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OFFICIAL REPORT
(HANSARD)

Thursday, September 23, 2010

—

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Thursday, September 23, 2010

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

• (1000)

[*English*]

CANADA-PANAMA FREE TRADE ACT

Hon. Peter Van Loan (Minister of International Trade, CPC) moved for leave to introduce Bill C-46, An Act to implement the Free Trade Agreement between Canada and the Republic of Panama, the Agreement on the Environment between Canada and the Republic of Panama and the Agreement on Labour Cooperation between Canada and the Republic of Panama.

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

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[*Translation*]

INTERPARLIAMENTARY DELEGATIONS

Mr. Gordon Brown (Leeds—Grenville, CPC): Mr. Speaker, pursuant to Standing Order 34(1), I have the honour to present to the House, in both official languages, the following reports of the Canadian delegations of the Canada-United States Inter-Parliamentary Group.

The first report concerns the participation of the delegation in the 3rd Annual Conference of the Southeastern United States - Canadian Provinces Alliance, held in Biloxi, Mississippi, United States, from April 11 to 13, 2010.

The second report concerns the CAN-AM Border Trade Alliance Conference, held in Ottawa, Ontario, from May 2 to 4, 2010.

The third report is the 51st annual report of the Canada-United States Inter-Parliamentary Group on the annual meeting held in New Orleans, Louisiana, United States, from May 7 to 10, 2010.

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COMMITTEES OF THE HOUSE

FINANCE

Mr. Massimo Pacetti (Saint-Léonard—Saint-Michel, Lib.): Mr. Speaker, I have the honour to present, in both official languages,

the fifth report of the Standing Committee on Finance, respecting the request for an extension of 30 days to consider Bill C-470, An Act to amend the Income Tax Act (revocation of registration).

[*English*]

The Speaker: Pursuant to Standing Order 97.1(3)(a) a motion to concur in the report is deemed moved, the question deemed put and a recorded division deemed demanded and deferred until Wednesday, September 29, 2010 immediately before the time provided for private members' business.

* * *

• (1005)

WORLD AUTISM AWARENESS DAY ACT

Mr. Harold Albrecht (Kitchener—Conestoga, CPC) moved for leave to introduce Bill S-211, An Act respecting World Autism Awareness Day.

(Motion agreed to and bill read the first time)

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SITTINGS OF THE HOUSE

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, there have been consultations among the parties and given that the installation of the new Governor General will take place next Friday in the Senate Chamber at 11 a.m., which is at the same time we normally have question period here in the House of Commons, I believe you will find unanimous consent for the following motion.

I move: "That, notwithstanding any Standing Order or usual practice of the House, on Friday, October 1, 2010 the House shall meet at 8:30 a.m. and the order of business shall be as follows: Private Members' Business from 8:30 a.m. to 9:30 a.m.; Statements by Members from 9:30 a.m. to 9:45 a.m.; Oral Question Period from 9:45 a.m. to 10:30 a.m.; Routine Proceedings at 10:30 a.m.; and that the House shall adjourn at the conclusion of Routine Proceedings, or at 11:45 a.m., whichever is earlier".

Mr. Massimo Pacetti: Mr. Speaker, on a point of order, that should be 10:45, not 11:45.

The Speaker: Is it agreed that the motion be amended to read 10:45 instead of 11:45?

Some hon. members: Agreed.

(Amendment agreed to)

The Speaker: Since the ceremony is at 11, that makes sense.

Government Orders

The motion being amended then to read the House shall adjourn at 10:45, is it agreed that the motion, as amended, be adopted?

Some hon. members: Agreed.

(Motion, as amended, agreed to)

Hon. John Baird: Mr. Speaker, on a point of order, I would like to sincerely thank the member for Saint-Léonard—Saint-Michel for correcting me on my evil ways.

The Speaker: I was tempted myself but resisted the urge.

* * *

PETITIONS

COPYRIGHT ACT

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I am rising today to present two petitions, both of which have to do with the issues of anti-circumvention measures and technological protection measures that are applied to copyrighted works, and the concern of how the implementation of those by corporate entities would interfere with format shifting, particularly for librarians, in the use of works that citizens have paid for, to ensure that when anti-circumvention measures are applied to works, they do not unfairly impede the rights of consumers and creators.

I would like to present these two petitions from people across Ontario who are concerned with the update of the Copyright Act and the need to find a balance among the rights of creators, the rights of educators, the rights of students, and the rights of consumers.

CAFFEINATED BEVERAGES

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

The first deals with 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 toward children for generations. Canadians already have concerns over children drinking coffee and colas. They acknowledge that 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 in colas.

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

• (1010)

EARTHQUAKE IN CHILE

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, the second petition, signed by dozens of Canadians, calls upon the Canadian government to match funds personally donated by the citizens of Canada for the victims of the Chilean earthquake.

Unlike the earthquake in Chile, the government has given matching-fund treatment to the Pakistan flood relief efforts on a matching-fund basis. It has also given the same treatment to Haiti.

The petitioners would like the Prime Minister to give the same treatment to the Chilean earthquake victims as he did for the victims of the earthquake in Haiti and the Pakistan flood, and match funds personally donated by Canadians to help the victims of the Chilean earthquake.

HORSE TRACEABILITY PROGRAM

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, I am presenting a petition on behalf of quite a number of Canadians. It is on the issue of traceability in health regulations for Canadian horses that took effect on July 31 of this year.

Canadian horse breeders say in their petition that they were not involved in any democratic discussions concerning those proposed traceability in health regulations. They ask that the government deal with the Canadian horse traceability program and ensure that it is working effectively.

* * *

QUESTIONS ON THE ORDER PAPER

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

CRACKING DOWN ON CROOKED CONSULTANTS ACT

The House resumed from September 22 consideration of the motion that Bill C-35, An Act to amend the Immigration and Refugee Protection Act, be read the second time and referred to a committee.

Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.): Mr. Speaker, other than our colleagues, who are first nation members, you, I, and all of our colleagues in the House have something in common: we are the descendants of, and in fact some of us are, immigrants to Canada.

Yesterday in the House of Commons we heard speeches on Bill C-35 from two such members. The member for Newton—North Delta told his particular story of a young man arriving on Canada's shores as an immigrant from India and what an incredibly inspiring story that was. The immigrant from India, with virtually no money in his pocket, had a deep desire in his heart to build a new life in a new land. Who could have foretold that 25 years later he would be here, among us, in the House of Commons as one of the legislators of laws for this great land?

Government Orders

We also heard a speech yesterday from the member for Eglinton—Lawrence who also arrived as a new Canadian 55 years ago as part of a wave of Italian Canadians who arrived in Canada in the fifties, sixties and seventies. He mentioned that while he was speaking in the House, his grandson, a third generation Italian Canadian, was watching his immigrant grandfather address this august chamber, the House of Commons.

What incredible stories of Canada's potential, of Canada's promise. This has been the story of Canada right from the first days of Confederation. In Canada's first House of Commons there was a member elected by the name of Alexandre-Édouard Kierzkowski, a refugee from Russian imperialism, and a member of Canada's first House of Commons in 1867. That has been the story of Canada, wave after wave of people arriving on these shores.

The French, who settled and, along with the existing first nations, created something unique to Canada: a new first nation, the Métis. After the English, soon after Confederation there was a large wave of Bukovinians, Galicians, and Ukrainians who transformed the bush of the Northwest Territories into the golden wheat fields of Manitoba, Saskatchewan and Alberta. The Chinese arrived to build our railroads, those ribbons of steel that bound our geographically vast land into a cohesive oneness.

More recently, as I have mentioned, the Italian Canadians and Portuguese Canadians arrived in the last half century and transformed our cities, cities such as my home town, Toronto. They transformed those cityscapes and created those jewels, the most liveable cities on the planet: Toronto, Montreal, Vancouver. What this speaks to is a system that is dynamic. Our multicultural mosaic is not static; it is a constantly evolving multicultural mosaic. That is Canada's promise and strength.

● (1015)

Unfortunately, over the last number of years our immigration system has been suffering from dysfunction. In fact, I would even say it has reached the point where the system pretty much does not work.

In the past there have been two types of newcomers to Canada. There have been the refugees, going as far back as the Loyalists, the underground railroad, and more recently, the Vietnam and Iraqi war resisters. Even my grandparents landed in Canada, on freedom's shores, as refugees from communism, from the horrors of Stalinism. There have been the refugees and there have been the economic immigrants who saw Canada not just as a free land but also as a land of opportunity, having departed from lands where at that point in time, unfortunately, opportunities were limited. In Canada the opportunities were limitless.

The waves of people that landed on Canada's shores landed here because Canada is a free country and, as a consequence of that freedom, it is a prosperous country. All of those people had something in common. They came here with a willingness to work hard so that they could build a future for themselves, for their families and for future generations. They succeeded and they contributed back into their communities and to the greatness of our country.

Unfortunately, we have a current refugee and immigration system that has ceased to function. It creates confusion. It creates a situation of shattered dreams for hopeful new Canadians, new immigrants to our country. In this confusion, and in desperation that is fed by the confused system that we currently have, the ones who step in are the charlatans, the ghost consultants, who prey on impossible dreams and make impossible promises. They prey on the most vulnerable.

As my colleagues have said, I also am supporting this bill which deals with crooked consultants. I am supporting sending the bill to committee to further refine it. But let us not lose sight of the bigger job at hand. That job is to fix our immigration system. We need a new act.

Let me mention specific cases to show how desperate the situation is for potential new Canadians and the circumstances the current system forces them into.

Marya Kunyk arrived on a work visa as a live-in caregiver. She had to work two years over a three-year period to be able to begin the process of becoming a Canadian. Just a year after arriving and working on fulfilling that obligation, she was crossing at a crosswalk and was hit by a car. It was a horrific accident. The driver was found guilty, but Marya today has a shattered body, literally. Parts of her body have been replaced with pieces of steel.

● (1020)

What is the system doing to Marya, who needs continuing health care and physiotherapy so that she can once again become a functioning productive member of society? The system is deporting Marya back to a country that cannot provide the health care she requires. The system is deporting her because she is not fulfilling the obligations of her contract that she work two full years. It is just common sense. She has not been able to fulfill the obligations of that contract. She was hit by a car through no fault of her own.

Is it any wonder that there is so much desperation among new Canadians that they turn to these crooked consultants, these charlatans who prey on that desperation.

In another case, Iryna Ivaniv is a young woman who has been trying for over six years to bring her husband to Canada from Ukraine. She has four young children, Canadian children. I will read from a letter that she wrote to the minister:

1. We have four young children who are Canadian citizens: 6-year-old; 3-year-old; and 5-months-old twins. They have a right to have both their parents raise them....

2. Our twins were born premature. They're under pediatric constant supervision and need medical care which I do not feel could be obtained in Ukraine in satisfactory manner.

3. All our children are registered to start school and daycare from September 2010. I must stress that Canadian children 6-year of age must attend school under The Education Act.

What has happened in the case of Iryna Ivaniv? Just in the past two months, her husband has once again been denied the opportunity to come to Canada to unite this family.

Government Orders

How does this happen? Through an access to information request, I have been able to get the notes of the decision. It is astounding. The decision states that Iryna Ivaniv is still in possession of Ukrainian citizenship and can therefore freely access all health and social services in that country. She is not a Ukrainian citizen; she is a Canadian citizen. Ukraine does not allow dual citizenship. She is a citizen of one country.

How is it that decision-makers who do not even understand the rules are making the decisions?

Further on the decision states that the children would benefit from being sent from their country to Ukraine so they could be with their extended family, so there would not be disruption to the children's life separation from their grandparents, and it is significant disruption that we have caused because in Ukrainian culture, extended families are traditionally important.

My goodness. We would take Canadian children away from their mother, their Canadian grandparents, their Canadian uncle, deport them, and send them to a country half a world away.

These cases clearly illustrate how dysfunctional the system has become. Is it no wonder that people prey on the desperation of people such as Iryna, on the desperation of people such as Marya.

• (1025)

Let me also reference a statistic from the public database of the Department of Citizenship and Immigration regarding the processing time for skilled workers from Kiev, Ukraine. In 2009, 80% of the cases were finalized in 83 months, which is 6 years and 11 months.

What employer in Canada will wait seven years for an employee that has been hired from a foreign country to arrive? What about the people in those countries, under the skilled worker class of immigration, who are waiting not several months, but year after year after year? What has happened to Canada's promise?

As I said earlier, Canada's dynamism and greatness has been built by the waves of people who have arrived on Canada's shores. We often reference the incredible natural resources of this vast land. Yes, we have been blessed with natural resources unlike any other country in the world, but our greatest resource is our human resource, the deep reservoir of human capacity that we have.

Canada is unique to the planet in having people who have an intricate understanding of every culture of the world, who speak every language of every people on the planet. In a future global village, what an incredible advantage that gives us.

That promise has to be reinstated. Canada cannot become a land that is static, that loses its dynamism. Yes, this particular bill addresses one issue, one small part of the dysfunction, and that is why we are supporting it. However, I certainly hope it does not distract us from the job at hand, and the job at hand is to put in place a new system. Canada's future is at stake.

• (1030)

Mr. Charlie Angus (Timmins—James Bay, NDP): Madam Speaker, I listened with great interest to my hon. colleague's speech and thought of my family who came as immigrants from Hawkhill in Dundee, Scotland to work in the mines. They came with immigrants

from around the world, Ukrainians, Finlanders, Bulgarians, Italians, and lived in the working-class communities of northern Ontario.

In those days, coming to Canada was a fairly straightforward process. Canada needed hard workers. It needed workers to do the dirty jobs that sometimes Canadians would not do. Out of that we built our communities and across Canada generations of wonderful youth grew up, were educated and became doctors and leaders in their communities.

I see today in my region of northern Ontario the difficulty that immigrants have coming into Canada, immigrants with the same drive that our parents and grandparents had. They are sometimes faced with very Kafkaesque rules and are not sure if they will fall through the cracks of the bureaucracy. If they fill out the form the wrong way, they worry that they will be deported. That is why they are susceptible to these so-called consultants, because they need help and they put their trust and money with consultants who may not have their best interests at heart.

I would like to ask my hon. colleague a question regarding his experience working with immigrant constituents who come into his office. What does he see as the key elements that are required to assist immigrant families coming to Canada who do not get much help from the federal bureaucracy and have to go to consultants or, if they can, to the office of a member of Parliament?

What are the steps we need to take to weed out the crooks, scam artists and people who are negligent from the ones who know what they are doing and can help immigrant families settle in this country and make a great contribution to Canada?

Mr. Borys Wrzesnewskyj: Madam Speaker, the member for Timmins—James Bay is quite correct when he says that the system has become Kafkaesque.

What is required, and, hopefully, one of the changes that will take place in committee on this particular issue with these charlatans who abuse potentially new Canadians, is that a statutory body be created. Self-regulation is perhaps a good idea in the case of professional engineers and lawyers, but in this case we are dealing with people who are not Canadians, who do not know Canadian laws, who do not know where to turn and, unfortunately, do not know what rights they have to deal with those who have abused their desperation. That is in terms of this specific law.

However, we need a little bit of common sense when we revamp the whole act. I have stood watching a line of potential new immigrants outside one of our embassies. In that lineup there were young fathers. Their clothes and the size of their hands showed that these were young fathers who had worked with their hands and who had this incredible drive to build a better life for their families. The country that happened to be in is a country in terrible economic turmoil and in transition.

It was sad to watch because I knew those individuals would not get into our country. Under our current point system, it was guaranteed that the barrier would prevent them from landing in Canada and yet they had exactly what we wanted: the will to work, to work hard and to succeed.

Government Orders

On the other hand, in that same lineup I saw a couple of men dressed in flashy Armani suits and dripping in gold. I knew that with an investment of a few hundred thousand dollars, and we know how they arrived with that money in that particular country, they were guaranteed to land in Canada expeditiously.

The system must be revamped. We must apply some common sense and we need to look at the past to see why we succeeded in the past and why we are failing today.

• (1035)

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, the member gave an impassioned speech about the importance of immigration to our country and the importance of this bill which, I am sure, will pass.

I had an opportunity this morning to read the minister's speech. Interestingly enough, one of the earliest statements that he made was that people do not have to go to consultants. I know that one of the reasons he was thinking of but did not mention was the fact that members of Parliament become one of the most significant players in applications, whether it be for sponsor information or for visas, et cetera.

What the minister did not address was the resources that are made available to make the system work well and to incorporate the responsibilities of members of Parliament in this process. The irony here is that new members of Parliament do not even get any orientation on how to advise people with regard to immigration. This is an oversight. We do not have the resources and we do not have the training when staff turns over. This is a real travesty. I think the government has let it go.

Maybe the member will want to comment on this.

Mr. Borys Wrzesnewskyj: Madam Speaker, I remember with fondness, as a small child in Toronto's Queen-Bathurst neighbourhood, where my grandparents, as new immigrants, set up their first business, a bakery. The member's mother was one of the customers who would come in to buy hot bread. What a wonderful reflection of what immigrants contribute to our country.

The member is quite correct in pointing out the hypocrisy of what the minister said, which is that potential new Canadians do not have to go to consultants. My goodness, where do they turn to when the system, as has been referenced, has become Kafkaesque? Some of them turn to the minister.

I mentioned Iryna Ivanie who has four Canadian children and has been separated from her husband for over five years. She wrote a letter to the minister because she had nowhere else to turn. I also wrote to the minister at the start of this year. What was the response? The response was, no. That is not good enough individually and in terms of the whole system.

I certainly hope that Bill C-35 does not become window dressing that hides the reality of what is going on behind that wall, a system that has become dysfunctional. The minister has been on this file for a number of years and knows it well. He must get the job done.

Mr. Alan Tonks (York South—Weston, Lib.): Madam Speaker, the Canadian Society for Immigration Consultants was established by the Liberals a number of years ago. It was a genuine attempt to create an oversight body that would be effective and that would

separate and address the kind of issues that have been raised. Obviously the hearings have indicated that it is not working effectively.

Could the member suggest ways in which that body could quickly be turned around and made an effective oversight body similar to the Law Society and similar to other oversight bodies, and not risk going back many months and not get something to address the kind of concerns that he has raised?

• (1040)

Mr. Borys Wrzesnewskyj: Madam Speaker, yes, in 2003, CSIC was established by the Liberal government because it identified that these parasites were preying on the confusion of new Canadians. However, it has also been shown that in the past seven years that it is not good enough. What we need to have is a statutory federal body that oversees. We need a professional association but we also need federal government oversight.

I want to further illustrate what has happened over the last couple of years. I have mentioned that of the skilled workers coming from Kiev, 80% of the cases are finalized today in six years and eleven months, 83 months. Horrific, seven years. In 2004, under a Liberal government, it was 34 months. That was still not good enough. It was just under three years.

However, today, under the Conservatives watch, it is now six years and eleven months. That is unacceptable.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Madam Speaker, I am pleased to speak today to Bill C-35. I listened yesterday to some very good speeches regarding the bill and some very good ideas. I might say at the outset that this bill is long overdue. I hope this Parliament lasts long enough for us to get the bill to committee and see that it does find its way through the system and into law.

As the last speaker indicated, this is not an issue that just came up in the last seven years. It might have taken the Liberals up until the last seven years to recognize this as a problem, but I can tell members that this was a rampant problem back in the 1980s.

When I was elected provincially in Manitoba in 1986, one of the concerns we had at that time as a provincial government was how to regulate the immigration consultants. In order for us to come to grips with that issue and deal with it, we had to find out just how big the problem was because immigration consultants were everywhere. They were not just lawyers doing it. In fact, lawyers were probably in the minority in terms of participants. We had many travel agents doing immigration consulting on the side. We had all sorts of people from all walks of life involved in one way or another in the immigration consulting business and charging big fees. As a matter of fact, some of these people were so well connected that they knew people on the Immigration Board who, in those days, were political appointees and oftentimes local, well connected people. Of course the immigration consultants would develop a rapport with them and try to get special considerations. I realize that the government has gone beyond that stage and tried to take steps to make that process a little better than it was.

Government Orders

I see this as a work in progress. I do not feel that proceeding with the bill and passing the bill will solve the problem because whenever in society there are large monetary rewards available for people to access, they will find a way to do it. Therefore, no matter what rules we set here in Parliament, there will be unscrupulous people who will find a way around whatever rules we set.

However, while it is late in the game, it is good that we are coming to grips with it. I am very happy that we are concentrating on the problem, and whether this solves the problem or even part of the problem will be something we should applaud. We certainly need tough rules against people who take advantage of vulnerable people. We not only need tough rules but we also need tough enforcement.

For the last several hundred years we have had immigrants coming to our shores for a whole number of reasons. If we look back in history we find the early explorers, starting with Leif Eriksson, I believe, but certainly Christopher Columbus and other explorers who were out to find new resources and new lands for their kings. It became a policy of kings to expand their empires by looking for more resources, whether it was new trade routes, new products, furs or gold. There have been various stages of immigration over the years.

We know, for example, in parts of Australia, where I was a number of years ago, many of the original immigrants to the Tasmanian area were from penal colonies. People were taken from prisons in Europe and sent to those colonies.

• (1045)

We had stages in our history when people were involved in the gold rush. Just south of Manitoba is the Black Hills area. The gold rush in that area brought thousands of immigrants to our country. There was the California gold rush and the Yukon gold rush.

The member for Timmins—James Bay talked about how people came here for jobs and for a better life.

Many people came here because of religious persecution in their home countries. They came here during certain periods when their governments back home were treating them badly, and that was their way to escape. People came here because of political problems in their home countries. There are numerous reasons why people have come to our country over the years.

Many people from China came to Canada to help build the railway. Perhaps John A. Macdonald would never have been able to get the railway built had it not been for Chinese immigrants coming in by the thousands to do what was essentially a very dangerous job. Many of them died during the process.

People have observed that there were fewer rules for immigration in those days. Several hundred years ago, people could simply come to our country and essentially get in, but today we are dealing with many more rules that have been brought in by different governments.

The Liberals, by virtue of the fact that they have been the government for most of the last century, have, in fact, been making the rules. To their credit, they have certainly encouraged immigration over the years. People with another view have said that they created the problems with the present immigration system that we are now trying to solve.

Several members have indicated that MPs' offices are deluged with immigration questions and immigration problems. Generally speaking, if that is a problem, that is an indication of a systemic problem within the government. I can think of other problems, on a provincial basis, for example, that people in large numbers have complained about to their elected officials, and finally, the political system wised up to the fact that something needed to be done about the problem to move it away from elected officials, because it is not really our job as elected officials to be running government programs.

One of the things I was surprised about as a new MP was that many MPs' offices are spending inordinate amounts of time and effort on immigration problems. Immigrants will oftentimes tell me that when they had a problem, it was their MP who solved it. When we are using up so much of our time on one particular problem, we have to deal with the problem through new laws and new enforcement and major changes.

This is not a problem that has developed in the last half dozen years, or even in the last 10 years. This problem was very much alive 25 years ago, and probably long before that. Why all governments have taken so much time to come up with a solution is really a big question.

The member for Winnipeg Centre made a fabulous speech yesterday on this subject, and he dealt with a number of areas. His riding is in the core area of Winnipeg, and he sees a huge number of immigrants who come to Manitoba.

• (1050)

The Manitoba government had enough foresight about 10 years ago to come up with a provincial nominee program, which, by the way, has attracted about 15,000 immigrants in the last year or so. The program has been a winner since the NDP government of Manitoba actually set it up. As a matter of fact, it was so successful that the government of Nova Scotia looked at it, studied it, and I believe adopted, or copied, the program.

The same thing happens all over the country. When there is a good program in a province, in Quebec, for example, other provinces will take a look at it. This program developed in Manitoba got such immediate, positive results that the Nova Scotia premier at the time, John Hamm, a Conservative, took a special interest in this area and came to study the program.

The member for Winnipeg Centre points out that when many immigrants first come into the province, initially they settle in his riding, so he has had a first-hand view of the immigration problems. He also sees the consultants at work. He indicated that he uncovered a situation, and I am sure that there are many such examples, where consultants were telling people that for \$3,000 they would get them a letter from the person's member of Parliament, as if that was going to be their ticket through the process. That was one of the examples he discovered. The question is how many more examples of people paying these huge fees for something that, in fact, would have been free have gone undiscovered.

Government Orders

Before the member for Winnipeg Centre was the terrific member that he is for that constituency, that seat, for a very brief period, was held by the Liberals under Mr. David Walker. I know that he too had a lot of time to spend on immigration problems. As a matter of fact, my wife tells me very often the story of when she was trying to get her father in from Peru. They went to Mr. Walker's office, and he did a terrific job of getting them through the paperwork and the problems they had getting her father into Canada.

The question is whether MPs' offices have now become the official funnel through which all immigration issues and problems have to pass. Perhaps it is better that they come to the MPs' offices than to the immigration consultants.

The fact of the matter is that the immigration consultants catch them at an earlier stage. The immigration consultants are sitting in positions as travel agents. They are the ones selling the tickets.

The previous member who spoke before me made some good points. Yesterday the member for Winnipeg Centre talked about issues with the temporary worker program and how that program is being abused and profited from by some consultants. CBC did a big exposé about 20 years ago about immigration consultants in Manitoba who were involved in the immigrant investor program. The members will know all about that program and how it works. It basically attracts richer immigrants to the country.

• (1055)

These immigration consultants were not just operating here in Canada; they were operating outside Canada. They were travelling over to, in this case, I believe, the Philippines and were operating out of there. They were running ads in the paper in the Philippines with pictures of the immigration consultant shaking hands with or standing by the mayor of Winnipeg at the time.

I guess, as a politician, you have to be careful who you get your picture taken with, because you never know how, when, or where it is going to be used. The mayor of Winnipeg at the time was a wonderful gentleman, and he was very surprised to find out that his picture was being used in another country by an immigration consultant who was attracting people by showing that he had credibility with the mayor. If the immigrant wanted easy access into Winnipeg, this was the consultant to deal with, because here he was in a picture with the mayor of Winnipeg.

He took a lot of people for a lot of money. They employed him to fast-track them into the country, but in addition to that, this guy was also a real estate guy. He was selling them businesses that they had not seen other than through pictures. In one case, he sold a bakery in a rundown building in a rundown part of town for probably double or triple its value. When the immigrant investor ended up in Canada, they found themselves in a very difficult situation, because not only had they paid this guy consulting fees, they had also overpaid for the bakery they were buying. This is just one example. There were other examples.

The member from the Conservatives who was just commenting now knows of what I speak, because he was around in those days. He knows that this immigration consultant had connections and friends in his own provincial party. They were working together as a group. There was a group of them. These people were not people

that any political party would want to be involved with. However, you cannot stop people from joining your party, and in some cases, you do not know why they are joining your party. These guys were smart enough to know that if they could connect with local politicians, mayors, and provincial and federal politicians, it was good for their business. It was a good business practice.

Of course, CBC did its job in exposing this person, but by then the damage had already been done, and these investors had lost most of their money.

This is the kind of activity that gives the country a bad name, because these people have friends back home, and they will certainly relate their experiences of coming to the country. When we are trying to attract immigrants, this is not a selling point if you run the risk of dealing with these types of fraudsters.

The member for Winnipeg Centre pointed out yesterday that the goal was to have a certain percentage of immigrants come to Canada on an annual basis. In actual fact, I think in only a very few years have we actually met the target. I do not think we have ever met the target. We have come close to the target in only several years.

The fact is that the government is on the right track with this particular bill. I am not one to not give the government its due when I think it is on the right track. In this case, it is on the right track. I just hope that it stays around long enough to get this bill through the process and does not prorogue Parliament again or call a quick election because it sees some short-term, quick opportunity on the gun registry or any other idea that kind of hits the government's fancy as the days progress. I hope that we apply ourselves.

• (1100)

We saw what happened under Lester Pearson. For six years of minority government, a lot of things were accomplished. The Conservative government has been around for five years and what does it have to show?

I would suggest—

The Acting Speaker (Ms. Denise Savoie): Questions and comments, the hon. Parliamentary Secretary to the Minister of Citizenship and Immigration.

Mr. Rick Dykstra (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC): Madam Speaker, we went from the explorations of the explorers back in the 1700s to whether the government would stick around long enough to get this bill through. I find it quite fascinating that the member would like to use history as a guiding lesson.

In the close to five years that the government has been here, just with respect to this ministry, much has been accomplished.

If he is worried about what may or may not happen in the future, it certainly will not be because of this party. For the next two, three or four years, we will do whatever it takes to get out of the economic difficulties that the world now faces. Our country is sitting on the leading edge and there is no need for elections to move those things forward. If the opposition wants to talk about elections, that is fine. On this side of the House, we are focused on governing and moving forward.

Government Orders

With respect to the bill, it is very clear. I think I heard at the very end of the member's statement that he does support this bill and will vote to move it forward to committee. I appreciate the fact that there is some constructive nature to his discussions. I heard from the member for Etobicoke Centre, too.

When it comes to citizenship and immigration, there is no need to take a view that will not be positive, that will not see the bill move to committee, then back here for third reading and then implemented.

I have several quotes from the industry, and I would like to get the member's comments on what the industry has said what the bill will do for those who suffer under crooked consultants.

The first quote is from Peter Bernier, national president of Canadian Association of Professional Immigration Consultants, who said, "It is the dawn of a new era for Immigration Consultants as announced yesterday by Immigration Minister Jason Kenney".

Phil Mooney, past president of Canadian Association of Professional Immigration Consultants, said:

We're delighted [about Bill C-35] because proper immigration consultants are victims of the crooked ones too. They steal our clients with lies and false promises and they give the whole industry a bad name... We've been very unhappy with the way we've been regulated. Our members complain bitterly...

The industry likes what we are doing. The industry knows it will be a good bill. I want to hear the member say that he will support the bill.

The Acting Speaker (Ms. Denise Savoie): I remind all members that they cannot use the name of a sitting member of Parliament even when quoting an article.

The hon. member for Elmwood—Transcona.

Mr. Jim Maloway: Madam Speaker, I do not know why the member is getting so riled up. The fact is we have said we support getting the bill to committee.

The member should learn from the hon. minister who showed a lot of class in the House by attending the debate on his bill. He not only listened to each of the speakers, but asked the first question. In fact, he was the only Conservative minister to do that in the spring.

We recognized at that time that this was the proper approach. That is what is done in other legislatures and should be done here, too. What the government typically does is the minister shows up, makes a speech and then is not heard from again. Ministers are not even here.

His minister showed a lot of class with the previous legislation. Not only that, he was successful in getting support from our party, the Bloc and the Liberals. That is the way we should operate in the House. That is way Lester Pearson did it in the six years he was prime minister in the 1960s. He unified the armed forces and he brought in the Canadian flag and medicare. He did a lot of things in six years.

What do you have to show for your five years?

• (1105)

The Acting Speaker (Ms. Denise Savoie): I am sure the hon. member was not asking me what I had done for five years.

The hon. member for Mississauga South.

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, there are still concerns that the changes regarding this new regulatory body will be made through regulation. This is somewhat of a concern because it will not have the power to sanction immigration consultants who are not members, nor have appropriate enforcement powers regarding membership or the dedicated resources to enable it to do the job properly.

Also, the bill and the dialogue at this point still has not incorporated any mention of the role that members of Parliament and their constituency staff play in terms of immigration and citizenship matters without any orientation, training or resources for that purpose.

The member may want to comment on that.

Mr. Jim Maloway: Madam Speaker, as usual the member offers excellent insight into the problem, and he is absolutely right. When we leave most of the implementation procedures to the regulations, the devil will be in the details. This is why we have always argued that we should have as much of the details in the bill so we know what we are dealing with.

The government would like to strip the bill down as much as it can and leave as much as it can to the regulations so it can essentially run things on a day-to-day basis the way the minister sees fit. As opposition parties, we do not like that approach. I am sure when we get to committee, the member will be there, he will argue his point and we will get some of these issues clarified at committee.

We are certainly in favour of getting it to committee. I am happy with the initiative that the government has shown in this area.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Madam Speaker, I am glad the member addressed in his speech things we could do to improve the system and ensure that people would get the assistance they need and were not necessarily driven to use an immigration consultant.

He mentioned that a lot of people come to MPs' offices now for those services. It is not the ideal situation that MPs should be immigration service centres, even though we are willing to offer that service.

One other idea, and something I put forward, is that we look at the office of the worker advocate in Ontario, which deals with problems surrounding worker compensation problems, and establish something similar federally, an arm's-length government funded office of the immigration advocate to do that kind of work for people to ensure the government takes responsibility to ensure people get that kind of assistance.

Does the member think this is another reasonable idea toward solving the problem that people have with the complications and the problems that arise as they engage our immigration application system?

Government Orders

Mr. Jim Maloway: Madam Speaker, I thank the member for his idea. In actual fact he is probably right. I had indicated that I really did not think that one bill would necessarily solve all of the problems. I only applaud the fact that it is actually being addressed, and it is long overdue. It is probably something that should have been done by the Mulroney government 20 years ago. We were certainly aware of the problem in the Manitoba in the eighties and it was probably around a lot longer than that.

The member's idea is a very good one and he should take it up at the committee process and with the minister and the parliamentary secretary to see whether it could be put into force.

• (1110)

[*Translation*]

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Madam Speaker, in the report of the Standing Committee on Citizenship and Immigration regarding immigration consultations, the first recommendation was that consultants who work in Quebec be subject to Quebec laws. At the time, this recommendation was supported by the NDP.

I would like to know whether the New Democrats still agree with this proposal and whether they are prepared to study and support amendments to ensure that consultants in Quebec are regulated by Quebec laws.

[*English*]

Mr. Jim Maloway: Madam Speaker, the member is certainly very active in all areas of the immigration field. On behalf of our party, we have an open mind to those different options and certainly would be happy to look at every one of them when it comes to committee.

Hon. Hedy Fry (Vancouver Centre, Lib.): Madam Speaker, I am pleased to discuss the bill. We are dealing with a very important problem and really we need to discuss so we can fix the problem as opposed to tinkering around the edges.

We understand the need to regulate and ensure that immigrants to our country do not have to deal with unscrupulous people. That is why the government put forward CSIC in 2003. It was meant to be reviewed, as it is now, to see whether it would work or not.

It turned out that there were some flaws in that process, and we know what those flaws are. First, while the group had the ability to prosecute, it did not have the ability to audit or subpoena and it did not have any legislative and legal abilities to do a whole lot of things. Second, it did not have enough resources to get the job done.

It is good that the government has recognized there needs to be something done and I think this is a first step. However, it does not address some of the problems. As we know, the Standing Committee on Citizenship and Immigration looked at this problem and it came up with some recommendations.

What the bill does not do is address the most fundamental problem identified by the committee and the recommendations made by it. It does not significantly fix the governance issues and problems that the committee identified, and we need to do that. Putting this within IRPA and tinkering with it around the edges does not really solve the problem. We need to look at a regulatory body that is arm's-length and has statutory powers.

If we look at it, this suggestion is not without precedent. In the provinces many professional bodies, for instance, under a separate legislation, were given the autonomous ability as statutory bodies, such as the College of Physicians and Surgeons, the College of Nurses, the engineering professional group. They would then look at people who would undertake that professional work, in this case immigration consultants, who would therefore be screened to be properly trained, to have the right credentials, first and foremost, and be able to assess whether those credentials were valid or not.

What we see in the provincial legislation for professional bodies, which is a provincial jurisdiction, is that it was able to give them the powers to audit, to examine files and practices, to subpoena and to have the ability to punish and remove people directly from that profession if it was felt they were not working under the ethical guidelines, processes and procedures that the profession was set up to do.

There is a precedent for this and this is what the government should be thinking of looking at doing at a federal level, and that is devising a statutory regulatory body that would have the same autonomous ability. I am not faulting the government for deciding something has to be done, but the problem with what it is doing is that it does not give the body teeth. There needs to be teeth to punish and find out what is going on.

If provinces could do this with professional regulatory bodies, the federal government could do it with immigration consultants. There should be clear standards, ethical guidelines and ways in which they can decide whether the consultants actually have the credentials they need. It is pretty clear the precedent exists with the provinces.

One could argue that the professional regulatory bodies the provinces set up are there to ensure that Canadians are safe and protected, that they are not ripped off, harmed or hurt by professionals who do not have credentials and are not practising under guidelines. At the same time, I do not think we could ask immigrants to accept less than we expect Canadians to have. When immigrants want to come to our country to build a new life, we need to ensure they have the benefit of the law.

• (1115)

It is a complex issue, coming to a new country. Immigrants do not understand the culture. They do not understand the laws of the country. They are coming in blind. They come in and someone tells them that they can help, that they can walk them through it and get rid of the red tape. I know because we deal with a lot of immigration issues in my constituency office. There are people who have little money when they come here. Many of them are coming to make a better life for themselves. They spend thousands of dollars, and sometimes tens of thousands of dollars, getting bad advice, being sent down the wrong channels. These people are frustrated. They are upset. They are lost. They are confused. This is their introduction to Canada.

That cannot be the introduction to Canada for new immigrants. They have to be able to expect better of this country. They have to be able to expect that the rule of law prevails. They have to be able to expect that there are certain ethical practices and guidelines that are going to protect them, not only when they are striving to come here, but also when they are here.

Government Orders

It is very important that we look at this bill. One of the things about this that I think is important for us to look at is the committee report. There are some clear recommendations in the report.

Consider recommendation two: “The Committee recommends that the Government of Canada introduce stand-alone legislation to re-establish the Canadian Society of Immigrant Consultants as a non-share capital corporation”.

Organizations can now bid to take this over with no set statutory powers at all. We are allowing the same group that had been doing the work before to continue to do it. I do not want to blame them; they had not been given the appropriate powers or resources to do their job properly. But everybody can now go ahead and put their tender forward for this job.

So nothing is going to change. All we are doing is changing the manager. We are not changing the process. We are not ensuring that the process is rigorous and clear enough for everyone to understand.

This is a key thing that I wanted to suggest. Why reinvent the wheel? I do not understand this. Why is the government reinventing the wheel when we had a committee that studied the issue, that listened to a lot of witnesses. It heard what the witnesses said. In the second recommendation, the committee spoke to the issue of governance, the issue of powers, the issue of a need for a statutory body.

The third recommendation is: “The Committee recommends that the Government of Canada assist in re-establishing the new regulator and remain involved in its affairs until it is fully functioning”.

So the government is not walking away and allowing a body to have regulatory powers without due diligence. The government is going to be asked to ensure that this is happening, that all the bells and whistles are in place, that the structures are there, and that there is due diligence. Once it sees that this party is able to function on its own, then the government can say, “Fine, you go ahead and do it”, in the same way that we see provinces have done with their regulatory bodies.

We have all seen the problems people have had in coming to this country, but I want to say that there are many immigrant consultants who do excellent work, who are well qualified, and who have done a great deal to help new immigrants. However, the problem with having a few bad apples is that they spoil the whole bunch.

I know many immigrant consultants who are doing good work, who have all their licensing, who are following the rules, who have ethical guidelines and practise due diligence, and who yet feel that people do not trust them. For the sake of Canadians and newcomers alike, it is important for the government to ensure that the system it puts in place is one that everyone can believe in and can trust. Trust is important. If we do not trust the people who are there to help, if we do not trust their work because they have all been tarred with one broad brush, then we harm the whole process. It is important for the government to have a process in place that people can trust and that the government itself can trust, so that it knows that immigrants are led in the right direction and that the greed of some bad apples does not leave them floundering.

In one instance, I had a couple who were coming to Canada and had spent \$20,000, which is a lot of money, and they were led in all different directions. Finally, they came to my office in tears. They had been turned away at every angle, at every door they opened.

•(1120)

The immigration department was not buying what they were saying, mainly because the consultant had not given them the right advice and had asked them to apply for immigrant status under the wrong criteria. They had spent all that time.

Then, once they had done it, and this is the real problem, they had now set this process in motion. The immigration bureaucrats all have this storyline that they were told they should bring forward. To walk away from that makes them sound like liars.

When they are given bad advice, the poor immigrants sound as if they are lying. They go to a puppet consultant who tells them that they have been doing it wrong, or they come to our office and we tell them they have been doing the wrong things. They now have to go back and change all the things that they were asked to do and all the information that they gave, and after that they are already suspect.

At the end of the day, it harms their ability to come in as immigrants, when they are regarded as dishonest because they were led down the wrong track.

If we are changing the way immigration works, we all agree that the system of immigration and the refugee system need to be fine-tuned, need to be fast-forwarded, so that people do not have to wait so long. We need to be clear on what we are doing.

I think the government has decided that it wants to go there. If the government is going to make the step to go there, it should do it properly. It should take that bold leap and make sure that once and for all we have changed the system so that it is one that people can trust, one that does not frustrate the immigrants or the families in Canada who are sponsoring people to come over.

That is really important, because we are going to be looking at immigrants in a different way now. We have been looking at immigrants according to different criteria that are not working anymore.

We do not need only highly educated immigrants with Ph.Ds and the expanded language requirements we require. We are looking for tool and die makers, electricians, and people who practice the kinds of trades that we do not have anymore. All of these things we have to think about.

Immigration is the key to how this country was built. People who come here bring skills, knowledge, and all sorts of things that help this country to grow.

I do not think there is anyone, except the aboriginal people in this country, who did not come as immigrants at some time, whether it was eight or ten generations ago or just yesterday. All have contributed to building this country through hard work, knowledge, and skills.

Government Orders

As a small country with only 32 million people, we are facing a huge crunch. We are going to have to be competitive in a global economy. We have to do so with only 32 million people. We are not going to have massive numbers of people like China and India. We are going to have to make sure that we are depending on the best, the brightest, and the most skilled people in this country. We need to look at immigration as a key means of achieving this goal.

The statistics coming out of Statistics Canada and the immigration department tell us that by 2011 we are going to be dependent on immigration for 100% of our net labour force. We need those skills. Take my own profession, physician. We have three million Canadians who do not have a family physician. Yet we have many people here who are trained physicians and who have been, in keeping with the old story, driving a cab and have not been working at their job for 10 years.

They need to be able to work and to help us to develop the kind of nurses, doctors, engineers, technicians, and technologists we require in this country. We need the construction workers, the electricians, the master craftsmen. We need more than just one group of people.

When people go to our missions abroad and apply to come here as immigrants, sometimes they are given information that they find not to be true. Sometimes they come here, believing that they had come to a country where they would be able to live, work, bring their families, and build a nation, just as all of us in the past have done, only to find that they were given false information.

An important part of the shift that the government is planning must be to ensure that foreign missions are given the same clear message. There is probably a list of licensed and properly trained consultants that they can be given so that people can know that that they are getting a list of bona fide people. This should be done in different languages, not merely in English and French. Many people who are coming to Canada speak other languages.

●(1125)

We have the ability to translate into every language in the world. We should use this ability when we are talking to people in their own country and giving them the advice that they need.

These are important issues for us to take care of. It is not a simple, one-shot deal. I think the bill falls far short. I would like to see the bill amended, strengthened. We have heard everyone say that. I want to congratulate the government for taking this first step, but it is not a good enough step. Let us do this right, once and for all. Everyone has been talking about changes to the immigration system, and we have all been tinkering at the edges.

Our former Liberal government can say the same thing. We tried, and we did what we thought was good. We now need to review it. If it is not working, let us fix it, but let us not tinker with it. Let us make sure we have this door open for skilled immigrants who will bring their families and stay here, who will start to build a nation, whose children will grow up and become Canadians and help us to be more productive and competitive in the new global economy.

Mr. Rick Dykstra (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC): Madam Speaker, I certainly appreciated the member's comments. In large part they are complimentary toward the process we are trying to work through

with this bill. Some of her suggestions merit consideration at committee.

However, I do want to clarify something. It is important to understand that the statutory board the member spoke of was certainly something that the standing committee looked at. The difficulties related to this option include the tremendous costs associated with it and the tremendous amount of delay that would result from creating an agency complete with civil servants and a new bureaucracy. To move those two issues aside, the government body that will actually exist will be designated by the minister and will have the authority to penalize. It will have the authority under regulation to pursue and investigate consultants who are not following the rules.

From a committee perspective, it is certainly something that we can look at. It would help to get strong suggestions from each of the parties, at committee and here in the House, on what these regulations for the governing body should look like. Let us understand: the intent here is to give that self-regulatory body the authority to enforce law and ensure that consultants are acting in a manner that is going to be helpful. Whether it is temporary workers, their families, or potential immigrants, we want the legitimacy of the industry to be what stands out, not the terrible actions taken by a few crooked consultants.

I have had the opportunity to clarify. I would like to get the member's reaction, because it is critical and timely. She mentioned many times how important it is to move quickly. This is the way to ensure that it will move quickly.

●(1130)

Hon. Hedy Fry: Madam Speaker, what I am suggesting is not without precedent. Like lawyers in the provincial law societies, immigration consultants should have the ability to be a self-regulating profession. I was not suggesting that bureaucrats do this; I was suggesting that bona fide immigration consultants set up the structure themselves and help the profession to be self-regulating.

It is like the case of physicians. The College of Physicians and Surgeons is run by physicians and law societies are run by lawyers, not by bureaucrats. What we are suggesting is that there should be a watchdog to ensure that this works while it is getting off the ground. Then, after a year or two, the government could float it out as provincial governments have done with other self-regulatory bodies like the law societies.

Ms. Olivia Chow (Trinity—Spadina, NDP): Madam Speaker, the bill seeks to ensure that all consultants are covered and licensed before they can practice. It also looks at a continuation of education and enforcement.

While the bill in front of the House is important, our concern ultimately is to make sure that all consultants are scrupulous, that they give proper advice and do not charge potential immigrants an enormous amount of money. It is important that there be enough enforcement measures, enough training, for immigration officials so that if we come across unscrupulous consultants there will be ways to ensure that potential immigrants are protected.

Government Orders

Aside from dealing with the bill in front of us, what other measures does the member think are important to ensure proper enforcement and implementation of the bill so that ultimately at the end of the day no potential immigrants will be exploited or open to some kind of crooked consultants who would take their money and destroy their immigration cases?

Hon. Hedy Fry: Madam Speaker, my colleague suggested that this bill intends to look at licensing, education and enforcement. That is not all that professional regulatory bodies do in the provinces. There is the task of being an ongoing watchdog which takes complaints from whoever is using that particular professional body, in this case immigrants. They would have the ability to complain to the statutory body. The statutory body would have the ability to audit, to go into the consultant's office and seize the consultant's files. It would be able to look at what the consultant had been doing. That requires a different set of powers. It is the same set of powers that provincial regulatory bodies have, as I have suggested.

Not only do we need to license consultants and indicate what they should be doing, but we also need to be able to monitor them. A watchdog function is needed. We need to be able to hear complaints. We need to ensure that people practise under certain rules of ethical conduct which the regulatory body would set up.

Ethics and conduct are a huge part of what the law society and the College of Physicians and Surgeons do. One could be the brightest person in the world, could have graduated from Oxford with a great medical degree, but if that person does not have the right ethics and his or her conduct toward patients is not proper, that person will be hauled on the carpet.

The watchdog function needs to be ongoing and there needs to be the ability to hear complaints, because how will we know if somebody is not practising properly? There has to be a complaints process that can follow through, investigate, audit, seize documents, and deal with the practitioners that are not practising properly.

• (1135)

[*Translation*]

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Madam Speaker, when the committee report on immigration consultants was passed, the first recommendation made by committee members was that immigration consultants working in Quebec should be regulated by Quebec.

The reason is simple. First, there is an immigration agreement between Quebec and Canada, which means that the immigration system in Quebec is quite different and requires different expertise. Second, in Quebec, there is the Office des professions du Québec as well as a whole regulatory framework. The provinces are responsible for governing professions.

The Liberals and the New Democratic Party supported this recommendation at the time. I would like to ask the member if her party still supports the committee's first recommendation. Is her party willing to study and support possible amendments in order to act on this recommendation?

[*English*]

Hon. Hedy Fry: Madam Speaker, I have been referring continually to the report and the recommendations. My hon.

colleague is right. Recommendation one speaks to the issue that immigration consultants from Quebec shall be officially recognized under Quebec laws, because as we well know, Quebec laws are totally different from our common law. They happen to be civil law. We need to be able to look at that legislation working on its own. I think that is a reasonable thing to expect.

Mr. Don Davies (Vancouver Kingsway, NDP): Madam Speaker, I am very pleased to speak to this bill on behalf of the New Democratic Party of Canada. I am also happy to say that our party supports this bill.

It is a very important part of any responsible opposition not only to constructively criticize a government when we think its policy direction is ill-advised or incorrect, but it is also very important, as a responsible opposition, to congratulate and support a government when it introduces legislation that is correct and addresses a very real problem.

I want to congratulate my colleagues on the government side of the House for bringing in Bill C-35. The bill goes a long way toward dealing with a problem that is very pressing in this country.

The short title of Bill C-35 is the cracking down on crooked consultants act, which shows the government's penchant for giving its legislation catchy titles, but the title captures what the bill is about. Bill C-35 prohibits unlicensed consultants in the immigration field from providing advice or submitting applications on behalf of potential immigrants. It gives the minister the power to establish a new body that would regulate immigration consultants through a tendering process.

New Democrats, in particular my colleague from Trinity—Spadina, have been pushing for legislative changes to eliminate unethical immigration consultant practices for a long time now. At present, one out of every two immigration consultants is not licensed. There are many horror stories of vulnerable immigrants being cheated out of substantial amounts of money, in some cases their life savings, and worse, having their chances for a new beginning in Canada destroyed in the process.

In the Standing Committee on Citizenship and Immigration, our party and the committee received two supporting reports with nine recommendations on this issue. These include legislative changes and, more importantly, enforcement and education efforts, which are vital to making this legislation workable in practice. Again my colleague from Trinity—Spadina moved a motion for concurrence in that report which, through the wisdom and efforts of members of this House, passed in the spring of this year.

As another member said very well, other than first nations people in this country, we are all immigrants or descendants of immigrants. Almost everybody in this House owes his or her place in Canada to the courage of our parents, grandparents, great-grandparents, or ancestors even further back. In some cases, members of this House are direct immigrants themselves, so it is an obvious point to make that Canada is one of the most multicultural countries on earth and one whose entire societal fabric is based on immigrants.

Government Orders

My own riding of Vancouver Kingsway is one of the most multicultural ridings in the country. Forty per cent of the residents of Vancouver Kingsway are of Chinese descent, from the People's Republic of China, the Republic of China, Hong Kong, Singapore, Macau. Eleven per cent of the residents of Vancouver Kingsway are South Asian, hailing from India, Pakistan and the Punjab. Ten per cent of the residents of my riding are from the Philippines. Five per cent are from Vietnam, Korea and a host of other countries. Indeed 70% of the people in my riding are visible minorities and are now the visible majority in my riding.

There are over 100 languages spoken in Vancouver Kingsway. It is truly a cultural mosaic, one that is vibrant, strong and healthy. Many people in Vancouver Kingsway are first, second or third generation immigrants. I would venture to say that the majority of people in Vancouver Kingsway are within one of those three categories.

• (1140)

Of course, we have to pause and examine the profound reasons that people immigrate to Canada. Everybody who came to Canada, I think, came here because they had a dream. Sometimes those dreams were to build a better life for their families. Sometimes they were seeking freedom to practise their religion. Sometimes their dream was to escape poverty and enter a land where they felt equal opportunity was available to them and their children. Sometimes that dream involved pursuing an education. Many students come to Canada hoping to obtain an education upon which they can build a better life.

We also have to remember that this country, Canada, has been built by immigrants. We have already heard mention of the fact that one of the most important nation-building projects this country has witnessed, the building of our national coast-to-coast railway, could not have been done without the contributions of Chinese Canadians. Those people came here and were subjected to horrendous racism, including legislated racism, but they persevered and helped build a strong cultural Chinese presence on the west coast of our country and, indeed, in every province across this land.

The story of my own relatives is a typical one.

In the 1920s my grandparents immigrated to Canada from Hungary. First my grandfather came with his brother. They landed in Halifax and ended up taking a train across Canada. They were dropped off in October on the border of Alberta and Saskatchewan in a little place called Dewberry. He and his brother had to walk 21 miles from the train station to their end destination. They lived in a sod house for two winters. They cleared land under a government program whereby if one cleared a quarter section of land within two years, one would be allowed to homestead it and own it. My grandfather did that and three years later brought his wife over from Hungary. At that point they raised my mother who to this day still speaks Hungarian and has exposed me to that cultural history and tradition.

My father had a similar story. His grandparents came from Ireland, Wales, and Germany. I think I am a fairly typical Canadian who can reach back just a generation or two and touch countries across the world.

What all immigrants have in common is courage, trust and faith. Their stories also can be heart-rending because many immigrants experience the reality of separation from their families, loneliness, insecurity and indeed poverty when they arrive here. Statistics in this country are rife with the difficulties and specific challenges that particularly face first generation Canadians.

Bill C-35 is targeted at protecting those immigrants, and that is critically important. It protects immigrants from unscrupulous immigration consultants who would prey on those people whose dreams make them vulnerable. They prey on these people for the most unjustifiable reason: pure money.

I want to pause and say that there are many professional and ethical immigration consultants practising in this field across the country, particularly in British Columbia. There are many diligent immigration consultants who provide intelligent and well-earned advice and help people from all over the globe access Canada's immigration system. I think those consultants join with us in Parliament today in wanting to keep their profession one that is well regulated and full of integrity. Those immigration consultants realize they have an interest in doing so. I want to point that out in particular because when we talk about a profession, we must recognize there are many people of integrity as well as those whose professional standards leave a lot to be desired.

I have met many excellent consultants. I have met people like Rose White and Bob White who have come to my office several times and given me their opinion on all kinds of immigration issues. Rajesh Randev helps hundreds and hundreds of people come to this country but who otherwise would be completely mystified by the process.

• (1145)

Cecile Barbier, a person who lives in my own neighbourhood, a recent immigrant from France and a lawyer from that country has taken immigration courses, so that she can also put her knowledge to work, helping other people. These are the kinds of immigration consultants who want to have a law in this country that makes their profession a regulated, respected one.

There are important organizations in British Columbia that also do critical and pivotal work for immigrants: SUCCESS Immigrant Settlement Services and PICS provide absolutely essential services to immigrants from every corner of the globe.

I think we have heard from all MPs. I do not think there is a member in the House who cannot stand up and tell stories about Canadians and residents of their ridings who come to their offices with terrible problems with the immigration system that they face. Sometimes I joke that I do not have a constituency office; I feel like I have an immigration law practice.

Government Orders

I would like to give an example of an issue on which I dealt with the immigration minister just yesterday. A resident in my riding is a citizen here with her husband and daughter who is from Colombia. She has had her mother and her brother visit here on temporary resident visas, in other words, visitor visas. Her younger sister has applied to come here just to visit her sister for three weeks and she was turned down three times. This person in Colombia is a woman with a law degree. The first time she was turned down she was in university and she was turned down because she did not have the income. Then she got her law degree and she was turned down the second time because she did not have a travel history.

This is of course a vicious cycle in which many people find themselves. How do we get a travel history if we are turned down for a visa because we do not have a travel history? This is the third time this person has applied for a visa. She was turned down this time because a visa officer in Colombia misread her application and said that she did not have sufficient income from her employer when the figure and the employer were listed right on her paperwork.

These are the kinds of typical problems that MPs face every day. These are the kinds of problems that immigration consultants could help with if they are regulated, trained, and held to a standard of professionalism that they want and need.

In my constituency I deal with immigrants every day that I am in Vancouver. People from the Philippines tell me that the number one export of the Philippines is not a good; it is people. I deal with Filipinos every day who come into my office, trying to engage in family reunification, trying to bring aunts, uncles, grandparents, parents, and cousins to Canada so that they can build their families.

We must realize in this country that in many areas of the world family is not defined as one's parents and children; it is defined as one's aunts, uncles, cousins, nieces, nephews and grandparents. That concept of extended family is critically important to many people.

People come into my office who hail from China, where the rate of refusal on spousal sponsorships from places like Beijing is approaching 50%. That means almost one out of every two people from China who are married and are making applications to bring their spouses over are rejected.

People come into my office from India who are consistently rejected when they try to bring relatives over to attend a wedding. This is particularly a problem in Chandigarh, which has about the highest rate of refusals of temporary resident visas, TRVs, in the world.

These are the problems my residents face every day and with which they come to their MP for assistance. Our offices process hundreds and hundreds of these cases every year through the hard work of my constituency assistants, Theresa Ho and Christine Ackermann. They help these people. They go out of their way and do yeowomen's work to help these people with their problems. These are people who do not have money to pay an immigration consultant or a lawyer. So they come to us.

• (1150)

I have also had people come into my office who have been victims of unscrupulous immigration consultants. One of the most heart-rending situations is when people come to this country, work one,

two or three jobs, undergo intense pain by being separated from their families, work for years, save up money working jobs for \$8 and \$9 an hour and after working two or three years, save \$3,000 or \$4,000, which they give to an immigration consultant because they think that person will help bring their relatives over, only to discover that person abused their trust.

They lose their money, do not get the results they want and, worse, in many cases the applicant's record is permanently marred so that their relatives can never come over. That is wrong and is something that cries out for immediate rectification by sound legislators. I want to congratulate the government for bringing in this legislation, which I think goes a long way to addressing this.

What we must ensure and be vigilant about as parliamentarians is that this legislation is sound and that it works. It does not do any good to bring in legislation that cannot be actuated in practice. We need to ensure that we establish a regulatory process that has teeth, one that licenses immigration consultants and establishes sound standards, so we can ensure that any people calling themselves immigration consultants in this country have the proficiency and professionalism required to carry out their duties in a proper manner.

We must ensure there are adequate enforcement measures because standards without enforcement are of no use. We must ensure the immigration consultants in this country know that if they try to practice without licences or provide services they are not entitled to provide, they will be caught and there will be consequences.

We must also ensure that the public knows about it. We need to ensure that every person wanting to access the immigration system in this country can go to a website and see at a glance, like is done in Australia, who are the licensed immigration consultants, who are not licensed, who has made application and failed, and those who have a black mark against them. These are all critical components of a sound piece of legislation that ensures it does not just amount to words on a paper but actually makes a tangible difference in people's lives.

I also want to comment briefly on the government's attempt to bring in legislation that the previous Liberal government failed to do. I hear members of the Liberal Party talk about this legislation, but, of course, when they were in power, they did not get it done. After numerous consultations and hearings, the former minister, the member now for Eglinton—Lawrence, set up a regulatory body that had no teeth.

The Canadian Society of Immigration Consultants had no power to enforce regulations or to prevent unlicensed consultants from practising. To make matters worse, that organization was not required to behave in a democratic, efficient or transparent manner. I am glad to see that members of the Liberal Party standing up today are supporting this legislation after having the opportunity of 13 years in government and failing to do so.

Government Orders

In fact, in many respects what they did was even worse, which was to set up a process that did not work. That breeds disrespect and sets back policy development because people look to a regulatory framework that does not work as proof that a regulatory framework is not valid or needed, and that is not the case.

I want to, once again, indicate that New Democrats stand behind immigrants in this country. We want them to be able to unify their families, we want them to be able to have a fair, fast and efficient immigration system. We will join with the government and all members of the House in helping to ensure that immigration consultants in this country practise in a manner that is professional and helpful.

• (1155)

The Acting Speaker (Ms. Denise Savoie): Before resuming debate I should advise the House that we have now completed the first five hours of debate on this bill and we have come to the 10-minute interventions and 5 minutes of questions and comments.

Resuming debate. The hon. member for Richmond Hill.

Hon. Bryon Wilfert (Richmond Hill, Lib.): Madam Speaker, I am pleased to enter the debate today on Bill C-35.

We spend a lot of time talking about the importance of immigration to Canada, and rightly so. The difficulty, however, is that people almost have to be Philadelphia lawyers to figure out what the rules and procedures are in order to immigrate to Canada. There is no real consistency in terms of what we tell people at our embassies and high commissions, about what the job market is like in a particular field, how long it will take in terms of the process in general to come to Canada, or under what basis people can come to Canada. For many people here who want to sponsor relatives, it turns out that they think it is a right rather than a privilege.

Not understanding the process has led to people looking for consultants. In some cases a consultant is really not the appropriate term given the fact that many of these people have limited if any understanding. There are some very good consultants out there and there are obviously some bad apples.

The difficulty is that as members of Parliament we are charged with the responsibility of dealing with legislation. In 2008 the Standing Committee on Citizenship and Immigration produced nine recommendations. Now the question I have for the government is, why were they not implemented?

One of the difficulties around this place is that when a standing committee deals with a particular issue, it deals with a stream of witnesses, debate, amendments and comes up with very concrete recommendations that are sent to the government, sometimes it is as if we have basically wasted our time.

Now I realize that in 2008 there was a federal election, but since then these recommendations have not been implemented. I think that is absolutely unacceptable when we look at the nature of the recommendations to fix part of the problem. This legislation before the House is not a panacea. It is not going to solve all of the problems. It is not going to solve all the backlogs. It is not going to deal with the financial issues in order to implement the kind of process that we need in place.

In my office alone, one person is dedicated solely to deal with immigration. Now I am not an immigration office. In theory I seem to be part of an extension of the department. In many cases the department is dealing with the applications that need to be dealt with. We have too many people applying and not enough resources to deal with those applicants. Fortunately, I am very blessed with a very committed, dedicated individual who really understands the process, after the last five years.

The difficulty is that people's expectations and understanding of what is involved is like night and day. Many of these people are victims of consultants and it all starts where they are applying. Do our embassies and high commissions have the kind of information readily available?

One of the recommendations in this report was recommendation no. 8. It clearly indicated in 2008 that we needed to have the most up-to-date information, that people really had to understand what was going to be awaiting them if in fact they came to Canada, in terms of language skill requirements, job opportunities, housing, et cetera.

The difficulty is that most people enter this process rather blindly. Because they think that there is sometimes a quick fix, they deal with consultants. Some of these consultants turn out to be more of a problem than a cure.

In 2008 the standing committee made nine recommendations. One of them which I think was extremely important was this whole issue of a stand-alone agency that would deal with this issue in terms of having the summary powers needed to do the job properly.

Rather than amend the Citizenship and Immigration Act, we need to have a body that has the power to deal with consultants both from a regulatory standpoint, and some colleagues have talked about the provincial process of many regulatory bodies, but also the power to investigate and the power to really come down on people who mislead, who in fact basically take money when no service is really rendered.

• (1200)

Immigration is supposed to be important to this country and yet we have a system that is broken, and I would defy anyone who would suggest otherwise. People just need to go to any constituency office of a member of Parliament in the greater Toronto area or the greater Vancouver area and they will certainly see the difficulties that members of Parliament deal with. That is because we do not have the necessary tools. We do not have a legion of staff that can deal with this. There often is a lot of burn-out because one person dealing with this in particular is very difficult. We hear the most tragic stories of people who want to come to this country for a new opportunity but, again, it is the issue of dealing with this.

The last Liberal government, our government in 2005, put \$900 million toward trying to deal with the backlog, which really was not enough, as with the present government which was not enough.

I am sure many members of Parliament have been asked by people how to speed up the process or how they can be fast-tracked. Obviously we can fast-track when we can fast-track them all and we cannot fast-track anyone.

Government Orders

Will this legislation deal with the problem? It will only deal partly with the problem. We support it going to committee. A 2008 standing committee report has nine recommendations in it, part of which deal with the issue of consultants. If the government had implemented those recommendations, we would perhaps be onto something else today. The fact is that we continue to try to reinvent the wheel instead of asking what the major problem is here.

If in fact we had no immigration policy, how would we create one that would address the economic needs of this country and the kinds of issues that we as Canadians believe are important and be able to attract people to this country? Instead, we always deal around the edges. We do not deal with the problems per se.

A stand alone regulatory body, as recommended by the standing committee in 2008, is what is needed. It really needs those powers, as we have said. However, this proposed legislation only deals with part of that issue. It does not really deal with the significant governance issues that the standing committee looked at when it listened to the many witnesses who came forward. We need to deal with that.

We also need to be working with our international partners. We need to get better coordination in terms of everything from people smuggling to the fact that people set up shop overseas and say that they are a consultant. When they are asked what kind of regulations there are, they say that one can come to Canada and do this and that.

Many of the people who come to my office have been drained financially paying money to certain individuals who in the end tell them to go see their MP. In other words, let the MP now try to deal with the problem that they in many cases have created or clearly have not been able to deal with. We need to look at that. It is obviously part of the solution.

As we know, consultants are often not lawyers. They provide advice and the difficulty is that sometimes they are not up to speed on this.

I have held information sessions in my riding dealing with the process. One is absolutely dizzy by the time one listens to how this process works: how does one do this, can one appeal this and then there is another appeal, what happens if one comes under certain classifications. One has to be a Philadelphia lawyer to figure that out.

We have these ghost consultants. We have these people who say that they can solve one's problem. It goes back to the fact that people accept money to give advice which often turns out not to be very helpful.

When we have standing committee recommendations, the best thing the government can do today would be to embrace those nine recommendations and move forward so we can deal with other aspects of immigration. Again, within those nine recommendations we also deal with a stand alone body that would deal with this. I think that is part of the solution but it is not the total solution.

•(1205)

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, colleagues around the House have touched on almost all of the important aspects of this legislation by now but I want to

highlight two or three areas that are of significance to me in my capacity as the member representing Scarborough—Rouge River.

Canada's immigration program has actually been a very successful public policy tool and it has served Canada extremely well over the decades. With all due respect extended to our first nations, we are a country of immigrants and this has always been the case. We have learned how to do it well but our immigration act and procedures have provided the infrastructure under which people have come to Canada from all around the world. It is a controlling mechanism for people movements from outside Canada to Canada and we are absolutely, without any reservation, a receiving country of many wonderful people throughout our history.

My particular constituency happens to be about 75% immigrant, which is a relatively high percentage. Three-quarters or more of the people in Scarborough—Rouge River are, or were, immigrants. That means that in my work as a member of Parliament, and this includes my staff in the riding and in Ottawa, we see a lot of immigration issues on behalf of constituents. Those constituents are connected to other places around the world. We see immigration issues from all around the world of every type and description.

I know there are many millions of happy customers of immigration consultants as well as immigration lawyers. Many immigrants, depending on what type of immigration they follow, which procedural line they follow when they come to Canada, rely on professional advice, and that serves them and it serves Canada. They pay for it. It is quite a well working and positive system. However, that is not to say that it is perfect. What we are dealing with here today is a component of the immigration infrastructure that is not working well.

I want to recognize here on the floor, because I am not so sure we have done it, all of the good work of all of the immigration lawyers and consultants who are out there. There are thousands of them out there all doing good, professional work and we should recognize that. I say that because that comment lies in stark contrast to the name that the government has given to the bill. The short title is "Cracking Down on Crooked Consultants Act".

This is somewhat Orwellian. The government has decided to put colourful, descriptive advertising into the title of its bill. The government has not quite gone so far as to put neon signs up on the Peace Tower yet, but contorting the title of a bill in this way is inappropriate. However, it has chosen to do it. I have been here for over 20 years and it is the first time I have seen this kind of Orwellian manipulation of the short title of a bill to broadcast something. If the name of the bill were totally descriptive, I would not object, but in this case the bill describes itself as a bill to crack down on crooked immigration consultants.

Government Orders

• (1210)

The bill is much more than that. It purports to regulate the whole class of immigration consultants, most of whom are good guys. The name of the bill stigmatizes a whole class of people. Would the government do the same thing if it were further regulating architects? Would it write a bill that cracked down on stupid architects or write a bill to crack down on stupid, incompetent ships' captains? I do not think that is the right way to do things. It stigmatizes a whole class of people.

What we are doing here with this bill is facilitating the further regulation of immigration consultants, which is a good profession, whether they are professional consultants or whether they are lawyers.

I wanted to get that straight. I say shame on the government for manipulating the short titles of bills in this way.

We want to try to fix or allow consultants themselves, by self-regulation, to fix some of the problems we have seen, and they have been described here today. One of the areas that I do not think we will be able to fix is the problem of a consultant in another country. We can deal with consultants here but we have never successfully found a way to deal with the enforcement of someone who acts as a consultant in Damascus, Shanghai, Colombo or New York City, someone who just says, "I'm an immigration consultant. If you pay me 10,000 bucks, I will deliver your documents and get you into Canada. All you have to do is pay me the 10,000 or 20,000 bucks and I guarantee a great result".

That consultant is out there in another country and our laws cannot apply extraterritorially into another country. So it is tough for us to regulate this in a way that would regulate that person in that other country, which we all regret. Sometimes we call them ghost consultants. Immigration officials, as I understand it, will refuse to accept an immigration application of some sort if it appears there is an immigration consultant behind it and the immigration consultant is not properly registered or not in good standing. That is a partial address to the problem but I hope the committee will look at this and look at ways to isolate and identify consultants who are not properly registered and not properly trained in the foreign country.

Most of us as MPs have people come to us only when the file is broken. If the file is going all right through the immigration department, they do not need the MP. It is really quite shocking when a member of Parliament or a staffer of a member of Parliament has people coming in saying that they have a problem with immigration after paying a guy \$15,000 and that the file is all messed up. My staff are saying, "My goodness, \$15,000 and we have to fix it. If you had come to us in the first place, it wouldn't have cost you anything and we would have done it correctly for you". It is not that we do immigration work directly out of the office but we certainly do advise our constituents and we try to fix situations that have gone sideways.

I know my party will be supporting the bill at second reading, in principle, for the purposes of getting it to committee where I hope the committee will redouble its efforts. I know the committee has looked at this stuff before. Half measures will not work. If there was ever an area subject to loopholes, this is one of them. I encourage the

committee to consult with the industry, with the professionals, to look for a consensus and to be bold, to hammer down and make any amendments to this bill that will make it effective. Do not be shy. Let us do it and do it right.

• (1215)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I have taken the opportunity to look at the bill, and I note that it is entitled An Act to amend the Immigration and Refugee Protection Act. As the member pointed out, clause 1 of the bill proposes a short title that would be cited as the Cracking Down on Crooked Consultants Act. With all due respect, to tar all those who are involved in the process of immigration and citizenship matters with this label is unfortunate.

The real issue here is whether the report of the citizenship and immigration committee from 2008 has been seriously considered, particularly with respect to establishing an independent regulatory body for immigration consultants that has the statutory powers to make it work.

The response of the government to that report and the response of this bill seems to indicate that we are going to do this by regulation. There is certainly no information to members of Parliament that the regulations enabled by this amendment would address the serious issues.

I wonder if the member would like to comment on the approach the government has used, and to the extent that he has time, on the role members of Parliament and their offices play, considering that MPs and their office staff get no training, no orientation, and no additional resources to discharge that work.

• (1220)

Mr. Derek Lee: Mr. Speaker, let me start out by paying tribute to every assistant in every constituency office across the whole country. Some are new and some are a little bit more experienced, but inevitably, most constituency staff have to learn some immigration law and procedure in order to succeed. For members of all parties, that is a fact of life, and the member properly brings attention to that.

In terms of the people working in the field of consultants, most of us from the big cities know immigration lawyers, because their files have been referred to the constituency on some basis, or they know immigration consultants. Every once in a while, a mistake is made and it has to be fixed. Every once in a while, an inquiry has to be made about the progress of a file.

It is unfair for this bill to stigmatize consultants. These professionals will come as witnesses to the committee hearings on this bill, and when they walk into the room, they will hear that the name of the bill is an act to crack down on crooked immigration consultants. These people are not crooked immigration consultants. They are upstanding professionals. They are qualified professionals. I hope that one of them objects. I hope that some member of the committee will offer to propose to change the short title of the bill to get it back on track.

Government Orders

The committee, because of the attitude of the House, in which there appears to be general support, has an important job to do in going through this bill. I am confident that the committee will do it with a good attitude. I hope that there will be some leeway offered on both sides of the House to allow the committee to do a good and effective job consistent with what I hope will be rigorous consultation with the professionals in the field and with government officials, as well. We want to get the best possible set of regulations that will really bite down on the abuses and provide mechanisms for enforcement and firm regulation of this field. The professionals want that. They would prefer to have a set of good working regulations rather than to have the wild west, where future immigrants are prejudiced and victimized.

The committee has an important job to do, and I am confident that it will embark on it with good intentions.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I am pleased to participate in the debate on Bill C-35, An Act to amend the Immigration and Refugee Protection Act.

Every member of Parliament is probably in a position to bring to this place his or her experience with some of the difficulties people have had with regard to these matters, whether it be sponsoring immigration, visas, or in fact, refugee files. Canadians probably are not aware that members of Parliament's offices probably do more work on immigration than they do on any other aspect of being a member of Parliament. There is a tremendous volume of activity. Some offices, in fact, have several staff members who are permanently dedicated to citizenship and immigration matters.

It is also probably pretty evident that Canadians at large often do not understand the difference between immigrants and refugees. We saw that with regard to the latest situation with the ship that arrived carrying Tamil refugee claimants.

The point I would like to make, first of all, is that we need to educate everyone who has a responsibility, interest, or stake in our system of immigration.

As I mentioned in the question to the previous speaker, the issue of providing resources from the department is critical. This bill does not propose additional resources for addressing the issues that have been raised.

I share the concern of other members about the title. If it is a bill to make improvements in terms of the regulations guiding those who provide consulting information and assistance, that is fine, but I note that in the speech of the minister himself, when he moved the bill, he made the broad statement that people do not have to go to consultants. I do not know where exactly they would go, other than maybe to an MP's office, but I do know that there is not a spot they can go to in the department to have their questions answered in a way that is helpful to them.

I note that in the report from the committee in 2008, three of the recommendations popped out. One of them is recommendation number eight. Keep in mind that this is a standing committee of members of Parliament. It recommends that the government revise all of its websites at Canadian embassies and missions abroad so that they include consistent, clear, and prominent information about immigration consultants.

One would think that our missions abroad would have all the boilerplate information necessary to guide people. One would think that the departmental website would have all the information to guide people through the processes, whether it be for immigration, sponsorship, applying for permanent residency, or visas. Also, from our experience, some files are very quick and could take maybe a couple of years, but most of them take three or four years. I have files that are seven years old. I do not think Canadians understand that the system is such that there are people in the hopper who have waited for a determination, waited for answers, for several years. It is tough to get into this country, but it does not have to be.

I also note that in the minister's speech, he spent a lot of time talking about these terrible consultants and the forged documents, forged marriage certificates, and forged bank statements and all of these things. He never once mentioned the applicants themselves and the role they play in terms of making application with documents that they know, or ought to know, are not proper.

● (1225)

It is a tough country to get into, very tough. A lot of people have talked about the dream of getting into this country. The dream of getting into this country is self-evident. There is an understanding that one has to be true, full, and plain in terms of the representations made. Members will assure those who come to their offices after they have problems that if they have filed documents that are inaccurate, contradictory, or forged or that contain untruths or omissions, it is very likely that they are going to fail in their efforts to get into Canada.

In our offices abroad and in our embassies, those providing information could tell people, "Here is our experience. These are the characteristics of applications that are in good shape, are accepted, and are handled within a reasonable period of time. The ones that are not accepted, the ones that have the problems, have these typical problems. Here are the reasons you will not get in".

Then what happens? Most members will tell you that people who run afoul of the process all of a sudden start going to members of Parliament thinking that for some odd reason, the member of Parliament will have some pull and will be able to fix a problem that has to do with providing incorrect, inaccurate, and fraudulent information. It is not just the consultants. The applicants have to take some responsibility for that as well.

One has to understand that people wanting the opportunity to come to Canada will probably take whatever advice they can get from whomever, especially if somebody is charging an exorbitant fee. That is why I agree with the second recommendation in the committee's report from 2008, which is that there be an independent body established, arm's length from the department, to regulate immigration consultants. Give it the tools, the authorization, and the statutory power to control a very important resource and address the problem of people getting bad, wrong, or illegal advice. The government did not take heed of that recommendation.

When our committees make these kinds of recommendations, one would expect that the government's response, whether it be a written response to a committee report or legislation brought forward, would respond to the situation it is trying to address and would provide the best possible solution that makes sense, given all the facts.

Government Orders

What we have in Bill C-35 is an effort to provide penalties for people who are found to have caused problems and who have acted unethically as immigration consultants. However, the tool that is being established is going to be established by regulation. Basically, the government is going to provide the mechanism to police immigration consultants, and it will be regulation.

The problem is that we are debating a bill and will vote at second reading on whether we want it to go to committee. It will go to committee, where there will be witnesses. They will discuss all the possibilities. They will make some recommendations and possibly propose some amendments to the bill. It will then come back to the chamber at report stage. Possibly there may be further amendments by members who were not involved at committee, and then it will go to third reading.

We have this process, but what the process does not have, in terms of House activities, are the regulations. If we do not know the regulations specifically proposed, how can we trust or have confidence that the establishment of some regulatory regime is going to, in fact, do the job? That is the problem.

One recommendation I would have for the committee would be that it ask the government to table and file with the committee the proposed regulations prior to their being gazetted and promulgated.

• (1230)

Ms. Ruby Dhalla (Brampton—Springdale, Lib.): Mr. Speaker, I want to commend my colleague for raising some very good issues. Also, I know the minister has come back from a number of meetings he has had in other countries that are faced by unscrupulous immigration consultants. In particular, I believe he was in Australia and India.

I had a chance to meet with the prime minister of India during his visit to Canada. I also had a chance to raise the issue of fraudulent immigration consultants who take advantage of very vulnerable people. In my riding, which is one of the largest multicultural, multi-ethnic and multi-religious ridings in the country, a number of very vulnerable individuals have been impacted and affected by these fraudulent immigration consultants.

I also wrote to the prime minister of India, hence the basis for my question. When I wrote to him, I also asked him to work with foreign governments such as Canada to ensure that they had legislation in place so these unscrupulous immigration consultants would not take advantage of vulnerable people and provide individuals with a false sense of hope for them to come to countries like Canada.

In regard to this legislation, we have spoken about having statutory powers for a regulatory body. What other initiatives does my colleague think Canada needs to put in place to also ensure we work with foreign governments, with countries like India, to ensure they can also put forward legislation to prevent immigration consultants who act unscrupulously from taking advantage of individuals?

Many of these people actually sell their homes, or mortgage their houses or sell off any assets they have because of a false hope they have been given by immigration consultants. What legislation does he think the government needs to put in place to build upon this to

ensure there is also the help and collaboration of foreign governments?

• (1235)

Mr. Paul Szabo: Mr. Speaker, I want to hearken back to the minister's statement. He said that our system was not complex and that we did not need immigration consultants because our process was straightforward. That is not true. It is a complex process. There are circumstances where people do in fact get drawn in.

If the minister is correct, why do our embassies and offices abroad do not tell people, when they want to make inquiries about becoming potential immigrants to Canada, that they do not need to get an immigration consultant, that they have no powers to influence the success of an application, that all they have to do is tell the truth, submit the requested documents as laid out in the process? Is that out there? This is a communications exercise.

This has been going on for years. Do people not realize there are failed applications constantly? Have governments abroad not told people who apply for immigration that they have to provide documents and that anything submitted better not be fraudulent documents, misinformation, incorrect or contradictory information because it would not take very much for the application to be quashed?

I do not think we have to legislate being truthful. All we have to do is tell people that it is tough to get into Canada. The recommendations of the committee relate to a body to regulate those who will convince them that they need to spend money to have the assistance for their applications. This has nothing to do with sponsors, but those who sponsor those who want to immigrate to Canada also have a responsibility, and they are not mentioned in this process.

The offices of members of Parliament are involved in this process as well. Yet new members of Parliament and their staff, which turns over from time to time, receive absolutely no training, no orientation and no resources to provide the services. I believe the ministry should take on the responsibility to establish that body which will give the guidance to those who want to be sponsors or whatever and take it away from the offices of members of Parliament so there can be consistent service to those—

The Deputy Speaker: The hon. member for Brampton—Springdale.

Ms. Ruby Dhalla (Brampton—Springdale, Lib.): Mr. Speaker, it is a pleasure and honour to speak to a very important issue and to follow up some of the points that my colleague has raised.

The issue of fraudulent consultants is a very important issue that impacts constituencies like mine, not only in the area of Brampton—Springdale but in many constituencies. It impacts many new Canadians and many individuals who have a desire to come to Canada.

Government Orders

We have all heard and read about the many horror stories where vulnerable people have been taken advantage of. I know there have been reports of a Mexican family that has been taken advantage of by a fraudulent immigration consultant who created a fake refugee claim only for the family to arrive in Toronto and be given the name and number of a stranger and instructions to a hotel. This phony immigration consultant had apparently collected thousands of dollars. The family had sold off all of their assets, such as their home and their cars.

There was another report of a Korean truck driver who was told, again by a crooked immigration consultant, to use his life savings to help him come to Canada in the hope of getting a guaranteed job. Once again, he emptied his pockets. He was given all of these false promises and upon arrival here in Canada, he was left in limbo.

The stories are many, and we have all heard them. That is why I want to take the opportunity to commend the minister. It is very encouraging to see the government take action to ensure that we can provide a sense of hope to these vulnerable people, that they can go through the protocols we have established within the Canadian government and have those procedures followed to ensure crooked immigration consultants are pushed to the wayside and their businesses stopped.

It is encouraging to see the government is taking action. I know there has been urging from all parties. The start of a new fall session is a great opportunity for all parties in the House to co-operate and collaborate to send the bill to committee so it can hear, first-hand, witnesses and stakeholders.

We have all agreed that the report on regulating immigration consultants in June 2008 made some great recommendations. One of the major recommendations was that there needed to be the establishment of a regulatory body and that it be given statutory powers. In talking to individuals and stakeholders about the legislation the minister and the government has brought forward this continues to remain a major concern.

We must ensure that the regulatory body has the power to investigate any of these types of crooked immigration consultants and that the watchdog has the statutory powers to do its job to enable it to persecute any individuals who operate underhandedly.

The bill is a step in that direction. However, we must ensure that we do more. As I said previously, during the G20 a number of prime ministers and leaders throughout the world were present. Upon their arrival, I had the fortunate opportunity to meet with the prime minister from India and discuss some of the concerns of the Indo-Canadian community. One of the issues I raised was the issue of fraudulent immigration consultants.

The minister must have seen this in his travels as well. I believe he has just come back from both New Delhi and Chandigarh. Countries like India have a great source of these unscrupulous immigration consultants who provide false hope to vulnerable people.

In my meeting, and also in a subsequent letter to him, I asked the prime minister to encourage foreign governments, like the government of India, to put in place legislation which would provide the creation of licensing bodies, or regulatory bodies, regulations and statutory powers for these immigration consultants.

It is a great opportunity for countries like Canada to co-operate and collaborate with some of these foreign governments to ensure that not only in Canada but in countries in other parts of the world also put in place mechanisms which will put a stop to these unscrupulous immigration consultants.

Many individuals operate as ghost consultants. They promise people high-paying jobs and fast-tracked visas. It is often too late when these unfortunate individuals find out they have been scammed.

• (1240)

If passed, the bill will be an opportunity to make it a crime for a person who is not a lawyer, a notary, or a member of a recognized association of immigration consultants to accept any sort of fee.

Recently an individual was charged by the RCMP in Montreal for providing unscrupulous services and making false promises. The individual had issued fraudulent IDs. With the hope of coming to Canada, a number of individuals provide fraudulent documentation and false information on their applications. I agree with my colleague who spoke earlier that we must ensure that Canada puts in place a zero tolerance policy for people who provide falsified documents, whether it be false birth certificates or false school records, and that they not be allowed to re-apply to the Canadian system.

Another issue I hear about, not only as a female parliamentarian, but from the many events that I attend in my constituency is the issue of fraud marriages. Many individuals marry Canadians simply for the hope of coming to Canada. This exists in many countries in the world. I believe the minister held a forum in my adjacent riding a few weeks back on this issue. He mentioned that Hong Kong had one of the highest rates right now of individuals wanting to come to Canada on the basis of fraud marriages. He mentioned the statistic which was approximately 60% of the applications in Hong Kong right now were being denied for spousal applications because they were based on these networks and rings. Some of the information, even for fraud marriages, is coming from immigration consultants who are providing false advice in the hopes of taking money and trying to get people into Canada as soon as possible without following appropriate timelines, procedures and protocols.

This legislation will be a step in the right direction. I hope when it goes to committee, it will be a great opportunity to hear from stakeholders, witnesses and individuals who have been impacted.

Government Orders

I have a story that happened last month in my riding. A young who was born and raised in Canada entered into a marriage. She is a polio victim in a wheelchair. The person she married in India was fully aware of this. The case, upon going into the embassy, was denied. The woman spent all of her and her family's savings to bring her spouse to Canada. When he received the visa to come to Canada, he did not even bother to call her. There are many of those type of stories when individuals get their visas and do not even call upon arrival at the airport. If they do come, I have seen many instances of the spouses being abused. These stories are heart-rending. There are no words to really describe the pain that these families and individuals go through.

Whether it is on the issue of fraud marriages or whether it is on the issue of unscrupulous immigration consultants, the bill is a step in the right direction. It is a great opportunity for all parties to work together in collaboration and co-operation to come up with solutions that will help put a stop to these crooked consultants and to the issue of fraud marriages.

I look forward to working with the stakeholders involved to develop solutions that will work, so, once and for all, we can ensure that these unscrupulous and crooked immigration consultants are put out of work and that all people operate above board, following the proper policies and procedures for people to come to Canada in hope for a better future and a better life.

• (1245)

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Speaker, I know the member for Brampton—Springdale has a lot of issues in that area. I have listened to all the presentations that have taken place today and the debate really focuses around the broken immigration system.

I am sure the member will agree that the waiting line is too long for spousal immigration, economic immigration, family reunification. The crackdown on the consultants really is a microcosm of the major problem, which is the breakdown of the system.

Could she give her thoughts on that?

Ms. Ruby Dhalla: Mr. Speaker, my colleague has done a great job and I want to congratulate her on her new position as deputy whip for our party and also bringing to light the fact that the system is broken in many ways and does need to be fixed.

I am sure many of my colleagues can attest to the fact of the high volume of constituents coming into our offices with frustration and sometimes even the anger they have at the cases, whether it is trying to bring in family reunification, of being reunited with parents or brothers or sisters, or whether trying to bring in a spouse, and also for people wanting to come here for economic reasons and also other individuals from all parts of the world just wanting to come here simply to experience Canada.

The refusal rates are extremely high. We must work toward a system which is going to facilitate the people who want to come in, the people who are going to return, upon the expiration of their visas, back home to their particular countries, that they will be afforded that opportunity, but the system definitely needs to be fixed.

The bill is a step in that direction, but I hope that we can all work together in collaboration and cooperation among all political parties

as we did for the refugee reform that the minister brought through to really get concrete solutions that will work for the people to fix this system and reduce the refusal rates that are going on in embassies throughout the world.

• (1250)

[*Translation*]

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

The Deputy Speaker: The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

The Deputy Speaker: I declare the motion carried. Accordingly, the bill stands referred to the Standing Committee on Citizenship and Immigration.

(Bill read the second time and referred to a committee)

* * *

[*English*]

INTERNATIONAL TRANSFER OF OFFENDERS ACT

The House resumed from April 22 consideration of the motion that Bill C-5, An Act to amend the International Transfer of Offenders Act, be read the second time and referred to a committee.

Mr. Phil McColeman (Brant, CPC): Mr. Speaker, I appreciate the opportunity to rise today in support of Bill C-5 which, as its short title suggests, will do a lot to keep Canadians safe and ensure that our streets and communities are better and safer places for everyone.

This, of course, has been one of our government's top priorities since first elected in 2006 and remains so today.

Our 2010 Speech from the Throne commits our government, among other things, to ensuring that Canada remains the best place in the world to raise a family and to stand up for those who are building our great country. It commits us to ensuring that the law protects everyone and to ensure that those who commit crimes are held to account.

Canadians want a justice system that delivers justice and we know that we can protect ourselves without compromising the values that define our country. Specifically, it notes that for many Canadians there can be no greater accomplishment than to provide for their children, to contribute to the local community, and to live in a safe and secure country.

Our government shares and supports these aspirations which is why we have taken action on the economy and on many other fronts including cracking down on crime. In particular, we have introduced several measures to crack down on violent gun crimes.

Thanks to our government, a killing linked to organized crime for example will now mean an automatic charge of first degree murder.

We have also passed legislation that addresses drive-by shootings and other intentional shootings while offering more protection to police and peace officers.

Government Orders

This government has also passed laws that limit the amount of credit given for time spent in pre-sentence custody ensuring that offenders serve sentences that truly reflect the severity of their crimes.

Most recently, our government introduced legislation to strengthen the national sex offender registry and the national DNA data bank. These measures will provide additional protection for our children from abuse and exploitation.

We have done a lot already to deliver on our commitment to Canadians and to make our streets and communities safer.

The legislation before us today builds on this impressive track record by, among other things, recognizing that one of the key purposes of the International Transfer of Offenders Act is to protect the safety and security of Canadians. The bottom line, as I mentioned, is that Canadians want a justice system that works. They want a corrections system that treats offenders fairly but they also want a corrections system that considers the rights of victims and law-abiding Canadians.

That is what the proposed amendments our government has introduced will do. The legislation which our government has introduced recognizes that public safety considerations are at the centre of all offender transfer requests. It will help to protect victims by stipulating in legislation that the minister may also consider whether the transfer of an offender will endanger the safety of a victim. It will help to protect the safety and security of family members and children by again stipulating in legislation that the minister may consider whether a transfer will endanger the safety of a family member or a child.

As well, the legislation which our government has introduced will stipulate that other considerations such as whether an offender has participated in a rehabilitation program may be considered in assessing offender requests for a transfer to Canada. This is not specifically stipulated in the legislation today.

Today the minister is required to consider a number of factors when assessing requests for a transfers but nowhere is there any mention of public safety, nor is there any mention of victims or families or of keeping children safe. These are serious omissions. That is why Bill C-5 is so important.

● (1255)

The legislation which our government has introduced would make it clear that the minister can take into account whether the transfer of an offender might endanger the safety of a victim, such as a child in those cases where the offender has been convicted of sexual abuse involving a child.

Our legislation also makes it clear that the minister would also be able to take into account whether a transfer might endanger the safety of a family member.

It also stipulates that the minister would be able to consider whether the offender has accepted responsibility for the offence or whether he or she will engage in subsequent criminal activity upon re-entry into Canada.

As we have heard, these considerations should surely help to guide decisions about whether to grant requests for a transfer from offenders serving a sentence overseas. But at the moment there is no clear legislative authority for the minister to take them into account. That is what Bill C-5 would change while also giving the minister more flexibility in the decision-making process itself.

Bill C-5 would perhaps, most importantly, ensure that the purpose of the act includes considering public safety as part of the decision-making process in the transfer of offenders.

It, therefore, reflects this government's commitment we have made to Canadians to stand up for victims and to ensure our streets, our homes, and our playgrounds are safer places.

That is what the legislation before us today is all about and it is why I am confident that Bill C-5 has the support of all hon. members.

Hon. Dan McTeague (Pickering—Scarborough East, Lib.): Mr. Speaker, I heard the comments by the hon. member in regard to this very controversial piece of legislation.

I wonder if the hon. member had the opportunity this morning to pick up the *Ottawa Citizen*. On the front page he would have seen an article referring to a federal court decision yesterday in which the Minister of Public Safety and this bill have been put to serious question.

It would appear that the minister of public safety in 2008 decided to ignore the advice on the transfer of a particular offender coming from the United States. Brent James Curtis did not represent a threat to Canadians, was not a terrorist, was not involved with organized crime. He was a minor player. The minister used discretion which a judge in this country has determined to be the wrong discretion and now the member is advocating for that same discretion to be used holus-bolus.

I wonder if the member could reconcile the absolute embarrassment that the government has had to endure as a result of this case and why he believes that this legislation should pass when giving the minister those kind of arbitrary powers leads to the wrong consequences, even when he knows, as the minister knew, the decision was wrong and that he ignored his own staff on this particular subject.

● (1300)

Mr. Phil McColeman: Yes, Mr. Speaker, I did see the newspaper article. As I understand it, a review of the decision of the Federal Court is currently underway, and as such, it is inappropriate that any comments be made on this particular case.

Last spring the Minister of Public Safety tabled in this House legislative amendments to the International Transfer of Offenders Act. Our Conservative government brought this legislation forward because we know that Canadians want a corrections system that protects the safety of victims and law-abiding Canadians. This act would ensure the protection of our society is given paramount consideration when assessing requests for the transfer of international offenders. I call on the opposition to support this worthwhile public safety amendment.

Government Orders

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Mr. Speaker, the hon. member for Brant and I sit on the public safety committee to make Canadian streets safer. I wonder if he might like to expand or comment on how the amendments in this piece of legislation fit in with the government's overall strategy to promote safe streets and safe communities.

Mr. Phil McColeman: Mr. Speaker, as my hon. colleague mentioned, he and I serve on the public safety committee.

As he and everyone in the House knows, our government's agenda has been about protecting victims. For far too long, Liberals have put criminals first. Our Conservative government will put the rights of victims first. We will continue to do that. We will ensure that Canadians, their families and children, are safe and secure in their communities. And at the same time, that offenders are held accountable for their actions, not only in Canada but abroad.

Criminals serving time in other countries may apply for a transfer to Canada, as many do, to serve out the remainder of their sentences, but there are unique factors often involving the sexual exploitation of children. These are various. We heard examples of stories at committee and the tracking of individuals.

It is a system that is not perfect and often these individuals do make it back into our society when they should not be allowed back. There are special extenuating circumstances. I thank the member for his involvement in making sure we bring in legislation that addresses these.

Hon. Dan McTeague: Mr. Speaker, I have heard a lot of rhetoric from the member and his party, but I want him to understand. When we do not bring Canadians back at the end of their sentence and the country which has incarcerated them has said to please take them back, how are we going to correct the behaviour of those individuals if they do not get a chance to re-adapt to society?

What the hon. member is doing is ignoring the case before him this morning, which is no longer before the courts, as a Federal Court decision has been made and the legislation as being proposed is dangerous and gives irresponsible powers to a minister to make a decision based on whim, without any due regard for the facts.

We hear the rhetoric and the nonsense coming from that party and the Conservative members over there who think that everything can be turned into a law and order issue. If the hon. member believes so much in law and order, why was he not standing four-square with the police in this country on the legislation proposed by his colleague?

It is important for Canadians to understand that when an individual is incarcerated and has the right to return as a result of being a Canadian citizen, false arguments cannot be used, as the hon. member has just done, in defence of a piece of legislation that is not worth the paper it is written on.

No one in this House, no minister, should have those kinds of arbitrary powers, especially when it comes to undermining the citizenship of any Canadian in this country or those who happen to live abroad.

Mr. Phil McColeman: Mr. Speaker, I do thank the hon. member for his comments; however, I must take issue with him on a couple of them.

Number one is with regard to his comments about government members voting as we did last night to abolish the wasteful and ineffective long gun registry. Members on the public safety committee heard testimony after testimony, not only from victims, but also police officers. When the member makes a carte blanche statement that police officers in this country think that we should continue with the wasteful and ineffective long gun registry, he is absolutely, categorically wrong.

We heard from many front-line police officers that it is not a useful tool for them, that in their training, they walk up to any circumstance thinking that the person behind the door may have a gun, and if they do not, their lives are not secure. The information provided is partial. It is often not accurate and it does not serve a useful purpose to them as front-line police officers. To link our desire for better legislation to deal with gun control vis-à-vis proper licensing is absolutely false.

If he has the time, I would invite him to come to the public safety committee and listen to some of the testimony of victims, people who have children who have been abused sexually by people who are back on the streets because there was no discretion to keep them off the streets.

• (1305)

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I want to ask the member about the need for this bill. I question whether this is another situation where the Conservative government is inventing a problem where one does not currently exist.

I understand that 620 Canadians were transferred back to Canada between 1993 and 2007 under this program. Of those people, only four were readmitted to prison in the two-year period after their sentences expired. That is a recidivism rate of .6%, which is dramatically below the regular recidivism rate for people convicted of criminal activity in Canada. That one is up around 20% or 25%.

I am wondering why there is the need for this legislation, given that we have a program that works so dramatically well, by I would hope anyone's assessment, at the current time.

Mr. Phil McColeman: Mr. Speaker, let us state that it does work well; I totally agree, but it could be better. It could be better so that we can catch some of the most heinous people and give discretion and make reference to public safety, to the fact that the minister can have that discretion to ask whether a person truly has been rehabilitated, whether that person, in his or her circumstance has taken proper rehabilitation to integrate back into society.

As the member shakes his head, I suppose he would prefer that that not be taken into consideration. Instead he would rather just assume that all people who are released are rehabilitated. It is often not the case. People often reoffend. It is working but it could be better.

Government Orders

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, Bill C-5 is in its second incarnation in this House. It was first introduced as Bill C-59 in November 2009. Of course, it got killed as did so many other really important pieces of crime legislation that absolutely had to be passed immediately. Because of the Prime Minister's prorogation of Parliament in late December 2009, it went down the tubes as did all the other bills at that time. In spite of the protestations and advocacy we heard from the government side about the absolute need to pass these bills immediately, of course prorogation was more important. The bill was then reintroduced in April when it had three hours of debate. The government never did bring it back in the spring, but finally brought it back in the fall of this year.

This bill is quite offensive to a fundamental principle of our democracy, and western democracies in particular. That principle is the rule of law. This is not the only bill where the government has attempted to do this, and in some cases has done it, but it shifts significant power into the whimsical hands of ministers. When I see that, I sometimes think we are back at the point where we have the divine right of kings, that rule where the government of the day gets to make whatever decision it wants based on whatever reason it wants. That basically is what the bill would do.

We just heard from my colleague from Burnaby—Douglas that the system as it is right now, since 1993, has had four cases of recidivism out of 620. That is a rate of .6%.

I will come back to this point in more detail vis-à-vis the two cases that came down on Tuesday of this week from the Federal Court where the decision, again a whimsical decision, of the minister of public safety of the day was overturned. If we proceed with this bill and more prisoners in other countries are refused access to this program, what happens then is they will come out of prisons in other countries where there has been no rehabilitation program at all and will come back to Canada without any criminal record, which makes it difficult for our police forces to be able to pursue them. They will come back to Canada without any parole provisions or any supervision post-custody, because of course that is all done in the other country. They will come back here because they are Canadian citizens and we have no basis for not letting them back into the country. That may be something the current government will try taking a shot at, again. However, we cannot do that under international law. They will come back to Canada without a criminal record, having received no rehabilitation while they were incarcerated and with no supervision control over them when they are back in Canada.

I ask the government to stop and think for a minute about what that means vis-à-vis recidivism and the likelihood of more crimes being committed by those individuals who oftentimes have been convicted of fairly serious crimes in other countries.

We talk about safe streets and safe communities; they are speaking points, buzzwords. How safe are our streets, how safe are our communities going to be when we dump those people back into our communities with no supervision, no rehabilitation? Oftentimes they are coming out of prisons in other countries that just hardened them. Oftentimes they come back with serious mental health problems as well, if they did not have them before. That is what is

going to happen if we reduce the number of cases that are allowed access to this program.

● (1310)

It has been an extremely successful program. There is no other program that anyone can point to with that low a recidivism rate. There is not one in Canada. I do not know if the government thinks that by doing this it will somehow reach perfection. The opposite is going to happen. Many more people will come back after many years of incarceration elsewhere and commit serious crimes in this country.

If we keep the program as it is now, it could use some fine tuning. If we keep it as it is now, we allow access to it. When people are incarcerated here, we see to it that they go through the rehabilitation programs in Canada. When they are released, it will be under parole supervision, oftentimes for extended periods of time. They will have a criminal record in Canada. All those mechanisms will exist to protect our communities. They absolutely disappear if people do not get access to this program.

There is another point I would like to make with regard to the actual provisions in the bill itself. The government has listed eight criteria, all discretionary on the part of the minister to consider. I listened to my colleague from the Conservative Party who spoke just before me. He said that these things do not have to be taken into account. Sure, it would be good to know whether an individual in a prison in another foreign jurisdiction had refused rehabilitation programs, but the minister does not have to take that into account. All eight of the criteria are met.

This brings me to the kind of exercise of discretion that we have seen. On Tuesday, two rulings came down from the Federal Court. I have to apologize that I was not able to get the actual rulings and I am working with some of the quotes that have been taken by media out of the rulings. There are two separate cases.

In one case the court clearly and bluntly said to the minister, "We don't understand how you could have drawn these conclusions. The facts in the case are this. You made your determination and said the facts of the case are exactly opposite". That is the kind of whimsical discretion we are seeing exercised by government ministers in the face of legislation that requires them to exercise their discretion reasonably, which was another determination the court made in that case, that it was not exercised reasonably.

The reasons given were completely contradictory to the actual facts as found by the trial judge in that case, completely contradictory. It was not just the trial judge, by the way, it was also the prosecutor. The case was overturned and sent back for reconsideration by the minister. One can only guess what is going to happen if that case comes up under the legislation being proposed. The current legislation will not apply because it will not be retroactive.

Government Orders

The court very clearly told the minister that he did not know what he was doing, that he was doing it all wrong and completely backward. Now the government is proposing to give other ministers unlimited discretion. The wording in the last of the eight criteria reads this way, “any other factor that the minister considers relevant”. If the minister considers the colour of the prisoner's skin, the colour of his eyes, whether he has short hair or long hair as relevant, he or she can determine that. There is absolutely no limit to what is relevant because it is all at the whim of the minister.

We are hearing from the Conservatives that this is sub judice, but there is no realistic possibility for an appeal of this case. The Federal Court judge decided that case on the facts of these two cases. The second case is troublesome from one standpoint. I believe that the wording is accurate, but I am only quoting from the article in the newspaper.

• (1315)

What Justice O'Keefe said was that the courts “cannot condone nor accept completely unstructured discretion”. If they apply that, in the light of the charter, this law will not survive a charter challenge. It is quite clear in that wording.

What we will hear at the public safety committee, if it gets there because there is substantial opposition from all opposition parties, but if it does pass at second reading and gets to committee, is the minister saying that he has had his people look at this and that it is charter proof. We have heard that from the Conservatives a number of times with a number of cases on other bills they have passed, supported, oftentimes, by the Liberals, and then struck down because they are not charter proof.

We have heard reports in the last few weeks in the media about well qualified public servants within the Justice Department speaking anonymously that they are constantly under pressure to agree to let the courts decide. They hear from the minister and the minister's office, whether it is public safety or the justice minister, “Don't worry about it, don't worry about the charter. If we're wrong, let the judges fix it”. That is not only an abdication of responsibility but it is also a dishonest approach both in the House and to the public safety and the justice committee and to the public generally.

The Minister of Justice and Attorney General of Canada has a responsibility to not present legislation to the House that clearly will not survive a charter challenge. It is not a maybe might survive, but we will let the judges decide. The Minister of Justice and Attorney General of this country has a responsibility to only present legislation that he believes, based on firm opinion and on the law and the charter, that it will survive a charter challenge. That is not what has been happening since the Conservatives have taken power.

We are constantly seeing sections come through both the justice committee and the public safety committee, sections that will not survive a charter challenge, but we are hearing from the Minister of Justice and Attorney General that they will. Then cases come on and there are many more pending. We know there are all sorts of sections that will get struck down. This is almost certainly one of them based on the decision of the Federal Court on Tuesday.

We in the opposition parties are faced as a Parliament at this point of having to tell the government that based on this decision it should

withdraw the bill, take it back and have another look at it. I will concede that there are some provisions with regard to the eight point criteria that we would be prepared to support. As I mentioned earlier, if we know from the other jurisdiction that a prisoner has refused to take rehabilitation programs in that jurisdiction while incarcerated, that should be taken into account, not may be taken into account, by the ministers as to whether they will allow the person into the program. We would accept that.

The bill should be sent back to the Department of Justice, redrafted to make those criteria that are acceptable mandatory, that the minister must take them into account in making a decision and, of course, removing the absolute discretion of the minister that the bill is proposing at this time.

I will now talk a bit more about some of the cases I have had to deal with in my office since the government came into effect. We are now on our third public safety minister but they have basically all acted the same way. There has been a significant increase in the number of rejections by the government minister of the day since the Conservatives came into power, cases that have cried out.

• (1320)

I remember one case a member from Edmonton raised and then got slapped down by the minister, and I assume by the Prime Minister's Office, involving a case of a person incarcerated in Cuba. I have had two of those myself in my office where they were denied access to the program.

In all three of those cases that I know quite intimately, under the old regime, prior to these ministers, all three of those people would have been admitted back into Canada. In all three cases, the fact that they were not, we are going to get people back in our country who are not going to be supervised, who will not have a criminal record because they did not have one when they left Canada and, as all three of those cases are in Cuba, none of them had access to any rehabilitation programs. One of the cases involves a severe health problem. I am not sure that person will ever make it back to Canada. He may very well die in a prison in Cuba. It was not a death sentence that he was sentenced to either.

Then we have that really notorious case in Florida of a young man out of Quebec suffering from bipolar or schizophrenia. This has all been in the paper and so I am not releasing any information that has not been made public by him and his family. On his way down to Florida he stops taking his medication. He gets into a fight just inside the Florida border and, in the course of the fight, the other combatant is killed. He is convicted to the equivalent of our second degree murder or manslaughter. He is receiving absolutely no treatment. He is not even getting most of his medications while incarcerated and sentenced to life. All of that information was put before the minister and he rejected him having access to the program. The state of Florida did allow him to have access to the program.

I do not know if I made this clear, but the jurisdiction where the person is incarcerated must agree first that the person will be released back to Canada and then our minister needs to go along with it. Florida officials said that they would release him back to Canada so he could serve the time in Canada but our minister rejected that.

Government Orders

We have those kinds of cases. Their conduct is inhumane. What we will be doing here with this bill, if it goes through, is augmenting extensively their ability to do it, if it survives the charter challenge. It is a very offensive bill from that vantage point. I go back to my opening comments when I said that we are a democracy, that we are based on the rule of law.

I happened to be flying during the summer break near the end of the summer and I watched the current Robin Hood movie. There we had it, 900 years ago. Our system began to curtail absolute discretion on the part of our rulers and replaced it with rule of law. This bill would take us back to a similar period of time where we do not have rules that ministers have to follow, exercising their discretion within those. Our charter says that we should and I hope, should this bill ever get into law, that the charter will be strong enough to reject this and say that it is unconstitutional and offensive to our rights in this country.

That is not the route we should go. We should not fall into the trap that the Conservatives have fallen into of saying, "Well, we are not sure, but this is what we want to do ideologically, this is what we want to do politically, we have to be seen to be tough on crime and so we will let the judges decide".

This is a minority government and the opposition parties have a role to play. We will not fall into that trap. We are parliamentarians and we have a responsibility to protect all of our citizens from unjust laws. This is an unjust law and we should all vote against it and defeat it at second reading.

• (1325)

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Mr. Speaker, I commend the hon. member for his speech. I enjoy working with him on the justice committee as he is always well prepared and reasoned in his logic, although sometimes I disagree with him and I certainly disagree with him with respect to this bill.

He and I have argued from time to time over the value of minimum mandatory sentences and his argument against them is always that it takes the discretion out of the trial judge's hands. He criticizes this legislation because it would grant the minister, in his mind, too much discretion. I am curious how he reconciles that. Why not discretion to a minister who is elected and accountable to this House and the electorate as opposed to a judge who is accountable to no one after he is appointed?

Mr. Joe Comartin: Mr. Speaker, my first answer is that one just needs to look at the track record of the ministers who have exercised this discretion, more limited as it is under the current legislation.

The second point is that judges exercise their discretion by imposing mandatory minimums generally with one or two exceptions. Judges exercise their discretion within the principles that are set out in the Criminal Code. We have had sentencing principles for 30-plus years and we exercise, as judges, restrictions within that. Our courts of appeal, all the way up to the Supreme Court of Canada, supervise that the judicial discretion they have exercised properly within those guidelines that we as parliamentarians have given them having gone through the democratic process.

We also have judges who have been trained, both as lawyers and as judges, to understand how they are supposed to exercise that

discretion. We obviously do not have that in the ministers in the government. Now my colleague is saying that we will give them even more discretion.

I would not give this discretion that is in the bill to a judge. I am not prepared to say that any judge in this country should be able to take into account any other factor that he or she considers relevant. I am not prepared to give that to anybody. We operate under a rule of law. We set the guidelines and we expect them to interpret those and apply them, not go off on some whim.

• (1330)

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I have two questions for the hon. member.

The premise, and I hope he will agree, is that the very clear history and convention of this House as a democratically elected House is to prevent the imposition of arbitrary measures on all of our citizens. The Conservatives should realize that that is our role.

First, does the member regard the unfettered discretion outlined by him and discussed earlier in this bill as being an arbitrary measure of that nature so that it should be rejected out of hand?

Second, could that unfettered discretion be constrained within the scope of the bill by, for example, describing that discretion to be linked and related only to measures involving the safety of the public?

Mr. Joe Comartin: Mr. Speaker, the simple answer to the first question is obviously yes, that this approach to the overall bill, but that clause that I keep repeating, giving the absolute discretion to the minister of anything that is relevant to be determined by the minister, is clearly an arbitrary measure way beyond the scope of what we normally pass as laws in this country and certainly in this legislature.

The second question is a bit more difficult. I do not think there is any way we can leave in that particular wording about the minister considering relevant any factor. I do not see any way we can put constraints on that.

With respect to the other seven criteria, some of which I do not agree with, the wording could be changed, although I think some of it would have to be removed.

We are, in effect, doing the same as we have with judges in the Criminal Code. Over the years, we have given them sentencing principles that guide them but constrain their discretion. We could be doing the same. I do not see this bill being amended. It needs to be redrafted and, in that redrafting, those constraints could be built in.

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, in answer to the question of the hon. member from St. Albert as to whether we would want discretion in the hands of a court or a democratically elected person, the key difference is that with a discretionary judge there is an appellate procedure so wrong decisions can be appealed, whereas if the minister makes a decision without unfettered discretion there is no appeal with that.

I also want to point out and emphasize just how the bill will make our communities less safe. That must be emphasized, less safe.

Government Orders

When Canadians convicted abroad are denied readmission to serve their sentences in Canada, they will come back to this country 100% of the time. They will be deported. The only difference is that they will come across our border. They will have no rehabilitation. There will be no supervision. There will be no parole. We will not even know that they have a criminal record and these people will be released in our communities.

That is what the government has to answer to Canadians for, why it is pushing a bill that has that kind of effect.

I also want to talk about discretion and quickly put a question to my hon. colleague. The bill allows the minister absolute discretion to take into account whatever he or she wants or whatever he or she does not want. That is simply bad policy-making.

I want to quote from what federal Judge O'Keefe just said recently. He said that the courts "cannot condone nor accept completely unstructured discretion. In circumstances where a decision has such a dramatic effect on the citizen in question, the law requires a complete explanation—".

We know right now that the courts are commenting critically on the way the legislation is right now where there are some criteria. This bill would remove any criteria.

I wonder if my hon. colleague could comment on whether he thinks the bill before us now already contravenes clear comments by our federal court judges, never mind an obvious potential charter challenge.

Mr. Joe Comartin: Mr. Speaker, as I think I said in my speech, I believe it obviously does contravene the charter. That wording, which my colleague has just quoted again, would seem to be a very clear confirmation of that position.

If I can advocate on the other side for a moment, our courts are obviously very careful about overturning legislation passed by the elected Parliament. It has the obligation to do that if it clearly offends the charter.

I cannot imagine in this case in this factual situation, with this type of a law, that they would be deferential to Parliament. I believe they would say that the charter is very clear as to due process, equality provisions, and would say this is not charter acceptable.

• (1335)

Hon. Dan McTeague (Pickering—Scarborough East, Lib.): Mr. Speaker, I listened very carefully to the hon. member's very learned comments and his obvious concerns by the charter side of this. I want to ask a very specific question dealing with the consular dimension.

One of the reasons transfer offender treaties were so successful is they allowed us to do diplomatically what was often impossible to do between two nations, where Canadian citizens might in fact find themselves at the whim of an arbitrary regime in which Canadian citizens may not be treated appropriately because they happen to be foreigners and where there may be questions as to whether or not justice itself was correct.

Giving the discretion of the minister to choose based on the evidence adduced from another country creates a number of other

concerns that are extra-judicial to our own sense of due process in this country.

I wonder if the hon. member could comment on how serious this situation is. He mentioned the case of Sacha Bond who continues to be in Florida, languishing without medicines.

I am wondering if the member has given any consideration to the consular dimension which is extremely important and often seen as a safety valve to ensure that Canadians mistreated abroad are, in fact, brought home as soon as possible and the threat that this legislation creates for that.

Mr. Joe Comartin: Mr. Speaker, I must agree that it poses a problem with how we deal with cases that are going on at that point.

One of the other provisions that I cannot accept is that if the offender continues to say, "I'm innocent", and we saw the Martin case, a woman incarcerated on fraud charges. In that situation I think in the way this is worded, the way the government has approached this, she continued to protest her innocence. We have had any number of other cases where people are incarcerated in jurisdictions where they are protesting their innocence and yet the government is going to try to use this now to deny them the right to come back to Canada.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I am very pleased to have the opportunity to participate in the debate this afternoon on Bill C-5, An Act to amend the International Transfer of Offenders Act.

I am very strongly opposed to this piece of legislation. I am opposed to it because I believe that it mucks around inappropriately with an incredibly successful program that is already in place. I see no need or no appropriateness to the government introducing these changes to a program that has served us so very well to this point.

I also very strong believe, as we have heard in debate today and recently from my colleague from Windsor—Tecumseh and my colleague from Vancouver Kingsway, that these changes proposed by the government will make our communities less safe, not more safe. It has completely the opposite effect than the government is saying it will. There are very serious problems with this and I cannot be clearer in my opposition to this legislation.

What is Bill C-5 about? It is identical to a piece of legislation that was introduced earlier in this government's mandate, Bill C-59. That bill died due to prorogation before there was any debate in the House. Bill C-5 contains amendments to the International Transfer of Offenders Act. We have had legislation around the international transfer of offenders since 1978. The current legislation, the International Transfer of Offenders Act, was enacted in 2004.

The act provides a mechanism for foreign nationals imprisoned in Canada to apply for transfer to their home countries to serve out the remainder of their sentence. It also provides the mechanism for Canadian citizens imprisoned abroad to apply for a transfer back to Canada to serve out the remainder of their sentence.

Government Orders

This regime about the international transfer of offenders has been in force for over 30 years, and both Liberal and Conservative governments have overseen the administration of this legislation. They have also, both Conservative and Liberal governments, overseen the transfer of Canadian citizens back to Canada.

How many people have used this mechanism? Between 1978 and 2007, 124 foreign nationals were transferred out of Canadian jails and 1,351 Canadian citizens were transferred back to Canada.

In the current act, the purpose of the act is defined in section 3, and that section says:

The purpose of this Act is to enhance public safety and to contribute to the administration of justice and the rehabilitation of offenders and their reintegration into the community by enabling offenders to serve their sentences in the country of which they are citizens or nationals.

Correctional Service Canada, which obviously has a key interest in the legislation, has a website dedicated to this Transfer of Offenders Act, and it gives more detailed background about the principles underlying how this actually works. I will just quote from that website. It says:

Canadians incarcerated in foreign countries often find themselves facing serious problems coping with local conditions. The most common problems involve culture shock, isolation, language barriers, poor diets, inadequate medical care, disease and inability to contact friends and family...In some prison systems, the offender's family is expected to provide food and financial assistance.

It goes on to say:

The purpose of these agreements is humanitarian to enable offenders to serve their sentence in their country of citizenship, to alleviate undue hardships borne by offenders and their families and facilitate their eventual reintegration into society... Once transferred, the offender's sentence is administered in accordance with the laws of the receiving country.

Just as an aside, this agreement is very important to people in my own constituency. Recently I was visited by a constituent whose son is incarcerated in Japan. He is going through many of those issues that were mentioned on the Correctional Service Canada website, dealing with culture shock, isolation, language barriers in the Japanese correctional system, which is perhaps one of the better ones that a Canadian who is incarcerated overseas might have to deal with. The constituent was explaining to me the difficulties that she and her husband are having in terms of ensuring the safety, the well-being of their son, given the very serious trouble he got into, and everybody acknowledges that he did make some very serious errors.

• (1340)

They are also concerned about some of the changes in consular services that are available to people overseas from Canadian officials when they find themselves in these kinds of very difficult situations. There are very real purposes that affect Canadian families, given the kind of trouble that people have gotten into overseas.

The act explains the process for a transfer application. It says that for a transfer of a Canadian citizen to take place, the offender must consent to the transfer, the country where the offender is currently imprisoned must consent, and the Canadian government must consent. Therefore, the prisoner, the overseas government, and the Canadian government all have to agree to this process.

Currently, the minister of public safety is designated to review all applications for offender transfer and the act specifies that the minister has to consider certain things when evaluating an offender's

application for transfer. There are four things that the minister is compelled to consider currently under the legislation.

The minister has to consider whether the offender's return to Canada would constitute a threat to the security of Canada. The minister has to consider whether the offender left or remained outside Canada with the intention of abandoning Canada as his or her place of permanent residence. The minister also needs to consider whether the offender has any social or family ties in Canada, and finally, whether the foreign entity or its prison system represents a serious threat to the offender's security or human rights. Those are all the current requirements that we see in the existing International Transfer of Offenders Act.

The bill before us, Bill C-5, proposes to change those requirements, and it changes the legislation in a number of ways.

First, it seeks to add the words "to enhance public safety" to the purpose of the act. Where the current act currently states that the minister "shall" consider certain factors, and actually requires the minister to consider certain factors, the new bill, Bill C-5, would change this to read that the minister "may" consider the following factors, thereby dramatically increasing ministerial discretion.

It takes away the requirement to do certain things and in a sense proposes that there are certain suggestions the minister must take into consideration. It is a dramatic change in the legislation.

The new proposal, Bill C-5, seeks to add the phrase "in the Minister's opinion" to the existing factors laid out in the act. What are those new factors that are laid out in the act that the minister may consider, again that the minister is not required to consider but might choose to consider, given these proposals from the government?

Those seven factors are whether, in the minister's opinion, the offender's return to Canada will endanger public safety, including the offender's victim, family or any child, in cases where the offender has committed a sexual offence involving a child, as well as whether, in the minister's opinion, the offender is likely to continue to engage in criminal activity in Canada. The new bill also proposes that the minister may take into consideration the offender's health, whether the offender has refused to participate in rehabilitation programs, whether the offender has accepted responsibility for his or her crime, the manner in which the offender will be supervised after his or her transfer, and whether the offender has co-operated with police.

However, the most important change in this list of factors is the seventh factor, which would allow the minister to take into consideration any other factor that the minister considers relevant. Let me quote that again. The direct quote is "any other factor that the Minister considers relevant" while evaluating an application for transfer.

That is a huge opening to discretion that is utterly inappropriate in this process, that any minister could have the opening to whatever he or she wanted to think was a consideration. To add that into this process is completely inappropriate and irresponsible of the government to go down that road. If there is a reason for defeating and abandoning this legislation, it is right there in that phrase.

Government Orders

•(1345)

What have New Democrats been saying? We have heard a number of New Democrats participate in this debate today. Our justice critic and our public safety critic have participated in the debate.

We agree that enhancing public safety should be one of the purposes of the bill. The safety of the public should be given consideration when assessing an application for transfer. I believe it is already included in the factors that the minister is required to take into consideration. I am sure any minister evaluating an application for the transfer of an international prisoner would take that into consideration.

I do not think there is any indication, and there certainly has been no evidence presented by the government, that public safety has ever been compromised under the current act. It certainly does not seem to be a dramatic problem, and one wonders why the government dreamt up this idea in the first place. It is not an issue that I have ever been apprised of in the exercise of this legislation and this program.

It is important to remember that Canadians transferred back to Canada under the act are not being released immediately into the community. They are returning to serve out their prison sentence in a Canadian correctional facility, where they have access to rehabilitation programs and will be subject to the supervision that our correctional system provides.

We have to remember that whether or not these individuals are approved for a transfer they are eventually going to come back to Canada. When somebody is sentenced to a crime overseas, they serve their time, and at the end of that time, they come home. We cannot block their return to Canada. It is to our advantage to ensure that they have rehabilitation, that they have access to programs that will help them turn their lives around.

That is one of the reasons that a transfer in many cases enhances public safety. If we can get someone back, if we can get them into our rehabilitation programs, if we can ensure that their parole conditions allow for appropriate supervision once they are out of jail, our communities will actually be safer in the long run, safer than they would be if somebody came back who never had to engage in any of these programs and who cannot be supervised once back in Canada. There are lots of good reasons for wanting them to participate in these processes. Public safety is a significant consideration already, given the way these programs work.

We can offer anger management programs, rehabilitation programs, and substance abuse programs in our prison system. Often none of these things is available in programs outside Canada. It is to our advantage to make sure that a Canadian convicted of a crime overseas has access to these kinds of programs.

That is a crucial reason why this legislation is ill-conceived. It would not contribute to public safety. It would lessen public safety, because it would remove the possibility of people engaging in our criminal justice system.

We have to look at how this system has operated. What is the reality of what has happened over the years? How has it functioned? Why would we consider changing the program if there is no evidence that there has been a problem? This is crucial.

There are statistics and facts to bring to bear when we look at this matter. I will give the House one statistic. Of 620 Canadians who were transferred back to Canada under this program between 1993 and 2007, and who were reviewed for readmission to penitentiary in the two years after their sentence expired, only four were readmitted for a new offence. This is .6% of the 620, a .6% recidivism rate among people who were transferred back to Canada to serve out a sentence for a crime they committed overseas. That is an incredibly low recidivism rate.

There is probably nothing in our criminal justice system that could approach this rate of success in ensuring that people do not get into more trouble once they have done their time. The general recidivism rate in our corrections system is around 20% to 25%. This by any measure has been an incredibly significant and successful program.

•(1350)

Given that kind of success rate, a recidivism rate of only .6%, that is, only four people with serious problems out of 620 between 1993 to 2007, it is beyond me why the government would change this program, make it more difficult to participate in it, or even suggest that we ought to increase the ability of a minister to deny someone access to a transfer back to Canada to serve out his or her sentence.

This program has worked. This is a program that we have long-standing experience with. This is a program that allows someone who has gotten into trouble overseas to engage the criminal justice system and correction system in Canada and take advantage of rehabilitation, substance abuse, and anger management programs. We have built these programs into our criminal justice to make our communities safer and to ensure that people who get into trouble have a way out, a way of turning their lives around after making mistakes.

This program allows participation in those kinds of programs. Yet there is a suggestion from the government that we should turn our backs on that success. I think it is absolutely incredible, to put it mildly, that the government has cooked up some mysterious reason that this is an urgent issue demanding the immediate attention of Parliament. There is no reason for us to take up our time in reviewing this program. The program is working and it is necessary. It is an important program for Canadians.

We have heard other reasons in the debate this afternoon about how the program sometimes permits people who have been unfairly convicted overseas to find a way back to Canada. That is one situation that we also need to keep in mind. We have recognized problems with criminal justice systems in other countries, and this program has given us a way of ensuring that Canadians have some recourse when they have suffered unfair convictions overseas. That is something we also need to keep in mind when we look at this.

I believe this is ill-conceived legislation, and I hope it will go down to defeat very shortly in the House. I cannot tell the government to go back to the drawing board, because I do not know what the issue was that it was trying to address in the first place. I do not think it should be mucking around with this successful and important program.

There is little more to be said, except that this bill deserves to go down to defeat in the very near future.

Statements by Members

●(1355)

Mr. Randy Kamp (Parliamentary Secretary to the Minister of Fisheries and Oceans, CPC): Mr. Speaker, I appreciate the thoughtful approach of the member for Burnaby—Douglas to this issue.

He raised the difficulty he has with the clause that gives discretion to the minister to take into account other factors as he deems relevant. He will know it is not an unusual thing for legislation to give discretion to immigration officials, for example, or fisheries officials. They are given discretion because of the difficult situations they confront.

Would he not agree that this does not constitute absolute discretion? Even government members, the minister in this case, are required to follow the principles of natural justice. The colour of one's hair or something like that would never be considered, and such a comparison really is a bit thoughtless. I wonder if he agrees with that.

Mr. Bill Siksay: Mr. Speaker, I appreciate the question.

It is not just my opinion that we are opening this up to too much discretion on the part of the minister, or that the change of wording from "shall" to "may" is ill-advised. There are certain things the minister is required to take into consideration and changing that to a list of things that the minister "may" take into consideration is a dramatic and fateful change to this legislation.

It is not just my opinion. Even with the current legislation, there is a problem. We saw this with the court decision earlier this week, when Justice John O'Keefe of the Federal Court of Canada ruled in two cases where transfers had been denied. He did not question the idea that the minister should have some prerogative, but he did write that courts cannot condone completely unstructured discretion, and that in circumstances where a decision has such a dramatic effect on someone, the law requires a complete explanation, however short the decision.

In two cases before the court, it found that there was a serious problem with ministerial discretion as it currently exists in the law. The problem is even greater in Bill C-5. We have heard that Bill C-5 goes much farther down the road of ministerial discretion than is currently allowed.

I think there are serious problems. It is not just my opinion. It seems to be something that is coming out of the Federal Court of Canada in a decision earlier this week, on Tuesday, in which Justice O'Keefe seems to have been addressing this very issue.

There are serious problems with the whole question of ministerial discretion. The change in this legislation, with respect to the minister's power of discretion, from a list of prescribed criteria to a much broader, open-ended list is a serious matter. I suspect that, given what the court has already said, the present range of ministerial discretion will have difficulty standing up to legal challenges down the road.

The Deputy Speaker: There will be about six and a half minutes left for questions and comments after question period.

STATEMENTS BY MEMBERS

●(1400)

*[English]***FIREARMS REGISTRY**

Mr. Rob Anders (Calgary West, CPC): Mr. Speaker, it has been said that there is no greater fraud than a promise unkept, and that is why yesterday marked a sad day for our democracy.

Members of the opposition from rural and northern Canada had a chance to make good on their promises to vote against the long gun registry. However, they failed to do so.

Though we do not know whether the flip-flopping opposition MPs betrayed their own conscience, we can be certain that they have betrayed the will of the constituents who voted them into office.

It has now become clear that the Liberals and NDP will do anything to make their leaders in downtown Toronto happy, even if it means turning their backs on western and rural Canadians.

The only comfort we can take from this is knowing that Canadian voters will remember which MPs chose to listen to the people who elected them and which ones chose to represent the fears and prejudices of the caviar crowd.

* * *

ST. CLARE'S SCHOOL

Mr. Mario Silva (Davenport, Lib.): Mr. Speaker, Davenport is known for its rich history and deep community roots. That is why my community is honoured to celebrate the 100th anniversary of St. Clare's School.

In 1908, a resident of the then mostly rural community wrote to Archbishop McEvay informing him of the numerous Catholics who had settled in the area and that they were in need of a school and a church.

Within two short years, land had been purchased and a school built.

[Translation]

Several years ago, I met with children from that school when they were collecting hundreds of teddy bears for children in Beslan, Russia, following a terrorist attack.

This event, like many others in the past, shows the compassion, the care and the incredible empathy of the St. Clare's School community.

I would ask all of the members to join me in wishing the students, staff and members of the community the very best as they celebrate the 100th anniversary of St. Clare's School.

EVA OTTAWA AND PAUL-ÉMILE OTTAWA

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, today I would like to congratulate Eva Ottawa on her recent election as grand chief of the Atikamekw Nation Council. Eva Ottawa was the first and only aboriginal woman in Canada to be elected to the position, and on September 15, she was re-elected to serve a second term. She won a comfortable 62% majority, which is a testament to the quality of her leadership and her involvement in the Atikamekw nation. My hearty congratulations on her impressive victory.

I was also pleased to hear that Paul-Émile Ottawa was re-elected for a fifth straight term as chief of the Conseil des Atikamekw de Manawan, a community in the northern part of my riding. Paul-Émile and I have worked together successfully for nearly 10 years on various issues of interest to the community of Manawan. I have no doubt that Chief Paul-Émile Ottawa's re-election means that an experienced and dedicated chief will continue to defend the Atikamekw community of Manawan's interests.

I wish them both a successful term in office.

* * *

[English]

FIRST NATIONS SCHOOLS

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, young Shannen Koostachin had a dream that all children should be able to go to what she called big comfy schools, schools that gave them hope and inspiration. Now, Shannen had never seen a real school, because the children of Attawapiskat First Nation were educated in portables in a toxic field.

Shannen knew that this was not right, so the children began to organize, and they reached out to youth across Canada to help them fight for a school. When she was age 13, she was nominated for the International Children's Peace Prize. However, Shannen never lived to see her dream come true, because she died last May in a horrific car accident.

However, today Shannen's dream lives on in Motion No. 571, which would end the systemic underfunding of first nation schools. We invite all politicians, first nation leaders, students, and educators across Canada to make Shannen's dream a reality, because no child should ever have to beg or fight for an education in this country.

* * *

SEELEY'S BAY, ONTARIO

Mr. Gordon Brown (Leeds—Grenville, CPC): Mr. Speaker, Seeley's Bay, a village in my riding of Leeds—Grenville, wants to be named the Ultimate Fishing Town in Canada.

It is in the final online vote which ends September 30. The titled winning community will receive a \$25,000 prize for local improvement and will be the subject of a 30-minute feature on the World Fishing Network, which is sponsoring the contest.

The feature has the potential to reach more than 42 million sports fishermen across Canada and the United States.

Statements by Members

As the member of Parliament for Leeds—Grenville, I am pleased to add my support to Seeley's Bay and Mayor Frank Kinsella of Leeds and the Thousand Islands in this effort.

People can vote every 12 hours by visiting www.seeleysbay.com.

* * *

● (1405)

SINDI HAWKINS

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, alas, Sindi Hawkins died this week. I rise to pay my respects to a friend, a colleague, and an exceptional human being. She loved and was loved by many, including her Kelowna constituents.

A former nurse turned lawyer, Sindi found her true passion in politics, becoming, in 1996, the first Punjabi woman to be elected to a legislature in all of Canada. She served British Columbians as an MLA and cabinet minister and as an inspiration.

In 2004, Sindi was diagnosed with myeloid leukemia. From that time on, through the roller coaster of cancer treatments, through the wellness and relapses, she raised awareness and blood donations. She raised millions of dollars for cancer, and she raised the spirits of those around her.

Sindi Hawkins was a warm, smart, funny, hard-working humanitarian who always supported and encouraged others, even in her own darkest times.

My deepest condolences to Sindi's family, friends, and community. Her courage and advocacy will live on in her many legacies and in our warm and loving memories.

* * *

[Translation]

GRANBY INTERNATIONAL SONG FESTIVAL

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Mr. Speaker, the Granby international song festival held recently was a resounding success.

With nearly 50 performances featuring more than 70 artists, this 42nd edition boasted record attendance.

Today we would like to thank the volunteers and congratulate all the participants and finalists at the Granby festival. And what can I say about the authenticity, the talent and the energy of the big winner, Lisa LeBlanc, from New Brunswick.

The person at the helm of this great event, Pierre Fortier, general director of the festival, came up with innovative ideas and took the festival to a whole new level. Pierre, thanks to you, your leadership, your vision and your perseverance, the festival is now synonymous with a celebration of francophone music. Congratulations!

The Conservative government is proud to support this event, which generates considerable economic benefits for the Eastern Townships. That is why CED recently announced \$30,000 in funding to promote the festival in France, Switzerland and Belgium.

Statements by Members

Once again, congratulations to everyone who contributed to the success of the 42nd edition of the Granby festival. I wish you continued success.

* * *

CULTURE DAYS

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, the theme of this weekend's Culture Days in Quebec is "Culture Buffet". This event invites us to discover the wealth and talent of Quebec's artists and to attend little-known cultural activities for free.

The ambassador for this weekend, Françoise Faucher, an actor whose career spans 60 years, said, "Culture...anchors us and differentiates us...it is a vital question to not close oneself off, one must continue to be a part of this world."

Many Quebec artists contribute to making Quebec part of this world and differentiating it abroad. That is true for Denis Villeneuve and his film *Incendies*, which has been submitted for consideration at the Oscars, and Karkwa, who on Monday won the Polaris Prize for best album of the year in Canada with *Les chemins de verre*. Some English media have discredited this first-time win by a francophone album, attributing it to the fact that there were four francophones on the panel of 11 judges.

The members of the Bloc Québécois invite the people of Quebec to take part in the Journées de la culture this weekend and to enjoy the buffet.

* * *

CLAUDE BÉCHARD

Mr. Bernard Généreux (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, CPC): Mr. Speaker, on September 7, the Quebec provincial riding of Kamouraska—Témiscouata bid farewell to an extraordinary man. Although only 41 years old, National Assembly member and minister Claude Béchar had made his mark on his riding, his generation and all of Quebec because of his political commitment, tenacity, openness to others and his love for his family, his constituents, his province and his country. In 13 years, Claude Béchar was a minister in at least five departments, and he defended the interests of his riding with courage, determination and a great desire to represent his constituents well.

On behalf of the government and all members of all parties in the House of Commons, I wish to extend my heartfelt condolences to his family, friends, colleagues and constituents.

Claude was not just my MNA; he was also a friend for whom I had and will always have a great deal of respect.

* * *

• (1410)

FIREARMS REGISTRY

Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.): Mr. Speaker, on behalf of the Liberal caucus, I would like to take this opportunity to thank those who worked tirelessly to save the firearms registry: the women's rights advocates, police officers, emergency workers, and victims' groups.

The efforts of people like Heidi Rathjen and Suzanne Laplante-Edward make our society more civilized, and it is because of their contributions to this debate that the gun registry is still here today.

[English]

The contributions made by groups such as women's rights advocates, emergency workers, and victims groups are not going unnoticed. It is because of those efforts that the gun registry is still here today.

The efforts of people such as Heidi Rathjen and Suzanne Laplante-Edward and victims groups are the reason we have effective gun control in Canada.

I also want to extend a special thanks to Canada's police forces, which have been advocating for the registry for many years.

[Translation]

To all those who contributed to this debate and who helped ensure that it was successful, we cannot thank you enough.

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[English]

FREE TRADE

Mr. Rodney Weston (Saint John, CPC): Mr. Speaker, Canada is in a leading position, according to the Economic Freedom of the World index. Our government is following through on a commitment by introducing legislation to implement a free trade agreement with Panama, one of the world's fastest growing economies.

This Conservative government has launched an ambitious trade agenda, opening doors to Canadian business by concluding new free trade agreements with Colombia, Peru, Jordan, Panama and the European Free Trade Association states. It have also launched discussions on economic partnership with two of the world's largest economies: the EU and India.

As evidenced at our G8 and G20 summits, Canadians can count on their government to oppose protectionism and to defend free trade, an essential driver of jobs and growth, on the world stage. Canadian businesses and workers can compete with the best in the world, confident that our government will continue to pursue an ambitious free trade agenda and entrench economic recovery through freer trade and open markets.

Statements by Members

[English]

GOVERNMENT PRIORITIES

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, during a recent Kensington Market pedestrian Sunday, hundreds of Toronto residents signed two giant posters, which I took to Parliament Hill today. The good people of Trinity—Spadina are calling on the government to reconsider its plan to spend \$16 billion on fighter jets. Instead of jets, they want new electric trains, street cars, and buses. Parents want to see their tax dollars invested in high-quality, affordable child care. Students want and need lower tuition fees so that they will not graduate with a debt bigger than their annual salaries. Seniors are tired of worrying about finding enough money to pay hydro and water bills and are calling for an increase to their old age security. We would all benefit from more nurses and doctors and affordable prescription drugs.

Instead of squandering billions of dollars on fighter jets, let us work together and tackle issues that will benefit all Canadians and ensure that no one is left behind.

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UNITED NATIONS

Mr. Peter Goldring (Edmonton East, CPC): Mr. Speaker, today the Prime Minister addressed the General Assembly of the United Nations, highlighting Canada's role on the world stage, including our support for the Global Fund to Fight AIDS, Tuberculosis and Malaria.

At the G8 Summit, Canada brought countries together to encourage support for maternal, newborn, and child health. Canada's participation in the United Nations' mandated mission in Afghanistan, reconstruction efforts in Haiti, and contributions to peace and security in Africa are significantly contributing to a better world.

The dream of the United Nations is to prevent war and conflict while upholding what is right: protecting and helping the weak and the poor. Canada is deeply committed to these peacekeeping and humanitarian aspirations and is enduringly determined to continue its work with the United Nations to achieve these goals.

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[Translation]

MEMBER FOR GATINEAU

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, on September 4, the hon. member for Gatineau received the 2010 plaque of appreciation from the El-Hidaya Association. This organization represents the Arab and Muslim community in Quebec.

On the Lebanese day of remembrance, the member for Gatineau received this honour in Montreal after a decision by the association's selection committee. Every year, this committee honours a public figure for supporting the peace process in the Middle East and the Arab and Muslim community in Quebec.

Speaking for myself and for all the members of the Bloc Québécois, I congratulate the hon. member for Gatineau for his deep commitment to the Middle East peace process and to the establishment of real peace in that corner of the world.

ABORIGINAL AFFAIRS

Mr. Todd Russell (Labrador, Lib.): Mr. Speaker, I just came back from a rally and a march where first nations people are calling for equality in education in this country. I know what that means. I come from a small Métis community. Where I grew up there was a one-room school. I had to move away after grade nine to attend university. I know what it means to not have equal opportunity in education and to have to fight for it.

As an aboriginal leader for 11 years in my community, I know the value of education. I say that education has to be a priority for this government. Elders and youth outside are saying that the people in this chamber must listen to them once and for all and not just say words but act on those words.

If Canada is going to be a fair and more prosperous place, then first nations, Inuit, and Métis people need every opportunity. Education and training opens those doors. If resource projects are going to go ahead, they must be done with the full participation of aboriginal people. That includes educating young people and new entrants into the workforce and skilled jobs.

My party is committed to ending the 2% cap on post-secondary education. We are committed to making sure that we close the educational gap. I call upon the government to do the same thing for first nations in this country.

* * *

● (1415)

FIREARMS REGISTRY

Mr. Phil McColeman (Brant, CPC): Mr. Speaker, yesterday the Liberal, NDP and Bloc coalition voted to keep the long gun registry. Twenty coalition MPs originally supported the simple and straightforward bill to scrap the long gun registry, but under pressure from their Ottawa bosses, they turned their backs on their constituents and voted to keep the registry.

One of those flip-flopers, the member for Malpeque, campaigned on his clear opposition to the long gun registry. Just last year he stated, "I favour a gun control system, but I do not favour a gun control system that makes criminals out of farmers and hunters". Instead of standing with his constituents, he listened to his Toronto leader and voted to keep the wasteful long gun registry. The voters of Malpeque will remember.

On this side of the House, we do not believe in treating law-abiding hunters, farmers and sports shooters as criminals and we will continue to work to scrap the \$2 billion wasteful registry.

*Oral Questions***ORAL QUESTIONS***[Translation]***GOVERNMENT SPENDING**

Hon. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, Canadian families are in debt. They are trying to save by cutting their spending, and they expect the government to do the same. But what do they see? A billion dollars spent on the G8 and G20 summits, advertising expenses that have tripled, untendered contracts for fighter aircraft. And now, a \$6 billion borrow in order to give a gift to corporations.

How can this government explain all of this waste to ordinary Canadian families?

[English]

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, our government is focused on one big thing. It is jobs and the economy. It is what we can do to ensure that Canadian families have jobs, well-paying jobs, and that remains our top priority.

However, let me be very clear. We do believe we also have an important responsibility to our men and women in uniform. The planes that are being purchased will replace planes that will be more than 30 years old. These planes will last to 2040. That is why we are taking a different approach. We actually strongly support our men and women in uniform and want to equip them with the very best.

Hon. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, if the Conservatives care about providing adequate equipment for Canadian soldiers and airmen, why not a competitive bid? That is the issue here.

Ordinary Canadians are struggling to balance their domestic finances. They want the government to do the same. What they see is an airplane purchase without a competitive bid. They see \$1 billion lavished on a 72-hour photo op. They see a tripling of the publicity budget of the government. They see a \$6 billion borrow in order to help tax rates for large corporations.

The question Canadians are asking is this. Where is the fiscal—

The Speaker: Order, please. The hon. government House leader.

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, this government has made jobs and the economy our number one priority. That is why we have seen the creation of some 430,000 net new jobs. That is tremendous good news, but the job is not done. We remain focused. That is why this fall, the Minister of Finance, this entire government and entire Parliament is focused on jobs and the economy, doing more to get even more results.

However, with respect to the decision about an open and transparent process, this is what one individual said, “The decision announced by the government is the culmination of the selection process undertaken between 1997 and 2001 by the Liberal government. That is when Canada decided to join the F-35 program and invested \$165 million”.

Jacques Saada, former—

● (1420)

The Speaker: The hon. Leader of the Opposition.

Hon. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, the government cannot duck the issue of the record. When the finance minister took over in 2006, he inherited a \$13 billion surplus. He then spent at three times the rate of inflation and took us into deficit before the recession began. We now have the largest deficit in Canadian history.

Is it any wonder, with that record, that instead of defending it in his speech at the Chateau Laurier, he decided to launch a slash and burn attack on the opposition instead?

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, let us be very clear. Canada's economy, among all the OECD countries, the industrialized world, is the bright spot. It is the one that is creating jobs. It is the one where there is more hope. It is the one where there is more opportunity.

The Government of Canada is running the most fiscally responsible government in the western industrialized world. On every initiative that this government has taken to ensure that we live within our means, the Liberal Party has said, “spend more, tax more”, and that is not what Canadian families want.

Hon. Geoff Regan (Halifax West, Lib.): Mr. Speaker, the Prime Minister would like Canadians to believe that an MOU compelled Canada to buy the F-35 stealth fighters, but in 2008 the then industry minister said, “this participation does not commit us to purchase the aircraft”.

Former senior defence official, Alan Williams, said, “Never did we promise to purchase the aircraft”.

Why is the Prime Minister misleading Canadians?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, let us be perfectly clear. In fact, it was a former Liberal government that participated in an extensive and rigorous U.S.-led competitive process between 1997 and 2001, where two bidders developed and competed a prototype aircraft. Then, after that competition, it was the Liberal government that signed on with the joint strike fighter program in 2002, after an extensive competition to choose the F-35 Lightning.

Why was it okay for the Liberals? Why, once again, are we seeing a Liberal Party backing away from previous decisions and trying to shortchange the Canadian Forces?

Hon. Geoff Regan (Halifax West, Lib.): Mr. Speaker, I hope he is not accusing his colleague beside him of lying.

[Translation]

This summer, the Prime Minister boasted about making the rules himself.

Now he is making up stories about the F-35 fighter jets. This \$16 billion contract was untendered. There is no guarantee of regional spinoffs and jobs in Canada. And other countries got a better deal.

Why are they making Canadians pay for their incompetence?

Oral Questions

Hon. Peter MacKay (Minister of National Defence, CPC): Quite the contrary, Mr. Speaker. As always, what the member is saying is incorrect. He is not sticking to the facts.

[*English*]

It was in fact his government that started down this road.

Our government has now exercised the option to purchase the F-35 aircraft, which will create a win-win situation: great for the Canadian Forces, a stealth aircraft with service that will take us into the next decade and well beyond and a tremendous benefit for the Canadian aerospace industry, with the opportunity to bid on 5,000 aircraft, opening up opportunities for \$12 billion in contracts for Canadian companies.

* * *

[*Translation*]

FIREARMS REGISTRY

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, when the Prime Minister was in opposition, he repeatedly accused the Liberal government of the day of not respecting the will of the House. The Prime Minister's statement following yesterday's vote suggests that his feelings have changed. He has no intention of respecting the will of the majority of the members.

If the Prime Minister thinks it is so important to respect the will of the House, then why is he not respecting the outcome of the vote, which confirmed that a majority wants to maintain the gun registry?

Hon. Christian Paradis (Minister of Natural Resources, CPC): Mr. Speaker, it is clear. Our party made this election promise in 2006 and in 2008. We object. We want to scrap the long gun registry. We object to making criminals of honest hunters and farmers who do not register their long guns, period. We do not object to regulating firearms in general. We said that we would scrap the long gun registry, and we will keep working to make that happen, and that is all there is to it.

• (1425)

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, a few days ago, the Leader of the Government in the House of Commons promised to work with the opposition and listen to what it had to say. If the government House leader really meant what he said, why does he not start by ending the gun registration amnesty, which is compromising the registry?

The role of government is to enforce the law, not to find ways around it. Its job is to enforce the law. Why is it doing the opposite?

Hon. Christian Paradis (Minister of Natural Resources, CPC): Mr. Speaker, it is clear. We made an election promise to scrap the long gun registry. We do not think it should be a crime for honest hunters and farmers to have unregistered weapons, period. As for the majority, it appears that some members flip-flopped and decided to vote against what their constituents want.

Just yesterday, the member for Chicoutimi—Le Fjord was reminded once again that he was not acting in accordance with his constituents' wishes. As for the so-called consensus, we will see about that.

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Speaker, 188 of the 200 elected members from Quebec, both in the Quebec National

Assembly and here in the House of Commons, reiterated their support for the firearms registry this week. The government must pay heed to the will of Quebec and the vote in the House of Commons. We are calling on the government to put an end to the amnesty and make the registry permanently free.

Will the government adopt these two measures in order to restore the registry's reliability and help police officers do their job?

[*English*]

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, as we can see, the real agenda of the Bloc Québécois and its coalition partners is in fact to recriminalize the issue and to ensure that hunters and farmers are penalized on a criminal basis.

Twenty coalition MPs originally supported the simple and straightforward bill to scrap the long gun registry. When under pressure from their party leaders, they turned their backs on their constituents and they voted to keep the registry.

The Conservative Party does not believe in treating law-abiding hunters, farmers and sportsmen as criminals.

[*Translation*]

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Speaker, we would like to make a proposal concerning the fight against crime. The firearms marking regulations, which were supposed to take effect in April 2006, still have not been implemented. This measure would help police forces fight gun smuggling more effectively.

When will this government stop making things easier for smugglers?

[*English*]

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, this government is not prepared to criminalize the actions of law-abiding hunters, farmers and sports shooters and treat them as criminals, as members of the coalition would have us do.

This is the closest we have come to dismantling the \$2 billion wasteful and ineffective long gun registry. We will continue to work to scrap it. We continue to favour abolition of the wasteful and ineffective long gun registry.

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EMPLOYMENT

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the Prime Minister does not understand the real economy. People are losing their jobs at a rate that is vitally affecting their families. Unemployment is rising. The jobs that are being created are part time and temporary. People cannot pay their bills with those kinds of jobs. That is not a real recovery.

More than a million and a half Canadians are out of work and what do the Conservatives do? They give \$20 billion in tax breaks to the most profitable corporations.

Oral Questions

Why does the Prime Minister not understand that he should work with us, use the New Democratic approach of targeted investments to create good, real—

The Speaker: The hon. government House leader.

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, I remember the New Democratic approach in the province of Ontario. Everything that was supposed to go down was going up and everything that was going up was supposed to be going down.

We have seen the creation of 430,000 net new jobs. That is nothing more than a good start. We must remain focused on the economy, focused on job creation.

That is why this fall we have the opportunity to debate more trade deals so we can have more jobs in the export sector. That is why we will be working hard this fall on the economy.

• (1430)

[*Translation*]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, Statistics Canada reported today that more and more unemployed workers are losing their benefits. In Quebec, there has been an increase of 11%. What is the Prime Minister's solution? He is lowering taxes for big business and forcing people to turn to social assistance. That is his solution.

When will the government work with us to create real jobs through a national infrastructure program and stop passing the fiscal burden for social programs on to the provinces?

[*English*]

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, the Minister of Human Resources and Skills Development has done an outstanding job, travelling across the country, listening to those who are unemployed, listening to what our government could do better to support them. That is why we have come forward with some pretty comprehensive reforms to the employment insurance system.

Through our economic action plan with respect to infrastructure, we have seen more than 12,000 projects supported in every corner of the country.

We are working hard. We have always been fair and reasonable with our friends in the provinces and territories and we will continue to do so.

* * *

PENSIONS

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, if that were true, why is the unemployment rate going up? The government is not taking any action for heaven's sake.

Let us turn to another group in our society. What about seniors? They are now discovering that their pension cheques are going to go up by less than 1%, just pennies a month. Just like the unemployed, it turns out that seniors are not a priority for the government and yet many of them are living in poverty.

Who is getting the benefits? Who is the priority? The banks are getting \$600 million this year in additional tax breaks alone. For that amount of money, every senior could be lifted out of poverty.

Why does the Prime Minister not do it?

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, with respect to federal pensions, by a statute of this House they go up by the rate of inflation.

We have provided great support to Canadian seniors for the great contributions they have made to our country. They deserve it. That is why this government has provided unprecedented support to them.

We have to see a growing economy, and that is why Canada has become a magnet for jobs, investment and opportunity. That is why we have seen the creation of 430,000 net new jobs. That is good news. The job is not done. We remain focused on creating even more.

* * *

[*Translation*]

GOVERNMENT PROGRAMS

Hon. John McCallum (Markham—Unionville, Lib.): Mr. Speaker, in communities like Lachute, there has been an escalating bidding war for labour and materials, all because of the Conservatives' arbitrary deadline.

Will the minister finally make amends, help out struggling communities and announce, today, that he will extend the deadline by at least six months?

[*English*]

Hon. Chuck Strahl (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, our government has had a great relationship with the provinces, with municipalities, with proponents across the country.

My predecessor announced some 12,000 projects from coast to coast. Thousands upon thousands of jobs are being created. The vast majority of those projects are well under way; I think it is over 93% or 94%. I think we should give the previous minister an A-plus for the number of projects that are getting done.

We continue to be reasonable in working with the provinces. We continue to work with them to scope projects and to see if there are problems. They will be reporting back to me shortly with an updated list.

Hon. John McCallum (Markham—Unionville, Lib.): Mr. Speaker, we are not calling for a penny of new stimulus, only that the government extend its arbitrary deadline and honour existing commitments to communities.

Right now Conservatives are shifting the burden to hard-pressed property taxpayers. When all municipalities across the land are subject to the same arbitrary deadline, we get a senseless bidding war for labour and materials that further raises the cost to taxpayers.

Will the minister announce today that he is extending his dumb deadline?

Oral Questions

Hon. Chuck Strahl (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, the infrastructure stimulus fund was a targeted, timely and temporary program. I can imagine how the Liberals would just like this to drift on and on. They never saw a program they did not want to spend more money on.

The key is this. We have signed agreements with municipalities and provinces that talk about how this money will roll out. We are working closely with the provinces. They are all in the midst of giving reports back to me. I talked to my Quebec counterpart today, for example. Reports will be coming back in the next week or two to give us the latest status.

We have been fair and reasonable on this throughout and we will continue to be that way in the future.

* * *

• (1435)

CENSUS

Hon. Navdeep Bains (Mississauga—Brampton South, Lib.): Mr. Speaker, the Conservatives' fear of data has real consequences for Canadian small business. These businesses rely on census data to help build and expand their markets.

The Canadian Restaurant and Foodservices Association, representing over 33,000 members, says that the long form census is not research that should be gambled with.

Why is the Minister of Industry gambling with the livelihood of Canada's one million restaurant workers?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, as has been stated by me and by the Chief Statistician, there will be useful and usable data for most users with the long form questionnaire that is replacing the mandatory census.

What I find shocking is how willing the Liberal Party and their coalition partners are to force, to coerce, to use jail time and fines to get this information out of their fellow Canadians. That is what I find shocking.

Hon. Navdeep Bains (Mississauga—Brampton South, Lib.): Mr. Speaker, that is fearmongering and it is unacceptable. No one has ever been jailed for the census.

Let me give an example. A Mississauga-based small business, Pickard and Laws, says that the government's plan to replace the long form census will be more costly, more time consuming and will result in poorer information.

Even worse, the Conservatives' \$13 billion job-killing payroll tax is predicted to kill 220,000 jobs.

Taxing jobs and taking away essential tools, how is this good for business?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, as I said, we are not taking away essential tools at all.

We are working in a fair and reasonable way to have a balance between the need for data and the idea that we should not coerce or force our citizens who may conscientiously object to giving very private information to government officials. That is the balance we have struck.

The hon. member is wrong. We are not doing something that is unreasonable. We are doing the reasonable thing. Why do they cling to the unreasonable position?

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[*Translation*]

ABORIGINAL COMMUNITIES

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, Canada is trying to get a seat on the United Nations Security Council. In his speech to the UN, the Prime Minister presented himself as a leader in the fight against poverty. However, under his government, aboriginal communities live in what often resemble third world conditions.

How can the Prime Minister be taken seriously at the UN when he refuses to make the effort to improve living conditions for aboriginal people here at home?

[*English*]

Hon. John Duncan (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, there have been great new investments since this government came into power in 2006.

I might add that the throne speech this year made a strong commitment that we would endorse the UN Declaration on the Rights of Indigenous Peoples. We will be doing that very soon.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): When, Mr. Speaker?

Canada can hardly take a seat on the United Nations Security Council when it is one of only two countries that have not ratified the UN Declaration on the Rights of Indigenous Peoples.

How can the Prime Minister hope to have a seat on the UN Security Council when he refuses to sign this essential declaration for improving living conditions for aboriginal people here and elsewhere?

[*English*]

Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Speaker, I am very pleased to announce to the House that the Prime Minister has just finished his speech to the United Nations where he highlighted very strongly Canada's commitment on the international stage and where Canada stands.

We know that with Canada's excellent record on the international stage, we will be successful in the UN Security Council bid.

Oral Questions

[Translation]

INFRASTRUCTURE

Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ): Mr. Speaker, according to the experts, Canada's growth is expected to be less than 1% in the next few months, slower than that of the United States, which is already anemic. A good way to shore up the economy is to ensure that the infrastructure projects move forward. The March 31, 2011, deadline jeopardizes projects such as those in the municipalities of Saint-François-de-Sales, Saint-Félicien and Roberval, which have received exorbitant bids or none at all.

Why penalize the regions and hurt their economies by refusing to extend the March 31, 2011, deadline?

• (1440)

[English]

Hon. Chuck Strahl (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I did get a quick update, and 99% of all the projects are under way. There are still six months to go until the deadline.

What is clear is that we have been working with the provinces. For example, I talked this morning with Monsieur Lessard, my provincial counterpart. He and I, of course, have a good working relationship. We talk about the projects that are in progress. We talk about the updated information that he is receiving from the municipalities, and in turn when that information is compiled, we will talk about whether there are other steps we need to take.

We work co-operatively. It is a strange concept to the Bloc but co-operation actually does work.

[Translation]

Mr. Luc Desnoyers (Rivière-des-Mille-Îles, BQ): Mr. Speaker, the March 31, 2011, deadline will prevent Saint-Eustache, where the work has been delayed by federal red tape, from rebuilding the Corbeil and Joseph-Lacombe bridges, which would qualify for almost \$6.5 million in assistance.

Why is the government refusing, against all logic, to extend the March 31, 2011, deadline, which would make it possible for Saint-Eustache to rebuild its two bridges and have proper, safe access to Îles Corbeil?

[English]

Hon. Chuck Strahl (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, the hon. member is talking about the fact that so many projects, thousands upon thousands of projects, good projects, are providing much needed infrastructure across the country, providing jobs, providing opportunity and are helping to bind our country together in a common cause called hope and opportunity.

What we do not want to do is listen too closely to the Bloc, because those members voted against this project. They said they did not want the economic action plan to go ahead. In fact, if it were up to them, this project would not only not be finished, it would never have been started.

FOOD SAFETY

Mrs. Bonnie Crombie (Mississauga—Streetsville, Lib.): Mr. Speaker, the Minister of Agriculture admitted that he does not know how many meat inspectors he has at the Canadian Food Inspection Agency.

Canada went through a listeriosis crisis. Twenty-two people died. Yet here we are, two years later, and the minister is still not taking food safety seriously.

In March he promised to hire upward of 170 additional inspectors. Why did the minister fail so miserably in honouring that commitment? If he cannot tell us how many inspectors he has, how can he protect Canadians?

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Of course, Mr. Speaker, that number is liquid, as the duties change from day to day. What I can assure the member opposite is that we continue to build the strength and efficacy of the CFIA.

Since we formed government, we have increased the inspection staff by 538 net new inspectors. They are on the job getting the work done.

Mrs. Bonnie Crombie (Mississauga—Streetsville, Lib.): Mr. Speaker, the minister failed in his promise of more inspectors and a more secure food inspection system.

Today, he admits he has no idea of what resources he has dedicated to food safety. Right now, meat headed to the U.S. is more vigorously inspected than meat sold here in Canada.

Let me repeat. We have just gone through a listeriosis crisis. Twenty-two Canadians have died. What will it take for the minister to act?

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, that is simply a fact-free rant.

What I just told the member opposite is that we have increased the funding to CFIA by 13% this year alone. We have hired a net new inspector list of 538 people since we formed government. We have slowly been rebuilding CFIA after that dark period of 13 years under her government.

* * *

[Translation]

THE ENVIRONMENT

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Mr. Speaker, in the spring, the Minister of the Environment called Dr. Schindler's data on pollution of the Athabasca River by the oil sands industry mere allegations and muzzled his own scientists on this matter. Ignoring science has become the hallmark of this Conservative government, which prefers to remain in the dark rather than face reality.

How does denigrating the research of a respected Canadian scientist with an international reputation help to improve the image of the oil sands in our largest export market for oil, the United States?

[English]

Hon. Jim Prentice (Minister of the Environment, CPC): Mr. Speaker, I welcome my hon. colleague to his responsibilities, which I understand is as critic for water.

Our objective as a country must be to be the most environmentally sustainable producer of all kinds of energy, and that includes the oil sands. I am well aware of Dr. Schindler's research. I have read his peer reviewed publications. In fact, I travelled via Edmonton last week and met with Dr. Schindler face to face.

As my hon. friend knows, the questions that he has raised relate to the state of the water monitoring regime that is in place in Alberta. Since that time, I have met with the Premier of Alberta and the minister of environment and have expressed my concerns to them. It is for this reason that we are moving ahead with a panel of Canada's most distinguished scientists to deal with this issue.

• (1445)

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Mr. Speaker, why did it take photographs of deformed fish to get the minister to move on this only two weeks ago? Eighteen months ago, the minister was aware of Dr. Schindler's testimony before the environment committee that showed the oil sands industry was contaminating the Athabasca River and yet he continued to stonewall.

Will the minister adopt the 15 recommendations in the Liberal report on water and oil sands and will he begin enforcing, among other things, the Fisheries Act in the oil sands region?

Hon. Jim Prentice (Minister of the Environment, CPC): Mr. Speaker, there is a fair bit of indignation from my friend from the Liberal Party when in fact most of the companies that produce oil and bitumen from the oil sands were approved under the environmental regime of the former Liberal government.

However, this government is dealing with the issue. We have struck a panel of advisers. We have also secured a piece of digital fingerprinting equipment that will allow us to trace any substances in the Athabasca River back to their original source. We are dealing with this. We will deal with it with the best scientists in the country and Canada will stand by its reputation to be the most environmentally conscious producer of energy.

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FIREARMS REGISTRY

Mr. Rob Clarke (Desnethé—Missinippi—Churchill River, CPC): Mr. Speaker, having been a member of the RCMP for over 18 years, I was disappointed yesterday when the coalition voted to keep the wasteful and ineffective long gun registry. Twenty coalition MPs who originally voted to scrap the long gun registry bowed under the pressure from their Ottawa bosses and voted to keep the wasteful registry. I will continue to work to scrap this wasteful and ineffective registry.

Could the Minister of Public Safety update the House on our efforts to scrap this registry?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, I thank the member for his lengthy service in the RCMP. I am glad

Oral Questions

the member had the courage of his convictions to stand in this place and represent his constituents.

The voters will remember those 20 coalition MPs who flip-flopped on this issue. This is the furthest that we have come to dismantling the wasteful and ineffective long gun registry and we will continue to work with that member to in fact scrap the long gun registry.

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ABORIGINAL AFFAIRS

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, there are first nations, union partners, university and college students all rallying together on Parliament Hill today to celebrate education, but it is getting harder and harder to keep spirits up as fewer and fewer first nations are going on to post-secondary. The punitive 2% funding cap means that bands have to choose which students can go to school and which students are denied.

Will the government listen to the crowds outside and lift that 2% cap?

Hon. John Duncan (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, we are well aware of the challenges. I joined the member for Nanaimo—Cowichan at the rally today. It is a very impressive group out there.

The government is committed to improving first nations' education and we are working with the first nations and with the provinces. There are some real issues that need to be looked at, including declining access to the fund right when the aboriginal population is growing. We are committed to ensuring students get access to this educational fund.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, although past governments created that cap in the first place, the Conservatives have used it to keep first nations begging for money to allow their children to go to school. Because of the neglect of the government, band councils are scraping together the money for education, finding money for guidance counsellors, putting computers in schools and putting books on shelves in their libraries, all things for which the current government has refused to pay.

Why is the government promoting two-tier education for first nations communities?

• (1450)

Hon. John Duncan (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, the government is engaged in a new approach to providing support for first nations and Inuit post-secondary students to ensure they receive the support they need. The new approach will be effective and accountable and will be coordinated with other federal student support programs. We will be working with aboriginal organizations as we move forward.

Oral Questions

We are committed to ensuring students are supported and we intend to correct a program that is ailing.

* * *

[Translation]

AFGHANISTAN

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, the government has just made public the number of Afghan detainees transferred by the Canadian army. Although the government claimed for four years that this information could jeopardize the safety of the troops, it has now done an about-face.

Why did it take the government so long to agree to provide the figures that would give an idea of the extent of the transfers, as the opposition had requested for months?

[English]

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, the decision to release this information, dated back to 2001, was made in consultation, of course, with military leaders. Operations on the ground could have been sacrificed and it could have put our soldiers, our civilians there, in jeopardy.

A decision has now been made to withhold the information for a 12-month period before release. The information is now available. It does disclose, in a transparent and open way, how Canadian Forces are continuing their operations there. We will continue to do so in a transparent and open way with all Canadians so that they can see how we are succeeding.

[Translation]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, to justify its decision to release the information requested by the opposition, the government is claiming that the level of risk has changed. However, on the ground, it is quite the opposite. Security is deteriorating and insurgent violence is escalating.

Will the government acknowledge that there was no justification for hiding this information from the public for four years?

[English]

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, the hon. member may not be worried about operational security but I am. Those are concerns, I think, shared by military leaders, and certainly other countries look at this situation similarly.

We have conducted a review and have determined that the risks to operational security are now minimal as long as the information is provided on an annual basis and it has been held by the Canadian Forces for a minimum of 12 months. This will eliminate the value of any information that Taliban insurgents could use to the detriment of our forces. I hope the hon. member will keep that in his head.

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VETERANS AFFAIRS

Ms. Kirsty Duncan (Etobicoke North, Lib.): Mr. Speaker, for the third straight day we are forced to ask the Minister of Veterans Affairs whether veterans' benefits will be retroactive to 2006. For two days he has not answered the question. Veterans could be forgiven for concluding that the minister has no intention whatsoever of supporting veterans already in the system.

On behalf of courageous veterans, could the minister give this House a straight answer?

[Translation]

Hon. Jean-Pierre Blackburn (Minister of Veterans Affairs and Minister of State (Agriculture), CPC): Mr. Speaker, as members know, four days ago we announced that more than \$2 billion would be provided to support our veterans, especially recent veterans. We have put in place various additional assistance programs, including a stipend of \$1,000.

How will it work? First, a bill will soon be introduced. I hope that the Liberal Party and the other opposition parties will quickly lend their support in order to provide our veterans with this assistance. Veterans of previous conflicts who are eligible for this program as well as recent veterans will receive these additional amounts.

[English]

Ms. Kirsty Duncan (Etobicoke North, Lib.): Mr. Speaker, veterans are waiting and watching. They deserve better.

Since the minister will not answer the question, is he really telling us that a veteran injured in Afghanistan a few months ago is less worthy of Canada's help?

[Translation]

Hon. Jean-Pierre Blackburn (Minister of Veterans Affairs and Minister of State (Agriculture), CPC): Mr. Speaker, we have just made two changes. This charter was introduced when the Liberal Party was in power. We are the ones fixing the problems they created, and we are injecting \$2 billion to do that.

As for the veterans, a soldier who returns from Afghanistan and is in rehabilitation will be given 75% of his salary, with a minimum benefit of \$40,000. In addition, there will be a lifetime stipend of \$1,000 per month for veterans who are seriously wounded and cannot return to work.

There you have it. We care about our veterans and we are taking action to help them. I will be making more announcements in the days to come.

* * *

● (1455)

[English]

AGRICULTURE

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Mr. Speaker, cow-calf producers have been sorely neglected for many years. This year, flooding and drought are decimating producers but the government is too busy on other issues to listen to rural farmers.

Agriability is not working out. Crop insurance does not apply. There is nothing to invest in agri-invest and agri-recovery is a total bust.

While cattle producers are facing a huge loss and grain producers are not getting adequate compensation, the Conservatives are offering no hope at all.

When will the government wake up and focus on fixing these crucial farm support programs?

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, with no thanks to the NDP, this government delivered the largest aid package to western Canadian farmers in the history of this country. This builds upon an estimated \$1.4 billion in crop insurance, which is the first line of defence. Of course, agristability this year will pick up a lot of the slack in crops that we will not see harvested due to weather that is out there.

However, I do have some great quotes from some of the livestock folks out there. Travis Toews, president of the Canadian Cattle Association, says, "This quick response is impressive". He agrees with us. I wish the member from the NDP would help us in this endeavour.

[Translation]

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Mr. Speaker, that is not the message I am getting from farmers across Canada. Things are not getting better.

In Ontario, there are calls to include risk management in our assistance programs. In the west, farmers are saying that the time has come to do a comprehensive study of rail rates to ensure the transparency of the two major rail companies.

And in British Columbia, apple producers are threatened by the dumping of American apples in Canada.

When will the minister finally listen to what rural Canada is saying?

[English]

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, if that member and his cronies across had listened to rural Canada last night, they would have all voted to end the obnoxious long gun registry.

* * *

[Translation]

FIREARMS REGISTRY

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Mr. Speaker, like everyone else, our government knows that criminals do not register their long guns. We also know that the long gun registry is ineffective, that 98% of crimes are committed with unregistered firearms, and that it was unable to prevent the Dawson College tragedy. We also know that the Liberals and the proposals from the NDP are unconstitutional and infringe upon the rights of the provinces, including Quebec.

I will continue working to give our police forces an effective and reliable tool. Could the Minister of Natural Resources talk to us about measures to remove hunting rifles from the firearms registry?

Hon. Christian Paradis (Minister of Natural Resources, CPC): Mr. Speaker, it is clear; we have always wanted to abolish the long

gun registry, which makes criminals out of honest hunters and farmers who do not register their firearms. By decriminalizing it, it is clear that the Canadian Parliament no longer has jurisdiction. That said, if the provinces want to have a long gun registry, they have that option. The registration of goods and property is a provincial jurisdiction.

One thing is certain: there are members on the other side of the House who voted against the wishes of their constituents to toe the party line here in Ottawa. That is shameful.

Some hon. members: Oh, oh!

[English]

The Speaker: Order, please. We will have little order.

[Translation]

Order, please. There is too much noise in the House, and it is difficult to hear the member who is speaking.

The hon. member for Wascana. Order, please.

* * *

[English]

POTASH INDUSTRY

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, the recent experience with foreign takeovers has been troubling and now there is a transaction looming over the Potash Corporation of Saskatchewan.

Will the government make public any analysis it does of the terms of any proposed potash deal, including specifically the conditions it applies? Will it provide practical, enforceable remedies if any of those conditions are breached? Will it ensure that any new potash marketing strategy provides a measurable net benefit to Saskatchewan at least as good as what exists today?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, as the member is well aware, there is a legal process that has to be adhered to. He knows full well having been in government before.

Certainly, part of that process is an examination to ensure that whatever investment is being suggested is of net benefit to Canada.

There is a rigorous process. There are consultations with affected parties. We are consulting with the Government of Saskatchewan, I can assure the hon. member, and we will certainly make decisions in due course.

* * *

● (1500)

[Translation]

MONT TREMBLANT INTERNATIONAL AIRPORT

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Mr. Speaker, on June 18, 2010, the House of Commons unanimously adopted a Bloc Québécois motion recognizing the Mont Tremblant International Airport as an airport of entry into the country without customs charges, as is the case with the airports in Montreal and Quebec City. This recognition is vital to the expansion of the airport and the region.

Business of the House

So why does the Minister of Public Safety insist on maintaining customs charges on international flights during the summer?

[English]

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, the CBSA, in fact, believes that Canadians deserve value for their money and programs that produce results.

That is why we ensure that all government programs are reviewed on a regular cycle to ensure that they are effective and efficient, and that they respond to the priorities of Canadians.

Through this strategic review process the CBSA identified better ways to meet its mandate and align its priorities with the priorities of Canadians.

* * *

CENSUS

Mr. Tony Martin (Sault Ste. Marie, NDP): Mr. Speaker, we finally see the government's poverty plan to help low income Canadians: kill the mandatory census and count fewer and fewer of the 3.4 million poor. No poor, therefore no poverty and no plan.

There are many rural Canadians at this number as well. The Evangelical Fellowship said, "God understood a census. You do it to count all people and build a nation".

Will the government stick with its stiff necked response or join the chorus of Canadians who know we build good public policy by counting everyone?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, we are counting everyone. There is still a mandatory census just as there has been since the beginning of this country.

That mandatory census is still going on. It will be going on in May 2011 just as planned. We have a 40-page voluntary long form which will provide useful and usable data as defined by the Chief Statistician of Statistics Canada. Therefore, we are doing our job.

Will the hon. member please explain why he wishes to coerce Canadians to fill out a 40-page form full of private and intrusive questions?

* * *

INTERNATIONAL TRADE

Mr. Ed Holder (London West, CPC): Mr. Speaker, Canada is and has always been a trading nation. Two-thirds of Canadian jobs are trade dependent. Canadians businesses and Canadian workers can compete on the world stage, but they rely on their government to open markets and expand free trade.

As our country begins to emerge from the global recession, it is crucial that the government continue to open markets and expand opportunities for Canadian workers and Canadian businesses.

Would the Minister of International Trade update the House on the work the government is doing to open markets for Canadians?

Hon. Peter Van Loan (Minister of International Trade, CPC): Mr. Speaker, our government knows that the path to prosperity is through free trade.

That is why I was proud today to introduce the Canada-Panama free trade agreement. This is just in addition to free trade agreements we have already signed with Colombia, Peru, Jordan and the four countries of the European Free Trade Association.

What is more, we are deeply engaged and well advanced right now on free trade talks with the European Union that will put in place a broad and deep agreement that will deliver a \$12 billion annual boost to the Canadian economy.

It will make us the only developed economy in the world with free trade agreements with both the United States and the European Union, the two biggest economies in the world, which is a great platform for Canadian success.

* * *

BUSINESS OF THE HOUSE

Mr. David McGuinty (Ottawa South, Lib.): Mr. Speaker, I hope you will indulge me just for a moment, so I can acknowledge the member for Wascana for his four years of exceptional service as opposition House leader and of course congratulate him on his promotion to deputy leader of the Liberal Party of Canada.

It is a great honour and a privilege to take on these responsibilities, all the while aware that I follow in a long line of dedicated opposition House leaders, including Jean-Robert Gauthier, Ray Hnatyshyn, Herb Gray, Walter Baker, Allan J. MacEachen and so many others.

I would like to congratulate the government House leader on his appointment, and I look forward to working co-operatively with all of the House leaders to help make this House work effectively in the best interests of Canadians.

In that spirit, for the very first time, I would like to ask the government House leader to share with us his plans for the business of the House for the remainder of this week and next week coming.

● (1505)

[Translation]

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, I would like to take this opportunity to officially congratulate the House leader of the official opposition on his first Thursday question and of course on his appointment as House leader. As I have already said, we want to make this Parliament work for Canadians and co-operate with all the opposition parties.

[English]

Let me also tell him, and particularly his leader, how very disappointed I am that I will not have the chance to work shoulder to shoulder with the great, wise helmsman from Wascana.

Let me take this opportunity to once again, in English, officially congratulate the House leader of the official opposition on his first Thursday question. As I have said in the past, we all want to work hard, we all want to work collaboratively to make this House work, and not just with him.

[Translation]

We also want to do so with our friends in the Bloc Québécois and the New Democratic Party.

[English]

As government House leader, one of my very first acts on the day of the cabinet shuffle was to reach out to my opposition counterparts. Since then, I have had the opportunity to sit down with each of them and to hear their views about making Parliament work. I look forward to working with them over the coming days, weeks, months and years to do just that.

As for the House schedule, we will continue debate today on Bill C-5 (International Transfer of Offenders), followed by Bill C-31, Eliminating Entitlements for Prisoners, and Bill C-22, Protecting Children from Online Sexual Exploitation.

On Monday, we will call Bill C-8, Canada-Jordan Free Trade Act, and Bill C-28, Fighting Spam, an important piece of legislation presented by the Minister of Industry.

Tuesday, September 28, will be an allotted day, and on Wednesday and Thursday, the order of business will be Bill C-8, if not already disposed of on Monday, Bill C-46, Canada-Panama Free Trade Act, and Bill C-28, Fighting Spam.

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BOARD OF INTERNAL ECONOMY

The Speaker: I have the honour to inform the House that Mr. McGuinty, member for the electoral district of Ottawa South, has been appointed a member of the Board of Internal Economy, in place of Mr. Cuzner, member for the electoral district of Cape Breton—Canso, for the purposes and under the provisions of Article 50 of the Parliament of Canada Act.

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POINTS OF ORDER

BILL C-300—ROYAL RECOMMENDATION

Hon. Jim Abbott (Parliamentary Secretary to the Minister of International Cooperation, CPC): Mr. Speaker, I am rising on a point of order regarding Bill C-300, An Act respecting Corporate Accountability for the Activities of Mining, Oil or Gas in Developing Countries, introduced by the member for Scarborough—Guildwood.

I recognize that my colleague, the Parliamentary Secretary to the Government House Leader, rose on another point of order on this bill earlier this week. This also prompted submissions by members for Scarborough—Guildwood and Mississauga South.

I would like to submit my arguments as to why this bill would require a royal recommendation in order to proceed to third reading.

Points of Order

The member for Scarborough—Guildwood submitted that we have been at this bill now for some 13 or 14 months and here we are at the last minute raising the issue of royal recommendation. I would like to point out that it was not until the last possible opportunity that the member put forward amendments to his bill. None of these amendments address the need for royal recommendation so now we are faced with a bill that should not proceed.

Standing Order 79(1) reads as follows:

This House shall not adopt or pass any vote, resolution, address or bill for the appropriation of any part of the public revenue, or of any tax or impost, to any purpose that has not been first recommended to the House by a message from the Governor General in the session in which such vote, resolution, address or bill is proposed.

Mr. Speaker, as you are no doubt aware, as we see in the *Journals* from November 9, 1978, the imposition of new duties on an existing department or authority requires a royal recommendation. Bill C-300 clearly assigns new duties to the Minister of Foreign Affairs and International Trade.

On September 27, 2006, you ruled a particular bill acceptable because you could not speculate on the functions that the legislation would force the government to disburse. Fortunately, in this instance, you need not speculate. Section 4 starts by saying:

In carrying out their responsibilities and powers under this Act, the Ministers shall—

It is obvious and does not require speculation that this bill attempts to ascribe new responsibilities and powers to the Minister of Foreign Affairs and International Trade.

On November 9, 2006, Mr. Speaker, you ruled another bill needed a royal recommendation because it extended a program that would require funding. Bill C-300 required disbursement of funding in order for the ministers to carry out their duties ascribed to them.

I point out that I have information in hand that says that the World Bank's parallel investigations, for example, which is exactly what this bill is calling for, cost \$3.3 million in 2009 to investigate 11 new complaints. Mr. Speaker, I submit that fact for your consideration as well.

We had the opportunity to hear expert testimony from our bureaucrats at DFAIT. Allow me to read into the record the testimony from the Standing Committee on Foreign Affairs and International Development meeting of December 1, 2009:

[The member for Kootenay—Columbia]: I want to be careful that I'm not putting words in your mouth. I believe, in answer to a question of Mr. Patry, your response was that in your judgment it would require a new section or arm or department, which would require additional human resources or financial resources. Is that correct?

Mr. Grant Manuge: Yes, that is correct.

Further I asked:

Presuming that there is a finite amount of money in DFAIT's budget, which there is, where would you take those dollars from? What department or current function that DFAIT is doing would have to suffer? Or in fact would it be possible to do it without having to come to the Treasury Board for additional funds?

Mr. Grant Manuge representing DFAIT said:

Points of Order

Thank you for your question. In this case, at this stage in our analysis, we are indeed aware that additional resources would be required, not only human resources, financial resources, but also significant investment in training or in recruiting highly qualified individuals who provide the competencies that would be required to carry out that function.

● (1510)

At this point in our analysis, we would not be in a position to indicate whether that could be addressed through reallocations within our department, but our departmental resources are completely allocated, so this would be a decision that would have to be reviewed very carefully. As you say, there could potentially be impacts on the ability to carry out our mandate in other areas of the department.

Mr. Speaker, I recognize that you face a rather challenging situation in taking a look at the provisions relative to a royal recommendation, and that is it is not crystal clear that additional funds will be required. I am fully aware of that. If we take a look at the fact that we know from the World Bank that it cost \$3.3 million last year to investigate 11 complaints, in the name of logic it is very obvious that additional funds will be required.

It is clear that this bill would directly affect the disbursement of public funds. It would assign new duties to an existing department where funds have already been allocated and functions have already been described for that department.

I realize there is often a good deal of discussion regarding royal recommendations. However, it is the Speaker who is duty-bound to protect the Constitution through the Standing Orders of the House and to assure that bills that should require royal recommendation do not proceed.

I would also like to quote from *Hansard*, June 1, 2006:

I am also aware that a bill may be repaired at committee or during report stage and also that a minister at any point in the legislative process can come forward. That is not a problem and I believe the member for Scarborough—Guildwood has a bill on international development which I think can be repaired in that fashion.

Clearly, the bill has not been repaired. Bill C-300 is the current version of the legislation to which I reference. The bill was recognized by the member for Mississauga South as needing a royal recommendation at that time.

The clauses in Bill C-300 still stand. The need for a royal recommendation still stands, even though the member for Mississauga South has apparently changed his mind. Fortunately, he is not the Speaker of the House.

It is clear that even at a time the Liberals realized this bill needed a royal recommendation or amendments to address the problem. That was a matter of a year ago.

The precedents are clear. The member for Mississauga South was clear in 2006. Without amendments addressing this issue, Bill C-300 does require a royal recommendation.

● (1515)

The Speaker: I thank the hon. member for Kootenay—Columbia for his comments on this matter. I know he always tries to support the Chair and make sure that the Chair does not fall into error in any decision that is made. I will certainly bear his comments in mind in reviewing the matter further as I am committed to do as of this moment.

ORAL QUESTIONS

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, I refer to questions that were raised by the member for Brant and the member for Desnethé—Missinippi—Churchill River, both of whom referred to the 20 members in the House who voted for Bill C-391 on second reading and then referred to the fact that they voted against that bill on third reading.

Sometimes members opposite do not read the missives that come from the PMO before they stand in front of the House, but quite clearly this is not a point of debate. The record is your record, Mr. Speaker, of the House, of the voting record of every one of those 20 people.

I would ask the members withdraw their statements.

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, I have great respect for that member. We worked together on a number of issues when I was minister of transport, infrastructure and communities.

I would suggest for the hon. member and five of his colleagues that the public saw what happened with respect to the vote yesterday. Six members changed their mind. The other six had a degree of comfort that they could cast their vote knowing what the outcome would be, and it was the desired outcome of his leader.

I know the member to be fair. I know him to be honest and honourable. However, I would suggest, too, that it was far from clear.

The Speaker: I will examine the questions that were asked and the responses given to see if there was any breach of the rules. It did not occur to me that there was at the time, but I will examine the matter in light of the member for Western Arctic's comments and the government House leader's response thereto and get back to the House if necessary.

Mr. Royal Galipeau (Ottawa—Orléans, CPC): Mr. Speaker, yesterday, as reported on page 4252 of *Hansard*, the hon. member for Dartmouth—Cole Harbour raised a point of order having to do with language used previously on page 4247 by the hon. Minister of Human Resources and Skills Development. The minister, to her credit, took responsibility and apologized.

Unfortunately, there appears to be some sort of double standard. The hon. member for Dartmouth—Cole Harbour, if he objected to language used by the hon. Minister of Human Resources and Skills Development, should also have objected to the language used by the hon. member for Ahuntsic and, lo and behold, the hon. member for LaSalle—Émard, a member of his own caucus. She used exactly the same language that he objected to, and that is reported on page 4249.

● (1520)

[*Translation*]

I have a thirst for decorum and that thirst can only be quenched when there is not a double standard. An hon. member who rises to object to a lack of decorum across the way should know that and apply it to his colleagues in his own party.

[*English*]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the minister did apologize for her statement and the matter was closed.

*Government Orders***GOVERNMENT ORDERS**[*English*]

The member raises an interesting question of whether or not a member has a duty to make a point of order on all other members. I only suggest that the hon. member rising today also had the opportunity to rise. It is not a matter of a double standard; it is a matter of whether or not there is an aggrieved member of Parliament.

The Speaker: I think the matter is quite clear. Yesterday in question period the word “hypocrisy” was used. I do not regard the use of that word as unparliamentary. Calling another member a hypocrite may be, but the Minister of Human Resources and Skills Development apologized on her own initiative. I did not make any ruling that suggested that anything she had said was unparliamentary.

The member got up and made an objection, and she got up and responded. She did not say “The heck with you, we will wait for the Speaker to rule”. She apologized and that was the end of the matter.

No one got up on the others. I did not make a ruling. I did not jump in during question period because in my view the use of language was not unparliamentary because the members were not calling one another a hypocrite, which would be unparliamentary. They did not do that. They avoided it like the plague.

We left the matter there. It happened several times, as members have pointed, in question period. We do have freedom of speech in the House. Members can use words that if applied to one another might be unparliamentary, but in this case they avoided using names.

Accordingly, sometimes members' speeches sound hypocritical. It has happened before in the House and members have made that kind of comment, shocking as it may seem. It does not mean they are calling the other member a hypocrite, they just said something was hypocritical.

In those circumstances, the Chair has stayed out of this. The Chair did not intervene yesterday, and I do not propose to intervene today.

[*Translation*]

Mr. Pascal-Pierre Paillé: Mr. Speaker, yesterday, during question period in the House, in my question on the great amphitheatre project in Quebec City, I mentioned a press release issued on March 5, 2001 and the fact that the current Minister of Finance was involved in an announcement that had to do with Toronto's bid for the Olympic and Paralympic Games.

Given that we have handed out the press release to all the parties, I would ask again for the unanimous consent of the House to officially table this document, which would be greatly appreciated by the Leader of the Government in the House of Commons.

The Speaker: Does the hon. member for Louis-Hébert have the unanimous consent of the House to table this document?

Some hon. members: Agreed.

Some hon. members: No.

The Speaker: There is no consent.

KEEPING CANADIANS SAFE (INTERNATIONAL TRANSFER OF OFFENDERS) ACT

The House resumed consideration of the motion that Bill C-5, An Act to amend the International Transfer of Offenders Act, be read the second time and referred to a committee.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I was hoping to ask a question of the previous speaker, who is unavailable, but he gave an excellent speech in which he had particularly targeted an amendment in the bill, subclause 3(1), which replaces existing subsection 10(1), all the way down to paragraph 10(1)(l). This has to do with the circumstances that a minister can take into account.

Paragraph 10(1)(l) would say,

any other factor that the Minister considers relevant.

When one makes a list of factors that may be taken into account, something must be left off. Otherwise it would say, “any factor that the Minister believes is relevant”. The fact that there is a list, which was added, seems to suggest that this list is not comprehensive, and I am not sure why. What it does, and the member mentioned it in his speech, is raise the question of arbitrariness in the law.

I understand that it is in fact part of our Constitution that laws cannot have elements of arbitrariness. It therefore raises the question about whether the Attorney General of Canada has properly opined on the constitutionality of the bill. I do not know, but it is probably worth asking because this is a very serious bill. It is an important bill. It is a bill that addresses the transfer of prisoners from one jurisdiction back to Canada. The whole premise underlying the bill is for the purposes and enhancement of rehabilitation of citizens of Canada who may have run afoul of the laws in another jurisdiction.

The other thing that came to my mind when the member was speaking is the fact that today Bill C-5 was called for the first time for debate at second reading. Also today there is an article in a number of newspapers. The one I picked up is in the *Ottawa Citizen* and it is titled, “Canadian jailed in U.S. can return, court rules”. This is in fact precisely the type of case that is impacted by Bill C-5.

This relates to a person named Brent James Curtis. He was involved in a routine transfer from a U.S. prison to a Canadian jail, and the Federal Court of Appeal said that the minister erred and that the Conservative administration was to reconsider the decision within 45 days. This was a decision made by the court yesterday on this matter, yet the government proceeded with this bill today. The timing is very unusual and it would suggest that, since the Federal Court of Appeal ruled that the government erred on that case, for this bill to come forward is quite astounding.

Government Orders

The question of whether there is a problem on the constitutional side is also important. As well, there is a question about whether there is continued support for the long-standing tradition that countries have had of being able to transfer prisoners. In this particular case, Mr. Curtis wanted to serve out the balance of his sentence in Canada to be close to his family. This is part and parcel of the whole regime of transfer and rehabilitation.

● (1525)

There was another thing that I saw in the article in the *Ottawa Citizen* today. According to the article, the officials of the then Minister of Public Safety told the minister that the facts were clear. The assumption had been initially made that this person was somehow implicated in other ways. They advised the minister directly that his facts were wrong. The minister ignored his own officials, made his own decision, and quashed the transfer of this person.

It raises again the question of what is the agenda of the Minister of Public Safety. Why is it that officials of his department are ignored? With the decision of a court, the Federal Court of Appeal, that the minister has 45 days to reconsider the position, why is it that there is now a bill before us that will say that, notwithstanding anything else, other things that will be taken into consideration now will be anything the minister thinks is appropriate? Talk about a one-man show.

I am very sure that there are going to be others who want to pursue what happened in this particular case. This decision was actually highlighted in the media a year ago. The Canadian public safety minister at the time wrongly considered this Canadian citizen, who is now 29 years old, a major money man in a drug conspiracy. That was simply not the fact. That was found by the Federal Court of Appeal ruling. When the minister refused the prison transfer for this person, the minister contradicted his own staff findings in terms of whether Mr. Curtis was linked somehow to organized crime. But still the minister denied the prison transfer on the basis that he might commit future offences in organized crime or terrorism, when it was already made clear by his own staff and officials that there was no connection to organized crime or terrorism.

It was denied even though the U.S. government approved the transfer. The U.S. government approved the transfer, but the Canadian minister did not approve it. So one has to wonder what is going on here. There are so many questions that should be asked of the minister and I am sure it will come out when this goes to committee, but I suspect that with regard to the bill and with regard to the arbitrariness, this particular provision is not going to get very much support at committee.

The officials concluded that Mr. Brent Curtis would not commit a crime if he were transferred back to Canada, nor did Curtis have any links to terrorism or organized crime and was only a minor participant in the matter that was before the court. He was found guilty and sentenced to jail. The government position left Mr. Curtis in U.S. custody where he could not even understand the hourly instructions over the prison public announcement system, which was in Spanish for most of its Mexican inmates. When I saw this case and was referred to the story, it certainly did raise the spectre of some problems.

● (1530)

So we are at second reading. Should this matter be passed at second reading and go forward to the committee, I want to flag for the committee that this particular case of Mr. Brent Curtis should be looked at and that this bill should be considered in the context of what happened with regard to that case, because I think it has a direct bearing and a direct consideration with regard to paragraph 10(1)(l) that says what is relevant is any other factor that the minister considers relevant. It is very unusual. The arbitrariness of that on its face, on a prima facie basis, would raise the question of whether the Attorney General in fact had opined correctly on whether this bill itself with that proviso in there, with that amendment in there, is constitutional. So there are constitutional questions here as well that would have to be looked at.

This is not my area of expertise, but I hope that other hon. members will take an opportunity to look at the records, to look at the court decision, to look at the actions or inactions of the minister, to consider the actions or inactions of the Attorney General vis-à-vis constitutionality and try to understand and try to determine from the minister and officials why his officials were overridden, not listened to, and why the minister proceeded with the bill only one day after the Federal Court of Appeal told them that the minister was wrong.

This just raises more questions than answers, and at this point, I hope that hon. members will take into consideration some of the disturbing facts surrounding Bill C-5.

● (1535)

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

The Deputy Speaker: The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

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 yeas have it.

And five or more members having risen:

The Deputy Speaker: Call in the members.

The vote stands deferred until Monday, following government orders.

Government Orders

* * *

ELIMINATING ENTITLEMENTS FOR PRISONERS ACT

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC) moved that Bill C-31, An Act to amend the Old Age Security Act, be read the second time and referred to a committee.

She said: Mr. Speaker, I am pleased to have the opportunity to speak to this important bill, Bill C-31, the eliminating entitlements for prisoners act.

Our Conservative government is committed to ensuring fairness for hardworking taxpayers, and we will continue to put victims and taxpayers first, ahead of criminals. Our government believes that Canadians who work hard, contribute to the system, and play by the rules deserve benefits such as old age security. It is wrong and obviously unfair that prisoners who broke the law should receive these same benefits.

Bill C-31 will ensure that mass murderers like Clifford Olson do not receive benefits while they are in jail. This mass murderer is receiving these government benefits, even though he actually admitted to brutally murdering eleven children, forever altering the lives of their families and traumatizing the communities in which he committed these dreadful crimes.

In a few short years, Paul Bernardo is supposed to receive the same benefits. So is Robert Pickton. This is offensive and outrageous to our Prime Minister, to me, to our government, and to Canadians right across the country. As soon as this shocking process was discovered, the Prime Minister asked me to take action quickly to put a stop to incarcerated criminals' receiving old age security and guaranteed income supplement benefits. That is exactly what we are doing today. We are doing exactly what Canadians want.

Canadians know that when our Conservative government makes a commitment, we follow through, and unlike the tax and spend opposition, we will use their hard-earned tax dollars fairly, responsibly, and prudently.

[*Translation*]

Before I continue, I want to explain exactly what this legislation aims to do. The purpose of the old age security program is to help seniors, many of whom live on a fixed income, meet their immediate basic needs and maintain a minimum standard of living in retirement. This is in recognition of the contributions seniors have made to Canadian society, our economy, and their communities.

However, an inmate's needs, such as food and shelter, are already met and paid for by hard-working Canadian taxpayers. Canadians accept these costs because they want to make sure criminals stay off their streets and stay in jail where they belong.

● (1540)

[*English*]

What Canadians are not okay with are benefits meant for law-abiding, hard-working seniors going to incarcerated prisoners. Since an inmate's basic needs are already paid for by public funds, Canadian taxpayers should not be paying for income support

through OAS benefits. It is grossly unfair to make law-abiding Canadian taxpayers pay for incarcerated criminals twice.

In short, whether someone is in jail for two months, two years, or twenty years, the fact is that taxpayers are already footing the bill for their room and board, so the criminals should not be receiving old age security benefits intended to help low-income seniors pay for their basic expenses. Accordingly, once passed, this bill would terminate old age security benefits for prisoners sentenced to more than two years in a federal penitentiary. The federal government would then work with provinces and territories to sign information-sharing agreements to proceed with the termination of these benefits for incarcerated criminals serving 90 days or more in a provincial or territorial institution.

I was very pleased that the government of British Columbia was the first to announce its support for our legislation and its willingness to work with us, if and when this bill becomes law. I have written to all of the provinces and territories to gauge their support and I hope to hear from all of them. What is more, I really hope that they all agree to move forward on this very important initiative.

This bill will affect approximately 400 federal inmates and about 600 provincial and territorial inmates each year. In total, implementing this bill will result in a savings to Canadian taxpayers of \$2 million annually once the change is made federally. The savings will increase another \$8 million to \$10 million per year if every province and every territory signs on.

I would like to point out that this bill would put the OAS Act in line with other federal and provincial, as well as international, practices. For example, the working income tax benefit and the employment insurance program both cease payments of benefits when an individual is incarcerated. In addition, most of the provinces and territories, including British Columbia, Alberta, Saskatchewan, Ontario, Quebec, New Brunswick, Nova Scotia, and the Northwest Territories, already do not make social assistance available to inmates. The United Kingdom, Australia, and the United States, among others, all suspend the payment of pensions to prisoners as well.

We have been very careful to ensure that the innocent spouses and common-law partners do not suffer as a result of the actions of their criminal spouses. They will not lose their individual entitlement to the guaranteed income supplement and the allowances as a result of these proposed amendments. They will still receive benefits, but based on their individual income rather than the combined income of the couple.

In summary, Bill C-31 would put an end to the practice of prisoners receiving taxpayer-funded old age security benefits. Our Conservative government believes that this is the fair thing to do and we believe it is the right thing to do.

Government Orders

What matters more than what we think, or what anyone across the aisle thinks, is what hard-working Canadians across the country think. Let me tell the House that support for this legislation has been overwhelming. Victims of Clifford Olson and the organizations that support them have praised this bill.

One of the people by whom I was most touched was Sharon Rosenfeldt. She is the president of Victims of Violence. She is also the mother of one of Olson's victims and her life is forever altered by his heinous crimes. When this bill was introduced, Ms. Rosenfeldt said, "It's great to see that this government is putting victims and taxpayers first ahead of criminals. The suspension of OAS benefit payments to inmates is just that. I commend [the Prime Minister] and [the minister] for taking leadership on this important issue and ending entitlements for convicted criminals".

● (1545)

Ray King is the father of another victim of Clifford Olson. When he learned that the government introduced this bill, he said this "is the best news I have heard in a long time. I am quite pleased the government has actually done something".

David Toner, president of Families Against Crime and Trauma, also praised this bill saying, "We are thrilled that the Prime Minister and the minister have taken leadership and are putting victims ahead of the entitlements of prisoners. I commend the Harper government for introducing this legislation".

It is not just the families of victims that support this bill; law enforcement has also been very supportive. I have heard from police officers across the country who believe that this bill is the fair and right thing to do.

As an example, Vancouver Police Chief Jim Chu applauded the bill, saying, "It would be my hope that the innocent victims will no longer feel further victimized by watching their attackers receive old age pensions during their forced retirement from their careers of crime. I am sure this evolutionary change in legislation will be greeted warmly by the many victims of these criminals".

Taxpayers across the country have made their voices heard by signing a Canadian Taxpayers Federation petition in support of this bill. In fact almost 50,000 Canadians signed the petition. When the bill was introduced, the Canadian Taxpayers Federation said, "When the government does something right, they deserve credit".

As we can see, victims and other major organizations strongly support this piece of legislation. What has really made an impact on me is the reaction from everyday Canadians. The number of Canadians who care about this issue and who took time out of their busy lives to write, email, and call in support of this bill has been truly remarkable. In fact I have received more correspondence from Canadians who support this bill than I have on almost any other issue.

I believe that it is important that their voices be heard, so I want to share with you a very small sample of what Canadians are saying.

From Cornwall, Ontario: "It is ludicrous that Clifford Olson is entitled to benefits he does not need, does not deserve, and has not earned".

From Campbell River, British Columbia: "Thank you so much for introducing Bill C-31 so quickly to the House. You are to be commended for listening to the people who were so shocked to hear of the outrageous amount of money going to incarcerated men and women in the form of OAS".

From Winnipeg, Manitoba: "Thank you for saying what most Canadians think. It is truly an outrage that Clifford Olson would get a pension on top of what he has in prison".

From Saskatoon, Saskatchewan: "Canadian taxpayers have too long been held to ransom by those in our society and nation who flaunt the mores and break the laws of decent, law-abiding citizens".

From Edmonton, Alberta: "Thank you for bringing the issue of prisoner pensions forward and I wish you much success with your initiative. I am hopeful that wisdom prevails from all parties on this issue".

From Oshawa, Ontario: "I am glad that Bill C-31 has been introduced. It is a step in the right direction. Let us just hope this bill moves swiftly through to becoming law, putting an end to this insane practice in Canada".

And from Halifax, Nova Scotia: "You are correct, Canadians who have spent their whole lives working and obeying the rules are the only ones entitled to these benefits, and I applaud the Conservatives for recognizing this and actually doing something about it quickly. Again, thank you for your good work, much appreciated".

The overwhelming support that we have received from Canadians across this great country is proof that this bill is the right thing to do.

As members may be aware, shortly after this bill was introduced, the government received a letter from Clifford Olson himself, written from prison. In it he states that he is against this bill and is going to take the government to court if it passes.

Well, if a criminal who brutally murdered 11 children does not agree with this bill, then I think that is even more proof that this bill is the fair and right thing to do.

It is very unfortunate that for decades previous governments ignored this unfair and wrong practice, but it is not surprising.

● (1550)

There is a fundamental difference between our Conservative government and the opposition members. They are more concerned with the rights of prisoners who break the law and terrorize innocent families than they are with the rights of victims and law-abiding citizens.

[*Translation*]

Our Conservative government, on the other hand, continues to stand up for the rights of victims and their families. And we have a strong record of action to prove it.

For example, we created the Office of the Federal Ombudsman of Victims of Crime to serve as an independent resource for victims in Canada.

Government Orders

Over the last three years, we have committed \$52 million to respond to a variety of needs of victims of crime, including the victims fund, which provides resources for victims of crime; support for Canadians victimized abroad; National Parole Board hearings; testimonial aids to assist child victims and witnesses with videoconferencing testimony; and support for under-served victims, including northern and aboriginal victims.

Furthermore, budget 2010 provided additional funding of \$6.6 million over two years, and we will introduce legislation to make the victim surcharge mandatory to better fund victim services.

We are also taking action to facilitate access to employment insurance sickness benefits for eligible Canadians who have lost a family member as a result of a crime.

[*English*]

Bill C-31 is in keeping with our Conservative government's commitment to put victims and law-abiding Canadians first, ahead of prisoners.

Our government took quick action to put an end to incarcerated criminals receiving taxpayer funded benefits that are meant to help Canadian seniors who have contributed so much and so many positive things to our country.

Bill C-31, the eliminating entitlements for prisoners act, puts an end to hard-working Canadian taxpayers paying twice for prisoners. The bill is all about the responsible use of public funds and the fair treatment of Canadian taxpayers. We are taking action to put an end to entitlements for prisoners and to ensure that those Canadians who have spent their lives working hard and playing by the rules receive the benefits that they deserve.

This bill is the fair and right thing to do. It is what Canadians want us to do. I implore the opposition to listen to Canadians, to put victims and taxpayers first ahead of criminals and pass this bill quickly.

● (1555)

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, I am pleased to speak to this issue today. It would be nice, given the fact that this is our first week back, if everybody would be respectful and people would get along with each other. Unfortunately, the insults continue to be there, no matter how hard we try.

This bill was first introduced at the beginning of June and, as the critic, I immediately got up to speed on it. However, I was quite disappointed that it took until now to actually deal with it. I would have preferred to have dealt with it as speedily as possible back in June because I and my colleagues feel very similar to the minister on this particular issue.

Despite our often fierce partisan differences, today we are looking at an issue that I believe should unite all of us, regardless of our political affiliations. Therefore, I will not be throwing any insults around as I speak to this.

Today we begin the exploration of Bill C-31, legislation, as outlined by the minister, that would prevent convicted criminals from being eligible to receive old age security benefits during their term of incarceration.

The old age security pension is intended to help seniors pay for their housing, clothing, food and transportation, an expectation that many seniors struggle with each and every day. All of us in the House, and myself as the critic for seniors and pensions, get calls every week about the difficulty seniors have, especially those at the low income levels, coping with everyday challenges, the low interest rates, the \$1.35 increase in their OAS pension cheque, the difficulty many of them have finding housing and so on. Naturally, when Canadians or seniors hear about this they are clearly upset.

For thousands of seniors who are struggling with these growing bills on a fixed income, the thought that convicted and imprisoned criminals would be eligible for the same OAS benefits is offensive and totally unacceptable to all of us.

Moreover, given that OAS is meant to help the recipient pay for housing, clothing, food and transportation, it seems somewhat unnecessary for prisoners to get the cheque given when their housing, clothing, food and transportation are already paid as a condition of their incarceration. As a legislator, I see the current reality to be redundant, unacceptable and something that should be changed without delay.

With that in mind, I intend to keep my remarks brief today because I believe we should all work together to forward the bill to committee to ensure we analyze it efficiently and properly, get it back to the House and get it through.

I believe it is important that we be prudent as legislators to ensure that the things we do here do not have any unintended consequences in our rush and in our enthusiasm to pass the bill. Again, the only outstanding concern that I have centres on my desire to be sure, as indicated by the minister, that the changes in Bill C-31 do not prompt any unintended consequences that may place hardships on the spouse and family of a convicted or incarcerated person.

Of course, the Old Age Security Act is the legislation from which the monthly old age security benefit is derived but it also offers the guaranteed income supplement, a spousal allowance and a survivors benefit. Often the spouses of incarcerated criminals were not complicit in the crimes of their spouses and, as such, should not be further victimized by the removal of these important benefits.

I know the government has signalled that it agrees with these sentiments but, on a personal note, we should take the time to ensure that all is as it seems and as it should be. It is our duty as responsible legislators to do due diligence on every piece of legislation, to set aside our emotions at times and to ensure we are doing due diligence on everything we are passing on behalf of all Canadians.

Our position here as Liberals is very clear. We support the intent of Bill C-31. We agree that convicted and incarcerated criminals should not receive sizeable benefits, like the monthly OAS cheque. I stand ready to do whatever it takes to achieve these goals and look forward to working with my colleagues and with the government to pass the measures geared to the same.

Government Orders

The minister also talked about the \$8 million to \$12 million in savings as a result of this bill. I certainly hope those savings will be passed on to the seniors in this country and to the victims of crime.

• (1600)

Cuts continue to go to a variety of people. We know things will be difficult in the coming months and years when we deal with the massive deficit, but I would not like to see that deficit paid for on the backs of our seniors and other vulnerable people in our society. I implore the government to reinvest these savings, to which the minister referred, into the seniors of our country.

[*Translation*]

Mr. Luc Desnoyers (Rivière-des-Mille-Îles, BQ): Mr. Speaker, on June 1, when the Conservative government introduced its bill aimed at eliminating old age pension benefits for prisoners, the Bloc Québécois clearly indicated that it planned on supporting this new measure. We will be supporting it, but only once we are certain that this bill, which was written at the last-minute, has been studied in detail.

Once again, the Conservative government, still severely blinkered by its right wing, Reform mindset, wants to pass this bill quickly to impress the voters with its ideology of stark, severe repression. It is hoping that the House will stand behind it and rush to pass this bill so that we can speed up the procedures needed to implement it.

The Bloc Québécois is not buying it. Let us be clear: this bill does not deal with an urgent issue. No one is in danger and no one is being unfairly penalized if this bill is not passed immediately.

I could list many urgent matters that are far more important than the measure proposed in Bill C-31, even if I only talk about current issues for seniors. I will stick to two of the seniors' issues that I feel are the most urgent.

Since last spring, advocacy groups for seniors' and retirees' rights in Quebec have taken to the streets to send a very clear message. Like the entire income security program, the guaranteed income supplement, or GIS, does not meet the basic needs of low-income seniors. In my opinion, it is far more urgent to pass legislation to improve the GIS.

That is why the Bloc Québécois has been proposing significant changes to the GIS for years. I sincerely hope that this Conservative government will hear the message that seniors will soon be sending them through petitions that the FADOQ network has been collecting since last spring to call for improvements to the GIS.

Despite the new indexing recently announced, the maximum amount paid in old age security benefits is clearly still not enough for seniors to pay for their housing, clothing, food and medication. Over 78,000 seniors in Quebec are living below the low-income line. The maximum GIS allowance is not even enough to get seniors out of poverty. I think this constitutes a genuine emergency.

For years now, the federal government has been unfairly depriving these people of the money owing to them. In order to access the GIS, one must apply. Tens of thousands of seniors in Quebec have been cheated because they have not applied for the GIS.

The Bloc Québécois will continue to work to improve the GIS in order to: increase the guaranteed income supplement by \$110 per

month; continue paying both pension and survivor benefits, for a period of six months, to a surviving spouse; automatically enrol people over 65 who are eligible for the GIS; ensure full retroactive payment of the GIS for all those who were shortchanged; and increase the surviving spouse's allowance to the same amount as the GIS.

I plan to address this matter again in the House in the very near future, because this issue is very important to me.

There is another urgent matter. In the previous budget, I reminded the Conservatives of the pressing need to bring back a real income support program for older workers, formerly known as POWA. Older workers who cannot find another job by the end of their EI benefit period are forced to turn to social assistance, now known in Quebec as employment assistance. They have to deplete all of their hard-earned assets to get that employment assistance.

Is that justice? Is that what we really want for the men and women who have spent years building our society? No, of course not. Urgent action is needed, but the Conservatives will not even consider it.

• (1605)

Today, we are being asked to pass at second reading a bill to amend the Old Age Security Act, which naturally deserves the attention of this House.

I am pleased to have the opportunity to fully explain the Bloc Québécois position to my fellow citizens. I believe this is a perfect example of the right approach to take when passing legislation that, for some, may once again reflect the rhetoric so often behind the bills proposed by our Conservative friends.

The Bloc Québécois will support Bill C-31 at second reading in order to study it in committee where, without rushing things, without blindly following the Conservative ship—which could soon sink as it navigates troubled waters—we will examine it in detail.

Passing legislation, establishing regulations and anticipating exceptions are some of the fundamental tasks that this House must carry out with diligence and discernment. Elected representatives must foresee all the effects and repercussion of the laws they adopt. That is the work of a good parliament and that is why, in this House, bills are customarily studied in committee after second reading.

Once the early enthusiasm disappears and calmer heads prevail, unfortunate gaps are sometimes discovered. Wisdom prevails.

This bill has three clear objectives. First, it precludes incarcerated persons from receiving old age security benefits when those persons are serving a sentence of two years or more in a federal penitentiary.

Once their sentence has been served, the person can notify the minister in writing of their release in order to re-register for old age security.

Government Orders

It goes without saying that the same applies to the guaranteed income supplement associated with OAS. With this measure that would affect roughly 400 inmates, the government hopes to save \$2 million a year. We must, however, clearly identify here the pension program that Bill C-31 will affect.

The benefits that would be cut by this bill are not those from the Canada pension plan or the Quebec pension plan, which are benefits based on contributions received during years of work. Eliminated instead would be the benefits based on years of residence in the country, the benefits known as old age security, which also provide access to the guaranteed income supplement. OAS is given to almost everyone 65 and over.

It is therefore important to distinguish between the two plans and identify the real target of Bill C-31, namely OAS.

Second, Bill C-31 stipulates that an incarcerated person's spouse who is 65 or older be considered single. This would allow them to receive benefits as a single person, which are more generous than for persons married to a pensioner, in order to compensate in part for the drop in their household income.

The bill also allows an incarcerated person's spouse aged between 60 and 64 to continue receiving the spousal allocation even though in practice they no longer live together, again to compensate for the drop in household income. The Bloc Québécois feels that these are essential measures to avoid making spouses suffer unfairly for the incarceration of their partner.

Third, Bill C-31 proposes applying the same denial of benefits to persons incarcerated for at least 90 days in a provincial prison, if the province concerned concludes an agreement with the federal government. This type of agreement does not exist for now between Quebec and Ottawa.

If ever this type of agreement between Ottawa and each province went through, this could affect roughly 600 seniors held in provincial prisons and would save \$8 million a year.

Those are the main points of the bill we are debating today at second reading. The Bloc Québécois has done its homework since June 1, and we have carefully analyzed the impact of this government bill, as we should.

Over the course of our analysis, three questions in particular came to mind.

• (1610)

First, does the practice of suspending social benefits exist in Quebec? Is it part of our social practices, and if so, how does it work?

In Quebec, pursuant to section 27 of the Individual and Family Assistance Act, and sections 19 and 26 of its regulation, an individual who is incarcerated in a penitentiary or prison is no longer eligible for last resort financial assistance as of the third month following the month of their incarceration.

Individuals become eligible again once they are released from the prison or penitentiary even if, for example, they are living in a half-way house as part of their rehabilitation.

Therefore, Bill C-31 does correspond to a practice that already exists within Quebec society.

The second question we have is the following: since this seems to violate the principle of the universality of old age security benefits, does Bill C-31 violate the Canadian Charter of Rights and Freedoms by creating a discriminatory measure?

It seems not to be the case. If someone made a claim of discrimination, they would have a hard time proving it, because the Canadian Charter of Rights and Freedoms prohibits discrimination on the basis of race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.

The discrimination established by Bill C-31 does not involve any of the grounds listed in the charter and could not be considered an affront to human dignity. Basically, Bill C-31 does not contravene the Canadian charter.

And the third question is this: what real effect will this punitive measure have on the spouses of incarcerated persons?

The effect will vary, depending on the age of the spouse. The bill allows spouses aged 65 or over to be considered single, which would allow them to receive higher benefits than those paid to someone married to a pensioner. In addition, they can receive the maximum guaranteed income supplement of \$652.51, as opposed to \$430.90 for someone married to a pensioner.

As for spouses aged 60 to 64, they can still receive their spouse's allowance even though, in practice, they do not live with their partner. The loss of financial support from the imprisoned spouse could then be partially compensated through an increased allowance of up to \$947.86 a month.

The Bloc Québécois is in favour of Bill C-31, which would keep prisoners from receiving old age security benefits and the guaranteed income supplement. It is in favour of having this studied in committee. We still have some specific questions to ask, notably to the civil servants who created the bill, those who will implement it and those who work at the parole board.

The responses we receive to our questions will determine the amendments we can introduce, if necessary, in order to ensure that the bill works well.

Mr. Jean Dorion (Longueuil—Pierre-Boucher, BQ): Mr. Speaker, I would like to begin by congratulating my colleague on his speech about the problems this bill could cause. We are not completely opposed to the underlying principle of this bill. However, we are concerned that the bill as written contains the element of revenge that often motivates this government when it comes to cracking down on crime.

Government Orders

My colleague raised the issue of families being affected. I would like him to expand on that, even if it means being somewhat repetitive, because this is a very important bill. I would like him to talk about what we can do to protect the standard of living of spouses and family members and about how we can make sure that this bill does not punish families. We must remember that family members are not necessarily criminals—far from it. In fact, I would even suggest that they are, indirectly, victims of the father's or spouse's criminal lifestyle.

I would like him to talk about what he thinks we should do to make sure that this bill, which is well-intentioned overall, is not just a way to exact vengeance on a person, but rather a way to ensure that crime does not pay.

●(1615)

Mr. Luc Desnoyers: Mr. Speaker, I thank my hon. colleague from Longueuil—Pierre-Boucher for his pertinent question.

As I have already said, the Bloc Québécois has been doing its homework on this issue since June 1, since this bill raises a number of questions and could have a significant impact on families—children and spouses.

In committee, the right questions need to be addressed to the various public servants who will have to manage this bill, which could have a significant impact on spouses. We must establish how this bill will protect a spouse under the age of 65 and the children of a man who was receiving old age security. We will have to pay particular attention to this issue in committee and establish all of the parameters and protections needed to ensure that the spouses, and especially the children, are protected.

As parliamentarians, we must work diligently when analyzing such bills and not backtrack, saying we forgot this or that or we are sorry but we did not think about how it might affect such and such a person.

We must take our time, do our work seriously and not rush when examining this kind of bill. There is no urgency. Our seniors need a substantial increase in the guaranteed income supplement in order to survive.

Mr. Gérard Asselin (Manicouagan, BQ): Mr. Speaker, I gather from my colleague's speech that the bill would apply to all inmates who have been sentenced to two years or more in federal jails.

I also gather that, pending an agreement with the provinces, this would apply to inmates of provincial jails sentenced to 90 days or less. Perhaps he meant 90 days or more.

I would like the member to clarify whether it is 90 days or less or 90 days or more in provincial facilities.

Mr. Luc Desnoyers: Mr. Speaker, I would like to thank my colleague. It is 90 days or more in provincial jails. There would have to be an agreement with the provinces for this to be implemented. This would mean a lot of work. It would affect 600 inmates and the amount involved is nearly \$8 million. The committee will conduct a thorough analysis of the impact of the bill on those involved.

●(1620)

[English]

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, I am rising to speak to Bill C-31. I want to start out with a very brief summary of what is included in the bill. I also want to acknowledge the fact that a number of other speakers have talked about the importance of turning full attention to the bill and studying it so that we are not looking at unintended consequences.

Many members of the House were here a couple of years back when the government of the day passed a bill on voter identification that resulted in thousands and thousands of rural voters being excluded from voting because of a flaw in the bill. It was a bill that was rushed through the House, despite the fact that the New Democrats protested loudly about the problems with the bill. The government subsequently needed to bring forward amendments to its own legislation, because the bill had unintended consequences. I raise that as an issue in the context of this particular bill so that we do not try to rush through a bill that has unintended consequences.

I also want to acknowledge the member for Windsor—Tecumseh who has, as usual, done stellar work on this, and also the member for Vancouver Kingsway and the member for Hamilton Centre. All of these members have contributed to the NDP process in considering this bill.

The bill suspends payments of old age security, OAS, and the guaranteed income supplement, GIS, to all persons 65 years of age and older while they are serving time in a federal correctional facility when they are sentenced to two years or more. It would suspend payment of the spousal and survival allowance to eligible individuals aged 60 to 64 if they were serving time in a federal facility. It would maintain OAS and GIS payments to spouses and partners of those who were incarcerated and would provide that they receive these payments at the higher single rate based on individual, not combined spousal, income. It would maintain spousal allowance benefits to the spouses of incarcerated individuals and allow provinces to opt in by entering into agreements with the federal government to suspend OAS and GIS and spousal allowance benefits on the above terms to all individuals incarcerated for a sentence that exceed 90 days in a provincial facility. Notwithstanding the above, benefit payments would still be paid during the first month of incarceration. Benefit payments would resume the month an individual was released on earned permission, parole, statutory release, or warrant expiry.

There are two aspects of the bill that are troubling. One is that it appears that this could be the wrong method for dealing with this situation. The member for Windsor—Tecumseh has suggested that in looking at this, what we really should do is look at the criminal jurisdiction. He suggested that an order could be put in place at the time of sentencing or thereafter that would deal with these payments. The concern that arises when it is dealt with under income security for seniors is the fact that it could undermine the universality of our old age security and guaranteed income supplement.

Government Orders

I talked about unintended consequences, which are a concern for New Democrats and for seniors across this country if we apply this logic to anybody who is in federal care, anybody who is receiving benefits and housing. Just look at veterans who might be in long-term care hospitals, even though we are closing vets hospitals as we speak. If a veteran were in a long-term care hospital and was being provided for under veterans' allowances, what would happen to universality? Would that also be an argument for the government to claw back OAS and GIS? The questions around universality are really critical.

I want to refer to some issues related to universality. This quote comes from the Historica-Dominion Institute, which did a number of studies on universality. It talks about the impact on our society of the change in universality. This is something the House and the committee, if this bill gets there, need to consider. The section entitled "Social Security in Canada - a Receding Tide" says that "[t]he direction of these cuts and their overall purpose in improving the Canadian economy was laid out by the Conservative government in Ottawa in 1984".

That was the start of the clawback of universality.

● (1625)

From this perspective, the government moved to eliminate universality in family allowances and old-age security. In 1989 the government introduced a "clawback" to both universal programs that required upper-income families to repay all of their benefits. The same applied to the highest-income seniors.

It goes on to talk about the impact on child tax benefits and whatnot.

Later on in the article, it says:

The Liberals, on their return to power in 1993, completed the sweep against universality by announcing in 1996 that the Old Age Security program would be replaced by an income-tested Seniors Benefit in the year 2001.

There are some different models out there. What we saw is an impact on seniors and families in this country that we are still living with to this day.

In this article, the Historica-Dominion Institute argues that there could be a new direction for social security in Canada:

A contrasting model of social security, one that is more commonly found in western European countries, is an integrative-redistribution model that provides universalist services to broad categories of need. This model has egalitarian goals that aim to lift individuals and families out of poverty and away from social exclusion.

It concludes by saying:

Evidence of social exclusion in Canada abound - the homeless, Canadian children growing up in poverty, the clientele of food banks and the army of unemployed. The one shining example of a Canadian social security program which promotes inclusiveness and a sense of community is Canada's system of public, universal, prepaid health care.

Of course, we know that in recent years that has also been eroded as more people have been forced into a two-tier health care system by long waiting lists, lack of access to drugs, and so on. However, universality is one of the fundamental principles Canadians look to.

A number of people have raised concerns about the approach the government chose to take by having this managed through Human Resources Development Canada under CPP/OAS/GIS instead of through a criminal jurisdiction.

I also want to raise a point. It is interesting that the first bill the Conservative government has brought forward to deal with pensions is this one that would strip federal old age security from federal offenders. It will save approximately \$2 million. Those savings could go up if the provinces decide to opt in.

It is a sad comment on the approach to income security for seniors in this country. I would suggest that it probably fits in with the so-called tough on crime agenda the Conservatives are putting forward. The reality is that we have thousands of seniors in this country who are living in poverty. I wonder why the government did not choose to bring forward a pension reform bill that deals with the poverty facing these seniors in this country instead of this bill. I agree that the fact that federal prisoners are receiving old age security certainly warrants some attention, but I would question the current government's priorities.

I want to also mention that there is an alternative way to approach this. The member for Burnaby—New Westminster put forward a motion, Motion No. 507, which was much more narrowly defined, that would deal with clawing back the old age security/guaranteed income supplement from only murderers with life sentences for multiple murders. The Conservatives are actually proposing a fairly broad sweep of prisoners over the age of 65 in this proposed clawback of OAS/GIS.

Going back to seniors, recently we discovered that old age security was increased over the summer by 0.6% for seniors who live outside of prison. It was the first increase in over two years, and it amounted to \$1.55 per senior. These are seniors. These are the poorest of the poor. These are the seniors who are worried about whether they can pay their rent, whether they can feed themselves, and whether they can pay their drug costs.

With all the attention we have placed on other matters in this House recently, seniors are simply being left off the agenda. There have been a number of groups and organizations working together that are calling on the current government for serious pension reform.

● (1630)

Certainly New Democrats have been front and centre on this. I also want to acknowledge the member for Sault Ste. Marie, who has been leading the charge to deal with poverty among seniors and other Canadians. Certainly seniors factor largely into a lot of the work the member for Sault Ste. Marie has been doing.

In June, our leader announced a number of initiatives to deal with some of the income security issues for seniors. One of them, of course, was helping the quarter of a million seniors who are living below the poverty line. We can do it tomorrow by injecting \$700 million into the guaranteed income supplement, which is part of old age security. That is one-twentieth of what the Prime Minister's corporate tax cuts will cost us annually by 2012.

Government Orders

Second, let us build on that bulletproof Canada pension plan. Let us phase in a doubling of maximum benefits to \$22,000 per year. That means increasing the CPP deductions that appear on one's paycheque, but these deductions are savings, not taxes.

Of course, there are other organizations, such as the Canadian Labour Congress, that have also been calling for reforms to our income security system for seniors. Their first calls in asking the federal and provincial governments to work together, are one, to phase in a doubling of payouts from the Canada pension plan and the Quebec pension plan, and two, to immediately increase old age security and the guaranteed income supplement for all retirees.

They also go on to talk about the fact that what we really need to do is have a very broad strategy for dealing with all aspects of pensions in this country, whether it is for workers who have private sector pension plans that are under threat because their companies are going bankrupt, whether it is for workers who simply do not have another pension plan and are relying on the Canada pension plan, old age security, and the guaranteed income supplement to pay their bills, or whether it is to regulate some of the financial products and some of the risks for those people who actually have enough money left over to invest in RRSPs.

It is interesting that the very first approach to income security for seniors deals with federal prisoners. It does not look at those broad needs for our seniors.

There was an article in a paper called the *Edmonton Senior* in June, after this bill was announced, that said that ending prisoner pensions is not so simple. There were a number of interesting points, including some concerns about universality. The article in this seniors' magazine, which addresses issues that seniors are concerned about, also pointed out the fact that once again we are lacking an overall, comprehensive plan to prevent people from going to prison in the first place. Others, such as rabble.ca, have also raised the issue. For instance, there is the four-pillar approach to crime prevention that looks at all the things that can be done to keep people out of prison in the first place, whether that is a poverty reduction strategy, adequate alcohol and drug counselling, educational strategies, or adequate housing.

We acknowledge that people who commit crimes and are found guilty through our justice system need to have appropriate consequences.

I am the aboriginal affairs critic for the NDP. We know that aboriginal peoples are hugely overrepresented in federal and provincial prisons. Once they are in prison, they need appropriate programs for rehabilitation.

The article from *Edmonton Seniors* says:

The concern is not around whether or not senior prisoners should receive pension money, but what the correctional system is doing to prepare offenders for their release.

It goes on to quote Howard Sapers, the Correctional Investigator of Canada, who says:

We know that homelessness, we know that poverty, and we know that lack of resources in a number of areas are contributors to coming into conflict with the law. When an offender is released, whether they are 25 or 65, they face the same barriers that non-offenders would face if they don't have resources. And of course you want to encourage these folks to live peacefully and lawfully in the community. Simply

put, there is some requirement to provide them with legitimate access to some financial means. That's the basis of income security programs in Canada to begin with.

• (1635)

He goes on to do an analysis of what prisoners have to pay for when they are in the federal system and so on.

This piecemeal approach to the criminal justice system again is quite troubling. To reiterate, we need prevention, we need a criminal justice system, we need police resources and so on that can actually deal with offenders and incarcerate them where appropriate, make sure that when they are inside that what we are doing is looking at rehabilitation and the tools and resources, so that when they come out of the system they can be reintegrated into communities in a peaceful and law-abiding way.

The piecemeal approach that we have seen from the Conservative government simply is not addressing all of those issues. I turn to Insite, the safe drug injection site in Vancouver, which we know is helping to keep people safe and alive, and hopefully out of the prison system by providing with supports at the safe injection site. Yet, we see the Conservative government constantly trying to find ways to close it down.

Instead of taking a look at the issues around drug and alcohol addiction in a more holistic kind of way, it is—

Hon. Jason Kenney: Mr. Speaker, I rise on a point of order. I have been listening with great attention to the member's speech. I have heard her speak about virtually every subject except the actual content of the bill that is before the House.

The Standing Orders require that speeches be relevant to the matter before the House. I would ask the member to respect that convention.

The Deputy Speaker: I would ask the hon. member for Nanaimo—Cowichan to as much as possible bring the bulk of her remarks to the motion which is before the House.

Ms. Jean Crowder: Thank you, Mr. Speaker.

If the member was listening I started my speech with clearly outlining the elements of the bill, raising some concerns around the issue of universality, putting into the context the overall approach that the Conservative government is taking to crime and punishment in this country.

It is an interesting comment from the minister that he cannot acknowledge the relevance of the aspects that put people into prison to begin with, that deal with rehabilitation issues, including access to funds while they are in prison and access to funds once they come out of prison,

This is all part and parcel of this piece of legislation. It is unfortunate that the Conservative minister simply does not see that the piecemeal approach that the government is taking to crime and punishment in this country is causing significant problems for aboriginal Canadians and for many other Canadians.

I would argue that what I have been saying is absolutely relevant to Bill C-31.

Government Orders

I will conclude by indicating, as other members of the House have indicated, that we feel the bill requires further study, that some of the unintended consequences around the potential impact on universality of old age security and guaranteed income supplement must be considered, that there needs to be a thorough review about whether there is any possibility that this legislation is unconstitutional and could violate the universality of our old age security system.

We also encourage the government, in any study, to take a much broader approach both to the criminal justice system and to looking at income security for seniors in this country.

The Deputy Speaker: 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 Elmwood—Transcona, Airline Industry; the hon. member for Ottawa—Vanier, Citizenship and Immigration.

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, I have a very simple question. Does the member opposite think that serial murderers who are in prison should be able to receive the GIS and the OAS?

• (1640)

Ms. Jean Crowder: Mr. Speaker, I pointed out Motion No. 507 that the member for Burnaby—New Westminster has put forward already calling for the clawback of old age security-GIS for multiple murderers.

We were out there with that motion in the early days once this whole situation developed with the serial killer in British Columbia. New Democrats are supporting getting the bill to committee at second reading, so that we can deal with some of the potential unintended consequences which I outlined in my speech.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I want to thank the member for her presentation on Bill C-31. I certainly found her remarks to be very relevant to the provisions in the bill. She outlined them very well.

Certainly, in regard to this government's approach to just crime in general, we have seen it for the last five years now looking at changes to the Criminal Code in a very piecemeal fashion based on whatever is happening in the news media at any particular time. In fact, the government should be doing a total revision and revamping of the Criminal Code of Canada which has not really been dealt with in a major way for 100 years. That is what the government should be doing in cooperation with the opposition.

With regard to the pension system, the member clearly pointed out that, once again, the government should be looking at a comprehensive approach to the pension system. It should be looking at doubling the CPP system. If we were to put \$700 million toward the GIS for I believe one-quarter million seniors, mainly women, we would be bringing them out of poverty in this country.

That is the approach the government should be taking and that is what the member is pointing out. The government should be looking at a universal approach here dealing with the problem in the country rather than simply jumping from issues that happen to be popular at a certain time that it thinks helps its poll numbers.

I have news for the Conservatives. They have been doing this for five years and it has not helped their poll numbers at all. I suggest

they pull back and come up with a comprehensive strategy in both the pension area and in the crime area.

Ms. Jean Crowder: Mr. Speaker, the member is absolutely right, we have seen that piecemeal approach. We have talked in this House before about wedge politics, and using rhetoric and simplistic kinds of approaches. It is not the way to build a comprehensive strategic plan both to deal with pensions or to deal with the criminal justice system.

At the outset of my remarks, I indicated that the member for Windsor—Tecumseh had talked about the fact that this is actually the wrong approach to deal with the clawback of OAS-GIS. What he has proposed, and I am sure there will be further discussions on this, is that this rightfully belongs under the criminal law jurisdiction where the courts could order at the time of sentencing a clawback of these benefits. That proposal would not have the danger of undermining the universality of OAS-GIS.

I am optimistic that when the member for Windsor—Tecumseh gets an opportunity to suggest some of these other approaches to dealing with this problem, that the government will be receptive.

Mr. Tony Martin (Sault Ste. Marie, NDP): Mr. Speaker, this is an important piece of public policy that we are dealing with here today. It will have some serious impacts, some of which I do not think anybody would disagree with, for example, the removal of any further benefit to serial murderers who are serving life sentences.

I guess the fear that many of us have in this is that when one throws a net out such as this, one catches people who should not be caught, or who will be impacted in a very serious way in terms of their ability to be rehabilitated, to get their lives back on track, get into the world at some point, and to look after themselves not to mention their families.

I ask the member in looking at this bill, is this OAS-GIS as opposed to Canada pension? OAS-GIS, in my understanding of it in the work that I have done out of my office, typically goes to seniors who do not have much income and need a top up usually to get them through the poverty line, so that they can live a life with some dignity and quality attached to it.

This will impact some people who, as has been said, end up in the prison system to begin with because they live in poverty, oftentimes the outcome of that, and the fact that many poor people end up in jail because they cannot afford a good lawyer in the system that we have.

I would ask the member to delineate for me if this is OAS-GIS versus CPP? Also, to expand a bit more on what she considers to be the problem with universality and whether she thinks this might end up at the Supreme Court and being challenged as unconstitutional.

Government Orders

•(1645)

Ms. Jean Crowder: Mr. Speaker, this bill deals with OAS-GIS and not CPP.

When the minister rose, he asked whether we in the NDP were in favour of taking money back from serial killers. Of course, we support that aspect of the bill. What he did not say was that this actually suspends payments to all persons aged 65 years and older, not just serial killers.

We need to take a look at some of those broader impacts on people who are over age 65 and also the universality aspect of it. The question that has to be considered is: by undermining the universality of old age security and the guaranteed income supplement, are other people, who may also be federally supported, in danger of having their OAS-GIS clawed back? I talked about veterans in vet hospitals.

It is our responsibility and due diligence to ensure that when we have a piece of legislation before us we look at the consequences of that legislation. At the outset of my speech I talked about the voter ID bill that was before the House and disenfranchised thousands of voters. That was an unintended consequence and we want to make sure that other people in a federally-supported system are not caught up in a widely cast net.

Ms. Irene Mathysen (London—Fanshawe, NDP): Mr. Speaker, I want to thank my colleague for her remarks and for drawing the House's attention to these unintended consequences. There are two that I hope she has time to comment upon.

First, a number of inmates will be caught up in this far more than just the Clifford Olsons of the world. As a result, for their families and spouses, who may be under 60, there will be no OAS and GIS. The results in terms of their poverty and innocence with regard to all of this is of concern.

Second, restitution payments to victims of crimes may not be possible—

The Deputy Speaker: Order. I have to cut off the hon. member in order to give enough time to the hon. member for Nanaimo—Cowichan to respond.

Ms. Jean Crowder: Mr. Speaker, I want to touch on restitution for victims of crime. I had a meeting this morning with somebody who had been in touch with one of the families of the murdered and missing women and the rigmarole that this family had to go through in order to get access to money for victims of crime was unbelievable.

One of the things we could also consider is ensuring that victims of crime are adequately supported in dealing with some of the terrible tragedies as a result of these violent crimes. That is certainly missing. I know provincial governments have some responsibility, but the federal government does as well.

•(1650)

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Mr. Speaker, it is a delight for me to add my comments at second reading to Bill C-31, eliminating entitlements for prisoners. I will confine my remarks to the things that are actually in the bill, not the wild speculation of the previous speaker.

I commend the Minister of Human Resources and Skills Development for sponsoring this important legislation and also for her excellent speech just over one hour ago.

The eliminating entitlements for prisoners act, Bill C-31, is a very important bill. It is important for taxpayers and for victims of crime and it is important for the principles of fairness.

As the minister has noted, our Conservative government is strongly committed to ensuring fairness for hard-working taxpayers. Ordinary, every day tax paying Canadians deserve fairness from their government, and this government intends to deliver fairness to those taxpayers.

The government provides many services and it also provides help, but that help comes from the tax dollars that the government collects. It comes out of the pockets of every hard-working tax paying Canadian, the Tim Hortons crowd if I may.

Income security is one of those things the government provides and it is important. It is important the government provide that help fairly to Canadians since, as I have said, that money belongs to Canadians. It does not belong to the government. It is taxpayer money.

When we are talking about fairness, and in this case we are talking about treating hard-working and law-abiding Canadians and their tax dollars fairly. We are also talking about doing what we can to ensure that victims of crime and their families are not faced with more pain. These victims should not have to watch the painful sight of their money and their community's money going into the pockets of the very criminals who hurt them and their families.

The Prime Minister has said it, the minister has said it and many of my colleagues, including me have said it. We will continue to put victims and taxpayers first, ahead of criminals.

Our government believes that Canadians who work hard, contribute to the system and play by the rules deserve government benefits such as old age security. This is what our government believes and I think it is what Canadians expect. I certainly know from hearing from many of my constituents by letter, by email, by phone call, that this is what my they expect.

It is obviously wrong and obviously unfair that prisoners who have broken our laws, who have broken our society's trust receive the same taxpayer-funded benefits as law-abiding Canadians. I am perplexed as to how it could be otherwise. I believe this, the government believes it and my constituents believe it. I am happy to say that the Prime Minister believes this, as do all Canadians.

Bill C-31, which I welcome, would ensure that criminals, those who have broken trust and broken our laws and made victims of their fellow Canadians, would no longer receive taxpayer-funded benefits while serving time in jail.

Right now, without this change to our laws, child murderers such as Clifford Olson are receiving these government benefits, notwithstanding that he brutally murdered 11 children.

Government Orders

As the minister told the House, in a few short years Paul Bernardo similarly will be entitled to these benefits. Some day in the not too distant future so will Mr. Robert Pickton. This cannot happen and that is why it is incumbent upon the House to act expeditiously.

These criminals, these murderers, to take just a small example, brutally and heartlessly took the lives of people living in their communities. Many of those lives were young, and they shattered and forever diminished the lives of those families who had members torn from them.

For criminals such as these to easily, blithely receive the same "assistance" from our government is simply wrong.

The assistance that the government provides is intended to help older Canadians with their costs of living after many decades of work and much contribution to their families, their communities and their country.

Prisoners on the other hand, criminals who have broken our laws so seriously that they are incarcerated in federal institutions and provincial prisons for long periods of time, do not need extra cost of living assistance. Why? Because they already have their costs of living paid for by the taxpayers of our country, the same taxpayers from whom these criminals have taken so much.

● (1655)

This is offensive and outrageous to our government, to our Prime Minister and to our Minister of Human Resources and Skills Development. This is also offensive to Canadians all across the country, and that is why I believe there is wide support for the bill, at least at second reading. We have heard from members on both sides of the House and it appears the bill will be near unanimously favoured when it comes to a vote. It is offensive to all Canadians.

As soon as this shockingly unfair and unjust situation was discovered, the Prime Minister asked the minister to take action as quickly as possible to put a stop to incarcerated criminals receiving old age security and guaranteed income supplement benefits. The abbreviations they are more commonly known by are OAS and GIS.

It is our government's intention, our commitment and our goal to fix this. Our government has shown that when we make a promise to Canadians, we take action. We follow through on our commitments to Canadians. That is why the minister acted with the haste that she did.

We are going to remedy this inequity and we are moving quickly to do so. Why? Because that is what Canadians want and that is what they demand. That is exactly what my constituents want, and it is happening here today. Today is part of that process, a process that I hope will continue to move swiftly.

I am going to touch on the main details of the bill. I think the attention is good and the details are relatively straightforward.

A prisoner's needs, such as food and shelter and their standard of living, such as it is, are already met and paid for by public funds, and that is by the hard-working Canadian taxpayers. That has a cost and we pay it. We pay it voluntarily and we pay it gladly.

What I and my constituents are not okay with is the provision of benefits that are meant for law-abiding hard-working seniors to

instead go to prisoners. Canadian taxpayers should not be paying for double for income support through OAS and GIS benefits to these same prisoners. It is grossly unfair to force law-abiding Canadian taxpayers to pay for the criminals twice, first, by paying for the room and board and second, by paying for the supplemental benefits, the OAS and the GIS.

Once passed, the bill will terminate OAS and GIS benefits for federal prisoners. The federal government will then work with the provinces and the territories to stop these benefits for prisoners who are serving 90 days or more in a provincial or territorial institution.

I hope all provinces and territories respond as favourably to the minister and to this legislation as the British Columbia government has. I understand British Columbia is already on board and once this legislation is passed, it will similarly apply to provincial prisoners in the B.C. detention system.

I also hope all my colleagues in the House will respond positively and quickly. Our constituents, who are our bosses, our fellow taxpaying Canadians, expect us to use their hard-earned tax dollars fairly, responsibly and prudently. They have told us that, loudly and clearly.

I am sure all members of the House have received feedback with respect to the bill after it was announced last spring. Speaking on behalf of the considerable correspondence that I received, it was universally positive.

In fact, what encourages me most is the overwhelming response from Canadians. They have truly told us, loudly and clearly, what they believe is right and fair. We have heard publicly from the families of the victims of Clifford Olson. We have heard from the national victims support groups. Those people whose lives have been so damaged by the actions of these criminals are pleased and supportive of our government's action. They support the bill.

We have also heard from rank and file police officers from across the country, people who often see the damage first-hand that is brought on by these criminals.

We have heard from regular, everyday taxpayers across our country, as I referred to earlier the Tim Hortons crowd.

The minister received a petition in support of the bill. It was signed by nearly 50,000 Canadians. That is just the tip of the iceberg. Many more thousands of people have told us, have told the minister and our colleagues that the bill is necessary. The response that we have seen and heard has truly been remarkable.

When circumstances like this unjust entitlement are discovered and when Canadians speak out so clearly and so loudly, we must listen to them and heed to their calls, advice and demands.

● (1700)

It is not a credit to us that this unfair and wrong practice came into being and continued, with little if any notice. It is not a credit to any of us that those who did not know it, did little, if anything, to change it.

We cannot change the past, but we can certainly fix the present and improve things for the future. That is what we are doing today with the continued second reading of Bill C-31.

Government Orders

The bill is also in line with many of our Conservative government's other related actions with respect to the victims of crime and their families. We have a strong record of action and this legislation only builds upon that record.

The bill is in keeping with our Conservative government's commitment to put victims and law-abiding Canadians first, and certainly to put them ahead of criminals. It puts an end to the hard-working taxpayers paying twice for prisoners and to having victims of crime see their victimizers receive unjust public help.

Finally, the bill is about the responsible use of taxpaying public funds and the fair treatment to all Canadian taxpayers. It is the fair and right things to do and it is what Canadians want us to do. We need to listen to Canadians. We need to pass the bill.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the member's speech has been very helpful. I have not had an opportunity to read the bill, but I did listen to the prior speech and I heard most of the minister's speech.

There is one question of which the member, who is a lawyer by profession, may be aware. If we have a circumstance where we have two identical persons, one of who, for lack of years of residency, does not qualify, for instance, for old age security and the other one does, and they both commit the same crime and are both sentenced to the same term in prison of something over two years, one would get the additional penalty of not getting the old age security. I am putting it into the context of this and I am asking it for information purposes. Is this not a situation where the penalties prescribed under the law would be different for two persons who committed exactly the same crime and all the same details? I ask this for information purposes.

Mr. Brent Rathgeber: It is a good question, Mr. Speaker, and I am not sure that I do. If two individuals commit the same crime but one would otherwise be entitled to OAS and the other one would not, does that create a differential in penalties if the bill is passed? The result would be the same. The one individual who was otherwise entitled to OAS and became a federal prisoner would thus be disentitled. Under that circumstance, neither would get it so they would be treated fairly and equally.

However, that really misses the point of the legislation. The legislation is to disentitle serious criminals, those who are incarcerated for more than two years in a federal institution or more than 90 days in a provincial institution from being paid twice, being paid once by having their room and board paid for by the taxpayers of Canada as they are sentenced to spend time in an institution and then to subsequently receive OAS and GIS on their 65th birthday.

Mr. Paul Szabo: I will try once again, Mr. Speaker. I understand that if one person does not get OAS and another one who is in the same position does and it is taken away, then they would both get nothing. The issue is that someone had a financial entitlement and there is real value being taken away. Therefore, this is the term of sentence prescribed by the judge for both persons, but the law would also say that, "And should you be entitled to anything else, we will take that away too and it is only applicable to you". Therefore, there is that differential in terms of the two cases.

I raise simply about whether there could be a problem that the punishment, whether it be in time or in other consequences, is different for two persons who commit exactly the same crime.

● (1705)

Mr. Brent Rathgeber: Mr. Speaker, assuming this is relevant, and I do not know that it is, I suppose the member made a point, but there is nothing unique about a situation where individuals who receive a disposition from a criminal court ultimately have that disposition changed.

An obvious example would be if an individual received a life sentence and died while he was in prison. He would end up serving less time than another lifer who was able to serve more time.

These differentiations are irrelevant and certainly take away from the good content of this legislation which is to disentitle federal inmates from tax-paid supplements, such as old age security and the guaranteed income supplement, paid for by taxpayers who are concurrently paying for those prisoners to be housed in federal institutions.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, what did the government of the day and the prime minister of the day have in mind when they initiated the program in the first place? It is my understanding it was the Joe Clark Conservative government in 1979 which initiated the program. The Clark government changed the rules.

I would like to ask the member whether he has read anything in terms of what sort of arguments were in play to allow the Conservative government of Joe Clark to change the rules to allow prisoners to get OAS and GIS in the first place?

Mr. Brent Rathgeber: Mr. Speaker, I was not a member of the House when Mr. Clark was the prime minister of Canada. What I can speak to is this legislation that is before the House.

All members must fairly admit that in the spring of 2010 when the newspapers published the story about Mr. Olson's entitlements and how much money he had actually saved from those entitlements and what his monthly stipend was, we were all caught off guard. We all bear some responsibility for the fact that this went unnoticed for so long.

Canadians were rightfully outraged when they found out that federal prisoners were receiving slightly in excess of \$1,100 per month. The hon. member represents people in Winnipeg. I am sure a lot of the seniors in his constituency do not bank \$1,100 per month. They use these stipends, this government assistance, to pay their mortgage, rent or heating bills. They do not bank \$1,100 a month like a federal prisoner does.

When this government found out about this inequality and that the taxpayers were paying twice, paying prisoners' room and board and also paying the monthly stipend, it acted quickly. That brings us to the debate today on Bill C-31.

Hon. Shawn Murphy (Charlottetown, Lib.): Mr. Speaker, I thank you for the opportunity to participate in this debate.

Government Orders

The bill is fairly simple. It is not lengthy by any means. The bill would amend the Old Age Security Act to preclude incarcerated persons from receiving benefits under that act while maintaining entitlement to benefits for, and avoiding a reduction in the amounts payable to, their spouse or common-law partner. It would preclude individuals, who of course are over the age of 65, from receiving benefits under the old age pension or the old age supplement when they are incarcerated in an institution.

We are dealing with a principle here and I agree with the principle. It probably does not apply to a lot of people. My research indicates it is in the vicinity of 400 individuals across Canada. We are not talking about an awful lot of money. It is \$2 million on a pan-Canadian basis, but it is the principle. I would suggest it was an anomaly that was never caught by anyone. The situation right now is that there are approximately 400 individuals who are perhaps not receiving all the GIS, as it would depend on other sources of income they have, but they are receiving benefits from the taxpayer while they are incarcerated in a federal institution.

Again the standard situation is probably individuals who committed serious crimes. They probably turned 65 while they were incarcerated and they are getting this money. I think I speak for most Canadians that they are offended when they hear this. They do not think their taxpayers' money should be used for that purpose and they think it should be stopped. I think the vast majority of Canadians certainly will support this legislation.

Mr. Speaker, there is a lot of noise in the House and I would ask for your assistance.

• (1710)

The Deputy Speaker: I would ask your colleagues to appreciate the fact that you are giving a speech and that they pay you the courtesy that is due.

Hon. Shawn Murphy: I thank you for your assistance, Mr. Speaker.

I have been around the House long enough to know that sometimes when something looks and sounds simple and is something that should be done quickly and expeditiously without a whole lot of debate or deliberation, we get into the whole area of unintended consequences. Sometimes what we did not really expect to happen happens, and sometimes we do not find out until a year or two later.

I certainly will agree that this bill as drafted should be passed by the House. The bill should go to committee to allow the committee to study it. In principle, I agree with it, but are there any unintended consequences that should be looked at? We do not want to cause anyone harm, especially people who are not involved in the particular situation.

Some unintended consequences have been raised this afternoon, such as the whole issue of universality. I do not see that as an issue myself. We have to look at why a person is eligible for the guaranteed income supplement, which is approximately \$1,100 a month. The reason is it is a benefit available to every Canadian so that people can pay for their accommodation, food, transportation and other personal needs. This, or most of it, is all taken care of under the prison system. That is the situation.

Another situation that has developed and will be looked at by the committee is what the obligations are of the senior to a spouse or a child. I would not think it likely that there would be a child, but there could be, or maybe a dependent child. These are situations that will have to be looked at very carefully by the committee.

I do not know how a 65-year-old person living separate and apart from his or her spouse is treated with regard to GIS. I know the GIS per couple is less than that for two single people. I do not know how that situation is treated, but it is something that will have to be looked at because at the end of the day, we certainly do not want any adverse repercussions for the spouse, whose life is probably difficult enough. We do not want any adverse repercussions to him or her, especially not having been involved in the crime nor being in prison. Spouses certainly do not need any more grief in their lives by having their existing benefits cut.

Restitution orders have been raised by other members. Again, that will have to be looked at by the committee. There will have to be discussion about any ongoing support obligations to previous spouses or dependent children who are disabled. Is there an obligation to support that individual in the unlikely situation the prisoner may actually have children? Those situations will have to be looked at before the bill gets final approval by the House.

This point was also raised by a previous speaker, but I want to reiterate that this does not involve the eligibility of benefits under the Canada pension plan. In that particular case, if the incarcerated person was receiving CPP benefits, he or she would have paid into them when he or she was working. The person is certainly entitled to those benefits and will continue to receive them. This bill does not affect that entitlement whatsoever.

An issue has been raised, and this is where it gets very interesting, where I do see unintended consequences, although it does not affect the bill in its present form. The bill contemplates that the provinces may opt in and not pay the benefits to anyone who is incarcerated for more than 90 days. In the federal system the incarceration is in excess of two years. It is a much simpler system. I do not have the confidence in the provincial and federal governments to administratively deal with this issue.

• (1715)

I will describe a situation. If a senior citizen were incarcerated for 90 days, administratively that would mean that at a certain time of the month the person would have his or her benefits cancelled. Let us say that the person went to jail on September 15 and three months later the person was released, which would, of course, depend on a lot of circumstances. We can see the administrative nightmare. These people, because they are receiving GIS, which means they have no other income whatsoever and are living hand to mouth, I have a real concern administratively as to the capability of the provincial and federal governments to coordinate all their efforts to ensure these payments are stopped on time and, more important, started on time.

Government Orders

I know that is not the issue before the House today but I see that as a serious issue going forward if all the provinces opt in. From my dealings, I do not think the capabilities are there to make it a seamless administrative procedure to do this without causing all kinds of problems. Given the numbers we are talking about, I can see a situation in which the administrative costs would certainly exceed the benefits that would be saved on that particular issue when they start cancelling benefits for short periods of time. However, that is something for the committee.

I support the legislation because I, like most Canadians, was appalled when I first read about it. It is a situation that I, like most members of Parliament, never thought about. It was raised in one particular instance. I do not like making laws and discussing public policy based on one particular incident or one particular individual but this goes right to a public policy situation where approximately 400 eligible recipients are receiving benefits as we speak. In that particular case, it does warrant some response from the house.

It is my position that the bill should be passed by the House at second reading and go to committee for further study.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I appreciate my good friend's comments regarding Bill C-31.

I, too, am very curious to know what the arguments were for making the OAS and GIC available to federal inmates back in 1979. If this is true, that was when Joe Clark, a Conservative prime minister, was in office. I would like to know whether this was an administrative directive on his part or whether it came to Parliament. If it came to Parliament for debate, surely there would be *Hansard* records of the day as to why that government would want to extend OAS and GIS to federal inmates in 1979.

Is the member aware of the discussions that went on in Parliament at the time or did the Joe Clark government simply issue a directive without any debate to provide these OAS and GIC benefits to federal inmates in 1979 when the Conservatives were in power?

● (1720)

Hon. Shawn Murphy: Mr. Speaker, as my friend knows, I was not here in 1979 so I am not aware of any discussions.

We perhaps should not talk about suspicions but my suspicion is that this particular situation was not thought about nor debated. Of course, 31 years have transpired since then and it has not been raised in the House that I am aware of since then. Therefore, I think that is the situation.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I am pleased to speak today to Bill C-31. This is a controversial subject that has certainly prompted the government to spin itself into action when it became public information that Clifford Olson was receiving OAS and GIS benefits. However, no mention has been made at all about how, why and when these benefits were originally made available to federal inmates. I for one have been trying to find out just how that came about. My information is that the benefits were given to federal inmates under a Conservative government in 1979, the government of Joe Clark.

I would like somebody on the government side to stand and tell me why the Conservative government proceeded to give federal inmates OAS and GIS benefits back in 1979. Perhaps there is some

Hansard of the day that we could refer to. Perhaps there was a directive. Perhaps it was done as a result of a court decision upon which the government had to act. However, certainly in the fullness of debate that we would expect in this House over a bill, or any bill for that matter, that information should be made available.

In dealing with the actual provisions of Bill C-31 and other related measures, the member for Nanaimo—Cowichan, in her presentation, pointed out that the NDP member for Burnaby—New Westminster did introduce into this House Motion No. 507.

I want to read Motion No. 507 for the members. It reads:

That, in the opinion of the House, the government should prohibit the payment of Old Age Security and Guaranteed Income Supplement payments to individuals serving life sentences for multiple murders, except where the individual is released from prison, and allocate the proceeds to a Victims Compensation Program administered by the provinces.

That particular motion, which was introduced by one of our NDP members, is currently before the House and I am certain that it will be debated in due course.

However, in terms of the provisions of the bill, as we know from the debate this afternoon, the bill would suspend payment of the OAS and the guaranteed income supplement to all persons 65 years of age and older while they are serving time in a federal correctional facility, and that, as we know, would be a sentence of two years or more. The bill would also suspend payment of the spousal or survivor allowance to eligible individuals between 60 and 64 while that individual is serving time in a federal facility.

It also maintains the OAS and GIS payments to spouses and partners of those who are incarcerated and provides to receive these payments at the higher single rate based under individual not combined spousal program.

We also know that the CPP provisions would stay in place. They would not be affected by this bill.

Also, the bill would maintain spousal allowance benefits to the spouses of incarcerated individuals.

It would allow the provinces to opt in by entering into agreements with the federal government to suspend OAS and GIS and spousal allowance benefits on the above terms to all individuals incarcerated for a sentence that exceeds 90 days in a provincial facility.

The member who just spoke showed some concern about how this would work vis-à-vis the provinces. He was fairly clear that the federal component would not be a problem but when we were dealing with the provinces he has some concerns.

I believe all these issues can be dealt with when this bill goes to committee. We are dealing with second reading here. We are dealing with the principle of the bill. However, as the members know, when we get into the committee structure, many more aspects to this bill will be dealt with and amendments will be made at that time.

Notwithstanding the above, the benefit payments would still be paid during the first month of incarceration. The benefit payments would resume the month that an individual was released on earned remission, parole, statutory release or warrant expiry.

• (1725)

In terms of some of the positive aspects of the bill, and I think we have heard some comments this afternoon about that, there is a certain logic to suspending payments designed to provide for the basic necessities of life in cases where the taxpayer is already funding the basic needs of necessities of life. Suspending pensions for prisoners meets a test for a lot of Canadians. We have heard from Canadians on this issue in large numbers.

We know that \$2 million would be saved immediately under the program and up to, I believe, \$10 million a year if all of the provinces and territories were to opt in. We also know that the bill would mitigate to an extent the financial impact on the spouses because it would allow spouses to receive the OAS and GIS payments at the single rate based on their individual rather than their combined spousal income.

I want to retreat to the motion that was tabled by the NDP member for Burnaby—New Westminster, Motion No. 507, where he specifically deals with the issue and very narrowly focuses the resolution on the issue of payments to individuals serving life sentences for multiple murders, of which I understand there are approximately 19 people in that category at the current time. Except where the individual is released from prison, it allocates the proceeds to a victims compensation program administered by the provinces. We would not only have the benefit of stopping payments to serial murderers but we would have the added benefit of taking the money and presenting it to the victims.

If we are a Parliament that believes in help for victims, it seems to me that the member has thought of a proper approach to this problem by earmarking the OAS and GIS amounts to a victims compensation program administered by the provinces. To me, that is a much more sensible approach to the problem as opposed to the broader forum that this bill implies.

Having said that, I do not have any problem at all with this bill going to committee. I do not have a problem with it in principle. In the committee, the debate will follow through and get to all of the issues. Hopefully we will consider the suggestion by the member for Burnaby—New Westminster to confine it to multiple murderers, that we take the money and put it in a compensation fund to help victims, which is where it should go, and that perhaps we can make some amendments to the issue.

• (1730)

The Acting Speaker (Mr. Barry Devolin): It being 5:30 p.m., the House will now proceed to the consideration of private member's business as listed on today's order paper.

When the House returns to this matter, the hon. member from Elmwood—Transcona will have 11 minutes remaining.

Private Members' Business

PRIVATE MEMBERS' BUSINESS

[English]

HEALTH CARE SYSTEM

The House resumed from May 13 consideration of the motion.

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, I stand here to support the intent of private member's motion No. 513 with some reservation and obviously some questions.

This is a private member's motion put forward by a government member, but it seems strange that the government has not given the motion the type of high-level support that was given to the private member's bill on the cancellation of the gun registry. Regardless, it speaks volumes about the priorities of the government that it has given so little support to such a fundamental and important issue as health care. However, this should not come as a surprise since in its four years as government the administration has said little or nothing about health care, medicare, health human resources or injury prevention, all issues mentioned in this private member's bill. So I wish my hon. colleague good luck with her efforts, given that her motion has such a low priority on her party's agenda. Notwithstanding, I want to give the member credit for attempting to put on the agenda such an important and urgent issue.

Let us look at the hon. member's motion.

She is looking at encouraging and assisting provincial and territorial governments and the medical community and other groups to lessen the burden on Canada's health care system. That is laudable. I applaud it and I support it. However, in question period and at other times, her party continually refuses to answer questions on the functioning of the Canadian health care system, whether it is medicare, prevention systems, or public health systems. Especially on medicare, her party calls it a provincial jurisdiction, as the provinces are struggling with the rising costs of delivering medicare.

As we well know, in times of high unemployment and in times of an economic downturn, international studies and Canadian studies have shown over the years there are high levels of stress for populations, high levels of depression and other physical illnesses such as ulcers, hypertension and heart disease. These all seem to increase during this time, because it is well known that economic status and employment are key indicators of population health.

All the provinces are struggling at a very difficult time to take care of the need for health care services, and the government has not raised a finger to help. Not only have the Conservatives not raised a finger to help, they have not even raised their voices in support of or to find some kind of solution to the problem. In fact, they have been given a failing grade by the health professions for their lack of attention to the wait times list and to the process of better management of the health care system.

Private Members' Business

One only has to look at the Romanow report to see excellent examples of what should be done to deal with creating a more efficient management system for medicare in this country, to deal with issues such as prevention or health promotion and keeping populations healthy, and to deal with issues such as technology. One just needs to read the Romanow report to see things such as home care, pharmacare and community care systems being developed in this country.

These are things that under our administration were brought forward in 2003 and 2004. In 2000 we injected enormous amounts of money into the system to help bring it up to scratch and to start moving in this direction. This was never supported at the time by the member's party, but we cannot continue to look backward. She is trying to look forward and again I want to give her credit for that.

This is not rocket science. Groups have told us what to do. The Romanow report said many things needed to be done. There are lots of things we need to do to make a sustainable, effective, efficient system in this country.

The hon. member made an important point in her motion and that was the issue of increased adoption of technological developments.

I was at the Pacific Northwest economic region, or PNWER, conference in Calgary in August. One of the pieces talked about was the sharing of health care information to create more effective systems across the border.

• (1735)

Interestingly enough, even though the United States and Canada have very different health care systems, what we did hear at that conference was that all of the people who were there who were health care providers and professionals working in the systems, including the private insurance companies in the United States, were envious of what Canada had started in our Infoway systems and the money that had been put into making it work and the money that continued to be injected in it over the years.

Canadians at that meeting, not politicians but people who worked in the health care system, bemoaned the fact that it had been cut. What everyone was saying, including the American insurers and the American deliverers of their system, was that within that system lay the ability for people in very different parts of the country and different isolated areas to be given the kind of information they needed so that they could have a timely attention to intervention, so that they could in fact have the ability to get information about the patient quickly so that duplication of tests was not done.

The group was saying Infoway improves timeliness, it improves wait lists, and it improves information so that we do not have duplication. Therefore, it saves a lot of money and it is one of the best systems we have seen and would really like to use. We are sorry to hear that it now may not survive and is not as effective as it could be. Again I want to congratulate the hon. member for bringing it up, because it is something very important. She has hit on an important piece in making the system work better.

Section (b) in the motion speaks to the issue of a better recognition of the changing roles of health care professionals and the needs of Canadians. That is bang on once again. We know that three million Canadians do not have access to a primary care physician.

We know there are a lot of people here, as I said earlier, in this country who have medical degrees, who are family practitioners and would like to be able to work. I would like to speak to this clearly, because I was given that portfolio in our administration in 2004 and for a year I went around the country looking at the issue of foreign-trained workers, foreign credentials and people having the ability to work in this country.

We put forward a huge plan, but we did not succeed in winning government. We put money first into health care, about \$95 million to move forward with physicians at least, and we were working with the nurses. History has it that we no longer were the government and this all disappeared. What we have now is a 1-800 number and all or some of the community structures that we put in place are completely gone.

Indeed it is important to have a better recognition of the changing roles of health care professionals, because we know there are many nurse practitioners and other health care providers who could provide appropriate service given their appropriate training. We could work as multi-disciplinary teams. That is a solution right now to some of the health care problems, but to do that, one has to continue to do the work that our administration did in looking at primary care clinics with multi-disciplinary teams as pilot projects set up in places such as British Columbia and Ontario, which were showing great results with nurses, physiotherapists, nutritionists and everyone in one-stop shopping for the patient. It was effective, efficient, and it saved money. It was able to be timely, and that was very important for everyone. Again, all those things that we set in place seem to have disappeared, because I agree with the hon. member's section (b).

Section (c) calls for a greater focus on strategies for healthy living and injury prevention, and again, I want to thank my colleague for pinpointing one of the most important issues. Some 60% of diseases are preventable. I have heard nothing from the member's government about the issue of primary prevention, secondary prevention, dealing with issues such as obesity, and looking at HIV/AIDS. There is now a HARRTT, or highly active antiretroviral therapy, program developed and being used in British Columbia so that patients can have a pill as soon as they are diagnosed HIV positive that will bring down the viral load. The British Columbia government is doing it, but the federal government has not even deemed it an important enough issue. That is just one example.

I want to thank the hon. member for an excellent motion.

• (1740)

[*Translation*]

Mr. Luc Malo (Verchères—Les Patriotes, BQ): Mr. Speaker, over the next hour this evening, we will be discussing health. Before we begin, I would like to sincerely thank all those who, in their everyday lives, make others aware of the different illnesses that can affect them, and of the importance of adopting a healthy lifestyle. The people who volunteer or work on these types of activities are quite simply remarkable. It is important for us to remember that.

This evening, I would like to particularly thank an organization called PROCURE, because this week is Prostate Cancer Awareness Week. The people of PROCURE work tirelessly to promote awareness of this illness, which affects many people. In fact, 25,000 people every year are diagnosed with prostate cancer. It is very important to highlight the wonderful contribution of these volunteers, in particular the founding chairman, Marvyn Kussner, and also Cédric Bisson, the chairman of the board, as well as all of the volunteers who make up the board of directors. I would also like to highlight the extraordinary work of Jean Pagé, the spokesperson for PROCURE, and a well-known personality in Quebec.

As you know, PROCURE organizes an annual walk. This was its fourth year and it is clear to the organizers and creators of this event, Father John Walsh and Robin Burns, that the PROCURE Walk of Courage has become a huge success. And this year, including the PROCURE Tour of Courage that was launched by an accomplished triathlete, Laurent Proulx, \$444,000 was raised. In addition, the leader of the Bloc Québécois, the member for Laurier—Sainte-Marie, jumped on his bike to help this great cause. I was there in June with some colleagues and it was wonderful to see the hundreds of walkers and cyclists coming together to join in the fight against prostate cancer.

Once again, I would like to salute all of the volunteers as well as the paid staff, Claudine Couture-Trudel and Javier Rivera, for the excellent work they are doing to educate the public. I would also like to mention the excellent work done by the doctors who participate in the Biobank collection network.

Getting back to motion M-513 by the member for Kamloops—Thompson—Cariboo, I would first of all like to read the final press release of the annual conference of federal-provincial-territorial ministers of health, held in St. John's, Newfoundland and Labrador, on September 14, 2010. I will just read the first sentence of the second paragraph:

Ministers endorsed* a Declaration on Prevention and Promotion that will guide their efforts to promote healthy living across Canada.

The asterisk refers to the following text:

It should be noted that although Quebec shares the general goals of the Declaration and Framework for Action, it was not involved in developing them and does not subscribe to a Canada-wide strategy in this area. Quebec intends to remain solely responsible for developing and implementing programs for promoting healthy living within its territory. However, Quebec does intend to continue exchanging information and expertise with other governments in Canada.

How can Quebec adopt its own guidelines and not participate in the Declaration and Framework for Action? Quite simply because health is the exclusive jurisdiction of Quebec and the provinces.

• (1745)

I am convinced that my colleague will not be surprised. If I told her that I would be voting in favour of the motion, she would probably fall off her chair. I will prevent this—as I do not want her to hurt herself—by telling her that I will be voting against her motion for the simple reason that, once again, the member is obviously attempting to interfere and to ensure that the federal government has a greater say in what the provinces should do to fulfill their responsibilities in the area of health care.

Private Members' Business

It is interesting to see how, in some instances, the Conservative members formally acknowledge that health and health care delivery are the exclusive jurisdiction of Quebec and, in others, they try by various means to do the opposite of what they maintain about Quebec's and the provinces' jurisdiction.

I truly wonder what is behind this doublespeak, this double standard. Experience tells me that when the government gets a hot potato, it tends to lob it to the provinces. However, when it comes to looking good or boasting, it makes more sense to the government to play a more important role in determining what is best in terms of health care and establishing a framework to promote healthy lifestyles.

To hear my Liberal or NDP colleagues, it has always been clear to them that “Ottawa knows best”. It does not bother them when the federal government just happens to interfere in jurisdictions that belong to Quebec and the provinces under the Constitution. For the Conservatives it is doublespeak and a double standard. This evening, we are hearing the usual Canadian discourse. In other words, this government should tell the provinces what to do about health care and determining strategies for health care delivery.

However, the Bloc Québécois has always been clear. It is important to ensure that all our constituents can benefit from the best health care services. All our electors say the same thing. Health care remains a priority to them. However, if the federal government truly wanted to play an important role in health, it would address the underfunding related to the fiscal imbalance, which denies Quebec and the provinces the necessary revenue to properly assume their responsibilities. The government would give the provinces all the means to assume their full responsibility in terms of delivering services and establishing the best ways to treat illnesses.

I simply want to say to my colleague that, unfortunately, in the case before us, the Bloc Québécois is opposed to her motion.

• (1750)

[*English*]

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I am very pleased to speak to Motion No. 513 this evening. I would like to read it again into the record. I actually think it is a very good motion. In fact, it is proposed by the member for Kamloops—Thompson—Cariboo. It reads:

That, in the opinion of the House, the government should encourage and assist provincial and territorial governments, the medical community and other groups to lessen the burden on Canada's health care system through: (a) an increased adoption of technological developments; (b) a better recognition of the changing roles of health care professionals and the needs of Canadians; and (c) a greater focus on strategies for healthy living and injury prevention.

Based on that particular motion, I really cannot understand why anybody would have a big problem with this resolution. This is a very complicated and complex problem which is gaining in cost. The health care system is eating up such a high percentage of provincial budgets.

Private Members' Business

I remember when I was first elected, and even before that when I was assistant to a minister in the Schreyer government in Manitoba in the 1970s, the health minister of the day had himself been a long time member of the legislature. He would tell me that we could not sustain the growth in the cost of the health care system. That was 30 years ago, but in those days we were looking at different concepts, different ideas, and one was a capitation system that had been working quite well in the Minneapolis area. We were looking at that. We approached the doctors on that issue and got a bit of resistance.

Things have changed, however slowly, over the years, to the point now where I am told we have doctors in England, for example, who are compensated and get paid on the basis of the health outcome. I think that is what we should be looking at. Rather than people with, for example, diabetes, going to the doctor and receiving their prescriptions and their medications, as is the case now, presumably these patients go to see the English doctor, who would be approached on the basis of compensation, that if the patient's nutrition could be changed, if the doctor could get the patient to lose weight and stop smoking, then that doctor would be compensated for each of those positive outcomes. Perhaps that is what we have to look at.

My Bloc friend will know that in the last week there was a news report from Quebec that the Quebec government evidently gave some sort of incentive to people to take the non-smoking treatments, the patch. Perhaps the federal government should be looking at that, some sort of incentive to get people to quit smoking and stay in that state of having quit smoking. Once again, a lot of good ideas come out of the province of Quebec and that is one I think we should be looking at here.

That deals with the member's third item. The greater focus on strategies for healthy living and injury prevention are just some examples of what we have to be looking at. I realize that we are dealing with silos. We dealt with government online programs in Manitoba and across the country, and federally we do here too. The government's biggest problem is breaking down the silos that exist in its departments. Government members think they are making decisions as a government, but just two or three levels below their ministerial offices, they will find out that people are doing, in some cases, the opposite of what they are asking them to do. It is very frustrating. That is why we have a very difficult time.

I will just give one example of electronic health records. I had been to numerous United States legislature conferences in the midwest, which consisted of all of the states, 11 states from Illinois to North Dakota, for probably six years or so. Every year we discussed progress regarding electronic health records.

• (1755)

There they have a real incentive for getting electronic health records in place because of the liability issue. There are so many accidental deaths caused by people not reading the chart properly and having the wrong information because of bad handwriting. I know Dr. Gerrard, the Manitoba Liberal Leader and MLA, had some statistics a couple of years ago in the Manitoba Legislature indicating an atrocious number of people who died in the hospitals because of mess-ups in medications due to bad handwriting. The electronic health record will go a long way to preventing that from happening.

In the United States there has been a lot of effort made in that area. A recent report in Canada indicated that after a huge amount of money had been spent over a number of years, we only have 11% or 15% of the records in an electronic fashion. Why is that?

I think if the Auditor General were to look into it a little further, she would find that a lot of it has to do with the saddles, the reluctance of people to work together.

Another really good example is the area of computer programs. A number of years ago when Paul Martin was still the Prime Minister, we had a conference here in Ottawa on the IT issues. Reg Alcock, who was a minister at the time, made sure that I was invited to that and I did go to that.

The federal government was looking at giving the provinces money. Reg was saying that we cannot just hand them the money without indicating how we want it spent. Reg wanted the money to go to the provinces to be used for technological changes, to purchase gamma ray machines and new equipment.

He was concerned that, in fact, the money was being sent there but it was not going to be used for that, that it would be used for some other purpose, perhaps still within the medical system, but it was not going to be used for what the federal government wanted it to be used for.

I think that is a big part of the problem here. I suggested at the time that the federal government should mandate a national program, an IT program for computer programs. Let us say there is a certain program developed for hospital usage, then that program should be offered by the federal government and simply provided to the provinces. The same system should be in place right across the country in all the hospitals.

We had a department of industry, trade and commerce putting up money for software developers. I toured its facility one day. What did we find out? We found a software company that was just thrilled. The government had paid half the cost of developing a program. It was a receivables program for the hospitals. The owner told me he was so happy that he had sold it to five or six hospitals.

The taxpayer has paid for the development of the software, and now has the pleasure of paying again, over and over, as each hospital buys that particular program when, in fact, the program could have been developed once and sent out to the hospitals.

This is a case where one arm of the government is really acting at odds with another part of the government. For example, when we were dealing with online programs dealing with a simple matter like the Securities Commission, we found in Manitoba we could have taken the system for free from Alberta or B.C. But, no, the Manitoba department involved in the Securities Commission came in and said, "No, we want to develop our own because we have specific legislation".

Private Members' Business

It had all sorts of reasons why it could not take this free software program from Alberta. I think this is where the federal government has a strong role to play in directing the policies of health care in the country, by offering these options. The federal government could say, "Here is a software program".

The province could have it for whatever the cost is so that it does not have to go and develop its own programs. Then there would be 10 different provinces developing 10 different programs that cannot talk to one other. That is a very big problem. We could spend hours on this whole area of compatibility problems with software programs and so on.

We need to have some sort of standardization. In the old days when the railways were made, it was necessary to have a single gauge across the country to make the railway system work

• (1800)

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC): Mr. Speaker, it is my honour today to rise to support Motion No. 513 to assist and encourage provincial and territorial governments, the medical community and other groups to lessen the burden on Canada's health care system.

I must take a moment to thank my colleague, the member for Kamloops—Thompson—Cariboo, for this excellent motion and all her good work in the health committee for her constituents and all Canadians.

Specifically, I wish to address healthy living and injury prevention and share with Canadians the great work our government is doing in these areas. Our government takes healthy living and injury prevention very seriously. We have made investments to address a variety of health issues, we have been working collaboratively with the health community and other sectors, provinces and territories and we are actively promoting healthy choices and behaviours in support of environments across our great country.

Motion No. 513 underlines the importance of focusing on healthy living and injury prevention, to support the country's economic activity, to contribute to the sustainability of the health care system and to encourage children and youth to become healthy adults.

My hon. colleague's Motion No. 513 clearly reflects and aligns with our government's healthy living initiatives. For Canadians, it means creating environments where healthy food choices and opportunities for physical activity are available. These are important health considerations for all of us and we are all responsible, parents, community groups, governments and the private sector. Our children need to be raised in health-promoting and safe environments in which healthy choices are easy choices. We know childhood is a critical stage for establishing these positive trends for life.

These environments support all Canadians: young, old, men and women, aboriginal and non-aboriginal, recent immigrants and people who have lived here for generations. It is never too late and the time is always right to start a healthy living path. I encourage all members here to do so.

To date, I am proud to say that the Government of Canada has undertaken a number of significant initiatives to demonstrate its commitment to healthy living. This government proudly works with

provinces and territorial health and healthy living and wellness ministers on these issues.

Most recent, on September 14, the federal health minister, together with her provincial and territorial counterparts, endorsed a declaration on prevention and promotion, which will guide their efforts to promote healthy living across Canada. It signals the need to achieve a better balance between prevention and treatment.

In addition, in response to Canada's high rates of childhood obesity, ministers also released "Curbing Childhood Obesity: A Federal, Provincial and Territorial Framework for Action to Promote Healthy Weights". As a first step, they will engage citizens, governments and non-government partners and industry to develop a shared approach to turn the tide on childhood obesity.

We all agree that childhood obesity is a national health challenge and will require all sectors of society to get involved to change the social, economical and physical environments that influence the health of children and their families. As a parent, I am proud of our endorsement of the framework to promote healthy weight among children.

This government also has a long-standing relationship with provincial and territorial governments on the pan-Canadian healthy living strategy, which has addressed the issues of physical activity, healthy eating and the relationship to healthy weights, just to name a few.

The pan-Canadian healthy living strategy acts as a focal point for organizations across all sectors to collaborate and build upon each other's innovative strategies and initiatives in an integrated and coordinated way. The strategy focuses among other priorities or issues of physical inactivity and obesity. It also includes injury prevention as a priority.

It is through the integrated strategy on healthy living and chronic disease that the federal government advances the objectives of the pan-Canadian healthy living strategy. The federal effort addresses common risk factors for disease, which are largely preventable. It measures the impacts of chronic diseases on Canadians, it identifies and promotes effective prevention programs and makes specific investments in major chronic diseases, including cancer, diabetes and cardiovascular disease. Recently, the government has taken innovative measures to tackle lung and neurological diseases as well.

The government is providing \$10 million over three years to improve the respiratory health of Canadians and \$15 million over four years to work closely with stakeholders on a national population study on neurological diseases. In addition, we continue our work on surveillance of physical activity and healthy eating trends and we are committed to meeting the healthy living targets for 2015 set through our collaborations with provincial and territorial ministers of health and ministers responsible for sport, physical activity and recreation.

Private Members' Business

● (1805)

By 2015, we aim to have a 20% increase in Canadians who make healthy food choices, a 20% increase in Canadians who participate in regular physical activity, a 20% increase in Canadians at normal body weight, an increase of seven percentage points of the proportion of children and youth between the ages of 5 to 19 who participate in 90 minutes of moderate to vigorous physical activity daily.

Another initiative to increase the physical activity of children and youth is the joint policy statement called "Intersectoral Action on Children and Youth Physical Activity". This statement was signed by the ministers who are responsible for sport, physical activity and recreation. These ministers are collaborating with their health and education counterparts on this joint policy statement, demonstrating the commitment to see children and youth including physical activity in their daily lives.

I am confident that Canadians are familiar with our governments work on the children's fitness tax credit, Canada's physical activity guides and the Canada food guide.

Through Canada's economic action plan, \$500 million was also allocated to create the regional infrastructure Canada program, supporting the construction and renewal of community recreational facilities across Canada. These facilities will reach Canadians in their communities.

Highlighted in budget 2010, the government has committed to give participation \$6 million over two years to promote healthier lifestyles for Canadians through physical activity and fitness.

Along similar lines of support has been the government's commitment to seniors through the new horizons for seniors program. This program funds non-profit organizations to ensure that seniors can benefit from and contribute to the quality of life in their communities through active living and participation in social activities.

Through the Canadian Institutes of Health Research, the government has provided \$87 million in funding for obesity related research since 2000.

All these partnerships and collaborations help promote healthy living. Yet there is much more to do.

The will to make healthy living improvements is evident at all levels of government with the non-government, community and other stakeholder organizations.

Given that chronic diseases cause Canadians more than \$40 billion each year in direct health costs and \$70 billion every year in lost productivity, we must take further action now to relieve the burden. With our continued focus on healthy Canadians this government is on the right path.

Injury prevention is also an important aspect of a healthy lifestyle. We can all agree that injuries, unintentional and intentional, are an important health concern involving people of all ages, backgrounds and settings. Injuries are largely preventable.

Injury totals represent a significant economic and societal burden estimated to be greater than \$19.8 billion per year. These numbers are staggering and the statistics speak for themselves. Unintentional and intentional injuries are the leading cause of death for Canadians between the ages of one and forty-four. Injuries are the fifth leading cause of death for all Canadians.

Injury hospitalizations for 80% of seniors 65 and older are the result of unintentional falls. We know certain groups are at higher risk for injuries than others. These include younger adults, men, people living in lower income households, people with problems such as depression or substance abuse, those living in isolated communities and in particular our aboriginal peoples.

There is still much work to be done and our government has taken action. We are moving forward with our food and consumer safety action plan to modernize and strengthen product safety laws to protect Canadians from injuries resulting from dangerous consumer products.

We have already been working with a variety of partners, including provincial governments, non-governmental organizations, health professionals and their associations. It is these professionals who are important to getting both the injury prevention and the health promotion messages out to Canadians. They believe that more can be done to prevent injuries in Canada and we agree.

The Government of Canada is committed in partnership with all those involved in our health care system to lessen the numbers and impacts of injuries for all Canadians.

Our health affects every aspect of our lives from the personal to the professional. Clearly stated here today is the impact of focusing on healthy living and injury prevention, a focus which strives to ease the burden for all Canadians for now and for future generations.

I am confident that my constituents in Oshawa and, indeed, all Canadians would probably support this motion. Focusing on strategies for health living and injury prevention are clearly part of the health care solution.

With the Government of Canada investing significantly and working collaboratively, we are ensuring that we have another made in Canada success story for improving the health of all Canadians.

● (1810)

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, I am pleased to speak Motion No. 513, brought forward by the member for Kamloops—Thompson—Cariboo. It is a motion that encourages the federal government to both encourage and assist the provinces in their health care delivery.

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It is a rare opportunity to speak about health in the House. I applaud the member for Kamloops—Thompson—Cariboo for raising the issue of health as a federal issue in the House. It is a rare opportunity because time and again the current government says that health is not a federal issue, that it is a provincial issue, that the federal government does not hold any responsibility for the health file. However, I could not disagree more.

The Canada Health Act is federal legislation that earmarks funding for health care that is delivered by the provinces, but there are certain strings attached to this funding. Health care must be accessible, portable, universal, comprehensive and it has to be publicly administered, so dedicated funding with strings attached.

The agreement under the act, or the accord, expires in 2014, which is just around the corner. This date should not just mark a time to reconfirm our commitment to our health care system. In fact, we need to use this opportunity to revision health care and begin our commitment to the health care system that we deserve.

In Canada, if we go to the doctor, if we go to the hospital, it is free. That is the great legacy of Tommy Douglas and his vision for medicare. However, what many of us forget is that was just phase one of Tommy's vision. Phase two was tackling all of those things that would actually keep us healthy and out of the hospital, such as pharmacare, home care, health promotion and prevention, social determinants of health.

My conversations with Canadians over the summer reflect what we have seen in recent polls, that we are concerned about health care. We are concerned about the lack of universality of coverage for all Canadians, the rising costs of pharmaceuticals, the need for an immediate solution to health care staffing and training issues and the protection of Tommy Douglas' medicare vision.

We need to address these concerns.

However, first, let us set the record straight. The hue and the cry about unsustainable health care is a myth. Health care costs are rising dramatically as a share of total public spending. However, huge corporate tax cuts, resulting in the lowest corporate tax rate of any G8 nation, have deprived our system of much needed revenues and have made our health care costs seem bigger by comparison.

In my lifetime, as a percentage of GDP, health care costs have actually risen only slightly, about 4% or 5%.

Right-wing ideologues ignore the reality that medicare costs are stable and they promote the fallacy of an unsustainable health system. However, “unsustainable” is code for “privatization”.

We can make our system better. We can do this by identifying potential savings and efficiencies within the system. Huge savings could be achieved by implementing a national pharmacare plan. Just as an example, having a single buyer negotiate for cheaper drug prices could save Canadians billions and relieve Canadian businesses of the burden of paying for private drug insurance. This would free up more money for them to invest in our communities.

We could also save on administrative costs, because private drug plans cost 10 times as much to administer as public plans.

We also need to invest in smarter health information technologies, something that this motion touches on, improved access to diagnostics and testing and better staffing and human resources strategies in health care, particularly in rural and northern areas.

If we fail to adapt medicare to the way that health care should be delivered today, private alternatives will fill the gaps. If we fail to act, we will lose control of the health care agenda and we will end up with a more costly and less accessible health care system. Time is of the essence: 2014 is practically tomorrow. The majority of Canadians who want Tommy's legacy protected cannot sit back and let that happen.

As 2014 and the time for health care renegotiations quickly approach, I hope that all Canadians, including the Canadians in the House, continue to fight for the best health care for everyone by preserving our achievements and extending Tommy's dream for medicare to its second phase.

One thing is for certain, federal leadership is needed. With Ottawa taking the lead, together with communities, we can make the system stronger. We can make it more responsive and modernized. In turn, we can help each other live better, healthier and stronger lives.

• (1815)

This motion articulates a very small step towards this vision, and when it comes time for voting, I will be pleased to support it.

Mr. Greg Rickford (Parliamentary Secretary for Official Languages, CPC): Mr. Speaker, I thank my colleague in this place, a colleague in the great profession of nursing, for the privilege to speak to her motion today. Indeed, it is a great pleasure to speak to our government's commitment to support the development and adoption of quality innovations in our health care system.

First and foremost, the federal government contributes significant funding towards health care through the Canada health transfer. In 2010, our government will provide provincial and territorial government with \$25.4 billion in cash support. The cash amount has grown by \$1.4 billion since 2009-10 and our government remains fully committed to increasing the Canada health transfer by 6% each year until 2013-14.

By keeping our promises in fulfilling this commitment, we are assisting provinces and territories to fund their particular health priorities, including those areas listed in the motion from the member for Kamloops—Thompson—Cariboo. We are committed by the principles of the Canada Health Act to making Canada's population one of the healthiest in the world.

[*Translation*]

The adoption and appropriate use of health technology are crucial to achieving this objective.

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Health technology is more than just a simple feature of the modern health care system; it is a reality that has repercussions on all aspects of the system.

New diagnostic tools allow for earlier detection of illnesses, which means treatment can begin sooner.

[English]

We are working to provide new treatment support for patients who previously had no treatment option, and approved treatments are leading to better survival rates and quality patient outcomes. New administration practices are supporting a more efficient use of health care providers and the use of interdisciplinary approaches to care.

In the area of electronic health records, technological developments are enabling healthcare providers, system administrators, and governments to implement faster and more efficient ways to store and manage patient information. This government is well aware of the significance of technological innovation in improving and maintaining the health of Canadians. It is with this in mind that the government has brought forward a number of policies and initiatives supporting the development, assessment, and adoption of health technologies.

This support begins first and foremost with the research and development activities that serve as the basis for innovation. Investment by the federal government in research and development activities takes several forms.

[Translation]

Private sector research is supported by generous tax concessions through tax credits for scientific research and experimental development.

Every year, this program provides over \$4 billion in investment tax credits for over 18,000 claimants, approximately 75% of which are small businesses.

The OECD, an organization made up of the world's most industrialized nations, ranks Canada second out of all of its members in terms of tax breaks for every research and development dollar spent.

• (1820)

[English]

In an effort to fuel the ingenuity of Canada's best and brightest, and to drive the adoption of new technologies across this country, this government's science and technology strategy is also investing directly in health research. The health-related component of this strategy is primarily implemented through the Canadian Institutes of Health Research.

The CIHR was created to provide targeted funding to priority health research, to train the next generation of health researchers, and to support the translation of research into practices, procedures, products, and services. CIHR serves a principal role in the development and growth of Canada's greatest asset, a highly skilled community of medical researchers. In recognition of CIHR's important role, the government has increased CIHR's research funding by \$16 million. This investment will bring the CIHR's total research budget for 2010 to nearly \$1 billion.

To ensure that the outcomes of research investment are appropriately protected and rewarded, Canada also maintains an intellectual property regime that mirrors those of the most generous in the world. From the date of filing, patented innovations receive protection for a period of 20 years. It is worth pointing out that in 2008 the *IMD World Competitiveness Yearbook* ranked Canada second in the G7 for patent protection.

Through these combined measures, our government is demonstrating its ongoing commitment to a culture of science innovation. I am pleased, as a parliamentarian and as a nurse, to stand in this place and report that Canada's policies in support of health research have received such high praise from international bodies.

A key feature of this initiative is to ensure that e-health systems will one day be compatible from coast to coast to coast and be able to talk to each other. This presents an important and complex challenge for Canada's Health Infoway. We need the capacity to enable someone from Manitoba, for example, who happens to be in British Columbia receiving care to have his or her health record readily accessible to health care providers. The Government of Canada has to date invested \$2.1 billion in the Infoway. Those investments have been critical in establishing a blueprint and standards for an electronic health records system, developing its key components, and enhancing our capacities in areas such as public health, surveillance, and telehealth.

To this end, in budget 2009, as part of Canada's economic action plan, of which we hear so much, our government has allocated \$500 million to Infoway, and this investment will enable Infoway to focus on compatible systems, speed up the implementation of electronic records in physicians' offices, and develop linkages with hospital information systems and patient portals.

This continued investment of our government in electronic health has positioned Canada to reap the benefits of technological developments for the health of its citizens, and to strengthen the safety, quality, and efficiency of our health care system as a whole.

The introduction of new health care technologies is a delicate matter and one that carries real implications for patients, something that I and my colleague, as nurses, care deeply about.

This government wholly embraces the principle of innovation. But we must avoid falling into the trap of equating new with better. Being responsible in the choices we make in adopting technologies will help us to guarantee continued access to quality health care systems.

To do this, we need to have collaboration. This collaboration with provincial and territorial governments, and indeed our first nations governments, is of tremendous importance, since each jurisdiction is responsible for, and plays an important part in, the delivery of health care for its residents.

As I have noted, our government is an active supporter of science and innovation. It is prepared to stand behind policies that drive new health technologies from discovery to development.

I thank the member for Kamloops—Thompson—Cariboo, my colleague in nursing, for this opportunity to speak to her important and well-crafted motion.

Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC): Mr. Speaker, I am pleased to stand and summarize the debate on my Motion No. 513.

I want to thank my colleagues on both sides of the House who have contributed to this debate in a very important way. I will speak to some of the specific issues and comments that they made a bit later.

We have to recognize that the role of the federal government is guided by our legislation and our Constitution and it is a delicate balance in terms of not stepping on provincial jurisdiction.

As I listened to the Liberals, I heard that I was too cold. As I listened to the Bloc, I heard that I was too hot. I would like to suggest that our Conservative government has it just about right in terms of how we approach health care.

As a practitioner and also as someone who has studied international systems for many years, I have seen public-public systems, public-private systems, all sorts of combinations of health care systems. Regardless of the systems and regardless of the country, and some perhaps do a better job than us and some definitely do not do nearly as well as us, the element in my motion talks to something that would improve outcomes for Canadians and increase opportunities for sustainability. We need to focus on these important elements.

I noted the comments made by my colleague from Vancouver South. In response to that both the Parliamentary Secretary to the Minister of Health and the parliamentary secretary for official languages have spoken clearly to the importance that we are putting on many of these elements and the considerable investment of federal government dollars. I believe the message has been heard clearly that it truly is important.

For my colleague from the Bloc, I would love to fall off my chair one day when that member stands to vote with me on this motion. If I had more than five minutes to summarize, I could actually convince that member of how important it is. We can all benefit, whether it is decreased sodium in soup, which is across the country, whether it is support for technology through Health Infoway - Canada, Quebecers and all Canadians would benefit. I would love to see that member stand and support the motion.

In response to the comments by my NDP colleagues, I appreciate the large lens that they put to this issue. Health care and the health care system is about more than just these elements, but this motion is somewhat focused. I do appreciate their expanded scope, but the motion is very specific.

Imagine a day in terms of technological developments where thoracic surgeons are seeing patients in remote areas, where we have hospitals without walls and patients who have chronic disease can get their lab results directly on their iPad, taking responsibility for monitoring their own conditions in partnership with their health care team.

Imagine a day when we have utilized all our resources to the full scope of their practice, whether it be the physician assistant with the army, the dental therapist working with our aboriginal communities,

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the community health representatives, the nurses working in primary care, a strong, solid primary health care team.

Most important are strategies for prevention and healthy living. That will be a huge step toward a sustainable health care system.

This general discussion is very timely with the expiry of the accord in 2014. These areas of focus all have an important role to play in the future of a sustainable health care system.

I ask for the support of all members of the House on this important motion.

● (1825)

[*Translation*]

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.

Some hon. members: On division.

The Acting Speaker (Mr. Barry Devolin): I declare the motion carried.

An hon. member: Oh, oh!

● (1830)

[*English*]

The Acting Speaker (Mr. Barry Devolin): The motion is carried.

An hon. member: I said no.

An hon. member: And I said no.

Mr. Kevin Sorenson: Mr. Speaker, I rise on a point of order. When you called for all those in favour, I know there were at least a number on this side who said no and others who said yes and one that said no over here, but you never did direct us as to whether or not we would be standing or if there would be an audible vote. That is what we were waiting for from you.

The Acting Speaker (Mr. Barry Devolin): I am going to revisit this. It is correct when I asked whether it was the pleasure of the House to adopt the motion. I did hear many yeses and one or two nos. When someone said that the vote would be carried on division I thought that had satisfied it. I did not seek clarification.

Having said that, is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Barry Devolin): The hon. member for Ottawa—Vanier.

Hon. Mauril Bélanger: Mr. Speaker, a very simple question to you, if I may. You have declared the bill carried on division. Are you now rescinding that decision?

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The Acting Speaker (Mr. Barry Devolin): I misunderstood. I thought that there was nobody saying no. It has been clarified to me that there were people who said no, so it is the Chair's decision that I am going to call for a voice vote on this.

Hon. Mauril Bélanger: You are rescinding your decision, Mr. Speaker.

The Acting Speaker (Mr. Barry Devolin): I am revisiting this issue.

Will all those in favour of the motion please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Barry Devolin): All those opposed please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Barry Devolin): In my opinion the yeas have it.

And five or more members having risen:

The Acting Speaker (Mr. Barry Devolin): Pursuant to Standing Order 93, the division stands deferred until Wednesday, September 29, 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.

[*English*]

AIRLINE INDUSTRY

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, a few months ago I asked the minister a question regarding the major improvements the Obama administration made in terms of air passenger rights. In November it imposed the first tarmac delay penalties in North America. Basically after a three-hour tarmac delay, the airline has to pay \$27,500 per passenger in fines. Pretty much out of the gate, Southwest Airlines was fined \$200,000 for overbooking flights.

I asked when the Canadian government would catch up with Europe and the United States and start protecting air passenger rights. The minister's response was simply that he had a meeting with me in the next hour and that was it.

Coming out of the meeting the minister did ask if I had any information about how many flights actually were stuck on the tarmac for more than three hours. I pointed out to him at the time that in fact he does not have that information in Canada because Canada does not keep information like that. The United States actually does. We can make reference to numbers of flights that have kept people on the tarmac in the United States for considerable periods of time.

For the information of the minister and parliamentary secretary, up to October 2009 there were evidently 864 flights that held people on

the tarmac for three hours or more, according to the Bureau of Transportation Statistics. Using 2007-08 data, there was an average of 1,500 domestic flights per year carrying 114,000 passengers that were delayed more than three hours.

The fact of the matter is that these new rules that were announced last Christmas and that came into force around April 1 have already shown terrific results, results that should compel the government to take similar action. For example, in May and June of this year, tarmac delays exceeding three hours numbered a total of eight times compared with 302 occurrences during the same two months in 2009. This is the first evidence we have that President Obama's directive to transportation secretary Ray LaHood last December is actually having an effect.

I would ask the parliamentary secretary to take that under advisement and recognize that the United States has leaped way ahead of Canada. From being behind Canada, it has leaped way ahead by imposing fines on airlines that keep people imprisoned on airplanes for more than three hours.

Having said that, I still like the approach that we have taken here with my air passenger bill of rights that would allow for compensation directly to the passengers. In the United States the airlines are fined and the money goes to the government. In Canada we should have an approach where the money goes to the people who are inconvenienced, the passengers on those planes.

I would like the minister to respond to these points.

• (1835)

Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, obviously this Conservative government is very concerned about Canadian families that experience travel delays when flying, especially during the Christmas and holiday season.

Airline passenger rights are already enshrined in the Canada Transportation Act, which actually requires that terms and conditions of carriage be made readily accessible to consumers.

In the event that a carrier does not respect its terms and conditions of carriage, and passengers are not satisfied with an airline's response, they may actually file in Canada a complaint with the Canadian Transportation Agency, better known as the CTA.

In September 2008, the government actually launched Flight Rights Canada, rights for consumers, and established a code of conduct for Canadian air carriers. Since airlines incorporated Flight Rights Canada into their terms and conditions of carriage for international and domestic travel, they are now legally enforceable by the Canadian Transportation Agency and are subject to that agency's complaint process. That is good news for consumers.

Indeed, with respect to tarmac delays, as the member brought up, these airlines are now required to offer passengers drinks and snacks, if safe and practical to do so, and if the delay exceeds 90 minutes and circumstances permit, because as we know, a lot of issues come up, these airlines will offer passengers the option of disembarking from the aircraft until it is time to depart.

That is a significant step forward, and of course, I am quite surprised that the NDP would propose that we adopt an American solution, a U.S. solution. Instead, this Conservative government is concentrating on a made in Canada solution for Canadians.

The purpose is to alleviate passenger inconvenience during air travel while making sure, at the same time, that our air travel industry, our air carriers, are financially viable. This is a big economic time. We know how difficult it is for most companies, most consumers, and most workers in Canada right now. It is very difficult, and we are at a sensitive time, so we will make sure that we have a vibrant and good industry to serve Canadians and serve passengers.

Although Bill C-310, which the member proposed before and which went to committee, had some positives, which, in fact, the government looked at, it was problematic. Some witnesses at the Standing Committee on Transport, Infrastructure and Communities, which that member participated in for some period of time, and some government and even opposition members, voiced serious concern that the bill's long list of fines and penalties could reduce the financial viability of many airline routes in Canada.

That member flies about the same amount I fly. If we were to adopt the American approach, both of us would probably be millionaires within a couple of years, but quite frankly, we would have no airlines to carry us, and that is not acceptable. In fact, the very goal of the proposal by the member actually contradicts this Conservative government's goal in our economic action plan, which aims to support local communities that have been most affected by the economic downturn. In fact, we heard that most northern communities and isolated communities would actually lose their air service because of some of the difficulties air carriers have, especially in the winter months, in, for instance, places like Newfoundland and other places across Canada.

After hearing detailed testimony, the standing committee voted, all parties in the House at the standing committee voted, that Bill C-310, which the member is speaking about today, not proceed any further. That is the situation. The government will stand up for the people of Canada, for the consumers of Canada, and make sure that we continue to have a very vibrant industry in Canada.

● (1840)

Mr. Jim Maloway: Mr. Speaker, this minister and this government are not standing up for consumers at all. They are apologists for the industry, are completely in the pockets of the industry, and basically take their direction from the industry representatives.

We do not even have statistics in Canada. We do not keep statistics as they do in the United States, so the minister and the parliamentary secretary cannot even tell us how many delays of over three hours or under three hours there are.

The approach they have taken right now with Flight Rights Canada has allowed the airlines to put these rules within their codes, but in actual fact, there is no legal requirement for the passenger to collect if the airline does not voluntarily pay. The airlines have—

The Acting Speaker (Mr. Barry Devolin): Order, please. The hon. parliamentary secretary.

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Mr. Brian Jean: Mr. Speaker, that did hurt a little but coming from the member opposite I understand. Sometimes he goes on and on. However, being in the pockets of the airline industry is quite ridiculous. I probably fly a lot more than he does and to suggest that we would somehow be in collusion with the airline industry is absolutely ridiculous.

Frankly, I know the member brought forward some comparisons before, the European Union, for instance, and now the United States. Canada has a different industry. We have a different geography and climate with some of the harshest winters in the world. We must consider these aspects before we move forward.

We have very isolated communities in the north where there are 30,000 or 40,000 people within a 200,000 or 300,000 kilometre geography. It is just not acceptable to compare a place with a population density as low as Canada's to places like Europe and New York. It just cannot happen.

We are doing the best for consumers, for the airline industry and for Canadians.

[*Translation*]

CITIZENSHIP AND IMMIGRATION

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, in May, I asked the Minister of Citizenship and Immigration a question about our fellow citizens of Haitian origin who had tried or were trying to sponsor family members to come to Canada. That was four months after the January 12 earthquake. It has now been eight months.

I have to admit that some files have progressed. Some files, in particular, that had been initiated before the earthquake. But after the minister's answer to my question, I realized that the government did not seem prepared to temporarily broaden the definition of family member, as was done in Quebec, to include family members that do not fit within the existing definition.

I therefore asked the minister whether the government was prepared to broaden the definition of family, because at the time, it was receiving tens of thousands of dollars in sponsorship application fees—\$550 per adult and \$150 per child. I have several constituents who paid thousands of dollars and who are now left broke and without any family members here.

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Here is an example. Before the earthquake, a woman by the name of Magali Micheline Théogène was trying to sponsor her mother. After the earthquake, she contacted the department. Government representatives encouraged her to sponsor her two sisters as well, even though they did not meet the age requirement and were over the age usually allowed. That cost her \$1,100 more. Then she was told that her sisters each needed a medical exam at \$200 apiece. She spent \$1,500, and has just been told that her two sisters are not eligible because they do not meet the requirements, yet it was departmental officials who encouraged her to sponsor their applications.

In light of this situation, there is something my constituents of Haitian origin would like to know. Since the government did not broaden the definition of family members, but encouraged people to sponsor applications costing them thousands of dollars, applications that were then denied, can that money be refunded? Given the situation in which their relatives found themselves and still find themselves in Haiti, the \$1,100 that Ms. Théogène gave the government—which really did not need it—could be a big help to her two sisters in Haiti.

Once again, I am asking the government to seriously consider reimbursing our fellow citizens of Haitian origin who submitted sponsorship applications because departmental officials encouraged them to do so even though those applications were never going to be approved. I am asking the government to reimburse these good people so that they can use the money to help their relatives still in Haiti.

• (1845)

[*English*]

Mr. Rick Dykstra (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC): Mr. Speaker, as my hon. colleague knows, I cannot get into the details of specific cases. I understand that he may have some issues with respect to individual cases and, certainly, as the minister offered then and I offer now, we would be prepared to look at those on a case-by-case basis.

The Government of Canada remains committed to helping reunite families affected by the earthquake in Haiti as quickly as possible.

My department, Citizenship and Immigration Canada, continues to receive hundreds of applications every month in the family class, which is one of the most generous definitions of family in the world for immigrant receiving countries. The ministry also expects to receive approximately 5,800 applications under the Quebec special measures in the coming months.

As members know, in the immediate aftermath of the earthquake, the ministry moved quickly to support Canadians and their close relatives, in particular, children, to reunite in Canada. Priority processing was given to spouses; partners; dependent children, including adopted children; parents and grandparents; and orphaned family members who may include brothers, sisters, nieces, nephews or grandchildren under the age of 18.

The Haiti special measures came to an end on September 1 of this year. We will continue to process family class applications received prior to September 1, 2010 under the Haiti special measures program. We are committed to making decisions on these

applications within 12 weeks of the end of the month that applications are received. Family class applications received after that date will be processed as quickly as possible. The ministry will also resume processing for certain groups that were previously suspended as result of the earthquake.

This represents the fastest and largest special immigration effort of its kind following a natural disaster. We can be extremely proud of this as Canadians.

Given the lack of infrastructure, the Canadian embassy in Port-au-Prince has been limited but we continue to focus our efforts on specific groups, including family members.

As my hon. colleagues may know, there are about 100,000 Canadians of Haitian descent, including 60,000 Canadians who were born in Haiti, most of whom have extended family in Haiti. If the family class criteria were expanded to allow for sponsorship of extended relatives, the increase in applications would more than likely create processing backlogs and delay family reunification. That is why the ministry is focused on immediate family members.

I would also point out that Quebec has considerable flexibility under the Quebec accord on immigration to select immigrants who will adapt well to living in Quebec. The ministry is in fact working with Quebec to facilitate processing more Haitian cases within provincial targets. As of September 18, the ministry is also granting permission for the entry of 2,500 more Haitians on a temporary basis using either temporary resident visas, with almost 2,000 issued, or temporary resident permits, with more than 500 issued.

We believe that, given the circumstances in Haiti, the special immigration measures implemented in the immediate aftermath of this earthquake were appropriate and timely and that our processing efforts following the end of Haiti special measures will allow us to continue to process family class applications from Haitians affected by the disaster as quickly as possible.

• (1850)

[*Translation*]

Hon. Mauril Bélanger: Mr. Speaker, the member is not answering my question in the least. I took part in a public meeting in the weeks following the earthquake. There were nearly 1,000 people of Haitian origin in the room. Not all Haitian Canadians live in Quebec. Officials from the department were encouraging the citizens of my riding to sponsor whomever they wanted, even if those individuals were not eligible under the department's definition of family at the time.

The parliamentary secretary is singing the praises of Quebec. I urged the Canadian government to be as flexible as Quebec, but it did not do so. Haitians have been encouraged to come here, yet they are not being allowed to do so. I think that is awful. The government refuses to reimburse these people, who could have sent money to their loved ones in Haiti. The government has completely missed the boat and is treating these people unfairly. We will revisit this issue.

Adjournment Proceedings

[English]

Mr. Rick Dykstra (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC): That is fine, Mr. Speaker. We can certainly come back to that issue.

The member is asking a very specific question, and I can appreciate it, but I am not so sure it is a question to be answered here with respect to specific cases. As I indicated, we will be prepared to look at those.

However, Quebec's authority to do what it is doing comes from the Canada-Quebec accord signed in 1991. It gives Quebec selection powers and control over its own settlement services. Canada remains responsible for defining Quebec's immigrant categories, setting its levels and enforcement.

Our highest processing priority after the earthquake was for immediate family members and urgent and exceptional cases. With the end of the Haiti special measures on September 1, 2010, we believe that the special immigration members implemented and the immediate aftermath and the processing efforts implemented following the end of the special measures, strike the proper balance between maintaining the integrity of our immigration system and speeding up the reunification process of all Haitians who were affected by the earthquake with their immediate family members here.

The Acting Speaker (Mr. Barry Devolin): The motion to adjourn the House is now deemed to have been adopted. Accordingly, the House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 6:54 p.m.)

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