecting the environment. As my hon. colleague mentioned, since 1972 with the Stockholm Declaration, more than 40% of the world's national constitutions now include some reference to environmental rights and environmental responsibilities.

As the parliamentary secretary pointed out, every nation has approached this in a different way, as is their power. However, it is important to point out that many nations in the world, though not ours, have moved forward to take the additional step to actually enshrine in their constitution the right to a clean and healthy environment. In no way does this bill set about amending the Constitution; that is not possible, but it does set forth to provide and extend rights to Canadians to ensure that they have a healthy environment.

I appreciate the remarks from my colleague from Halifax to the effect that we can no longer separate environmental protection from the right to health in the future, particularly for future generations. That is what this bill hopes to do, to extend to potentially impacted communities and their children the opportunity to have their rights to a clean and healthy environment enshrined in law and their right and opportunity and the tools to hold the government accountable.

It is also noteworthy that nations belonging to the OECD, the Commonwealth, la Francophonie and the Organization of the Petroleum Exporting Countries have all adopted these kinds of rights to a certain extent across the Americas, except the United States and Canada, Africa, Asia Pacific, Europe and the Middle East.

Over the past decades, a number of Canadian provincial governments have also enshrined some of these rights to a limited extent. My hon. colleague mentioned some of those jurisdictions. To their credit, they have stepped up to the plate and entered the next century.

I would also like to take the time to thank the many communities across Canada that have contacted me to thank me for introducing this bill and to express their strong support. I cannot possibly mention all of them. I heard from more than a dozen communities in Saskatchewan. They endorse this bill and hope that it will pass. I heard from well over 15 communities in my province of Alberta, everywhere from North Star to Deadwood, Edmonton, Red Deer, Beaumont, High Prairie, St. Paul, Wabasca, Spruce Grove and St. Albert to mention only a few. I heard from Vancouver. I heard from Kitchener, Ontario. I heard from Corner Brook, Newfoundland. I heard from Fredericton and Petitcodiac, New Brunswick.

I am happy to be hearing from Canadians across the country from every small corner. They realize that they need these protections. They need these rights. They need the powers to hold the government accountable to protect their community.

I do not think I have the need to outline the specifics of the bill again. Essentially, the purpose of the bill is to extend to every Canadian resident the right to a clean, healthy, ecologically balanced environment and the right and the tools to hold the government accountable to enforce the laws.

A former Conservative minister of the environment first tabled the Canadian Environmental Protection Act in the mid-1980s. At the same time in the House, that minister tabled the first enforcement and compliance policy, and in so doing said that it is of no value to pass a law unless there is the political will to enforce that law.

That is exactly the reason I have brought forward this bill, to hold the government accountable to enforce the very laws it has enacted with the support of the House and to give the citizens of Canada the opportunity to hold the government accountable to protect them and their children.

● (1830)

The Deputy Speaker: The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And five or more members having risen:

The Deputy Speaker: Pursuant to Standing Order 93, the division stands deferred until Wednesday, June 16, 2010, immediately before the time provided for private members' business.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*Translation*]

THE CONSERVATIVE GOVERNMENT

Mrs. Lise Zarac (LaSalle—Émard, Lib.): Mr. Speaker, on several occasions just a few weeks ago, I asked the Conservative government and the Prime Minister about their position on maternal health. To be specific, on May 27, 2010, I asked this government about its decision to impose its own approach at the G8 and G20 summits, an approach that completely ignores global priorities and isolates Canada on the international scene. Medical authorities and scientific communities in all the G8 countries are calling for the inclusion of adequate measures to reduce the number of unsafe abortions and to improve family planning services.

The Minister for the Status of Women tries to reassure us with arguments that ignore the reality, a reality that makes our skin crawl. The statistics on maternal health are astonishing: there are 20 million unsafe abortions each year and over 70,000 women die every year, that is, 186 women a day, because of these unsafe abortions. Some 13% of maternal deaths are the result of unsafe abortions. Experts in the area of maternal health have also reported that a disproportionate number of the women who die are between the ages of 15 and 19. When these young mothers die, their children become orphans, and as one might expect, this leads to development problems. Also, these orphans are 10 times more likely to die prematurely.

Ignoring the advice of Canadian and international specialists including CIDA, UNICEF and World Vision, this government excluded abortion funding from its G8 maternal and child health initiative. The Conservative government has only one goal in mind: pleasing its religious right electoral base.

We need to make it very clear that the Conservative government is isolating Canada from other developed countries and breaking with a 25-year-old Canadian tradition by imposing its anti-abortion ideology on developing countries. Last April, while visiting Canada, U.S. Secretary of State Hillary Clinton expressed her disdain for the Conservative policy, as did the British foreign affairs minister and other G8 partners, who feel the same way.

This change in Conservative policy also led to the elimination of funding for Canadian NGOs that provide a range of essential, life-saving services to women and children in poor countries and promote appropriate family planning.

Furthermore, this change in policy has brought about a new child and youth strategy in the Canadian International Development Agency that does not include the sexual health of adolescents in developing countries even though sexual abuse, sexual exploitation and the risk of pregnancy figure prominently in their day-to-day lives.

By failing to include sexual health in the strategy, this government is ignoring the reality that the sexual health of adolescents in all developing countries is a key component of their health.

The Conservative government's about-face on the longstanding Canadian tradition of support to aid groups that provide—

● (1835)

The Deputy Speaker: The hon. Parliamentary Secretary to the Minister of International Cooperation.

[*English*]

Hon. Jim Abbott (Parliamentary Secretary to the Minister of International Cooperation, CPC): Mr. Speaker, I thank the member opposite for the opportunity to be in the House yet again speaking to this important issue. In addition, I would like the member to know that I have heard the opposition questions on this issue over and over again, even during the adjournment proceedings. She undoubtedly has listened to my answers so I trust she will not have any objection to me repeating the answer again.

Our government's track record on foreign aid is impeccable. We have doubled our aid to Africa and have doubled our total aid to a record $5 billion. We are making our aid more effective, focused and accountable. Our goal of foreign aid is obvious. It is to reduce poverty in developing countries. Improving the lives of mothers and children is the foundation to achieving sustainable poverty reduction.

Every year, three million babies die within their first week of life. Almost nine million children in the developing world will die before their fifth birthday from largely preventable causes. The most tragic fact is that there are simple solutions to address all of these problems. The G8 initiative is about simple solutions, not unnecessary debates like this one.

We worked with World Vision, UNICEF, Results Canada, CARE Canada, Plan Canada and Save the Children. These NGOs support our initiative because they know through their expertise that it is an excellent initiative. The experts support Canada and, as the minister said in question period, the opposition should get on board too.

Our G8 initiative is about saving lives. Our G8 initiative is about low-cost, results-driven solutions that will help mothers and children in an effective, focused and accountable manner. We heard testimony identifying Canada's unique expertise with regard to midwifery and micronutrients. Our contribution to this initiative will bring that expertise to the world. Our G8 partners will make their own decisions with respect to their expertise and contributions.

Canadians want to see us operate on the world stage in a manner that brings people together. Canadians want their government to be a world leader and the Prime Minister has taken it upon himself to get the job done on maternal health.

Before the member opposite stands to respond to this answer, I urge her to actually listen and contemplate some of the important details I have just shared. I would ask her to answer these questions. Why does she relish provoking needless debates? Why will she not listen to world leaders in their support of our maternal health initiative?

● (1840)

[*Translation*]

Mrs. Lise Zarac: Mr. Speaker, in his response, the parliamentary secretary left no doubt about the irony of the Conservative government's position. The government says all the right things and claims that it wants to save the lives of thousands of women and children in developing countries. But unfortunately, the Conservative government is not ready to take the necessary steps to achieve that.

The Conservatives' new policy on maternal health condemns African women to back alley abortions and continues to chip away at and marginalize Canada's influence on the world stage. How are we supposed to trust that this Prime Minister and his government will respect women's right to choose when their actions take that right away from African women in defiance of the international community's position on the matter?

The Conservative government's interference in the medical decisions of African women is strictly ideological and intended to please its religious right voting base. All we have to do is look at the scientific data on maternal health. One in seven mothers dies because of an unsafe abortion. Even the threat of bearing the responsibility for such an awful situation is not enough to persuade the government to reconsider.

[*English*]

Hon. Jim Abbott: Mr. Speaker, this initiative is about simple solutions that will help us reduce the unnecessary deaths of mothers and children. No one should die from a mosquito bite, no one should die from diarrhea and no one should die while we can do something to help.

Melinda Gates said, "Canada is proposing a bold but achievable plan". Secretary of State Clinton said, "We commend the Canadian government". Who supports Canada on this issue? World Vision, UNICEF, CARE Canada, Results Canada, Plan Canada, Save the Children, the Gates Foundation, the WHO, and the list goes on.

It is just about time for the opposition to stand with the world as the world has stood with us on this issue. We are getting the job done.

CANADIAN COUNCIL ON LEARNING

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, I am pleased to have the opportunity to speak tonight and follow up on a question I asked about the Canadian Council of Learning.

Earlier this week, my colleagues from York Centre and Winnipeg South Centre held a round table which was attended by a number of organizations whose funding had been cancelled by the Conservative government or, in some cases, whose funding was threatened to be cancelled.

CCL is one of those organizations whose funding was cancelled for absolutely no sensible reason. It was set up by the Liberal government in 2004 for five years, entirely renewable, to do an assessment of education in Canada. It produced some of the most remarkable and innovative documents in terms of understanding where we are as a nation in terms of education, particularly post-secondary, but also looking at aboriginal education, early learning and child care, and a number of things.

The government said that it was only a five year project and that it would never be renewed and yet, in a letter dated May 8, 2009 to the chair of CCL from the minister, the minister said, "I share your assessment that knowledge and skills are particularly important in these turbulent economic times and I agree that CCL has played a key role in supporting efforts in the area. Your desire for a clear and immediate resolution on the question of the council's future is understandable. I understand that HRSDC officials began discussions with CCL about stabilizing strategies for the organization".

The government cannot say that it was never going to be renewed. What it can say is that it was killed for two simple reasons: first, that it was a Liberal initiated program; and second, that it worked. Who was watching this with amazement? A number of people were.

Arati Sharma of CASA said:

> Without the research of groups, such as the Canadian Council on Learning, Canada will continue to lack the knowledge needed to improve access, persistence and quality in our post-secondary institutions. ,

The Toronto Star had an editorial saying:

> ...the learning council's work was of value to Canadians, particularly at a time when our economic future depends more than ever on our ability to compete with other knowledge-based economies....

We had an associate professor from the University of Alberta say:

> This is a terrible, short-sighted action on the part of the Conservative government and I am so sorry to hear about it.

Don Drummond indicated on a number of occasions his very strong support for CCL, even at a time when he was actually doing a review for HRSDC.

I will quote an article from *The StarPhoenix* in Saskatoon which says, among other things:

> The council's groundbreaking composite learning index to Canada and its online adult literacy assessment tests so impressed the OECD that its secretary general wrote to the Prime Minister last May praising the government for supporting the council's work and urging that it continue to be funded.

The *Ottawa Citizen* said, "The decision to cut funding to the CCL is very worrisome".

Don Drummond's direct quote was, "It is disturbing. Even the scant information we have is not adequately funded".

At a time when we say that we are interested in education, innovation, research and all those things that were started by the Liberal government early in this century, it makes no sense to cut this. This is one of the few tools that we had to measure how we were doing versus other countries. In fact, now that the funding has been cut, other countries want to fund CCL. Other countries have seen the value of it and yet our own country is so short-sighted that it has cut the funding to CCL and would not even let it carry forward the few million dollars it had when this year ended. It is a desperate situation. Students, universities, professors, economists and business organizations all know the value of CCL.

It appears that the government, for purely political reasons, decided that it would not continue to fund CCL and we are much the worse off for it.

● (1845)

Mr. Ed Komarnicki (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, I will take a moment to respond to the hon. member for Dartmouth—Cole Harbour.

The Canadian Council on Learning was provided with one-time funding of $85 million in 2004. It was always clear that this funding would expire after five years. In fact, the council had not used all of its funding by year five and we did extend the funding agreement an additional year to ensure maximum benefit.

I know the hon. member and the Liberal Party feel entitled to Canadian tax dollars and they have no concern for whether the money is being used effectively or efficiently, but some things have to come to an end. There are many applicants and not everyone can succeed in the application. Our Conservative government knows Canadians work very hard for their money, which is why we are committed to ensuring value for taxpayer dollars.

Canadian workers, businesses and economists have told us that there is a need for stronger labour market information. The Liberals ignored the need for this important information for 13 long years and, as a result, they left a very large gap.

Canadian workers want to know what education or skills training they need to ensure they have a good job in a sector that will continue to thrive. Canadian businesses want to know what is going on with global competitors and want to be confident that they have the workers with the skills they need to fill the jobs of the future. In other words, there is a need for a more comprehensive learning information system than CCL can provide.

That is why we are focusing our efforts and funding on working with the provinces, which have the primary responsibility for these issues, to provide this vital information to Canadian workers and businesses.

The fact is that in its recent report, the expert advisory panel on labour market information, which includes Don Drummond, to whom the hon. member referred, stated that the government needs to better use its funding to improve labour market information.

Speaking specifically to education information, the report states:

> The current gaps in education data collection resulted in Canada being unable to report on 73% of the data points in the recently released OECD *Education at a Glance* report. This result is starkly at odds with the aspirations of a knowledge-based economy and society.

The entire expert advisory panel on labour market information agrees that previous investments were not working. Our government is taking steps to fix that.

The Liberals' record is abysmal. They cut transfers by $25 billion, which drastically affected access to education. The Liberal leader and the Liberal members for Markham—Unionville, Kings—Hants and Toronto Centre, among others, have said that these Liberals cuts were devastating to Canadians.

In contrast, our government is making unprecedented investments in education and we have provided provinces with predictable and growing funding through the Canadian social transfer for the first time in history.

There is a lot of evidence that shows our investments are working. For example, the 2009-10 Conference Board of Canada report gives Canada an A grade when it comes to education and skills training.

With our investments in education, along with our work to improve labour market information, our Conservative government is ensuring that Canadians and their families are benefiting from our recovering and growing economy.

The funding was set up for five years and the five years have concluded. There are other applicants. I know it may have been the Liberals' initiative but they cannot run things in perpetuity and add new applicants and new ways and means of addressing the problem. They cannot continue doing the same old thing when things have changed and it is time they realized that.

I would ask the member to get behind us and support the initiatives that have been taken and the initiatives that have been funded.

● (1850)

Mr. Michael Savage: Mr. Speaker, with respect, the comments of the parliamentary secretary are complete and utter hogwash. He could not find any reputable person in Canada who would say that CCL was not doing a good job. He quotes Don Drummond but Don Drummond said that it was a disturbing thing to cancel the funding to CCL.

The parliamentary secretary talked about cuts to education in the 1990s. His side wanted much deeper cuts and said in this House that we did not go far enough in terms of cuts to the transfers. It is the most hypocritical thing we could ever imagine.

CCL is necessary. The Conservatives say that we need surveillance in education but then they take it away and replace it with nothing. There is nothing and they cannot produce something as cheaply and effectively. CCL was all about value for money.

The best thing we could say about this decision is that it is stupid, stupid, stupid. The worst thing we could say is that it is another example of political cronyism and reaching back into the past to kill anything that was not initiated by the present government.

There is not one credible person in education in the country who would say anything bad about CCL, not one. I would ask the parliamentary secretary to quote me one.

Mr. Ed Komarnicki: Mr. Speaker, we want to be sure that Canadians are getting value for their money and that their tax dollars are treated with respect.

This particular member's party, the Liberal Party of Canada, did cut transfer payments by $25 billion, which affected education, municipalities and health care. Not only that, but the Liberals took $50 billion or more from the EI fund for various political projects. They think they can tax and spend and tax and spend and it does not matter whether a program is effective, is delivered effectively or not.

In fact, the Liberal leader said, "I think we will have to raise taxes". He said that raising the GST was not off the table. He said that he was a tax and spend Pearsonian-Trudeau Liberal. The nature of that party is to tax hard-working Canadians and ensure they keep working and paying taxes. Why? It is because the Liberals tax and spend and spend and they wish to continue to spend.

We want to ensure those dollars are used wisely.

FOOD MAIL PROGRAM

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, nothing is more important to people than their food and knowing that they can feed their families. Yet, the minister announced that he was going to change the food mail program without saying what the changes were going to be. He left people for two months worried about their families and a lot of anxiety of whether they could feed them

On April 29 I asked for the details of the changes. Finally, we received those this afternoon at a committee hearing when we talked about food mail. The good news is we got the details. The bad news is that they may not be good details.

One of the good items though is that there is going to be an external advisory board that can deal with a number of the concerns I have outside the department. The chair is Elizabeth Copland from Arviat. Therefore, if anyone has concerns they should ensure to get them to her. The other board members are not presented. If anyone has ideas for board members, they can send their nominee to Patrick Borbey, assistant deputy minister of northern affairs at INAC or myself.

I just have time to deal with two of the concerns I have that are particular to my riding in the program. The first one deals with personal orders. The people of Old Crow, the Vuntut Gwitchin, use this quite often when they are in Whitehorse or their families are or they are in some other community outside Old Crow. They go into a variety of different stores to get best prices and the best selection of food. They take it to the airport, send it off or go with it to Air North which applies a mail subsidy. They get home and they go to their house, and they are very happy with this system. This was made quite clear in the consultations that people needed this system.

Unfortunately, in the new system there will only be certain retailers. They have to be accredited and the people then have to go to these particular retailers to get their food orders. I guess those retailers are going to have to ship it up themselves. The people will not be able to just go to the airport with their food, get off the plane, and take the food to their house.

It will limit their selection, limit their ability to go with the food, and it will add more administration for INAC now having to deal with all these retailers. The government said there are only 40 so far. That is the tip of the iceberg. Instead of just dealing with Canada Post, it is inefficient.

When I asked about this at committee, Jamie Tibbetts from INAC said that we may see a change in their buying patterns. They are going to have to buy from the local store.

During the consultation process, the government should have heard loud and clear that that was not acceptable in all cases. It is good for emergencies to have some local ability to buy locally, but also people definitely needed this personal mechanism that I just talked about. When we buy at the local store, it puts prices up for people who cannot necessarily afford it.

It costs a lot for electricity, for heating, for staff and so on, and all of that goes on to the price of the food or the store would not be economical. That is definitely not acceptable.

The other point I want to make is about transparency. Certainly, there were problems in the food mail program. That is why there were suggested changes. How do we know that those people who do buy from the local store, as opposed to personal orders, get the savings passed on?

When I asked at committee again today if each item would show the subsidy on the bill, I was told, no. Somehow the amount going to the community would be transparent.

The last problem that was not solved was that a lot of people, who did personal orders now, complained that they needed credit cards, so the lower income people who did not have credit cards could not buy food through personal orders, which of course is less expensive—

● (1855)

The Deputy Speaker: The hon. Parliamentary Secretary to the Minister of Indian Affairs and Northern Development.

Mr. John Duncan (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, CPC): Mr. Speaker, it is ironic that we are here talking about nutrition north Canada when the department officials and the chair of the advisory board attached to nutrition north Canada were in committee this afternoon.

The important task of helping people access healthy food is one the government takes very seriously. We recognize that having access to healthy food is vital to the quality of life in the north. We are committed to ensuring that we do this efficiently and effectively.

That is why in budget 2010 we have created a stable and secure funding base to support northern food security. Every year we are going to invest $60 million to help improve the health of northerners.

On May 21 the Minister of Indian Affairs and Northern Development announced a new food retail subsidy program, nutrition north Canada, in Iqaluit. I would add, in response to the member for Yukon, we had the minister before committee and he answered questions. That was weeks ago. There has been no shortage of information provided. This has a long phase-in. It actually comes into effect next April.

The program is innovative and modern. It is a new program which will respond effectively to northern needs. We sought advice from the best possible source, and that was from the people living in the north. Northerners, including those in the community of Old Crow in Yukon, made it clear that in order to make the program sustainable and to maximize resources they were open to focusing the subsidy on the healthiest foods that must be shipped by air. For all those items that do not need to be shipped by air, retailers can use more efficient modes of transportation.

We know that marine service is not an option for Old Crow in Yukon. Accordingly, Old Crow will continue to receive a subsidy for the shipment of certain non-perishable and essential non-food items.

As far as Canada Post's role in the new program goes, the member for Yukon is correct. Rather than providing a subsidy to Canada Post, as the previous program did, in order to ship perishable food to isolated northern communities, this is a subsidy to retailers and wholesalers. They are in the best position to negotiate low transportation rates and to ensure food is shipped in a timely manner so that consumers have better quality and fresher food with a longer shelf life.

The new program will include a higher rate of subsidy for the most nutritious foods, like fruits, vegetables, milk and eggs. This will provide an incentive and affordability for families to make the right choices.

More than 80% of the goods that are shipped under the existing program will continue to be eligible under the nutrition north Canada program. An effective, efficient and responsive food subsidy program is essential for a strong and vibrant north. We will continue to work with northerners to realize this potential.

● (1900)

Hon. Larry Bagnell: Mr. Speaker, I do applaud the allowance for non-food essential items for Old Crow. However, the member said that there is stable funding of $60 million. In recent years, it has been $60 million a year. So $60 million is just carrying on the status quo.

The member also said the minister was before committee. That is true, but the minister did not outline all these changes and exactly how it is going to work. He did not outline that the individuals will have their personal orders cut off unless they get it from a registered retailer, and therefore they would not be able to go to the airport themselves and take their food, and that the retailer would have to ship it up.

I would like to ask the member a question. Many MPs have asked about transparency and how it is going to be shown that this is passed on to the people once the retailers get these big subsidies. How are the people going to know that this subsidy is passed on to them? If the member could answer that, people would feel a lot more comfortable about these changes.

Mr. John Duncan: Mr. Speaker, I have precious little time to respond to the member for Yukon. These questions were addressed quite well. I think we were all impressed with Elizabeth Copland who is with the advisory board. The advisory board will consist of northerners who will be accountable and accessible to their communities. I expect a lot of feedback will come in that way.

One thing we have not talked about is that northerners asked that more country foods be now available for sale in stores with a subsidy. The new program will support and improve access to commercially-produced traditional foods. The government is helping to create a vibrant northern economy with safe, healthy and prosperous communities.

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24.

(The House adjourned at 7:04 p.m.)

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