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Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Monday, June 5, 2006

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

• (1105)

[*English*]

DIVORCE ACT

Mr. Rick Casson (Lethbridge, CPC) moved that Bill C-252, An Act to amend the Divorce Act (access for spouse who is terminally ill or in critical condition), be read the second time and referred to a committee.

He said: Mr. Speaker, it is indeed an honour to stand today and speak to my private member's bill, Bill C-252. It is an act to the amend the Divorce Act. This bill seeks ensure that divorced parents who are terminally or in critical condition are granted access to their children to say goodbye before passing on.

The bill is about families, specifically families where parents have been divorced. Divorce is an unfortunate reality in Canadian society today, a reality that transcends socio-economic, racial and religious boundaries. The bill recognizes that although divorce severs spousal bonds between parents, the family bonds between parents and their children remain. Although divorce usually means that a family structure and dynamic is forever changed, it is very important that the bonds and relationship between parents and their children remain intact, unfettered and free to evolve.

The bonds that exist between parents and their children are both natural and essential, a physical and emotional attachment. From birth, children depend on their parents for all of their needs and continue to depend on their parents in one way or another throughout life. Children are dependent on parents for more than just physical or material basics for survival. Parents provide a primary example, a template for their children. Parents are their children's best teacher. Parents are their children's first friend. Parents bring their children into the world, and I believe that all parents should consider their children to be the centrepieces of their lives and achievements.

Few people in children's lives, if any, play as significant and as meaningful a role as their parents. Likewise, few, if any, people in the life of a parent mean as much to them as their children. These bonds are like no other. Few bonds run deeper than those between parent and child.

Divorce does not have the automatic effect of severing or suspending all parent-child bonds. Indeed, parents, divorced or not, usually continue as primary supporters and nurturers of their children. Whether this means taking them to a hockey practice or celebrating a graduation or a wedding, divorced parents, like all parents, need to share in their children's lives.

They need to share these times with their children just as their children need to share special times with their parents. The sharing of life between parent and child is essential as they walk the path of life together, through the good times and the bad, until it is time to say goodbye.

The circle of life is made up of segments of individual lives, lives with beginnings and ends. It is always a happy occasion when we say hello to a family member for the first time and a very sad event when we say goodbye for the last time. Nonetheless, the two occasions are both important and essential—not just saying the cheerful hellos but also the sad goodbyes.

This is a bill that I have undertaken because there are indeed regrettable situations that exist across the country where divorced parents who are terminally ill or in critical condition have difficulty achieving or are denied the opportunity to say goodbye to their children before passing away. This is truly regrettable and requires the attention of the House.

Parents and children need to be ensured, as much as is possible, access to each other to say goodbye in these sorts of circumstances. Although saying goodbye under such sad circumstances is always difficult, it is an important step for both parent and child.

There was such a case involving a former constituent of mine who died of leukemia. This young divorced mother was in her final days of a courageous fight for her life when her children were removed from her custody. This is why I have undertaken this bill.

Judges need to be empowered through the amendment proposed by this bill to grant access to divorced parents who are terminally or in critical condition. It is not enough for us to hear of such a sad story and to shake our heads and turn away. We need to take meaningful action to prevent this sort of thing from happening again.

This private member's bill seeks to guarantee parental rights but also ensures that such rights are not granted at the expense of the rights of children. The bill declares that any access granted under the authority of the proposed amendment would be subject to subsection 16(8) of the Divorce Act, which clearly states that any custody order must be based upon the “best interests” of the children.

Private Members' Business

For instance, if a parent who had been abusive were critically ill, the history of abuse would influence the ability to gain access to the children. This ensures that the interests of the children involved are upheld and protected in situations where such protection is necessary.

Once again, the ability to say goodbye is important for both parent and child, but we must approach this issue in a balanced and prudent fashion. I believe that this bill and the condition it contains do just that.

I know that topics of family and emotional bonds are not common to the House. Indeed, it seems a bit ironic for such matters to be addressed by Parliament and discussed from a legal or policy perspective. However, the bill and this debate are indeed necessary.

The work of the House is of a normative nature in that we seek to establish norms, legal rules and ideal standards. The Divorce Act as it currently exists does not provide divorced parents who are terminally ill or in critical condition with access to their children to ensure that they can say goodbye. I believe this is a natural and essential right that the House needs not only to recognize but to pass into law.

The Divorce Act was created by Parliament as a legal framework from which divorces and the conditions of divorces are to be structured. The Divorce Act therefore provides our judges with a road map which they use to navigate through cases of divorce in the pursuit of fair and balanced settlements, settlements that hopefully make the best of a bad situation for both parents and children.

Having to say a final goodbye, especially at a premature juncture of life, is perhaps one of the most difficult yet essential events that a parent may face. I use the word "essential" here because it is important for both the parent and the child. The parents need to have the chance to say goodbye to the most important people in their lives, their children. The children likewise need that chance to say goodbye, for different reasons. If a child is faced with losing a parent, saying goodbye is an important step of preparing for the imminent loss they face. Without the chance to say that goodbye, closure is complicated and the grieving process is skewed. Guaranteed access for divorced parents who are terminally ill or in critical condition, so that parent and child are ensured the opportunity to say goodbye, is important for both child and parent.

I believe that as elected members of Parliament representing parents, including divorced parents, and their children, it is time for us to amend the Divorce Act to ensure that divorced parents who are in their last days or hours of this life are guaranteed access to their children to say their goodbyes. This is a bill that Parliament needs to pass. It is an instruction that our judges need to be empowered with. It is a right that every parent, divorced or not, deserves.

I look forward to hearing what the other parties have to say on this issue today. I know that the Divorce Act and some of the issues in it are in need of a tune-up, not just this aspect, but this is one that I have chosen to key in on. I think that most of us as members of Parliament hear from divorced parents many times on custody issues, maintenance issues and issues of access. To have the bill passed through the House and to get it to the justice and human rights committee for discussion and debate would give us an

opportunity to have a look at this aspect of what needs to be changed.

As I indicated, there are other problems with the Divorce Act, and perhaps in the future there will be an opportunity for those problems to be addressed, but I want to reiterate that under section 16 of the Divorce Act, custody orders, subsection 16(8) is the key here. We want to make sure that we are doing this in the best interests of the children. Subsection 16(8) does that. It clearly states that in making an order under this section the court "shall only take into consideration the best interests of the child of the marriage as determined by the reference to the condition, means, needs and other circumstances of the child".

If there were a case where an order had been issued that the child should be kept away from a parent for some reason, whether it is abuse or whatever, that would be upheld by subsection 16(8). Our amendment would simply be added as subsection 16(11) after the other subsections, which would allow that to be upheld.

It is hard to imagine a situation where people could come to such a state in their lives or in their personal feelings that this type of problem would actually exist for a terminally ill parent. In the case I mentioned, it was leukemia that took this young lady over a period of time. In the last days it became very difficult for her to have her children with her because of the divorced partner.

• (1110)

If we address this it will be one small step toward bringing some justice to this issue and allowing a healing process.

I think many of us in this House, probably all, have had to go through that at one time or another in our lives with somebody who was very close and that ability to have that last chance to have contact to say that last good-bye is very important. It is almost hard to believe that this could happen in our society today here in Canada without the protection of the law.

I look forward to what the other parties have to say and I will wrap up later during my remaining five minutes.

• (1115)

Mr. Gary Goodyear (Cambridge, CPC): Mr. Speaker, I would like to commend my colleague for looking into one of the parts of the Divorce Act. Certainly we hear from parents across the country how sometimes they do not feel that the Divorce Act is treating them fairly. One side or the other feels they are being discriminated against. Their children are not getting the opportunities to be with both parents, fathers and mothers alike, as well as the grandparents.

The member mentioned a number of other issues that we as a Parliament needed to potentially address to ensure kids are taken cared of and looked after.

I wonder if the member would comment on the opportunity to address the issues in the future, not just in the case of terminal illnesses but in the case of terminal illnesses or the impending demise of a grandparent.

Private Members' Business

Mr. Rick Casson: Mr. Speaker, the Divorce Act does allow the courts to give people access to children other than the parents. Many times we have heard of grandparents who are caught up in the divorce issue and are not given access to their grandchildren. They wish to have access but in many cases they do not have any and it becomes very difficult to see the children.

All the issues that surround custody and maintenance orders surround the ability to have a divorce. Half the people who get married end up in divorce. That is an alarming statistic but it is a fact of life. I am not sure when it became easier to walk away than to stand and fight for the marriage and the family but it seems that is what is happening in many cases.

Many of us, in our offices and in our ridings, deal with the Divorce Act in one way or another, not on a daily basis but certainly on a weekly basis. We have people going through custody issues in the courts. We have people whose wages are garnisheed or their driver's licence is taken away for failure to keep up maintenance payments and it all becomes very troubling to deal with.

I hope that sometime in the future, although I do not think it is on the radar screen just yet, the government will have an opportunity to have a look at the Divorce Act and to make some changes.

A few years ago, a joint committee of the House and Senate tabled a very well done report entitled, "For the Sake of Children". The report contained a lot of key issues that needed to be looked at. At some point in time, maybe with more pressure and more private members' bills from the House of Commons from all parties, we can start working at getting some of those changes implemented.

• (1120)

Mr. Bev Shipley (Lambton—Kent—Middlesex, CPC): Mr. Speaker, it is an honour to speak to the private member's bill introduced by my colleague from Lethbridge. As many members of the House know, the member for Lethbridge has pursued multiple private members' bills dealing with child protection. I commend the member for all his hard work over the years in exposing the weaknesses in our child protection laws and for working toward making our country a safer place for our children to live.

The private member's bill that we are discussing today deals with families that have experienced a separation by divorce. As some members know, divorce takes a heavy toll on the basic family structure and can pit parent against parent as spouses break their bonds.

The bonds between parents and children are important to both and must be promoted, especially those who experience divorce.

Hon. Shawn Murphy (Charlottetown, Lib.): Mr. Speaker, I appreciate the spirit of this private member's bill and I commend the member across for bringing it forward. There is no question in my mind that he does have the best intentions at heart, and I do not know this for a fact, but it is probably motivated by a constituent who has been ill-treated by the existing judicial system and, in particular, the Divorce Act.

However, it is my position that it goes against the intent of subsection 16(8) of the Divorce Act which deals specifically with custody orders. The section reads:

In making an order under this section, the court shall take into consideration only the best interests of the child of the marriage as determined by reference to the condition, means, needs and other circumstances of the child.

The Divorce Act goes on to enunciate that every child benefits from the principle of maximum contact with each parent.

Subsection 16(10) of the act states:

—the court shall give effect to the principle that a child of the marriage should have as much contact with each spouse as is consistent with the best interests of the child and, for that purpose, shall take into consideration the willingness of the person for whom custody is sought to facilitate such contact.

We would agree that in most situations and, I would suggest, the vast majority of situations where one parent is terminally ill or in critical condition, it obviously would be in the best interests of the child for the parent to have access to the child in such a difficult and trying time.

It is imperative that we as legislators not think just of the easy cases but also the difficult ones. For example, what if the parent who is terminally ill has a history of violence or perhaps the court has knowledge of that parent's willingness to apprehend the child and flee the jurisdiction? Surely we can all agree that in those scenarios it would not be in the child's best interest or in anyone's best interest to grant the parent access, even if that parent, unfortunately, were critical ill.

Supporters of the bill will say that this is why they have proposed subsection (8) but we know that the words that we choose to put in an act can have serious consequences and sometimes we cannot anticipate what all of those consequences will be. I believe the Divorce Act flows. If we were to couple subsection (8) with subsection (10) with whatever a divorce decree states, there would be absolutely no problem for any terminally ill or critically ill parent to go back to court and seek a variation order.

I would hope and trust that in circumstances such as that, especially with regard to subsection (10) dealing with maximum contact, a variation order would be granted and the parent would be allowed as much access as the court would deem necessary in the best interest of the child, all according to subsections (8) and (10) of the Divorce Act.

If the matter were brought back before the court pursuant to a variation order, the bill would tie the hands of the court or limit the discretion of the judge in the case. It is my submission that it is only the judge of the court who will have all the facts of a given situation at his or her disposal.

As the previous speaker so clearly and rightfully enunciated, the issues are very complex and complicated when we are dealing with a family that has broken up. Some stress is involved and a lot of considerations must be taken into account. However, the overarching consideration is the best interests of the child. These judges are required to make difficult decisions every day given these particular situations.

Private Members' Business

● (1125)

By making this amendment, we, as legislators, would be in fact saying that we know better than these judges, that we know better than the people actually dealing with the cases involved. We would be in effect saying that, never mind all of the other factors of which they may be aware and with which they are experts in dealing, we have a one size fits all solution or a cookie cutter approach which, in my submission, will not work in all cases. Again, it will work, I submit, in the vast majority of cases, but I do not believe it is in the best interest of society to legislate in that regard. I would leave it to the discretion of the courts.

We would be elevating this one particular factor above the multitude of factors that the courts would regularly consider. The more conditions and factors that we try to fit into section 16, the more likely we will create situations that will lead to unintended consequences. Let us instead have faith in our judges and judicial system. They are the experts, not us.

As the previous speaker pointed out, the Divorce Act is a tough issue. Many people who come out of a divorce situation are not satisfied with the law. They are not satisfied with the way they were treated. In many cases both parties are not satisfied with the way the situation has turned out, but again, the judges deal with these issues every day. They are complicated and complex. When a family divides, it does present a lot of problems. These are the problems that judges have to deal with, supported of course by the social workers and the people who do the background information.

I do not believe the bill in its present form is one that the House should pass, although I do respect the member for bringing it forward. I am certain there are a lot of situations that the bill would cover, but it is in our best interest to leave the discretion with the judges, so I will not be voting for the bill.

[*Translation*]

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ):
Mr. Speaker, I am pleased to take part in the debate at second reading of Bill C-252, sponsored by the member for Lethbridge, amending the Divorce Act.

My colleague's bill, tabled on May 4 in the House, is intended to amend the existing act in order to enable a spouse who is terminally ill or in critical condition to have special access to a child of the marriage. We conclude that parents, who do not have "regular" access to a child can claim the state of their health to have the decision of a court amended in order to become reconciled with that child in what are likely to be their final moments. The bill provides that such access is to be consistent with the best interests of the child, of course.

This is the crux of the matter. Currently, subsection 16(8) of the Divorce Act sets out very clearly the basic criterion to guide the judge in deciding the terms of custody of the child. Thus, it provides that in making an order, the court shall take into consideration only the best interests of the child of the marriage as determined by reference to the condition, means, needs and other circumstances of the child.

The best interest of the child is the fundamental notion guiding all measures set out in the Divorce Act. In this regard, members will

recall the unsuccessful attempt by the former Minister of Justice, Martin Cauchon, to have Bill C-22 adopted in the 37th Parliament. At the time, the minister was working on an ambitious project involving reform of the legal framework for divorce. He had in fact based his approach on a strategy closely linked to the interests of the child, but had introduced at the same time the notion of parental responsibility, in opposition to the use of "custody" and "access", which gave a negative win-lose quality to the terms of rulings.

Since the reform never came to fruition and the bill died on the order paper when the House was prorogued in the second session of the 37th Parliament, nearly three years ago, the matter remains largely unresolved.

The proposal put forward by the hon. member for Lethbridge, which would add a new criterion to be considered, would result in exceptional consequences for previous rulings. I fully understand and appreciate the noble intent that prompted my colleague to develop his bill and I commend him on that. It goes without saying that the sincere and profound wish of a seriously ill parent living out their final days is to spend the last moments of their battle surrounded by their children or one of their children. It is perfectly natural to want that.

We should question and think hard about why, since this involves a departure from the original court order, this specific access to the child being now requested was previously restricted or prohibited by the judge. This is precisely where the concept of the best interests of the child becomes important and is what makes this debate so interesting.

If everyone agrees that the best interests of the child are the priority, then does the seriousness of a parent's medical condition, from a human point of view, justify access to and visitation of a child because the parent is dying? As I was saying earlier, the court provided a well considered justification to limit such contact, which, as natural as it may be, is not necessarily desirable.

This leads to me question the subordination of the best interests of the child to the humanitarian aspect of the situation. One would have to know what it was like to be ill and dying to understand the extraordinary comfort to be derived from the mere presence, no speech even being necessary, of a close family member at one's bedside.

To ease the suffering of body and mind, a parent could request the presence of a child to whom they previously did not have access by court order. The new reality proposed in the bill intrinsically implies adding a criterion to guide the judge when it comes time to hand down a ruling.

My question has to do with the subordination of the best interests of the child to those of the parent. I have given it some thought and I have come up with two diametrically opposed observations.

If the only purpose of the member for Lethbridge's bill is to allow a possible exception to a court decision by explicitly subordinating the parent's extreme medical condition to the interest of the child, then the bill respects the spirit of the current law, thereby making it ill-advised. If the child's interest comes first under any circumstances, the parent's medical condition would not justify making an exception to the court's decision in favour of the parent.

Private Members' Business

●(1130)

Take, for example, a parent who was denied access to a child because of some kind of physical abuse. What does it matter that that parent has only a few days to live and wishes to express remorse or ask forgiveness? If it had been decided that it was not in the child's best interest to visit the parent, the access restrictions would be maintained. In this case, amending the act would be pointless because the child's interest takes precedence.

If, however, my colleague's intention is to create a broader or more flexible definition of the concept of the child's best interest—which would inevitably result in reducing the extent and especially the precedence of the child's best interest in favour of the parent who has been denied access or who has limited access—that would make the bill completely unacceptable. This is a basic principle that should not be questioned, not even in the case of a parent's imminent death.

That said, I do not believe this is my colleague's intention, and I think that he has brought before the House a very interesting issue that requires serious consideration.

So as to contribute to this debate, I would like to draw the attention of the House to a historical position of the Quebec government staunchly defended by the Bloc Québécois that dates back to when Daniel Johnson senior was in power. This position calls for exclusive jurisdiction for the provinces in the area of divorce. Given that the provinces have jurisdiction for the solemnization of marriage, it is only logical that the dissolution thereof also fall to the same authority. This is merely common sense.

I should point out that it is not stipulated anywhere in the Civil Code of Quebec that a parent's critical state of health must be taken into account when establishing his or her visiting rights. Furthermore, our interpretation is based on article 3142 of the Civil Code of Quebec, which stipulates that “A Québec authority has jurisdiction to rule on the custody of a child provided he is domiciled in Québec”. Articles 33 and 34 of the Civil Code, which refer to the child's interests, compel the court to seek the child's opinion.

It would therefore be pointless to amend the Divorce Act, as I indicated earlier.

However, in the interest of openness for the remainder of the debate and in order to further explore the issue raised by our colleague from Lethbridge, the Bloc Québécois will support the bill at this stage of the legislative process. By referring the bill to the House of Commons Standing Committee on Justice and Human Rights, we will give the hon. member an opportunity to thoroughly explain the objective of his proposal.

Before I close, I would like to reiterate the Bloc Québécois' position that the Divorce Act should be repealed, and that Quebec and the provinces should have the power to legislate divorce. This would correct one of the aberrations of the Canadian Constitution.

In the meantime, since divorce remains under federal jurisdiction, we will earnestly take part in any reform initiative that would ensure greater protection of the child's interests.

●(1135)

[English]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I acknowledge the work done by the member for Lethbridge in bringing forward this private member's bill, which raises an issue of some substantial concern. Although thankfully, looking at the circumstances, it is not one that arises all that often. By no means does this lessen the need for us to address the issue however.

When I first looked at the bill, I thought it would pose some problems, and I want to address those. I recognize that it will raise some significant issues as to some modifications to the bill. However, as my colleague from the Bloc has suggested, the bill is worthy of being adopted at second reading and sending to justice committee to see if modifications can be made to it to address my concerns.

I believe the intent of the bill is to mandate visitation between a child and a parent who is either critically ill or terminally ill. We have to assume it would be a factual situation where visitation has not taken place or there has been no access between the parent and the child, which could be for a number of reasons. My first concern about the bill is that child is not defined in terms of age. This could involve a child, as defined generally in our provincial statutes, as being under 18 years of age or under 16 years of age, depending on the provincial statute.

It has been quite clear for at least 40 or 50 years that our courts have either been reluctant or have absolutely refused to order a child 12 years or older to visit a parent when that child has refused to do so. That is a rough rule of thumb. It is highly unlikely that any court would be willing to order a child 16 to 18 years of age to visit with a parent even in circumstances involving a terminal illness. We have to recognize that the existing pattern in our jurisprudence is that a child roughly the age of 12, depending on their maturity, can decide if he or she is willing to visit a parent or not. This would have to be one of the changes made to the bill.

The other issue is the mandatory nature of the bill. The bill uses the term “that the court shall ensure”. I do not think there is any way of interpreting that other than the court would mandate, by way of a direct order, that the child be placed in the presence of the applicant parent for the purposes of exercising contact and access.

Members can appreciate factual circumstances where the history of the family is such that there has been abuse by the parent, who is applying for the visitation order, either of a physical or sexual nature and that there is an outstanding court order which denies that particular parent access to the child or children. In these circumstances, it is hard to imagine the court would be willing to order visitation.

There may be special circumstances where there could be some type of visitation, perhaps with the intervention of counsellors. It is the kind of thing we could review in committee and perhaps get some pertinent evidence from people in the social services field to see if we could develop some guidelines as to visitation under those kinds of historical circumstances.

Private Members' Business

●(1140)

My final point with regard to that kind of a fact situation is that our courts, for more than 50 years, in terms of jurisprudence developing and then it being incorporated into our statutes at both the federal and the provincial levels around visitation rights, have made it very clear that the rights are the rights of the child, not the rights of the parent and that the best interests of the child is to guide the courts in making a determination as to whether visitation would be allowed, ordered and even enforced.

It is a very tricky set of circumstances. I can think of a number of custody access cases I had in my own professional career, where all the other issues between the adults had been resolved, but there were ongoing battles almost on a weekly basis over visitation, the nature of it and even when it was permitted.

In a fact situation, where it has been originally denied and now the person who is terminally ill has come back and has asked for it, I can see significant complications. Those will need to be addressed.

I anticipate that the member for Lethbridge will be open enough to consider those concerns and take them into account, assuming the bill goes to committee and amendments are proposed to clarify the role of the court.

Then there is the whole issue of judicial discretion. We have been very clear in North American and throughout the Commonwealth on custody and access cases, and I think I can say this without exception, of never completely mandating our courts. This means the courts have to do this absolutely. We have guidelines in the statutes and we have precedent, but we have never, either from the appeal courts or from legislatures, had an absolute mandate as we developed our family law in this last half century.

There has been great change in how we have approached custody and access cases in that period of time. Throughout that entire period of time, throughout the Commonwealth, the United States and most western democracies, we have never required the court or a judge to make an order this way in these circumstances. It has never been a part of our history.

There will need to be some reasonable flexibility in any amendment that we make along these lines, which would preserve that history and discretion in our courts. We would have to tie that with some fairly clear guidelines as to when the court should take this into account. It should be a significant factor that the courts have to take into account, that is the illness or pending death of the applicant. This is a very serious consideration.

To then move to the next stage of making it absolutely mandatory, I would not be prepared to support that. I really think this legislature should not go down that road.

The member has obviously done some significant work on the bill. He feels quite passionately about it and appropriately so. Hopefully, if the bill gets to committee, we can make the necessary changes that will preserve the history of our jurisprudence on this type of issue and at the same time provide some additional protection for parents who find themselves in these circumstances.

●(1145)

Mr. Rob Moore (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, it is an honour to rise today to speak to private member's bill, Bill C-252, an act to amend the Divorce Act, access for spouse who is terminally ill or in critical condition.

First, I thank my hon. colleague, the member for Lethbridge for bringing forward a bill that enables the House to focus on the important question of marital breakdown and its impact on children.

My hon. colleague has introduced a bill that would ensure that a parent who is terminally ill or in critical condition would have access to their children unless it was not in the best interest of those children. My colleague has already outlined the situation that led to the drafting of the bill.

Before discussing the bill, the dissolution of a marriage is not happy event of course. It can be highly emotional and stressful for all family members. Divorce can also take a serious toll on any of the children who are involved. All of us, as members of Parliament, have dealt with those cases in one form or another.

Children often experience their parents' separation as a loss, a loss of their former family unit. How much more difficult would this situation be if the child knew that one of his or her parents was terminally ill? Imagine too the parent in this situation, a parent who is experiencing a similar sense of grief and loss. Imagine wanting to turn our family and those who are dear for comfort and support.

As a parent, one's utmost wish would be to spend as much of the remaining time with one's children, to share with them the hopes and dreams for their future. For a child struggling with his or her parents separation, the knowledge that a beloved parent is dying could be devastating. Understandably, children would want to cherish the time they could still have with that parent, to foster fond memories and to know that they were loved.

For a dying parent, contact with their child could help to alleviate some grief at a very critical time. For children being able to pay their last respects to their parent could provide some closure and piece of mind.

I believe most Canadians would agree that unless it not in the child's best interest, a parent should be able to die peacefully with their child by their side. We know the underpinnings of the current Act, and as they should remain, is what is in the child's best interest.

The government considers families to be the building blocks of Canadian society. We are committed to supporting families whether intact or separated, thereby building a stronger society. Families raise children and children are our future.

The government also believes it is important to ensure that when parents divorce, both parents are encouraged to maintain a meaningful relationship with their children unless it is not in the best interest of the children. Again, the underlying theme is what is in the best interest of the children.

These principles are currently reflected in the Divorce Act. Subsection 16(8) sets out the criteria for granting custody and access orders. Such orders are to be granted solely on the basis of the child's best interest.

This is not only a nationally recognized standard, it is an internationally recognized standard and it is reflected as such in the United Nations Convention on the Rights of the Child, to which Canada is a party. It is also the standard foundation in all provincial and territorial family law acts that apply after separation for custody and access or parenting orders.

Studies show that the optimal outcome of divorce for children is to have two involved parents sharing responsibilities for raising their children. Subsection 16(10) of the Divorce Act requires the court to give effect to the principle that a child of the marriage should have as much contact with each spouse as is consistent with the child's best interest.

To address the concerns raised by my colleague, we need to distinguish between cases where the court has decided that access is not in the best interest of the child and cases where access has been ordered or agreed to and the custodial parent has denied or frustrated that access. It is my understanding that a denial of access was at the very heart of the case that led to the introduction of Bill C-252.

• (1150)

I would like to speak for a minute about the scope of the federal Divorce Act. While section 16 of the act sets out the criteria for granting custody and access orders, provincial and territorial legislation is applied for the purpose of ensuring compliance with such orders. Parents can, however, apply for a variation of the original custody and access order under section 17 of the Divorce Act when there has been a material change in the circumstances. While this is not an enforcement measure per se, it does provide the spouse with an opportunity to bring new circumstances to the attention of the court. Moreover, the case law shows that variation applications are being used to address situations where access has been denied by the other spouse.

Spouses divorce each other, not their children. Fortunately, most parents make a concerted effort to maintain the bonds between their children and their former spouses. Regrettably, however, I am sure we are all aware of situations where this has not been the case. In some situations, parents have difficulty setting aside their differences and they sometimes unwittingly place their children in situations where they feel compelled to choose between one parent or the other. Children should never be placed in such a position, particularly when one of their parents is on his or her deathbed. In some cases, parents frustrate or deny contact between the child and the other parent even when it would be in the best interests of the child. Again, children should not be subject to this kind of thing.

The Minister of Justice and I strongly believe that people should be complying with their obligations toward their children. Contract orders and agreements exist for the sake of the child and should be complied with for the sake of the child. Most children want and indeed need continuing contact with both of their parents. They often describe lack of contact as one of the most difficult aspects of their parents' separation.

Private Members' Business

Unless circumstances indicate otherwise, ensuring that a child has access to a dying parent is a laudable goal. I would like to thank the hon. member for bringing this important issue to our attention.

• (1155)

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I am pleased to have an opportunity to address the private member's bill put forward by the hon. member for Lethbridge.

As the parliamentary secretary outlined, the bill is derived from a laudable desire on the part of the member that a hypothetical or perhaps real constituency out there has concern for circumstances following or during a divorce where one of the parents is terminally ill. There may be seen to be rigidities in allowing the child the ability to see the parent who is dying. That circumstance would tug at the heart strings of everyone. The bill would be an assertion of that circumstance of that context in the Divorce Act and would essentially require the court to allow the child to have contact with the terminally ill parent, provided it was consistent with the best interests of the child.

On the face of it, there really is not a problem. Most people would say that if the parent is dying, why not? However, the bill does not answer the question of why not. There may be why nots and perhaps the why nots are covered off in the phrase "the best interests of the child" to which the courts always look.

The bill does raise a couple of questions. I will not attempt to answer them because if the bill is successful at the second reading vote, I know that the committee which would look at the bill would navigate these issues. They may be seen as sidebar issues, but in terms of the law in the Divorce Act, they are quite real.

First, I want to point out that it does raise the spectre of the factual circumstance of the prospect of a death much higher arguably than it would be in real life. No one would suggest that in a court hearing the court would not be in a position to take account of the context of a dying person. The question is whether it is in the best interests of the child to see the dying parent.

Second, because this involves the Divorce Act, it does not involve separation. We have the prospect possibly of the absence of symmetry between custody and access decisions under the Divorce Act and custody and access decisions under provincial legislation. This would be put into just the Divorce Act and would not be put into the provincial statutes.

Third, if there was a parent dying at the time of the divorce, one could deal with the issue, but in most situations the potential passing or death of one of the parents would not be foreseeable.

There is a variation application section in the Divorce Act, where a parent can go back if there is a huge change in circumstances. Most separation agreements have these variation clauses. After the custody and access are settled, circumstances are probably not all foreseeable, so a parent could go back to the court and attempt to revise a custody or access provision. If it is for the purpose of a dying parent and the child wants to see the parent and the parent wants to see the child and everybody is happy about it, there would be no need to go back to court. It would probably happen because family members would make it happen. However, where there is a conflict and other issues extant, there is the prospect of litigation.

Private Members' Business

In the context of somebody dying, there is the reopening of a custody and access scenario which has already been settled by the court, maybe one in which the child simply has never seen the parent. Maybe 10 or 15 years have gone by and there has been no contact between the parent and the child and the parent who is deceased or a family member of that dying parent decides they want to take one last kick at the cat in the custody and access regime in place and would rely on a section like this to go back and try to destabilize the context of the child.

• (1200)

Those circumstances may or may not have been in the mind of the member who put this bill forward. I know the member put the bill forward in good faith and in an attempt to deal with compelling and compassionate circumstances. In the law things can go sideways fairly quickly once two or three lawyers begin debating, arguing and interpreting.

I raise these cautions in relation to the bill. I do not dispute the spirit of the legislation as it is put forward. In any event, if colleagues wish to see this bill adopted at second reading, there are any number of issues they may want to look at when considering the bill at committee.

The Acting Speaker (Mr. Royal Galipeau): If it may be helpful, the hon. member has another four minutes and he can have them.

Mr. Derek Lee: Mr. Speaker, I thought the time was coming to an end.

There is one last contextual piece that I would like to put forward for consideration just to put it on the record and not to militate against the spirit in which the bill is put forward. It has to do with the whole evolved envelope of the criteria which the court now uses, much of it judicially generated, in deciding what is in the best interests of a child.

This particular amendment would be added to the Divorce Act beside the best interests of the child criteria, if I could put it that way. We could end up with a lack of clarity about just which criteria are the most important in dealing with child custody and access.

This particular section would be a side piece, a collateral piece. There is every prospect that when the courts get a hold of it, it would not be clear as to just what degree of strength or what degree of importance this new section would have. It may prove to be unclear to party litigants and also to judges. This may invite a temporary destabilization in the criteria.

Just to draw an analogy, about 10 or 15 years ago, Parliament put in place sentencing criteria. The initiative put all the criteria in order. We tried to rank them so the criteria were all there. No new criteria have been put forward since then. Those sections of the Criminal Code that set out for the courts the criteria appropriate to sentencing decisions are all there in one code.

If this section were adopted as part of the Divorce Act, it could destabilize or significantly alter those established criteria for determining what is the best interests of the child. We could have a whole list of things that are criteria for those best interests and then one new one, death or terminal illness of a parent, which may trump all the others, but it is not clear from the legislation.

I will leave that on the public record and hopefully that may be helpful to colleagues in the event they have to review this legislation further.

The Acting Speaker (Mr. Royal Galipeau): The time provided for the consideration of private members' business has now expired and the order is dropped to the bottom of the order of precedence on the order paper.

* * *

BUSINESS OF THE HOUSE

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, I rise on a point of order.

I noticed from the projected order of business, compared to the projection of business last week, that Bill C-15 has moved up in the order, which I am very pleased to see. Still there is no guarantee that we are going to be able to deal with this matter as quickly as I think farmers would like to see us deal with it.

I wonder, Mr. Speaker, if there would be a disposition in the House by consent to agree that, notwithstanding any Standing Order or usual practice of the House, at 2 p.m. today, Bill C-15 be deemed to have been read a second time, referred to a committee of the whole, reported without amendment, concurred in at report stage and read a third time and passed.

If there is consent for that type of action, Mr. Speaker, it would assure farmers that by the time we get to question period, this matter will have been successfully dealt with and on its way to the Senate, which would be helpful.

• (1205)

The Acting Speaker (Mr. Royal Galipeau): If it pleases the House, I would like to put the question to the House in 20 minutes.

I recognize the hon. member for Yukon.

Hon. Larry Bagnell: Mr. Speaker, I would like to let the public know, who are watching, that we should be on Bill C-9 dealing with conditional sentences. I would like to summarize what I am going to say in my speech. There a lot of problems with the bill. There is one small part of it that we want which would protect people, but unfortunately, I am going to have to vote—

The Acting Speaker (Mr. Royal Galipeau): Order, please. The hon. member for Notre-Dame-de-Grâce—Lachine.

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, I understand that there was a request for unanimous consent and that you, in your wisdom, asked to put that request for unanimous consent in 20 minutes. If my understanding of the rules are correct, when a request for unanimous consent is made, it has to be put immediately.

The Acting Speaker (Mr. Royal Galipeau): For this time, and this time only, I ask the indulgence of the House that the question be put in 15 minutes. Thank you very much.

The hon. member for Notre-Dame-de-Grâce.

[Translation]

Hon. Marlene Jennings: Lachine.

The Acting Speaker (Mr. Royal Galipeau): Lachine.

Private Members' Business

Hon. Marlene Jennings: Mr. Speaker, it is important to remember that the riding has two parts: Notre-Dame-de-Grâce and Lachine.

The Acting Speaker (Mr. Royal Galipeau): Yes. Some ridings have four parts. Luckily for me, yours has only two.

Hon. Marlene Jennings: That is true, Mr. Speaker.

The Acting Speaker (Mr. Royal Galipeau): I am listening.

Hon. Marlene Jennings: Mr. Speaker, I am sorry, but the rules are quite clear. Usually, when there is a request for unanimous consent, the question must be put immediately. I do not agree with your deferring the question. I request that you ask immediately whether there is unanimous consent of this House.

[*English*]

Hon. Rob Nicholson (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I rise on the same point of order that was raised by the opposition House leader. I think that is a good suggestion, Mr. Speaker, that the matter stand down, so that there is an opportunity for some discussions among the House leaders. I do not want to take the House by surprise by this motion and I think it is a better procedure if we try to tee these things up. I am all in favour of continuing with the debate on Bill C-9 and it will give us a few minutes to discuss this.

Certainly, we all want to move ahead on Bill C-15, the agriculture bill. That is very important to us. We introduced it. The minister is here. I appreciate hon. members who are finishing up debate on Bill C-9 and I think it is a good suggestion to have this stand down, otherwise at this point in time, we will say “no” until such time as we get a chance to sit down with the other House leaders and discuss it.

[*Translation*]

Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ): Mr. Speaker, I think we can admire the government's argument about the sort of decision you just made.

However, with all due respect, Parliament has a formal tradition. It has always been this way, and it is even fundamental because it allows for debate and parliamentary decisions at the appropriate time, both for the official opposition and for other opposition parties. Since Parliament began, a request for unanimous consent has always been dealt with directly on the floor of the House, without delay.

Any other decision you might make would place you, as Speaker, in the thick of the political debate and political power game that is taking place with the request for unanimous consent. It would therefore be inadvisable for you to decide to call for the question of consent in 20 minutes. You must put the question immediately, in keeping with parliamentary tradition.

If the government House leader wants time for discussion, then when the question is called, he is free to rise and tell the Speaker that his party may be ready to consent but that he would like a few moments to consult.

However, with all due respect, the Speaker cannot make this sort of decision.

●(1210)

The Acting Speaker (Mr. Royal Galipeau): The honourable members for Roberval, Wascana and Notre-Dame-de-Grâce—Lachine have significantly more experience in this House than the current occupant of the chair.

However, the chair occupant did suggest something he considered to be reasonable, given that the request for unanimous consent on this item was a surprise. I would please ask all members of this House to avoid surprises insofar as possible so that we may have dialogue and avoid pointless debates.

If you insist on my asking for unanimous consent, I will do so. However, this will result in what I attempted to avoid, that is refusal.

The honourable member for Notre-Dame-de-Grâce—Lachine.

Hon. Marlene Jennings: Mr. Speaker, with all due respect for the situation in which—

The Acting Speaker (Mr. Royal Galipeau): Thank you.

[*English*]

Does the hon. member for Wascana have the unanimous consent of the House to move the motion?

Some hon. members: Agreed.

Some hon. members: No.

Hon. Jay Hill (Prince George—Peace River, CPC): Mr. Speaker, I rise on a point of order. I want to point out that the government certainly intends to call Bill C-15. We intend to deal with it in an expeditious manner. I thought we had an agreement among all four parties in the House to deal with it at a later time this very same day. That is certainly our intention. We only said no to this particular motion because we thought that was our understanding.

Hon. Ralph Goodale: Mr. Speaker, if I could seek further clarification from the chief government whip, this matter might be dealt with expeditiously. I believe I heard him say that there is agreement that, one way or another, Bill C-15 will be dealt with by the end of this day. I would prefer it be 2 o'clock, but it seems we have common agreement that, as somebody once said, come hell or high water, this legislation will be dealt with and sent off to the Senate so farmers can get their money by the end of the day.

The Senate is not sitting this afternoon, so we are not inconveniencing it by waiting until the end of the day as opposed to 2 o'clock. If we have common agreement in the House that this matter will one way or another be on its way to the Senate by the end of the day today, why do we not put that in the form of a House order, so we are all sure and clear of the result and just get it done?

Hon. Rob Nicholson: Mr. Speaker, it certainly is our hope to have this done. Rather than trying to negotiate, I actually like the usual way. Perhaps the House leaders can sit down, involving their colleagues of the political parties, and get this thing hammered out. We all want to put this to bed. I will leave it at that.

I will get together with the representatives of the various political parties and see if we can put together something. We will come back to the House when everybody is on the same page and, quite frankly, when the members of all the political parties have an opportunity to comment on it.

Government Orders

The Acting Speaker (Mr. Royal Galipeau): We will now debate Bill C-9 and I recognize the hon. member for Yukon.

GOVERNMENT ORDERS

[English]

CRIMINAL CODE

The House resumed from June 2 consideration of the motion that Bill C-9, An Act to amend the Criminal Code (conditional sentence of imprisonment), be read the second time and referred to a committee.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, unfortunately, I am having to speak to a bill that has a lot of problems, but it has one small part, the remnants of the former Liberal Bill C-70, that we want to keep. To do that I am going to have to vote for a bill that has so many problems. However, we want to get it to committee, as I think the majority of speakers have said, so we can make the corrections.

Provisions in this particular bill regarding conditional sentences are covered under section 742.1 of the Criminal Code. In fact, they were paraphrased by the justice minister on May 29 in his speech. In both place it says that the court is satisfied that serving the sentence in the community would not endanger the safety of the community.

Therefore, if individuals cannot get a conditional sentence when they would be endangering the community, then why do we need to reduce conditional sentences at all? It does not make any sense at all. In fact, they could get even more and better treatment and directions than they could in jail, because as part of conditional sentencing, they might have to pay back the victim, be ordered to perform community service, or attend various treatment programs that may not be available in jail.

There were a few, and let me ensure members that there were very few, unfortunate situations, compared to the many successes of conditional sentences. The Liberals tabled Bill C-70 which would have dealt with those. Unfortunately, it did not pass because of the election, so I am glad that those parts are back in this bill, but that bill basically would have removed, except for presumption of cases, conditional sentences for serious personal injury offences, terrorism offences, which is so cogent today, criminal organization offences and denunciation.

This is particularly important to me in the north because, as the critic representing the whole north, I have had women from Yukon and Nunavut who do not want to see these types of sexual assault and personal injury offences treated in such a way that the victim is victimized again or in any danger. That is why we had promoted this bill and that is why I am going to have to vote for a bill that has a lot of problems, to get the protection in those particular cases for women. Hopefully, we can take the many other problems out of the bill, or it just will not be acceptable to vote for it at further readings.

There is a problem because it will take 92 offences, many of which are not in the last bit violent, away from the very successful solution of being treated by conditional sentences. In fact, as the justice department has said, it would lead to the incarceration, using

present statistics, of about 5,400 of the 15,000 people who previously had conditional sentences. To give an example, as the Minister of Justice said, there would have been 466 people sent to jail in B.C., over 1,000 in Quebec and over 603 in Saskatchewan, once again many for non-violent crimes. This is a huge change to the justice system that has had advances in sentencing and reducing crime in this country. In Saskatchewan, that would put 61% of the people in jail who otherwise would have had more logical treatment.

There is a famous saying that for every complex problem there is a simple solution, and it is wrong. That is basically a summary of this bill. By taking this catch-all phrase and catching the few instances that were a problem, we are creating many more problems and dangers for society. We are actually endangering Canadian citizens in a number of ways which I will outline at the end of my speech.

I would like to give some examples of offences that are not violent and where people would not be in danger if a person were to be given better treatment. There is perjury; refusing to deliver property; providing contradictory evidence with the intent to mislead; stopping mail with intent; fabricating evidence; obtaining things based on forged documents; possessing counterfeit money; possessing a noxious substance with intent to cause bodily harm; unauthorized possession of a firearm; certain types of intercourse and incest; abduction; contravening a custody order, and everyone has heard of a parent who has taken his or her child at an inappropriate time in a custody battle; being unlawfully in a dwelling house, and who has not gone into someone's house when they were not home, people they thought were friends, and not been there unlawfully; disguised with intent; theft of mail; forgery; and uttering forged documents.

● (1215)

In some situations it could be criminal to actually send someone to jail and it could make a seasoned criminal out of them when the success of conditional sentencing and other treatments would make more sense.

It is obviously prejudicial to aboriginal people because a higher percentage of the aboriginal population is incarcerated than the regular population. It is particularly cogent in Nunavut where the jails are so far from the home.

Government Orders

The Conservatives think family values are important and to be separated for a minor offence so far from one's family can create far more problems for the person and make that person ultimately far more dangerous to society than had the person had the option of a conditional sentence for these non-violent types of situations.

The bill reflects a lack of understanding of the whole concept of sentencing in Canada, the sentencing that has been so modernized and is now reducing crime rates. The judges, who are experts and trained in this field, listen to all the evidence, understand the person's situation, knows whether these are repeat offences and the person's age and can then determine from a whole array of solutions the best treatment for the person and therefore make that person the safest in society and not endanger citizens. By totally eliminating the options for those 92 offences is a backward step in the criminal justice system.

It costs \$95,000 to keep a young offender in jail for a year for a non-violent crime. For that money we could have taken that young person swimming twice a week for 30 weeks, skating once a week for 50 weeks, to play in a basketball league for 26 weeks, to play badminton for 30 weeks, golfing 20 times at a nine hole golf course, to participate in fencing or karate, to take an art course for 30 weeks, to act in a theatre production, to teach them computer skills, to take a boating course, to acquire leadership skills, to take a first aid course, to participate in a drop-in and buy the young person all the equipment for these activities and still return \$93,000 to the Government of Canada that would not have been spent on simple incarceration that makes it less likely the person will be a positive addition to society.

I want to give the 10 reasons as to why the bill is endangering Canadian citizens and why it will be more dangerous for them if it were to pass. First, many of the crimes can also proceed by summary conviction and the judges will do that rather than give an inappropriate jail term.

Second, a suspended sentence with probation is another option. Once again, offenders will not receive a conditional sentence. It will just be a suspended sentence and it will be more dangerous on the streets.

Third, the judges will not convict. In fact, the bill may be cruel punishment and not be constitutional on a simple crime.

Fourth, there would be more conditional discharges which would make it more dangerous for Canadians.

Fifth, they would serve time where both quality and quantity of the treatment may not be nearly as effective.

Those are the first five of the reasons that the bill would make Canada more dangerous. I will do the other five if someone asks me the question.

• (1220)

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, I have a question for my hon. colleague from Yukon on a couple of examples that happened in my riding where my constituents believe the justice system fell apart.

A few years ago an individual in my riding, who was on his ninth impaired driving charge, drove down the highway and killed an 18

year old girl. At that time he received the maximum of eight years. He served two years and two months and then was off on parole, first a half-way house and then parole. This sentence thoroughly upset the community.

Now I understand that every case needs to be taken on its individual merits, that everything cannot be blanket covered and that there are circumstances before each court room. However, my belief is that the justice system failed the family. It fails society when a person can have nine impaired charges and on the ninth one kill a young girl and take away her entire future. It casts a shadow or pall against the family for the rest of their lives.

How does the member believe we should be correcting the justice system to prevent this type of activity in the future?

• (1225)

Hon. Larry Bagnell: Mr. Speaker, was the person on a conditional sentence? The particular case that the member is describing is not related exactly to the bill.

The purpose for which the previous government brought forward Bill C-70 and the reason that I am supporting some small parts of Bill C-9 is for the reason that the member said, that there are some situations where incarceration for the protection of the public is absolutely essential. However there are many success stories. I hope a number of those success stories will be told when the bill goes to committee.

The sixth reason that the bill would make Canada more dangerous is that it probably would take a quarter of a billion dollars from the justice system just to incarcerate the number of people the justice minister mentioned. This money could be used for police and for better treatment. There is not enough money for treatment to stop re-offenders, to treat substance abuse or anger management.

The seventh reason is that there would be more people in our jails. I have visited jails and there is not enough treatment for all the reasons I have mentioned. I believe criminals would come out even more dangerous.

The eighth reason is that a number of kids and first time offenders would go to jail and come out hardened criminals. Canadians know that is a fact.

The ninth reason is that there would be more aboriginal people in our jails. The system has already shown that it has failed.

The 10th reason is, as I mentioned earlier, that the northern people, in a place such as Nunavut, would be moved far from their families. Of the 475 crimes in Nunavut, 200 were given conditional sentences. These people would now spend time in jail. They were certainly not all violent crimes.

Hon. Jay Hill (Prince George—Peace River, CPC): Mr. Speaker, I have one quick question for my hon. colleague given his remarks.

Government Orders

Am I led to understand that the member for Yukon is stating to not only his constituents, but to Canadians, that he believes that someone who commits murder, sexual assault, rape and pedophilia, those types of serious offences, and is convicted of those crimes should not go to jail?

Hon. Larry Bagnell: Mr. Speaker, if the member had listened, I said that the Liberals had Bill C-70, which the Conservatives would not allow to come before the House because they forced an election, which would have covered those types of violent crimes. It would have covered terrorist crimes, organized crime and definitely people committing those types of crimes, as we said in Bill C-70, should go to jail.

It is a very small number of these 92 crimes. The number of non-violent crimes that the Conservatives are trying to put in Bill C-9 are totally unacceptable to the other three parties. We must remove those crimes from the bill in committee so as not to make Canada a more dangerous place.

Hon. Shawn Murphy (Charlottetown, Lib.): Mr. Speaker, it has been indicated in the debate that this is a complex issue. I certainly agree that there is room for tightening the system, especially the parole system. However, on the other side of the equation, it is difficult to make a cookie-cutter approach because it does not do any good. A number of principles go into sentencing, whether it be retribution, rehabilitation or the protection of the public.

What I would like to see in the debate is empirical evidence of what, according to the research, works or what does not work. A number of studies have been cited by the Minister of Justice but when we read the studies they clearly indicate that this does not work.

Is my learned friend aware of any studies or empirical evidence that would help parliamentarians on this most difficult issue?

• (1230)

Hon. Larry Bagnell: Mr. Speaker, the member is absolutely right. The evidence shows that in a broad number of cases involving non-violent crimes, increasing minimum sentences and taking away conditional sentences does not work. Research will show this overwhelmingly in committee and we will have to wonder why this archaic bill and Bill C-10 would propose such things.

To protect women in the north who have approached me about cases of sexual assault, we want prohibitions on these types of violent crimes.

The Acting Speaker (Mr. Royal Galipeau): Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Royal Galipeau): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Royal Galipeau): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Royal Galipeau): In my opinion the yeas have it.

And more than five members having risen:

The Acting Speaker (Mr. Royal Galipeau): Call in the members.

An hon. member: Mr. Speaker, I request that the vote be deferred until tomorrow.

The Acting Speaker (Mr. Royal Galipeau): Accordingly, the vote stands deferred until the end of government orders tomorrow.

* * *

AGRICULTURAL MARKETING PROGRAMS ACT

Hon. Chuck Strahl (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC) moved that Bill C-15, An Act to amend the Agricultural Marketing Programs Act, be read the second time and referred to a committee.

He said: Mr. Speaker, I am pleased and honoured to support of the proposed amendments to the Agricultural Marketing Programs Act, or the AMP legislation. I would like to thank all parties for their enthusiasm for the legislation and trust we will get it through the House this day.

There is no doubt that many of our farmers, particularly those in the grains and oilseeds sector, are going through some tough times financially. Over the past weeks and months I have sat down with producers, provincial ministers and other stakeholders from across the country and they have all stressed the severity of the situation to me.

At the same time, they have reiterated their desire to work with governments in order to help them earn a greater portion of their incomes from the marketplace. This is a desire we all have. This is what we are working toward for the longer term and it will require taking action on the domestic and on the international front. Internationally, we are working through the World Trade Organization to level the playing field for our Canadian producers.

[*Translation*]

We have also taken action on the national scene. As the members may note, the budget provides for an additional investment of \$1.5 billion this year in farm families and the future of Canada.

[*English*]

We are also taking other measures to assist farmers. That is what we are addressing here today. As well as more responsive farm income stabilization and disaster programming, the government has committed to making cash advance programming more responsive to the needs of producers and more reflective of the modern Canadian farm business today.

This is precisely the aim behind the amendments to the AMPA legislation that we are proposing to the House today. Farmers have told us that they want these changes and we are acting.

Government Orders

Under the legislative changes the government is proposing, the spring credit advance program would be consolidated into the advance payments program, making one single program under the AMPA called the advance payment program, or APP. This consolidation would reduce red tape for producers and would extend the repayment period of advances to 18 months.

Further, under the single program, the government is proposing increased levels of coverage for farmers and broader coverage to include a much wider range of commodities, including livestock. Specifically, these proposed amendments would, first, move to a whole farm approach by increasing the types of commodities covered, including livestock but excluding supply managed products and breeding stock; second, acknowledge today's larger farm size and increased farm input costs by raising the interest free component of the cash advance loans from \$50,000 to \$100,000; third, increase the overall limits on advances from \$250,000 to \$400,000; and fourth, enhance emergency cash advances.

To help producers with immediate assistance while these changes are in the works, the government has announced that a transitional program, the enhanced spring credit advance program, would be implemented consistent with the proposed changes to AMPA. This was announced, with an order in council relevant to this made a couple of weeks ago. Under this enhanced program, the maximum interest free provision is set at \$100,000. Further, the repayment schedule will be extended to September 30, 2007 under this interim program.

With these improvements, the AMPA represents a total annual federal investment of about \$100 million, another illustration of how this government is standing by its producers and will continue to stand by them.

As well as addressing the financial needs of producers, the proposed amendments reflect the fact that the size and complexity of farm operations in Canada have been steadily growing. There is no denying that the realities of modern agriculture are different from what they were in the past. Farm operations are bigger than they used to be and, over the last decade, farmers have seen their operating costs rise by more than 80%.

The new cash advance program is designed to better reflect these realities. By giving farmers timely access to credit, it frees producers from having to make marketing decisions based solely on the need for working capital. The changes we are proposing will also cut down on the paperwork and streamline the administrative and assessment processes.

• (1235)

[*Translation*]

Our prime objective is to ensure the prosperity and stability of all farm enterprises in Canada.

This is good news not only for agriculture but also for rural Canada and all Canadians.

[*English*]

In closing, I will repeat what the Prime Minister told the House in the take note debate on agriculture a month ago:

—the government will stand up for a strong, vibrant farm sector that provides security of income to families dependent on farming and food security for all other Canadian families.

It is for these reasons that I trust the House will join me in supporting these proposed amendments that are so vital to the success of our producers. Again, I would reiterate my thanks to all opposition parties for supporting this legislation, I hope, ensuring its speedy passage and sending it on to the Senate.

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I rise on a point of order. I believe you would find that there have been consultations with all parties in the House and there has been agreement for the following motion. I move:

That, notwithstanding any standing order or usual practices of the House, a member from each recognized party may speak for not more than 10 minutes on the second reading motion of Bill C-15, after which Bill C-15 shall be deemed to have been read a second time and referred to a committee of the whole, deemed considered in committee of the whole, deemed reported without amendment, deemed concurred in at the report stage and deemed read a third time and passed.

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

Some hon. members: Agreed.

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

Some hon. members: Agreed.

(Motion agreed to)

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, I as well am pleased to have the opportunity to speak to Bill C-15. I congratulate the government on this bill.

It is nice to be able to congratulate the government for doing something on the agricultural file instead of, as has been the case on the agricultural file, leaving the impression that something is being done but that something never happening. The budget is a prime example. There are actually less dollars in it than there were in the previous year. The immediate cash the government promised for spring is still not there.

However, this is good legislation and I appreciate seeing it come forward. This legislation was originally introduced by the previous government in Bill C-69 in October 2005. It is not exactly the same bill, but it is pretty close. The current legislation builds upon the framework put forward by the previous Minister of Agriculture, the Honourable Andy Mitchell.

Like the previous bill, Bill C-15 begins from the same premise, namely, that legislation of this kind will be a direct benefit to our producers in that it will provide an enhanced cash advance to Canadian producers to assist them to operate profitably over the short term and the longer.

The key provisions of Bill C-15 are the following.

Government Orders

It will, as the minister said, expand the coverage applicable to include livestock production as well as provide for the inclusion of a greater variety of crops. As in the previous government's legislation, there is a provision whereby the governor in council may, by regulation, designate any other agriculture product not specifically identified as being subject to the act. I might say that this is important, because under the current legislation there were some commodities that got missed although it was not intended.

I would point out, though, in this regard, one of the concerns I had with the previous government and would have with this one as well when we are setting the limit. From a farmer's perspective, if I can put it that way, the interest free cash advance going up to \$100,000 is good. If it becomes necessary to increase it a little further, doing it by order in council would be fine, but I would worry if things tighten up with the Minister of Finance and if he or she might, by order in council, sometime reduce it. I want to make it very clear that our intention on the order in council is to ensure that there are increased benefits, not fewer benefits, for producers through using the order in council provisions.

As the minister said as well, it should be noted that the provisions of the bill do not apply to supply managed commodities. They have their own system. They operate in a system that allows them to achieve reasonable returns for managing the system to meet effective domestic market demands.

We welcome the provision in the bill for the increase of the overall limit of the advances from \$250,000 to \$400,000. There are also provisions in Bill C-15 for an increase in the amount of interest free advances from \$50,000 to \$100,000.

I want to expand on the points made by the minister. I agree with him in that regard. In fact, farm operations are larger. I think we ought to keep in mind why cash advances were first put in place quite a number of years ago. In the beginning, they were not put in place so much as a financial incentive as a marketing incentive.

For those out there in the general public, they should understand that originally when farmers harvested their crops, and it was mainly for cash crops in the fall at the beginning, they had a lot of extra harvest expenses with extra labour and so on. In order to pay their immediate bills in the fall, farmers tended to dump their product in the marketplace. Everybody doing the same thing at once resulted in quite a surplus of product in the marketplace. That in effect drove prices down.

• (1240)

The original cash advance program was designed in such a way through the Government of Canada as to have an interest free cash advance so that farmers would have the moneys with which to be able to pay their harvesting expenses to get their crop off and feed their crop into the market. There were two benefits. One was the interest free portion, but second, they were able to drive a better price out of the marketplace as a result of having the advance payments program in place.

That was a good design. I maintain to this day that the original advance payments bill is one of the best farm programs we have. It utilizes the authorities of the federal government through cooperation with various marketing agencies and the provinces to assist

farmers in achieving better prices out of the marketplace. That is a good thing.

Bill C-15 provides for the consolidation of the two cash advance programs, the advance payments program and the spring credit cash advance program. On May 18, the Minister of Agriculture and Agri-Food announced the early spring credit advance program, which focuses on the increase of the interest free loan portion in the act being made available to producers.

While we in the official opposition support Bill C-15 and, as our House leader said earlier, we want to see speedy passage of the bill through the House so that farmers can take advantage of it, and we will be doing that, we have expressed and continue to express our disappointment with respect to the federal government's lack in providing producers with direct cash for spring planting. We in the official opposition—and farmers, I believe—were of the impression that there would be cash for spring. Certainly some of the backbench members of the now governing party indicated that to farmers. That has not happened.

While the bill is a good one, I want the public to understand that this is a loan, and yes, as the minister has indicated, the government will be contributing close to \$80 million to \$100 million on an annual basis, covering the interest free portion of that bill. That is a valuable contribution by the Government of Canada, but in terms of the \$100,000 itself, that is not money that is rolled out in a cheque to farmers. It is really the farmers' own money. It is borrowed money and we cannot borrow ourselves out of debt. Many of us in the farm sector have tried it. We have found that it just does not work.

People have to understand that this is in fact a loan. It will not deal with the cash shortfall as a result of poor prices in the international subsidy war that has driven grains and oilseed prices down and caused the farm income prices that exist in this country. It really will not deal with that problem. It is a good bill, yes, but it does not deal with the cash shortfall that already exists in the farm community as a result of low commodity prices.

To conclude, with the caveat that we have to recognize that this is another loan, by the same token it is a good program. There is a contribution from the Government of Canada on the interest free portion and we will be supporting the bill and trying to give it speedy passage, but I do express my desire that the Government of Canada reconsider what it can do for the cash shortfall in the farm community as a result of the international subsidy war going on, which is leaving farmers short of cash for the products they sold in the 2005 crop year.

• (1245)

[*Translation*]

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, I am pleased to rise today in this House with respect to Bill C-15. We will take advantage of this moment when all the parties seem to agree on the matter. Indeed, it is not every day there is solid agreement in this prestigious place. We will this use it to good advantage.

Government Orders

Bill C-15 was introduced to amend the Agricultural Marketing Programs Act. In fact, as my colleagues before me have stated, it is a new version of C-69, which was introduced in October 2005 by the previous government. We supported the principle of Bill C-69 at the time. We still do today, of course, as Bill C-15 is an improved version of C-69.

Quebec's Union des producteurs agricoles, the UPA, has long called for the amalgamation of the two federal programs, the advance payments program and the spring credit advance program, known as APP and SCAP, to facilitate financial management.

The UPA also called for an increase in the ceiling of interest free advances by \$50,000 to \$100,000, which was done, and wanted the new program to be expanded to more sectors, including livestock. These amendments contained in the bill are certainly welcome.

In this regard, Bill C-15 proposes more than its predecessor. The ceiling for advances would increase from \$250,000 to \$400,000. The amount of interest free advances would increase to \$100,000 from \$50,000 and, as I was saying earlier, livestock and more crops would now be eligible.

Amalgamated, the advance payments program and the spring credit advance program will make things easier for producers while putting an end to administrative duplication, which led to unnecessary costs as the programs are complementary. It has been our habit to strongly criticize duplication when it involved the federal government and extended to the provinces, but even within the machinery of the federal government there is duplication. So we will be putting an end to some of this duplication, which is good news.

However, some questions remain. My Liberal colleague mentioned earlier that this spring there was no cash available immediately. We too find this inexcusable.

There are other questions. At this stage of the process, as I stated at the beginning of my speech, the Bloc Québécois is in favour of the principle of the bill. However, it does give rise to certain questions. Since the program is part of the agricultural policy framework agreed to by the federal and provincial governments, how can the government make unilateral changes without consulting Quebec and the provinces? It is a question we asked ourselves and that we asked at a briefing by the Department of Agriculture and Agri-Food. It appears that it can do so, but we believe it is a legitimate question nonetheless.

The costs of these programs are shared and so another question comes to mind: when the new bill to amalgamate the two previous programs is implemented, will it cost more for Quebec and the provinces?

There is yet another question. Although the new program includes livestock and a larger number of crops—good news, as I stated earlier—it excludes all agricultural products subject to supply management. We know that, in Quebec, supply management is extremely important as it accounts for 40% of revenue in Quebec's agricultural economy. In this regard, we would have liked improvements to the bill.

From an administrative point of view, the current programs are managed by the producers' associations. Although no official announcement has been made, we have some information and we are hearing things. We are somewhat concerned. Some information from the department leads us to believe that the financial institutions could ultimately administer this new program. We are totally against this way of doing things. As I stated earlier, there is nothing concrete stating that this will happen but this may be a possibility.

We totally disagree with and are opposed to this possibility. We want the producers' associations to continue managing the program, as was done when the two previous programs were administered by the agricultural producers.

In the short term, Bill C-15 is good news. As for the medium and long terms, I toured Quebec's agricultural regions a week ago. People asked a lot of questions and expressed a lot of concern about many things, including the Canadian agricultural income stabilization program, or CAIS. We know that the minister announced plans to change the program, but we are still in the dark. Among other things, we still do not know how much money will be distributed to agricultural producers through the Canadian agricultural income stabilization program.

• (1250)

Quebeckers' concerns are as follows. With respect to the method of calculation for inventory valuation, the billion dollars will be used to spread out recovery of the overpayments distributed through CAIS, as I said, so that farmers will know, at the very least, how much they are likely to receive once the program is changed. This money will also cover administration of changing to the inventory valuation method and increased negative margin coverage.

However, inventory valuation methods differ from province to province because the federal government handed over responsibility for managing CAIS to the provinces that wanted it. As a result, Quebec, Ontario, Alberta and Prince Edward Island were free to choose whichever method they wanted. In 1992, Quebec chose to use accrual accounting, which, according to the minister, is the method the federal government wants to put in place. Quebec and other provinces that already use this management practice will be penalized because they already have a system in place that uses these accounting rules.

During my meetings with regional agricultural producers in the UPA, people told me that they were wondering how the minister planned to distribute funds allocated under CAIS.

Furthermore, during our tour, there was some talk about agricultural policy framework over the longer term. The government certainly must have heard the cries of the farmers, who rallied right here on Parliament Hill on April 5. The next day, a take note debate was held in this House concerning the farm income crisis.

Government Orders

Farmers would like the government to finally establish a real agriculture policy. A farmer in my riding even asked me if Canada still wants to continue farming, if it wants to encourage agricultural production in this country and in Quebec, of course, since we are still here for now. One thing is certain: we have some grave concerns in this area.

In its preparations for a new agricultural policy framework, we sincerely hope that the government is finally hearing the farmers. They were consulted by the previous government when the first agricultural policy framework was being created. Despite those consultations, however, the changes that the farmers were hoping for concerning Canadian agricultural policy were never really implemented. Their demands and concerns in this area remain the same.

Bill C-15 is a step in the right direction. It does not resolve the entire farm income crisis, but it is close. We believe that this bill should be passed quickly so that farmers may reap the benefits as soon as possible.

•(1255)

[English]

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Mr. Speaker, like my hon. colleagues, I support Bill C-15. I will not reiterate what has already been said by my hon. colleagues about what we need to do for our farmers. The main thing is they are now getting some help, and that is good. One concern is that it will increase the debt load. We will have to watch for that.

I am encouraged by the efforts of the Minister of Agriculture and his staff to help the primary producer.

I was contacted again last week by farmers of Porcupine Plain, who are concerned. They seem to be falling through the cracks. In spite of the \$15 per acre available to help them with respect to disaster relief, they do not know if they will have access to the money now or if they will have to wait until the fall.

This area was hit by flooding in 2005 and 2006. Last week another three inches of rain fell. Riverbanks are overflowing and seeds are rotting in the ground. Prior to this, farmers had seen two years of drought, frost and other flooding. The majority of farmers in rural municipality 395 have no equity left against which to borrow.

I have heard gut-wrenching stories. I have been told, and I have the documentation here, that some farmers will have their lights turned off by the middle of June. One person has a remaining credit of \$5,000 on his credit card. That is not enough to fix the transmission on his tractor let alone to buy fuel and food for his family. Another person had his credit card revoked on May 29, and his lights will also be turned off. Two farmers have deserted their large farms and have gone to Alberta to work in logging operations.

This morning, at a press conference, I alluded to the point that these people had real problems. Although I am encouraged by the budget and by what has been offered by the government, there must be some way that we can help these people today to get back on track so they can produce and continue to make a living in our rural municipality.

Cattle producers in my riding of British Columbia Southern Interior believe that a free flow of cattle over 30 months old is

necessary. In talking with the Canadian Cattlemen's Association, the idea is that our government should take the initiative in this regard. They are willing to help as far as blue tongue and other problems that arise.

Another situation that local producers in the Slocan Valley face is the decision of our provincial government to close many local slaughter house facilities because of new legislation. They will have to move one or two animals to Kelowna or Kamloops, if there is room for them, to get them slaughtered, thereby putting themselves out of business. I know this is not a federal issue, but I wonder if there might be some guidelines through the federal CFIA with regard to flexibility so we can somehow help, working through the provincial government, our local producers to continue producing, specifically in the Slocan Valley and other areas of British Columbia.

Our fruit growers have some comments with regard to the legislation. Marketing of their 2004 fall crop was severely impacted by excess production in Washington state, which saw a substantial increase in the volume of U.S. apples entering our Canadian market, literally being dumped into our province. B.C. apple growers saw their returns plummet from a previous three year average of 22.3¢ a pound to a mere 12.4¢ per pound, a 44% drop.

There are many serious concerns on the proposed methodology of how money will flow to farmers and how or if the apple industry will be included in the current plans. In B.C. the majority of apple growers belong to cooperatives, where the products they grow are pooled. Because of this, they view the current distribution model of retroactive inventory valuation adjustments as not working for apple growers as it excludes them from the main body of the \$900 million CAIS fund. It would be terribly wrong and unfair to apple growers to pay \$1 billion of emergency funding based on inventory valuations.

•(1300)

[Translation]

Pressure is being brought to bear at the WTO to have us change our supply management system. We must protect our milk producers in Quebec and the rest of Canada at all costs. I find it encouraging when the minister says that he is going to do what is necessary to maintain our supply management system. We know that, today, discussions are under way between milk producers and processors about milk protein concentrates. Let us hope that we find a solution shortly.

*Government Orders**[English]*

Another important issue confronting our producers especially in the west is that of the Canadian Wheat Board. Many of the producers are worried that the government wants to make it into a dual marketing agency. According to a study and a survey, 88% of the farmers themselves want to make the decision. It is important that we allow them to make the decision based on their board of directors and their members. The government should not impose its will.

We have to be careful because these issues are tied together. Whether it is the Canadian Wheat Board or the supply management system, once we erode one, the other follows. We can cite the New Zealand experience in the 1990s where the apple industry voted to get rid of single desk selling. Since then everything has gone downhill. Quality is worse. Apples are being picked early in the rush to export. Shelf life is much shorter. Ships carrying identical crops are arriving in market ports at the same time and end up competing for lowest prices. There is a move in New Zealand to get back to a single desk model.

After talking with the New Zealand High Commission, it has been learned that the New Zealand kiwi fruit marketing authority voted to go back to the single desk after getting rid of it because those producers all too soon found themselves competing for lower prices.

We have to be very careful before the government starts to play with an institution that is governed and controlled by the farmers. We must look at examples in other parts of the world, such as New Zealand, where people are saying that maybe the single desk solution is the best.

The farmers' rail coalition is looking to the government to recognize that the farmers are prepared to support the federal plan for the hopper car fleet if the government can ensure that farmers' interests are best served. Once again, I appeal to the minister, as I have done during our committee meeting, that the time is right to involve these people. They represent farmers in western Canada. They are willing to work with the minister and with the government to ensure that we get the very best possible deal and the very lowest maintenance costs for our farmers so they can make some money and continue to produce.

In closing, I support Bill C-15 as outlined by the minister. It is a start. It is a step in the right direction. The government must do all it can.

• (1305)

[Translation]

We have to do all we can to support farmers. It is time for a vision for Canada, a vision that says yes, we must support primary producers.

[English]

It is very important to look at the primary producers when we look at Bill C-15.

[Translation]

Whether we are talking about supply management, the Canadian Wheat Board or whatever, we need to keep in mind that we must support primary producers.

[English]

I thank the minister once again for his hard work in pushing Bill C-15 through.

The Acting Speaker (Mr. Royal Galipeau): Pursuant to order made earlier today, Bill C-15, an act to amend the Agricultural Marketing Programs Act, is deemed read a second time and referred to a committee of the whole, deemed considered in committee of the whole, deemed reported without amendment, deemed concurred in at report stage and deemed read a third time and passed.

(Bill read the second time, referred to a committee of the whole, considered in committee of the whole, reported without amendment, concurred in at report stage, read the third time and passed)

* * *

CRIMINAL CODE

Hon. Vic Toews (Minister of Justice and Attorney General of Canada, CPC) moved that Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act, be read the second time and referred to a committee.

He said: Mr. Speaker, it is with great pleasure that I rise today to speak to Bill C-10.

This bill follows through on one of the key elements of the priority to tackle crime that the government set out in the Speech from the Throne. Bill C-10 proposes a number of tougher mandatory minimum penalties to ensure that appropriately high sentences are imposed on those who commit serious or repeat firearms offences.

This bill is not about universal mandatory minimum penalties. It introduces targeted mandatory minimum penalties for serious gun crimes and ensures that those who carry out these crimes will be penalized. This bill clearly sends a message that Canadians do not accept this behaviour.

Before describing the proposals themselves, I would like to take a few minutes to explain the nature of the problem that Bill C-10 seeks to address. This bill is aimed at tackling the problem of gun violence, particularly gang related gun violence which is prevalent in Canada's major urban centres.

In looking at the gun crime problem, it is important that we acknowledge what our role is in this fight. Firearms crime is a difficult problem. There are many partners involved in responding to this concern. The police are, of course, on the front line. Canadians were reminded a few weeks ago, with the shooting death of Constable John Atkinson of Windsor, Ontario, of the risks that police face in protecting us against those who use firearms for a criminal purpose. Those risks are real and unfortunately, often deadly.

Government Orders

On the issue of gun crimes in Canada, the police have told us that they remain very concerned about the number of guns they encounter in their investigations. They tell us they are coming across more illegal handguns, particularly in the hands of gang members or those involved in the drug trade.

I mentioned earlier how there are many partners involved directly in this fight. The police are not the only group with a strong role to play and who have voiced recent concerns about firearm violence. Other levels of government, provincial and municipal, have key areas of responsibility as well.

With respect to gun crimes, many provincial governments have requested that this issue be tackled aggressively. At the meeting of federal, provincial and territorial ministers responsible for justice in Whitehorse last November, it was the provinces of Manitoba and Ontario in particular that sought a resolution for tougher legislative measures for firearms offences, including higher minimum penalties. The other provincial ministers agreed.

Provincial attorneys general are responsible for the vast majority of the prosecutions of firearms offences in this country. Last November they agreed that more needed to be done to tackle this problem. Since then, several of them have reiterated their desire to have tougher measures in place. As Bill C-10 responds to most of their concerns with respect to mandatory minimum penalties for gun crimes, it represents a positive and strong first step toward accomplishing some of the common goals in this fight.

Several provincial prosecutors have expressed the concern that the existing mandatory minimum penalties for firearms offences are frequently being imposed as the sentence, while in many cases a penalty higher than the minimum should be imposed given the seriousness of the offence and the offender in question. Mandatory minimum penalties are intended to be just that, a minimum penalty, a floor, not a ceiling.

It would not be acceptable for the government to become complacent and to fail to listen to the concerns being expressed by those directly involved in the criminal justice system in dealing with this problem. Furthermore, the government is not only listening to the concerns expressed by police, prosecutors and the provinces, the people of Canada have said they want action from the federal government to help fight gun crimes. With Bill C-10, this government is responding to that call.

The federal government has a strong role to play to help further reduce gun crimes. We have policing responsibilities and we will follow through on our commitment to put more RCMP officers on the streets. This government also committed in the budget to invest in crime prevention measures to keep young people away from gangs, guns and drugs.

●(1310)

As parliamentarians, we are this country's lawmakers. It is incumbent upon us to see that our laws provide appropriate and adequate measures to address this pressing problem.

Some members of the House may be of the view that the current gun crime problem does not require a response such as the one contained in Bill C-10. However, the facts are clear that gun crime is a growing problem in Canadian cities and towns.

For example, in 2004 Winnipeg experienced a threefold increase in its firearm homicide rate, bringing it to over three times the national rate. In that same year the number of firearm robberies doubled in the province of Nova Scotia, bringing its rate to just behind the leading rate in the province of Quebec.

Toronto's rate of firearm homicides in recent years has been frequently reported on, but that city is not alone in having rates higher than the national average. The rate in Edmonton has also increased. Vancouver has consistently had substantially higher rates over the last decade, five and six times the national rate.

Handgun crime is a problem in our cities. This is particularly true in connection with organized crime, including street gang activity such as in the drug trade or in turf wars. The statistics also show that while crimes committed with non-restricted long guns are down, handguns and other restricted or prohibited firearms have become the weapon of choice for those who use firearms to commit crimes. It is important to note that handguns in this country have been registered, or supposed to have been registered, since 1934.

This leads me to the proposals contained in Bill C-10. Some may comment that the escalating penalty schemes proposed in Bill C-10 seem rather complicated. This follows from the need to provide for different schemes for different offences, which is directly related to the specific nature of the current crime problem involving guns that I have just described.

The escalating minimum penalty scheme for serious offences involving the use of firearms is based on specific aggravating factors most commonly present in the guns and gang context. The higher minimum penalties of five years on a first offence, seven years on a second offence and ten years on a third offence will apply when the offence involves the use of a handgun or other restricted or prohibited firearms. They will also apply if the commission of the offence is in connection with a criminal organization and any firearm is used.

I would note that while these factors are common factors in urban gun crime, they will apply to offences in both urban and rural settings. The following offences are targeted under the scheme of five, seven and ten year minimum penalties: attempted murder; discharging a firearm with intent; sexual assault with a weapon; aggravated sexual assault; kidnapping; hostage taking; robbery; and extortion.

Also, when we talk about the first offence, second offence and third offence, it is important to note that any prior conviction in the last ten years, excluding time spent in custody for using a firearm in the commission of an offence, will count as a prior conviction and will trigger the enhanced minimum penalties for repeat offences.

Government Orders

Enhanced minimum penalties are also proposed in Bill C-10 for various serious crimes in which firearms are not used but are involved. The escalating minimum penalties in the case of serious non-use offences are based on repeat offences and not on whether the aggravating factors are relevant to the serious use offences.

The escalating scheme of minimum penalties will be three years for a first offence and five years for a second offence or subsequent offence for the following most serious offences: possession of a loaded, restricted or prohibited firearm; firearms trafficking; possession for the purpose of trafficking; making an automatic firearm; firearms smuggling; and a new offence of robbery to steal a firearm.

The police especially are interested in the higher mandatory minimums for the possession of loaded or restricted firearms. More and more of them are turning up in automobiles. When the police check the cars, they are finding loaded firearms inside.

• (1315)

The benefit of that kind of a charge is that often civilian witnesses are not involved. It is the police officer's testimony, taking the weapon, which is the crux of the evidence. In fact, it is very important to have those higher minimum penalties. In this context of course, civilian witnesses cannot be intimidated because it is essentially only the police involved.

I would also point out the illegal possession of these firearms is becoming a growing concern. In Vancouver, the police tell us that 97% of firearms, the handguns, found there are in fact smuggled in from the United States. The registration of handguns does not deter the determined criminals in terms of even handguns.

An escalating minimum penalty scheme of one year on a first offence, three years on a second offence, and five years on a third or subsequent offence will apply for the following schemes: possession of a firearm obtained by a crime, possession of a firearm contrary to a court order, a new offence of breaking and entering to steal a firearm, and the additional offence of using a firearm or imitation firearm in the commission of other offences which attracts a consecutive minimum penalty.

For the serious non-use offences, it is important to note that prior convictions in the last 10 years will trigger the higher minimum penalties applicable in repeat offences. This would exclude the time in custody because we do not want to give credit for the time a person has been involved with handguns when serving time in custody, so it would exclude time in custody for both use offences and non-use offences.

Mandatory minimum penalties that are targeted at particular offences have been effective at reducing crime. Not only do they address the real problems of criminal conduct by denouncing the behaviour to society, but they have been shown to reduce criminal conduct. Studies by Steven Levitt in the *Journal of Law and Economics* in 1999 and in the *Journal of Economic Perspectives* in 2004 showed that there is a direct link between mandatory minimum prison penalties and a decline in crime rates and criminal behaviour.

I would like to speak to constitutional considerations. As Bill C-10 addresses the issues of penalties on imprisonment, it raises considerations under the Charter of Rights and Freedoms. Section 12

of the charter provides that people have the right not to be subjected to cruel and unusual penalties. It is important to note that the courts have in fact upheld mandatory minimum prison sentences. There is nothing unconstitutional about mandatory minimum prison sentences. It is how they are applied and in what context which is important.

The courts in Canada have been frequently called upon to assess the constitutional validity of the mandatory minimum penalties of imprisonment currently set out in the Criminal Code and, in particular, many of the ones that apply to firearms offences. In examining those provisions the courts have recognized that Parliament is entitled to take appropriate measures to address the pressing problem of firearm related crimes.

It is indeed Parliament's role to set the range of penalties which it deems appropriate for Criminal Code offences. That is not the role of the courts. It is the responsibility of parliamentarians. In doing so we need to ensure that our response is founded on recognized sentencing principles.

It is a fundamental principle of the Canadian sentencing regime that a sentence should be proportionate to the gravity of the offence and the degree of responsibility of the offender. The Criminal Code provides that the purpose of sentencing is to impose sanctions on offenders that are just, in order to contribute to respect for the law and the maintenance of a just, peaceful and safe society.

Accordingly, the objectives in sentencing are to denounce unlawful conduct, deter the offender and others from committing crimes, and separate offenders from society where necessary, as well as to assist in rehabilitating offenders, have them accept responsibility for their actions, and repair the harm that they have caused to victims or the community.

I would submit to members of the House and to Canadians in general that the proposed mandatory minimum penalties contained in Bill C-10 are not so high as to outrage public decency. They are certainly strong measures, but they are reasonable and they are a real response to a problem that is increasing in our cities and plaguing our cities.

• (1320)

Much effort went into ensuring that they are appropriately tailored to the pressing nature of the current gun crime problems. The highest level of 10 years for using a firearm and five years for other serious firearms related offences will apply to repeat firearms offences.

The manner in which the highest minimum penalties will apply is intended to ensure that they do not result in grossly disproportionate sentences being handed down. The question we need to ask ourselves is whether it could be considered intolerable to send those guilty of these offences to jail for at least these set minimum terms.

Government Orders

If an accused for example were charged with attempted murder using a handgun and he or she has two prior convictions in the last 10 years for robberies with a firearm would a minimum penalty of 10 years constitute cruel and unusual punishment? When it comes to looking at each of the proposals under that kind of lens, we will find that the minimum penalties proposed in Bill C-10 appropriately reflect the seriousness of those offences.

I would remind the House of the other parties' commitment to mandatory minimum prison sentences. The New Democratic Party indicated that it would agree to mandatory minimum prison sentences of four years for firearms and indeed the justice critic for the NDP has said that a five and seven year range would be constitutionally acceptable. I would suggest that when we are talking about third offences, 10 years is certainly not outside the scope.

I would also point out that the Liberal Party itself, during the election, supported mandatory minimum prison sentences for gun crimes. The Liberal premier of Ontario, the attorney general, and the mayor of Toronto have all supported these kinds of measures and these are all measures that are going to address a very serious problem.

Canada's new government has said that it will tackle crime to make our streets safer. Bill C-10 is one of the first initiatives the government has taken toward realizing that goal. That is because we consider gun crimes to be a very serious threat to public safety.

I am confident that we will have the support of most of the members of the House for these measures. I look forward to discussing and studying the proposals contained in Bill C-10 in greater detail in committee with other members of the House.

• (1325)

Hon. Sue Barnes (London West, Lib.): Mr. Speaker, I have a few questions for the minister about the issue he has put on the table.

It was the Liberal Party of Canada in 1995 that put many of the mandatory minimum sentences in the Criminal Code. In fact, there are four year mandatory minimums. As he correctly stated, this is a floor not a ceiling.

However, there have been, to my knowledge, no studies in Canada, no research into the impact of the 1995 firearms legislation. The only study, Meredith, Steinke and Palmer, in 1994 examined mandatory minimum one year sentences for offenders convicted for using a firearm in the commission of an offence found in section 85 of the Criminal Code. The researchers found that charges under this section were often used in plea negotiations and about two-thirds of the charges laid were stayed, withdrawn or dismissed.

In addition, the study showed that when Crown attorneys proceeded with charges under section 85, there was a lower probability of conviction. The justice minister knows that, unlike other countries that have mandatory minimum sentences, there are no escape clauses, no escape ways to get out of that exceptional circumstance.

The minister said a few things in his speech that interest me greatly. First of all, I would like to ask him to table all of the studies that he relies on when he talks about the legislation because I, and

many members of my caucus, have read intensively in this area over the last number of months and consulted.

The second thing I would like to tell him is that our four year mandatory minimum sentences were deemed constitutional, but the seven year mandatory minimums for drug trafficking were not. That is *Regina v. Morrisey*, if the minister needs to know of the case.

Canadians really want an effective piece of legislation. It is normal when one prepares this, and I know the minister has not had a chance to have the meetings with the territorial and provincial ministers of justice. That was done under the previous government. I know work was needed in this area. We were striving in a comprehensive way to work cooperatively to have a good solution.

I would like the minister to table his material with respect to constitutional arguments, so that we can all understand what he is relying upon. I would like to ask the minister, why did he not consult, prior to introducing the legislation, many of those special interest stakeholder groups that are knowledgeable in the area and that normally would be consulted on criminal law? Why did he not ask them for their assistance or run it by them to refine this, so he would not run into the traps that come when we go too far, overreach too much and ignore really, the best evidence we have before us? Why is it that he did this?

Hon. Vic Toews: Mr. Speaker, I find it remarkable for the member to suggest we tender for studies for this when there are many studies out there. Look at the Kyoto accord, for example. There were absolutely no studies, yet the former government relied on it and were willing to spend billions dollars on that program.

However, with respect to consulting, we did that. The department does not act in a vacuum. When a new minister comes in, he relies on the consulting that has occurred. I personally consulted with police and other organizations on this issue. Therefore, the idea that somehow the legislation has grown up in a vacuum in the last three months is wrong.

With respect to the issue of drug trafficking, the striking down of the seven year mandatory, I suggest my colleague go back to that decision and read exactly what it said. It basically said that for the importation of marijuana into the country, a seven year minimum was not a proportionate response, when by having one joint it would attract a seven year minimum.

The legislation is specifically geared to very serious use offences and serious non-use offences. It builds upon the constitutional cases that have surrounded the development of mandatory minimum sentences.

With respect to the study, the member knows, having been in the justice committee, that there are essentially no conclusive or other studies on mandatory minimum sentencing in Canada. That is inconclusive. I would direct her to the Steven Levitt study in the "Journal of Law and Economics, 1999" and the Journal of Economic Perspectives, 2004, which shows that there is a direct link between mandatory minimum penalties and a decline in crime rates and criminal behaviour.

Government Orders

The Liberal Party is still of the view that the streets in Canada are as safe as they were 30 years ago. If the member actually thinks that, why does she not take a walk in downtown Toronto, downtown Winnipeg and downtown Vancouver. After that walk, think back 20 or 30 years as to what these streets were like at that time. Now our peace officers and our civilians have to face the threat of gunfire, gun crimes and increasing numbers of handguns found in cars.

In the legislation, we are working to restore the confidence of the people of Canada in the justice system. This is a measured response and an appropriate response to a crime problem that has become very serious.

• (1330)

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I am surprised that the minister did not announce the position of the Bloc Québécois in his speech. He would have quickly realized that we have studies showing that minimum penalties have not solved anything.

Since the hon. Minister of Justice used to be the Attorney General of Manitoba, he must surely be aware of a process we criminal lawyers know and regularly use: plea bargaining. Therefore, since he has probably been through it, he knows that we counsel for the defence use plea bargaining when we are dealing with a charge of attempted murder. We say that we will never plead guilty to attempted murder resulting in a minimum sentence of imprisonment, but we would plead guilty if the charge were reduced to an accusation of aggravated assault, and, presto, there it is. The minister knows that is how it will go.

He knows that he is also going to clog up the court calendars and the courts, and above all that he is going to add to the prison population. Maybe he wants that, but it is not what we in the Bloc want.

But what is incredible is that Bill C-10 only applies to handguns. Why does the Minister not want to include rifles and shotguns in this bill? When we read it, we actually see that such weapons are excluded. We know, though, that in recent years the crimes he wants to punish were committed with shotguns, in the regions.

• (1335)

The Speaker: The hon. Minister of Justice for a brief answer, please.

[*English*]

Hon. Vic Toews: Mr. Speaker, I find it interesting, coming from a province that is plagued by organized crime, where there is a measure that is specifically directed at organized crime, that the member of the Bloc Québécois would stand and advocate essentially on behalf of the organized crime population.

On the issue of an increase in the population in our prisons of people who commit attempted murder, discharge a firearm with intent, sexual assault with a weapon, aggravated sexual assault, kidnapping, hostage taking, robbery and extortion, my colleagues asks why should those people go to jail. They should be in jail. Our citizens deserve protection.

Hon. Sue Barnes (London West, Lib.): Mr. Speaker, today we begin debate on Bill C-10, an act to amend the Criminal Code, minimum penalties for offences involving firearms.

I welcome the debate because it will allow us, at least on this side of the House, to engage Canadians, assisting them understanding a vital part of the criminal justice system sentencing provisions. I expect the government's speeches will continue with the slogan that the bill is about being tough on crime.

First, all members of the House are concerned with their communities being safe. Unfortunately, we cannot legislate safety, but we all need a system of justice that works and works effectively. It is the responsibility of the government to put bills before us that are evidenced based and that will enhance the effectiveness of our criminal justice regime.

Amendments to the Criminal Code should not be ideologically driven, or rushed or arbitrary. There should be rational thought and analysis, something which hopefully could be supportable by all parties in the House. Good analysis, evidence and rationality is self-evident.

As I will with every bill put forward, I examined it with an eye to look for supportable legislation. Criminal Code amendments should complement and enhance an ongoing coherent and properly financed crime prevention strategy. Both are important to our communities. We need something more than budgets which mainly aim at increasing incarceration and overloading jails.

The Criminal Code contains 42 mandatory minimum penalties. The sentencing judge can use his or her discretion when sentencing to opt for higher than the mandatory minimum. In other words, a mandatory minimum is a floor not a ceiling. Generally speaking these 42 infractions fall within the following criteria: impaired driving and blood alcohol over .08; betting and bookmaking; high treason; first and second degree murder; use of a firearm in an indictable offence; use of a firearm in 10 listed offences; possession, trafficking et cetera of various prohibited firearms; sexual interference; invitation to sexual touching; sexual exploitation; making, transmitting, possessing, accessing child pornography, procuring and committing sexual activities of minors; prostitution of minors; and living off the avails of child prostitution.

The 10 listed offences include mandatory minimums if a firearm is used in commission with the offences of criminal negligence causing death, manslaughter, attempted murder, causing bodily harm with intent to harm, sexual assault with a weapon, a firearm, aggravated sexual assault, kidnapping, robbery, extortion and hostage taking.

Mandatory minimum penalties are also in the Criminal Code for: first, the use of a firearm or the intention in the commission of an indictable offence; and second, possession of firearm knowing it is unauthorized. Mandatory minimum penalties are also found in the Criminal Code for possession of restricted or prohibited firearms with ammunition, possession of a weapon obtained by crime, weapons trafficking or possession for the purposes of trafficking, making an automatic firearm and importing or exporting of a firearm knowing that it is unauthorized.

Government Orders

The bill before us today goes much further than the existing mandatory minimum sentences in the Criminal Code. Historically, mandatory minimum penalties have been used with great restraint. Mandatory minimums undermine the fundamental principle of proportionality. That is what gets us in trouble with the charter. The chief sentencing principles are enshrined in the Criminal Code and judges set a sentence proportionate to the gravity of the offence and conduct of the offender.

I will briefly outline what Bill C-10 does, a bill which is certainly not a bill that a lay person could easily read and understand.

The bill introduces three new levels of mandatory minimum penalties for offences involving firearms or committed in connection with a gang. The first set of offences concerns serious offences which are committed with a restricted firearm or if the offence is committed with a gang. In this category are attempted murder, discharging a firearm with intent, sexual assault with a weapon, aggravated sexual assault, kidnapping, hostage taking, robbery and extortion.

Each of these crimes on their own carry mandatory minimum sentences under the existing legislation if they are committed with a firearm. The MMP, the mandatory minimum penalty, is four years. The new legislation would increase the mandatory minimum penalty on the crime if it is committed with a restricted or prohibited firearm or if the offence is committed in connection with a gang. The proposed mandatory minimum sentences are five years on a first offence, seven years if the accused has one previous what I call use convictions and ten years if the accused has more than one prior use conviction.

Please note that under the existing legislation the term firearms was used whereas this legislation changes this to restricted or prohibited firearm in some of the sections. In lay people's terms this means that some of these amendments do not apply to long guns.

• (1340)

The four year MMP remains in the Criminal Code for the same crimes committed for non-restricted or non-prohibited firearms as per the previous government laws. When asked about why this distinction was made, the justice officials suggested that this was a policy decision made by the current government.

For determination of prior convictions, all eight of the use offences are considered as part of the pool of common offences. For example, if an individual is accused of hostage taking and that person has a previous conviction of a sexual assault, that will trigger the higher MMP of seven years. The offence will not be taken into account if 10 years have elapsed between the day which the individual was convicted of the earlier offence and the day the person was convicted of the second offence.

A closer reading, however, points out that if the offender was incarcerated at any time, the clock on determining the 10 year period does not count any time while being incarcerated. Therefore, as written in Bill C-10, this period could extend in reality to a much longer period.

Bill C-10 proposes new or higher mandatory minimum sentences for several serious non-use offences in the Criminal Code: unauthorized possession of a restricted firearm or prohibited firearm

with ammunition and for reasons of trafficking, possession for the purposes of trafficking, making an automatic firearm, firearm smuggling and the new offence of robbery where a firearm is stolen. The new mandatory minimum sentences for these offences would be three years on the first offence and five years if the person has a prior conviction of either a use or non-use offence.

The new legislation proposes new mandatory minimum sentences for the following non-use offences, namely, possession of a firearm obtained by crime, possession of a firearm contrary to court order and a new offence of breaking and entering and stealing or intending to steal a firearm. The mandatory minimum sentences for these offences would be one year on the first offence, three years if the accused has one prior use or serious non-use conviction and five years if the accused has more than one use or serious non-use conviction.

These same mandatory minimum sentences would apply for a separate offence of using a firearm or imitation firearm in the commission of other offences, for example, the offences not listed in the use category I just outlined. Bill C-10 introduces a few new offences in the Criminal Code: breaking and entering and stealing or intending to steal a firearm and robbery with intent to steal or stealing a firearm and, in addition to section 230 of the Criminal Code, constructive murder.

The former government had similar offences in the last Parliament with Bill C-82, which was never debated having been given a first reading in November 2005 and the opposition defeating the government shortly thereafter. There are also questions as to the constitutionality with respect to parts of section 230.

I will give one example of what this means if this bill is passed. Contrast the mandatory minimum sentences for each situation. In situation (a), if an individual commits a robbery, for example, at a corner store while armed with a fully loaded long gun, and the individual has a lengthy record, including numerous prior convictions for other firearm related offences, under proposed subparagraph 344(1)(a), the individual would face a mandatory minimum sentence of four years.

In situation (b), if an individual commits a robbery but is armed with an unloaded handgun and the individual is a first time offender with no criminal record, under proposed subparagraph 344(1)(a), the person would face a mandatory minimum sentence of five years, one year more. The same would apply if, instead of robbery, the offences were sexual assault, kidnapping, hostage taking or extortion.

Government Orders

This shows that the length of the MMP, the mandatory minimum penalty, in the proposed legislation is based on the legal status of the firearm in question rather than on the extent of actual danger to the public presented by the situation. I also want to point out that the net has widened on these mandatory minimum penalties by the reality of section 21 of the Criminal Code, "Parties to offence", which draws in people aiding and abetting the perpetrators of crime. For instance, if a girlfriend acts as a lookout or a getaway driver on that robbery with no action on the inside perpetrator's use of the firearm, that person could also be subject to the mandatory minimum.

We should be clear about what mandatory minimum sentences do. They take away the sitting judge's discretion in cases heard in our courtrooms. There is no exception, no escape clause and no discretion. Without mandatory minimums or with lower mandatory minimums as exist today in our Criminal Code, many of which were installed by the former Liberal government with respect to gun crimes, the courts are given the discretion to fashion a sentence that is much more proportionate to the gravity of the offence and the conduct of the offender and, also very important, to consider both aggravating and mitigating circumstances in each case.

● (1345)

In essence, mandatory minimum sentences conflict with the sentencing principles contained in sections 718 through 718.2 of the Criminal Code, particularly with respect to the fundamental principle of proportionality.

Mandatory minimum sentences pose charter risks under section 12. We know the Minister of Justice has even acknowledged this.

We know that the Supreme Court of Canada has struck down a seven year mandatory minimum penalty for importing narcotics. We also know that the Supreme Court of Canada upheld the constitutionality of the MMP of four years for the use of a firearm and criminal negligence causing a death, and that, by the way, was the case I meant on *R. v. Morrisey*. In that case the Supreme Court commented on the negative effects of the mandatory minimum sentences in introducing rigidity into the sentencing process.

In 1987 the Canadian Sentencing Commission and most Canadian commissions that have considered the issue in the last 40 years have repeatedly recommended the abolition of mandatory minimum sentences, except for murder and treason. Research into the effectiveness of mandatory minimum sentences have shown that they do not have any special deterrent or educative effect and are no more effective than less serious sanctions in preventing crime.

However, it must be made clear that it does not mean people do not go to jail. This was confirmed in a 2002 comprehensive study commissioned by the Department of Justice and written by Gabor and Crutcher entitled, "Mandatory Minimum Penalties: Their Effects on Crime, Sentencing Disparities, and Justice System Expenditures" Specifically, this study found that there was no correlation between the crime rate and the severity of punishment.

In the last four years, many U.S. jurisdictions have moved away from the MMP regime. On January 12, 2005, the U.S. supreme court decided in *United States v. Booker* that the sixth amendment was violated by the imposition of an enhanced sentence under the U.S.

sentencing guidelines and held that the current federal sentencing guidelines should be considered advisory only, not mandatory.

On January 21, 2005, in the eighth circuit, in *United States v. Coffey*, this decision applied that previous decision made in *United States v. Booker* and confirmed that the U.S. federal sentencing guidelines were now advisory and no longer mandatory.

By 2003, about 25 states in the United States had passed laws eliminating some of the lengthy mandatory minimum sentences given the distortion, the increased costs and the high rates of incarceration that have resulted from rigid sentencing schemes.

In Australia, it has been found that aboriginal and other disempowered groups have been overly affected by mandatory minimum sentencing laws. In the U.S., a 1998 national law journal suggested that the harshest impact of mandatory minimum sentences was felt by African Americans. The data indicated, for example, that African American women had eight times more chance of being charged, convicted and sentenced under the mandatory sentencing laws than European American women. The overrepresentation of blacks is also a Canadian problem according to the systemic racism and racial profiling studies by Tanovich, Wortley, the Cole Gittens report and other reports done in Canada.

In Canada, minimums are expected to also disproportionately impact aboriginal offenders. We already have some Gladue courts for good reason. Mandatory minimum sentences are linked to wrongful convictions through plea bargaining since alleged offenders can easily be coerced into pleading guilty to a lesser charge when they face a stiff mandatory minimum sentence.

Crown prosecutors, for a variety of reasons, often circumvent the application of mandatory minimum sentences. The existence of an MMP sometimes results in charges being stayed or withdrawn. Accordingly, decisions regarding the appropriate punishment are now being transferred, and this is important, from the discretion of the judiciary to the discretion of the prosecution.

A 2005 survey of judges compiled by the Department of Justice found that slightly over half felt that mandatory minimum sentences hindered their ability to impose a just sentence. Mandatory minimum sentences promote an all or nothing approach. From the standpoint of public security, is it not better to ensure conviction and the imposition of an appropriate sentence based on the individual case facts and law, instead of risking that an accused not face trial or not be convicted of an offence?

● (1350)

The punishment should fit the crime and not be a distortion either way, which can easily occur with mandatory minimum sentences.

Government Orders

I do not know whether the legislation had increased hand gun crime in mind and specific locations in Canada, as we heard the minister say, but the reality we face as legislators in this House is that the Criminal Code operates from Nunavut where there is no federal penitentiary and sentences are served in Ontario, to Saskatchewan which has been trying very hard to constructively deal with the over-representation of first nations in the penal system, to Vancouver and eastern Canada.

Yes, we support increased resources to the police and communities. We also support money for educational employment and community sport for at risk populations, whether they are in downtown Toronto or in a small town in rural Alberta.

Neil Boyd, a Simon Fraser criminologist, estimates that with this legislation over 23 new prisons with astronomical associated costs would need to be built in order to meet the expected influx of prisoners who will be created by the Conservative government's criminal law agenda. From provincial institutions to federal prisons, it would cost taxpayers huge resources to incarcerate this many people. Is it the best use of resources? Can a more well-rounded, smart and effective system be designed which does help prevent crime and give confidence in the justice system and the rightful discretion to our judiciary?

With all the talk of accountability, some of the stakeholders, who normally assist in the legislative process during the consultative stage, were not consulted prior to the introduction of the legislation. I believe that not every provincial or territorial minister of justice or attorney general knew the contents of the bill as introduced. We do know that general consultations occurred with them by the former government at the semi-annual meetings of ministers of justice and work was warranted and wanted in the area.

What about the Canadian public, the taxpayer? The Department of Justice reports that the public does support some mandatory minimum sentences, which we have, especially for the most serious crimes of violence and especially if they are polled without knowing or being able to consider the potential deficiencies associated with mandatory minimum sentences of imprisonment.

We now know that in both Australia and the U.S. public support for mandatory minimum sentences has declined in recent years. In reality, very few countries in the world have created mandatory minimum sentences, which we have here in Canada with the minimum four year term of custody created by the former Liberal government in 1995 on gun crimes.

Where is the new evidence by the Minister of Justice to support the case for Bill C-10 as written? We already know that the best that can be said of enhanced sentences for firearms and crime reduction are that findings are inconsistent or unclear, again supported by the minister's own words. This is a generous interpretation however. There is no evidence that sentencing disparities are reduced by the use of mandatory minimum sentences and a number of unintentional adverse affects and distortions in traditional patterns of sentencing have been well documented.

Where is the Canadian research that would lend support to this bill? It does not exist. We already know, from his appearance at the justice committee, that the Minister of Justice was challenged by

every opposition party in Parliament on his use of crime statistics. He continues to disparage the judiciary in his casual public comments. We want constitutional laws in Canada. We need a solid working and just system of criminal justice to serve Canadians.

The Department of Justice's research and statistical division paper on "Mandatory Sentences of Imprisonment in Common Law Jurisdictions", authored by Julian Roberts, is a good overview for information on sentencing arrangements in a number of common law jurisdictions around the world.

Anthony Doob and Carla Cesaroni at the Centre of Criminology wrote a 2001 mandatory minimum sentence paper. The list of the impacts of mandatory minimum sentences is an important part of that paper.

If the bill gets to committee we will need to hear from many of these people. For our part, we will be against the legislation as being bad policy and very questionable law. The government could have presented a properly balanced bill but it chose to message its core group instead. Everyone loses when government chooses not to govern responsibly and instead play politics with the Criminal Code of Canada.

There are no simple solutions to complex problems. This is not a campaign. We have serious work to accomplish in Parliament. Gun crime and gang violence should be properly addressed and we will be here to help.

All I hear from the new Conservative government is about simple messaging. It is not worthy in Bill C-10. This is not supportable criminal law legislation. This is hurried legislation with inadequate consultation and the refinement needed to ensure it would work effectively. This has now become a pattern with the Conservative government. Canadians deserve better.

• (1355)

Hon. Vic Toews (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I note the member's comment that this is not the election campaign. Indeed, how true that is. During the election, those members were all in favour of mandatory minimum prison sentences. As soon as the election is over, of course, their new-found conversion is gone and they have betrayed the people again.

Statements by Members

In respect of the issue of playing politics with the Criminal Code, is that not interesting? The Criminal Code is in fact a policy statement enshrined in law. That is for politicians. My learned colleague keeps on wanting to defer all discretion and all responsibility over to the judges. That is an abdication of responsibility of Parliament. We need to ensure that we are responsible as politicians and that we do not continue to give it over to the judges.

Again I note a comment, the statement in respect of the mandatory minimum prison sentence of seven years on the importation of drugs, and again the member has misrepresented the facts. I would invite Canadians to go back and read that particular decision as to why that particular mandatory minimum was struck down. Similarly in the referenced vehicle case out of the Supreme Court of Canada, when we do not have an appropriate degree of *mens rea*, we cannot have mandatory minimum prison sentences.

The last comment I would want to make is simply that what the American evidence shows is that if we move to targeted offences it is absolutely working in terms of reducing crime, as we have seen, for example, in New York, but I know that my colleagues in the Liberal Party do not want to see people who commit attempted murder or sexual assault with weapons going back into jail. They want them out on the street. That is an abdication of responsibility to the people of Canada.

The Speaker: Questions and comments will resume when the debate resumes later this day.

STATEMENTS BY MEMBERS

[English]

PROGRESSIVE CONSERVATIVE PARTY OF MANITOBA

Mr. Steven Fletcher (Charleswood—St. James—Assiniboia, CPC): Mr. Speaker, today I would like to speak about a great Canadian. Stuart Murray has just completed his term as leader of the Progressive Conservative Party of Manitoba. Stuart has had an excellent term as leader. He first became leader in 2000 and represents the constituency of Kirkfield Park.

Perhaps the most difficult time to be a leader of a political party is after an election defeat. In spite of this fact, during Stuart's term he rebuilt the party's finances and volunteer base. He held to account the current NDP government on its failure to deal with the challenges Manitoba faces. When Stuart decided to pursue other life challenges, polls showed the party neck and neck with the current NDP government, the highest levels of support for the Conservatives since they last formed the government in 1995.

Stuart Murray's hard work ethic has laid the foundation for a Progressive Conservative government after the next provincial election. Stuart will be missed by his constituents and all Manitobans. However, everyone who knows Stuart realizes that great things lie ahead for him and his family.

● (1400)

MASTER BREEDER AWARD

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, I rise today to congratulate the MacBeath family of Marshfield, P.E.I. Athol, Malcolm, Gordon and Christopher recently were awarded the Master Breeder award at Holstein Canada's national convention.

Less than 1% of Canadian breeders achieve this award, which symbolizes exceptional breeding practices and is considered the ultimate honour in the Holstein industry. In fact, only nine Island breeders have achieved this success since the first in 1931.

Started by Athol in the 1960s, the MacBeath family's hard work and dedication consists of three generations. They prospered with their herd, looking after the breeding and the feeding and the care of their livestock, and they made this achievement possible.

The MacBeath Farms have a lot to be proud of. On behalf of parliamentarians in the House, I congratulate them on the honour of achieving the Master Breeder award.

* * *

[Translation]

RICHARD ROY

Mr. Robert Carrier (Alfred-Pellan, BQ): Mr. Speaker, I would like to pay a special tribute to the executive director of Collège Laval, Brother Richard Roy, who is retiring this year.

He started his career in the early 1970s. He was an instructor in Iberville, then head of educational services at Collège Laval, and finally its executive director for the last 12 years. Brother Roy's departure marks the final stage in a renewal process through which a religious community has passed the torch to a secular organization. For more than a century the Marist Brothers have been running this college, which year after year earns the highest accolades in education.

Brother Richard Roy devoted his life to educating students. Although he is retiring, he will not be inactive. He is going to take part over the next few years in a mission to the Philippines and Sri Lanka.

The Bloc Québécois pays tribute to the prestigious career of Brother Richard Roy and wishes him all the best in his future endeavours.

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[English]

VETERANS

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, yesterday, for the 80th time, members of the Windsor Veterans Memorial Services Committee paid tribute and honoured those who served our country and have died in the past year from our area.

Created by Major Joe Brown and Clarence Forster, the WVMS began after World War I to assist families in burial services and support.

Statements by Members

Unique to Windsor, our tribute includes a banquet and a ceremony at our cenotaph, where this year we recognized 353 veterans who passed away this year with the observance of the Last Post, a three gun salute and a vintage plane flyover.

We also recognized the 16 men and one woman who died in service in Afghanistan and Senior Constable John Atkinson, who was killed in the line of duty for our police services.

My grandfather, Mr. Fred Attwood, was a decorated World War II veteran. The WVMS provided support when he succumbed to cancer. Words will never fully express my family's gratitude that his Legion comrades helped lay him to rest.

Let me say to chairman Wayne Hillman and Reverend Stan Fraser and for all the past and present volunteers of WVMS that they are proof that heroes are still giving back to our community. I thank them. They do us proud.

* * *

MAPLE RIDGE COMMUNITY

Mr. Randy Kamp (Pitt Meadows—Maple Ridge—Mission, CPC): Mr. Speaker, within two days at the end of May, Maple Ridge lost two exemplary citizens. I would like to pay tribute to them today.

On Saturday, May 27, we lost Paul Steine, a dedicated volunteer and community leader who died at the age of 86. He served the community in many ways, but most notably as a member of the fire department for 44 years, 10 of those years as the full time chief. It was the perfect job for Paul because he loved serving people

On Monday, May 29, we lost my friend Frank Fehr, who died unexpectedly at the age of 63. Frank was a successful builder and developer, but more than that, he was a wise and gentle man who knew the real meaning of life and modelled what it means to be a good husband, father and grandfather.

Both these gentlemen understood that real success in life is not about building a dynasty. It is about leaving a legacy. They have done that, but they will be greatly missed.

On behalf of my colleagues here in the House, I offer my condolences to their families and friends.

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JAMES CADDELL MEMORIAL SCHOLARSHIP

Mr. David McGuinty (Ottawa South, Lib.): Mr. Speaker, I would like to offer my congratulations to Andrew Caddell, my constituent and the father of James Caddell. This past week, he conducted a successful marathon, raising money for the James Caddell Memorial Scholarship for Orphans to aid impoverished and orphaned children to seek a better life through education. The scholarship will give many underprivileged children a way to achieve their potential.

James Caddell was an outstanding citizen with an unwavering commitment to aiding the less fortunate. He led a rich life. He served his family and his country as a devoted soldier, humanitarian, husband and son. He was a recipient of the peacekeeping service and UNPROFOR medals. As well, James was an avid marathon runner.

Although James planned on beginning this humanitarian project upon returning to Canada, in a tragic turn of events he fell ill and passed away on October 16, 2005 from pulmonary edema in Tupiza, Bolivia.

With this scholarship, James' devotion to helping others will carry on.

* * *

• (1405)

EDMONTON OILERS

Mr. Rahim Jaffer (Edmonton—Strathcona, CPC): Mr. Speaker, when the Edmonton Oilers take to the ice in Raleigh, North Carolina tonight for game one of the Stanley Cup finals, all of Canada will be behind them.

It is a well established fact that the Oilers enjoy the support of the best hockey fans in the league. One need only look at the pride, excitement and passion in Rexall Place on game night to see that Edmonton is truly a city behind its hockey team.

Unfortunately, the immature and irresponsible actions of a few, following games last month, have threatened to mar our city's reputation. Vandalism, the destruction of public property and hooliganism are never justified.

As fans take to the bars and restaurants along Whyte Avenue in my riding tonight, following what is sure to be Edmonton's first win of the series, I encourage everyone to celebrate responsibly. Let us show Canadians watching from coast to coast that Edmonton truly is the city of champions.

On behalf of the national Conservative caucus and Canada's new government, go, Oilers, go.

* * *

[*Translation*]

DENISE JULIEN

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Mr. Speaker, I want to inform the House of the determined work done by a woman for many years in the forestry sector in Laurentides—Labelle and Quebec, Ms. Denise Julien.

For the last 12 years, she has run the Centre de services aux réseaux d'entreprises in Mont-Laurier. She helped found the Coopérative forestière des Hautes-Laurentides and was recently appointed to the committee to implement the Coulomb commission report. She also chairs the Comité socio-économique Forêt et ressources naturelles of the Conférence des élus des Laurentides.

Denise Julien has devoted many years of her life to the development of the forestry sector and was recently named engineer of the year by the Ordre des ingénieurs forestiers du Québec—and all that without ever having studied engineering.

Congratulations Ms. Julien. May our region continue to benefit from your knowledge.

Statements by Members

[English]

CANADIAN FORCES DAY

Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC): Mr. Speaker, yesterday was Canadian Forces Day, a day we celebrate every year on the first Sunday in June to honour the tens of thousands of men and women who serve Canada and Canadians as members of our armed forces.

[Translation]

Our armed forces represent what defines us as Canadians: our willingness to help those in need, our contributions to peace and our eagerness to protect Canadian interests.

[English]

This government is fully committed to our men and women in uniform and firmly stands behind them. We have pledged to strengthen the Canadian Forces to allow them to address even more effectively the security challenges of the 21st century.

On behalf of all Canadians, I would like to thank them and their families for their commitment, their willing sacrifices and the great work they do for Canada.

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CUPE

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, I rise today to condemn the recent decision of CUPE Ontario to support the international campaign of boycott, divestment and sanctions against Israel. This irresponsible action trivializes the other work of this union, questions its impartiality and certainly does not speak for all its members.

It is inappropriate. It weighs in on an important foreign policy issue that CUPE appears not equipped to deal with and, judging from the decision, does not understand. Indeed, I am surprised by the deafening silence from the New Democratic Party on this issue and I ask Mr. Layton to clarify its position.

In a time when the Palestinian people elect a terrorist group to govern them while Israelis elect a government committed to disengagement, why is CUPE Ontario overlooking terrorists to go after Israelis voting for peace? CUPE's resolution is insidious and will only serve to foster prejudice and bias.

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THE ENVIRONMENT

Mr. Jeff Watson (Essex, CPC): Mr. Speaker, the Liberals promised to cut greenhouse gases to 6% below 1990 emissions. Their policy according to Liberal Tom Axworthy "wasn't real anyway" and emissions under the liberals rose by 35%. Now he may have gotten it wrong on emissions, but the former Prime Minister understands what it is to cut. He successfully cut the budget for the environment by 40%.

His family shipping empire did its environmental part too by sweeping iron ore pellets from cargo holds to the bottom of the Great Lakes when no one was looking.

The Liberals failed to clean up the Sydney Tar Ponds too, preferring instead study after study on the issue. There has been

more than a decade of inaction by Liberals on cleaning up toxic sites in Canada.

Now back in Essex, where smog advisories filled 13 summer calendars under the Liberals, we look forward to the easier breathing days of winter. Not so in the last election where the former PMs top belching jet paid us three lung-clogging visits in his desperate "cling to government tour".

Canadians were not fooled though. They chose a Conservative government for real, positive environmental change.

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● (1410)

PUBLIC SAFETY

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, on Saturday Canadians woke to learn the alarming news that 17 individuals had been arrested on terror-related charges in the greater Toronto area.

New Democrats condemn acts of violence and terror in Canada and abroad.

All Canadians salute the efforts and cooperation of our law enforcement and intelligence agencies. We are grateful for the work that they do.

Canadians together shall stand firm against those few who seek to divide us. Let us hold true to the values of tolerance and understanding which are the foundations upon which our society is built, and let cool heads prevail in the aftermath of these arrests.

[Translation]

Justice will not be served against a small ill-meaning minority if mosques are vandalized, if businesses are attacked and if entire communities are singled out.

In our constant quest for everyone's safety, let us allow justice to take its course in the courts and allow tolerance to guide our actions in our communities.

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[English]

THE ENVIRONMENT

Mr. Mario Silva (Davenport, Lib.): Mr. Speaker, I am pleased to rise in the House today to mark United Nations World Environment Day, a day when Canadians join people around the world to mark their concern for the environment.

Appropriately, this year's theme is "Deserts and Desertification", a problem exacerbated by global warming which the government continues to ignore. Sadly, this environment day, Canada is the only country in the world to unilaterally abandon its international obligations under the Kyoto treaty.

It is important to continue to raise awareness and political attention on the environment. I encourage all Canadians to be active agents of sustainability and equitable development.

Oral Questions

On this specific day it is important for all of us, as citizens and as parliamentarians, to examine the state of our environment and to carefully consider our actions in order to preserve it.

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[Translation]

SPA EASTMAN

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, Ms. Jocelyna Dubuc founded the first spa in Quebec in my riding 30 years ago. Over the years, her establishment has become a beacon to tourism and healing in Quebec.

Spa Eastman takes its name from the picturesque village where Orford mountain shows the profile of the man of the east. This spa is on the historic Diligences road, which linked Montreal to Boston.

Ms. Dubuc continues to be the guiding spirit of this marvellous haven of regeneration that attracts people the world over.

On May 26, Ms. Dubuc received the 2006 tourism personality award from the Government of Quebec.

Today she is on Parliament Hill and she will be the only Quebec finalist to be inducted in the Tourism Hall of Fame this afternoon.

The Bloc Québécois commends her and congratulates her on this accomplishment.

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[English]

DIABETES

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, today volunteers living with diabetes in communities across Canada have come to Parliament to raise awareness of the disparities in treatment and effects of living with this difficult illness.

The facts are alarming: of the two million Canadians living with diabetes today, over 80% will die of heart disease or stroke. Diabetes dramatically increases a person's likelihood of kidney failure, blindness, nerve trauma and amputation.

Canadians do not have equal access to prescription medications to treat this chronic disease. Some provinces restrict access to less than six of the 17 possible diabetes medications available in Canada today.

[Translation]

In all our families, near or far, there are people with this disease. In my family it is my father who has been living with diabetes for many years.

The time has come for every level of government in Canada to work together to improve and harmonize the drug plans to help these courageous Canadians who deserve our support.

●(1415)

[English]

LIBERAL PARTY OF CANADA

Mr. Merv Tweed (Brandon—Souris, CPC): Mr. Speaker, the Liberal Party seems to be a little confused on the fiscal imbalance. Their current leader refuses to say what its position is.

The last Liberal leader said there was no such thing as a fiscal imbalance and what exactly were the provinces complaining about. His finance minister at the time was just as adamant. He said: "That is the allegation of a fiscal imbalance in Canada. With the greatest of respect, I do not agree".

The member for Etobicoke—Lakeshore said that he would call a royal commission to examine the fiscal imbalance. While the member for Kings—Hants said that once upon a time there was a fiscal imbalance, but the Liberals got rid of it. How, we are not sure. He will not say.

The member for Newmarket—Aurora said, "I think it's sad for the people of Ontario that we have to wait for death-bed repentance before we see some action. That's not good, sound fiscal planning".

We think it is sad that on such an important issue, the Liberal Party cannot get its stories straight.

ORAL QUESTIONS

[English]

PUBLIC SAFETY

Hon. Bill Graham (Leader of the Opposition, Lib.): Mr. Speaker, Canadians were shocked to learn of this weekend's arrests in Toronto.

All Canadians, I am sure, will join members in congratulating our security and intelligence services, and the extraordinary work they have done in this case involving sensitive investigations going well back into last year.

Obviously, the cooperation between CSIS, the RCMP and local police authorities is instrumental for the successful completion of this type of operation.

Will the Prime Minister please advise the House as to the present status of this matter?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, as the House will know, there were 17 individuals arrested on Saturday during an investigation which has been going on for some time and which, I gather, is still proceeding.

Obviously, I am not at liberty to comment beyond that, other than to echo the sentiments expressed by the Leader of the Opposition.

Over the past several years, efforts have been made by governments on both sides of the House to ensure that our police and security forces are working more cooperatively. We have strengthened our laws. The last budget also strengthened resources toward police and security.

Oral Questions

We have a lot of confidence in the job the RCMP, CSIS and our police and security forces are doing in this country.

Hon. Bill Graham (Leader of the Opposition, Lib.): Mr. Speaker, I echo the Prime Minister's comments about the increased security measures in place since 2002 and the great efforts that Canada has made in terms of border security and international cooperation, supported by all members of the House.

Some American legislators, unfortunately, and inflammatory media commentators have described Canada as a haven for terrorists, with a large al-Qaeda presence. For this, they blame Canada's immigration system, the very system that has helped us build the country that we are proud to serve in today.

What actions, would the Prime Minister tell the House, is the government taking to respond to these inaccurate attacks on Canada's immigration policies?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, first, I had the occasion to speak with some American governors last weeks; the matter did come up briefly.

As the hon. member will know, we have been screening all immigrants to this country. There is a preliminary screening. If that turns up anything for possible further enquiry, there are complete screenings done to all people who immigrate to this country.

I think that is one of the reasons why the RCMP and others were able to tell me that in the course of this investigation, they have received support and assistance from members of communities, cultural and religious communities of all backgrounds, in ensuring that this country is safe.

I know, also, that our ministers have been in touch with our colleagues in the United States. The American administration has been very helpful and cooperative. The American media generally has covered the story accurately, and we will deal with the inaccuracies that are being perpetrated in some circles.

[*Translation*]

Hon. Bill Graham (Leader of the Opposition, Lib.): Mr. Speaker, the Prime Minister referred to community actions. Unfortunately, this weekend, a Toronto mosque was vandalized.

The members of this House condemn all acts of aggression against a religious group in our country. We must never allow terrorist threats to compromise our values of tolerance, openness and respect for others.

What will the government do to reassure Canada's Muslims, who simply want respect, tolerance and peace?

• (1420)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, obviously this government is against any act of vandalism against any religious group in this country.

I should add that police officers have informed me that they have the support of all cultural and linguistic communities in their investigation of this occurrence.

These terrorists remind me of the 1930s. They may use symbols of a faith and a culture to justify their actions, but in reality, they represent nothing but hatred.

[*English*]

Mr. Omar Alghabra (Mississauga—Erindale, Lib.): Mr. Speaker, community groups, such as the Canadian Arab Federation and CAIR Canada, have been calling on the government to work collaboratively with them for the benefit of all Canadians. Specifically, they are asking the government to have a serious discussion with them to identify the causes and minimize the effects of radicalization.

In light of this weekend's event, what plan does the government have to work with Muslim community groups to assure them that it takes their offer seriously?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I know the Minister of Public Safety will be having meetings. As I say, police and security people have also regularly met.

Let me just say this. I will say what I said a minute ago once again. We know, if we look back to the 1930s, that those who have extremist ideologies or practise terrorism love to use the words of culture and of faith to back their actions. The fact of the matter is this is a country that welcomes all cultures and all faiths. The terrorists and the people they represent stand for nothing but hatred. People of goodwill of all cultures and all faiths in this country will oppose those kinds of actions.

Mr. Omar Alghabra (Mississauga—Erindale, Lib.): Mr. Speaker, I will try another question.

We have seen some unfortunate incidents over the weekend where irrational and hateful actions have been directed at Muslim Canadians and their institutions. Aside from meeting with the cross-cultural round table, what concrete measures is the government taking about promoting calm, protecting minorities and cooperating with community stakeholders?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, I am glad my hon. friend raised the issue of the cross-cultural round table. In fact, I met with that group this morning. Some of them are here with us today. That is one example of Canadians who have banded together, dedicated Canadians from all walks of life, ethnically diverse. They work right across the country with community groups, ethnic groups, religious groups and cultural groups holding symposia and meetings in order to advance and enhance the very notions that the Prime Minister has just reflected on. They also meet and advise our security forces, be it CSIS, the RCMP, or local police forces.

This is just one of many initiatives that go on across the country, especially at moments like this, to assure our Muslim friends that we stand with them and beside them, especially related to these acts of terrorism, which are not Canadian values and we do not support that.

* * *

[*Translation*]

THE ENVIRONMENT

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, last week Jacques Derome, a professor in the Department of Atmospheric and Oceanic Sciences at McGill University, said, "How can an environmental plan that does not want to respect Kyoto be better than Kyoto? That is a bit hard for me to grasp".

Oral Questions

How can the Prime Minister explain his insistence on wanting to axe the Kyoto protocol at all costs, when 800 climatologists were in agreement with one another last week on the importance of saving it?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, as I have said repeatedly, we are developing an effective plan. The budget has just promoted renewable fuels and other measures for improving the environment.

The Minister of the Environment is working with her international colleagues to ensure the development of an effective international protocol and she is doing her job within the Kyoto protocol.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, a majority of provinces support the Kyoto protocol. A majority of municipalities support the Kyoto protocol and today we learn from a survey that the majority of Canadians and Quebecers also support the Kyoto protocol. But the government is trying to keep the oil companies happy by trying to renege on its Kyoto commitments.

Are we to understand that the Prime Minister governs in accordance with the interests of the oil companies rather than listening to Canadians and Quebecers?

•(1425)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, perhaps the surveys indicate that the Kyoto protocol is popular, but they also indicate that a made in Canada plan is popular.

We welcome any ideas for reducing greenhouse gas emissions, we welcome the proposals of the provinces and the municipalities, even those of the Bloc Québécois, and we are seeking ideas to improve our own performance as a country in this area.

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, the last government budget allocated \$2 billion for the government's plan to reduce greenhouse gas emissions. So there would be enough money to cover the cost of agreements with the provinces that believe in Kyoto, such as Quebec.

Might the government end up agreeing to negotiate a bilateral agreement with Quebec, along with a financial contribution that would enable Quebec to implement the Kyoto protocol on its territory?

[English]

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, first we had the Liberal Party of Canada that had no plan on Kyoto. Now we have a coalition between the Bloc and the Parti Québécois that want to divide the country on Kyoto.

This government is focused on a national plan, a plan that is good for all regions of this country, all provinces, all municipalities. It is a made in Canada solution.

[Translation]

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, I remind the minister that this is a coalition of dozens of interested parties in Quebec who would like the Kyoto protocol to be implemented.

Why does the federal government not backtrack and agree to conclude an agreement with Quebec to implement the Kyoto

protocol? Refusing to do so when the money is available is nothing more than playing into the hands of the oil companies.

[English]

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, this government is not going to backtrack and focus on a plan that the Liberals put in place that we know will not work. We know that the money they put in place could never have covered the cost of a plan that would never have seen any greenhouse gas emission reductions.

We are putting a plan in place that is forward looking, that has the support of the United Nations, the support of our international partners, and the support of Canadians.

[Translation]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, last weekend, representatives from over 1,000 Canadian municipalities renewed their commitment to fight climate change.

The governments of Quebec, Manitoba and Newfoundland and Labrador all committed to reaching their targets, regardless of federal commitments. The provinces and cities are willing to do their part. Canadian political leaders are also willing.

Why will the Prime Minister not do the same and seriously take up the climate change challenge?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, we welcome all suggestions on how to reduce greenhouse gas emissions, whether from the provinces or municipalities, or even from the NDP.

In the recent budget, we allocated funds for the development of renewable fuels and for public transit. However, the NDP decided to vote against these measures. This government supports measures to reduce greenhouse gas emissions.

[English]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, we voted against the budget because it cuts environmental programs and investment in climate change initiatives that are working perfectly well in this country right now.

The fact is not only are the provinces and the municipalities stepping up to the plate, but the private sector is also stepping up to the plate. Because we do not have a plan in this country, green investors are walking away and they are taking away with them investment and jobs. We have already lost almost \$1 billion in green investments that could reduce climate impact.

When is the government going to come through with a plan so that we can get the investment and the green jobs of the 21st century?

Oral Questions

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I am absolutely lost. Now the leader of the NDP says that he supports the way environmental programs were working in this country under the past government, when he knows full well that under that government emissions rose 35% above Canada's target levels. That is why this government introduced programs for renewable energy. That is why this government introduced programs to promote public transportation. That is why the NDP should be supporting these things, not voting against them.

• (1430)

[*Translation*]

Hon. John Godfrey (Don Valley West, Lib.): Mr. Speaker, at its annual conference, held in Montreal, the Federation of Canadian Municipalities voted on a motion supporting the implementation of the Kyoto protocol. Incidentally, at the last minute, the Minister of the Environment decided not to attend the conference.

The Canadian mayors decided to prevent this Prime Minister from renegeing on Canada's international commitments. Given this recent show of support for the Kyoto protocol, will the Prime Minister finally recognize that he is the only one who does not believe in it?

[*English*]

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, as chair of the conference and party to the United Nations Framework Convention on Climate Change, we are working diligently. Since being appointed, we have and we will continue to bring the world together in a consensus to move forward post-2012.

It is no surprise that municipalities and provinces want to take action on greenhouse gas reductions. We are with them every step of the way.

Hon. John Godfrey (Don Valley West, Lib.): Mr. Speaker, the minister is responsible for protecting the environment. The crisis of global warming is real and urgent.

The minister has destroyed the only Canadian plan for addressing global warming. Where is the new plan?

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, the only party in this House that destroyed our international credibility and any hope of having a domestic plan was the Liberal Party for not having the courage to address this issue over a decade ago.

We have been working diligently with the provinces. We are working with industry and environmental groups to bring forward a long term comprehensive inclusive plan that addresses Canada's environment.

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MUNICIPALITIES

Hon. Albina Guarnieri (Mississauga East—Cooksville, Lib.): Mr. Speaker, the Prime Minister appears committed to waffling on whether resources are in or out of his fiscal formula. What is absolutely certain is that the cities and communities are not on the map after 2010 and now are being told to fill tax room vacated by the federal government.

I ask the Prime Minister, why has he put the vacancy sign on the federal commitment to Canada's cities?

Hon. Jim Flaherty (Minister of Finance, CPC): It is just the opposite, Mr. Speaker. In the paper that we put out with the budget dealing with the issues of fiscal balance, we referred repeatedly to the three orders of government and consulting the three orders of government in this country, something the party opposite never did.

Hon. Albina Guarnieri (Mississauga East—Cooksville, Lib.): Mr. Speaker, it is a shame that the federal commitment to cities is about to leave town.

There can be no doubt that Canada's cities and communities need the annual transfer of \$2 billion, the part of the Liberal new deal.

Will the Prime Minister put forward legislation making this transfer permanent after 2009, or will he simply admit that he is going to force cities to raise property taxes by filling the funding void left by the current government?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, the reason the party opposite when it was the government did not consult with municipalities concerning fiscal imbalance was that it did not even recognize that there was a fiscal imbalance.

Now we have this confusion on the other side where some of them say there is a fiscal imbalance and some of them say there is not.

Our government is clear. There is an issue to be addressed. We are going to move toward fiscal balance in the federation.

* * *

[*Translation*]

EQUALIZATION

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, the Minister of Finance has just received a second report on equalization reform recognizing that the status quo is unacceptable and calling for, as a first measure, changes to the formula. Although the report favours the use of the ten province standard and an adjustment to property tax, it suggests that only half of tax revenues from natural resources should be included.

Can the minister tell us if the government intends to implement the solutions put forward by this report?

[*English*]

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, the member is referring to the O'Brien report which has been released today. It is a report to the Minister of Finance commissioned by the former government. I thank Mr. O'Brien and his panel for the very dedicated work they did over the course of many months listening to more than 200 Canadians and providing, and I think most members will agree when they have an opportunity to read it, a lucid and understandable report. We are going to consider it in some detail and respond in the future.

Oral Questions

•(1435)

[Translation]

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, does the Minister of Finance realize that this formula goes against the principles of equalization which consist in measuring the overall provincial tax capacity—and not just part of—and therefore that by adding the amount of \$653 million for Quebec this proposal only corrects one quarter of the problem, in the opinion of the Quebec Minister of Finance, Mr. Audet?

[English]

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, I have read the report. In fact, I have read both reports. There are separate reports with respect to the provinces and an additional report with respect to the territories. There are many ideas expressed in the report. As I said, I thank Mr. O'Brien for the lucidity of the report. I commend it to Canadians. I hope many Canadians will read it. It affects our relationship together as Canadians and how we share the wealth in this country.

* * *

[Translation]

NATIONAL REVENUE

Ms. Monique Guay (Rivière-du-Nord, BQ): Mr. Speaker, to our repeated questions about whether the federal government will take the same decision as Quebec and relinquish the taxes owed by Vincent Lacroix to compensate swindled Norbourg clients, the government repeatedly says that the case is before the court. However, that is not so. Vincent Lacroix did not appeal the final ruling that is driving him into bankruptcy.

Since the Government of Quebec was able to act and take a decision, could the federal government not take a positive decision and announce it to us?

[English]

Hon. Carol Skelton (Minister of National Revenue and Minister of Western Economic Diversification, CPC): Mr. Speaker, I am troubled by some of the incorrect media reports surrounding the facts of this case. I am bound not only by the confidentiality conventions found in tax law, but also by parliamentary conventions regarding matters before the court.

[Translation]

Ms. Monique Guay (Rivière-du-Nord, BQ): Mr. Speaker, it is easy to understand. The case of Vincent Lacroix' personal taxes is no longer before the court. Quebec relinquished the taxes to benefit those who were defrauded.

Why will Ottawa not do the same immediately?

[English]

Hon. Carol Skelton (Minister of National Revenue and Minister of Western Economic Diversification, CPC): Mr. Speaker, we are looking into the situation. It would be inappropriate for me or any member of the government to respond or comment on these issues any further.

NATIONAL DEFENCE

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, the Minister of National Defence has publicly spoken of his procurement wish list of six major capital projects, where the total cost of the projects, including life cycle costs, adds up to close to \$20 billion. As a former lobbyist, he represented at least four major companies involved in these potential purchases.

Will he come to grips with reality and recuse himself from those procurements where he was previously involved as a lobbyist?

Hon. Gordon O'Connor (Minister of National Defence, CPC): Mr. Speaker, the hon. member is locked in *Groundhog Day*. The member keeps asking the same question and he gets the same answer. The same answer is, I have followed the rules in the past, I will follow the rules now and I will follow the rules in the future.

Talk about that member, the member voted against the military. He does not care about the military and he does not know anything about the military.

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, it appears that the minister's brain is still locked up in the military lock-up. The minister, not recognizing his obvious conflict of interest, could open the door for losing bidders to go before the Canadian International Trade Tribunal.

Will the Minister of Public Works, responsible for the procurement process, request from his department a legal opinion on the liability of the government on any procurement where the Minister of National Defence, being in conflict, was previously involved as a lobbyist?

•(1440)

Hon. Gordon O'Connor (Minister of National Defence, CPC): Mr. Speaker, not only is the member locked in *Groundhog Day*, but he seems to be the *Forrest Gump* of critics because he keeps asking the same question over and over and he keeps getting the same answer.

I would remind people that the member does not care about the military. All he cares about is petty politics.

* * *

[Translation]

ECONOMIC DEVELOPMENT

Hon. Denis Coderre (Bourassa, Lib.): Mr. Speaker, the Minister of the Economic Development Agency of Canada for the Regions of Quebec took part with great pomp and ceremony in the announcement last May 15 of an association to defend the interests of the Montreal aeronautical industry. He remembers, people were happy, it had already been approved.

So will the minister do his work and oppose any acquisition of military aircraft for which there are no economic benefits, no jobs for our workers, and no technology transfers? Will he stand up for Canada and work for his regions?

Hon. Jean-Pierre Blackburn (Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, this is not really a question for the minister responsible for the regional economic development of Quebec but for the minister of national defence.

Oral Questions

Hon. Denis Coderre (Bourassa, Lib.): Mr. Speaker, apparently there is no longer a minister of economic benefits in Quebec. He was there for the photo op and to cut the ribbon, but when the time comes to defend Quebec's interests, he disappears.

I repeat my question. If a decision is made in cabinet to write a cheque for \$4.5 billion solely for our neighbours to the south, does the minister solemnly promise to say no to this purchase and work for the interests of Quebec?

[English]

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Industry, CPC): Mr. Speaker, I would like the member to know that the proposed strategic airlift procurement would offer significant opportunities for Canadian industry through the application of the industrial and regional benefits, IRB policy.

The IRB policy is administered by Industry Canada. Industry Canada is working to develop an IRB strategy which will ensure the winning bidder on this potential procurement delivers maximum high quality IRBs to Canadians.

* * *

PUBLIC SAFETY

Mr. Mike Wallace (Burlington, CPC): Mr. Speaker, after the arrest of suspected terrorists over the weekend, a mosque in Toronto was attacked. Windows were smashed, causing an estimated \$15,000 in damage. This act of violence goes against the values for which Canada stands.

Will the Minister of Public Safety tell us the government's position on the attack on the Muslim mosque in Toronto?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, again, as the Prime Minister has already indicated, we can assure our friends in the Muslim community that Canadians from coast to coast, from all walks of life, from every creed, from every community, stand with them in denouncing these acts of hatred. We do not just stand with them in denouncing them, our security forces will seek out, pursue and prosecute to the full extent of the law people who perpetrate these deeds.

We do not put up with that as Canadians. We stand with one another and we will in this case.

* * *

PUBLIC WORKS AND GOVERNMENT SERVICES

Mr. Paul Dewar (Ottawa Centre, NDP): Mr. Speaker, just like the Liberals, the Conservatives are putting their friends ahead of working families. They promised to be different from Liberals and end the backroom deals brokered by lobbyists who have close ties to government.

This morning we learned that the Minister of Public Works has been lobbied by the former chief of staff to Brian Mulroney to grease the wheels for the bad office deal with Minto Developments. Canadians are already outraged by a deal that will cost them 20 times more than it should.

Will the minister explain how having lobbyists pushing for bad deals with phantom ministers is being accountable to Canadian taxpayers?

Mr. James Moore (Parliamentary Secretary to the Minister of Public Works and Government Services and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, I want to congratulate the member on having an unbroken record of questions with wrong information. In fact, neither the Minister of Public Works nor myself have ever met with Mr. Doucet on this file.

Mr. Paul Dewar (Ottawa Centre, NDP): Mr. Speaker, the government continues to tell the House that—

Some hon. members: Oh, oh!

The Speaker: Order, please. The House has to be able to hear the question from the hon. member for Ottawa Centre. I cannot hear a thing and I do not know how the poor parliamentary secretary will be able to answer if he cannot hear the questions. We will have a little order so we can hear the hon. member for Ottawa Centre.

Mr. Paul Dewar: Mr. Speaker, I am delighted about the interest from the government. It continues to tell us there is no deal. However, there seems to be enough of a deal that lobbyists are involved and enough of a deal that journalists can report on details leaking from the back rooms.

Will the Prime Minister agree to live up to his lofty rhetoric on transparency and table before the House all documents pertaining to this increasingly shady deal?

●(1445)

Mr. James Moore (Parliamentary Secretary to the Minister of Public Works and Government Services and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, the conspiracy theories continue. There is an agreement in principle, but no deal has yet been finalized. When it has, it will be public and the government will be proud to announce it.

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ECONOMIC DEVELOPMENT

Hon. Navdeep Bains (Mississauga—Brampton South, Lib.): Mr. Speaker, not only does the government ignore the military when it tells it what kind of equipment it needs, but even worse, the government plans to export \$3 billion in high-tech Canadian jobs to the United States of America.

Will the Minister of Industry tell us why he thinks the Canadian aerospace industry is unfit to maintain our military aircraft?

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Industry, CPC): Mr. Speaker, as I said in the answer to the last question, we will not be interfering with these processes. We are looking forward to getting much of that procurement and we will be working to get much of that procurement in Canada.

Hon. Navdeep Bains (Mississauga—Brampton South, Lib.): Mr. Speaker, I do not think the parliamentary secretary or his minister gets it. The Conservative government is shifting high-tech Canadian jobs to the United States.

Oral Questions

Will the Minister of Industry, his parliamentary secretary or any other minister on that side of the House show a bit of confidence in the Canadian aerospace industry, stop this ridiculous sole-sourced plan and keep jobs in Canada?

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Industry, CPC): Mr. Speaker, we have the utmost confidence in the Canadian aerospace industry. We have worked with the Canadian industry in the past and we will continue to work with the Canadian aerospace industry in the future.

* * *

[Translation]

PUBLIC WORKS AND GOVERNMENT SERVICES

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Mr. Speaker, the Conservative government is preparing to complete a transaction to lease the former JDS Uniphase campus. Minto Developments purchased this property for \$30 million, and thanks to “Mr. Airbus”, Fred Doucet, the Conservative government is now going to pay \$600 million to lease it from Minto.

I would like to know how Mr. Karl-Heinz Schreiber is involved in this transaction and who gets a commission from him this time.

Mr. James Moore (Parliamentary Secretary to the Minister of Public Works and Government Services and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, I love my colleague’s conspiracy theories. However, as I already told our hon. colleague from the NDP, neither the Minister of Public Works and Government Services—Mr. Fortier—nor I have ever met Mr. Doucet in regard to this project.

[English]

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Mr. Speaker, for a purchase of \$30 million, a \$600 million lease without public tenders and without public bids is a very nice deal, thanks.

Following the terrorism plot of which we are now aware, is it really a good idea to centralize the RCMP under one roof, 20 kilometres away from Parliament Hill, far away from embassies and far away from the government buildings that could be targeted by terrorists? Really?

Mr. James Moore (Parliamentary Secretary to the Minister of Public Works and Government Services and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, if the member for Hull—Aylmer does not like the process that has been undertaken, his government in fact initiated the process. It is the same process that was used to get the Department of Foreign Affairs the current residents it is using. It is the same process that was used to get the Food Inspection Agency the office space it is using.

In fact, if the member opposite has any problems with it whatsoever, he can go ahead and look in the mirror. However, if he does believe in accountability, we look forward to his support for the federal accountability act. We look forward to him standing by the RCMP and ensuring it gets the best office possible.

[Translation]

ABORIGINAL AFFAIRS

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, representatives of indigenous peoples and governments around the world have been working for over 20 years to have the draft United Nations declaration on the rights of indigenous peoples adopted. The Canadian delegation, which is in favour of adopting the declaration, worked from 2004 to date with Canada’s first nations.

Will the Prime Minister confirm that the Canadian delegation will vote in favour of the draft declaration, without amendment, at the upcoming working session of the Human Rights Council?

• (1450)

Hon. Jim Prentice (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, I appreciate the hon. member’s question.

We feel that the negotiating process at the United Nations has already proven extremely useful in creating trust between member nations and indigenous peoples throughout the world.

The proposed draft declaration is a very complex document. There are many different opinions in the other countries. I am talking with the other ministers about this.

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, we want a clear answer.

Will the Prime Minister tell us unequivocally that Canada will live up to its reputation and vote in favour of full respect for the rights of indigenous peoples, unlike Australia, New Zealand and the United States, which are trying to delay adoption of this declaration?

[English]

Hon. Jim Prentice (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, as I have previously stated, the subject is a complicated one. We believe that the process of negotiations to this point at the United Nations have been constructive and that they are aiding in the reconciliation of aboriginal interests and the interests of states in the world.

The draft declaration, which has been proposed, is a complex one. There are many differing points of view in the world on this subject. We will continue to work together with the United Nations and our other partners as we move forward.

Mr. Lloyd St. Amand (Brant, Lib.): Mr. Speaker, it has been over three months since the protests in Caledonia began and I have heard from hundreds of people, the citizens of Caledonia, whose lives have been completely disrupted.

I have also heard from aboriginal Canadians who are extremely disappointed that their issues are not one of the government’s five priorities. The unwillingness of the government to commit to the Kelowna accord compounds their disappointment.

When will the government listen to Justice Marshall, to the citizens of Caledonia and to aboriginals and take not simply a spectator role but a leadership role in solving the dispute?

Oral Questions

Hon. Jim Prentice (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, the hon. member and I have spoken in the past. He knows full well that the federal Crown has been involved in these negotiations. The constitutional reality in our country is that the federal Crown is not responsible for policing issues nor for issues relating to provincial Crown land.

However, we are involved in the land claims process and so the record is clear, since the issue in Caledonia began, at various times the federal Crown has sent in Mr. Bob Howsam, one of the senior people from my department, Michael Coyle, one of Ontario's most respected academics, Ron Doering, one of the country's most able negotiators, and most recent, a respected former parliamentarian and a former foreign affairs minister, Barbara McDougall. We are doing everything we can and we continue to make progress.

* * *

STANLEY CUP

Mr. Mike Lake (Edmonton—Mill Woods—Beaumont, CPC): Mr. Speaker, tonight the Edmonton Oilers will be playing in Carolina in the opening game of the Stanley Cup championship series.

This is the first time since 1990 that the Oilers have made the finals. Since 1993, when the Liberals came into office, no Canadian team has won the cup.

We can see the change in government is already having an impact.

Could the Prime Minister tell us if the government has any position on the Stanley Cup finals?

The Speaker: I am not convinced that even if the government had a position it would be something that is within the administrative responsibility of a government which questions are supposed to deal with.

We will hear from the Prime Minister very briefly.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I want to observe that every step of the way the Edmonton Oilers have overcome injury and adversity to go from eighth place to the finals. They defeated the president's trophy winner, the Detroit Red Wings. They battled back against the San José Sharks and the Mighty Ducks of Anaheim. If they continue to play the game they are capable of playing, they will bring the Stanley Cup back to Canada where it rightfully belongs.

* * *

● (1455)

THE ENVIRONMENT

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): For two minutes, Mr. Speaker, what cheap pandering to the crowds.

This weekend, at a conference representing over 1,300 cities and communities from across Canada, the Minister of the Environment may have made her best speech yet by not showing up at all. It was bad enough that she only spent 24 hours at a two week international climate change conference on which she was the president, now we see that she could not even bother to take the two hour train trip to Montreal and address Canada's mayors.

Did she get cold feet from being protested, as she was in her home town of Edmonton two weeks ago, or did she simply have nothing to say on the topic? Which is it?

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, speaking of the member for Skeena—Bulkley Valley and his personal agenda and conferences, he is the environment critic for the NDP who was hosted by the Canadian delegation in Bonn. They made him feel comfortable and gave him all the information he needed. He spent a day there, flew back to Canada and then held a press conference where he told Canadians that, "All I did there was fight with Environment Canada officials".

I would like to ask him what he accomplished at the conference.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, the minister might be a little confused about how question period actually works.

I spent three days at the Bonn conference and for three days I was embarrassed by the position taken by Canada. It was a defeatist attitude and negated all our international commitments.

While the minister refused to show enough respect to Canada's mayors by simply engaging them in Montreal this weekend, she has to realize that the mayors and councillors of this country have committed, not only to the Kyoto targets, but to push beyond a position opposite to her government.

Since the minister does not believe in the necessity or even the possibility of reducing greenhouse gas emissions, will she simply provide the mayors with the funding to do it themselves?

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, he is back on his personal agenda. I would advise him that maybe he might take a lesson from a more constructive NDPer, the premier of Manitoba, Gary Doer, who is working very constructively with this government. He says that this national government wants a made in Canada plan on climate change. We are saying that we are ready, willing and able to work on tangible plans to make a difference for Canada.

* * *

FEDERAL ACCOUNTABILITY ACT

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, the Minister of Justice has a legal duty to certify that his government bills do not violate Canada's Constitution. In the expert legal opinion of our parliamentary law clerk, his government's accountability bill is unconstitutional.

Will the Minister of Justice take responsibility for Bill C-2 and make public the legal opinions that justified his certifying that bill, or is his problem that those opinions also concluded that his government's accountability bill is unconstitutional?

Hon. Vic Toews (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I have read the legal opinion and it says that it is not unconstitutional to enact legislation that limits the constitutional privileges of the House.

Routine Proceedings

As for tabling it, it is the law clerk's opinion.

* * *

INFRASTRUCTURE

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, the Liberals claimed that when it came to infrastructure funding their way was the only way and yet the Federation of Canadian Municipalities has praised the Conservative government's approach to infrastructure and cities.

Could the Minister of Transport update the House on the Conservative government's approach and the response from the Federation of Canadian Municipalities?

Hon. Lawrence Cannon (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, everyone knows that the Prime Minister addressed the Federation of Canadian Municipalities last Friday and told them how this government was delivering on its commitments for cities and communities across the country, such as budget 2006, where there is an unprecedented amount of \$16.5 billion that will go to Canadians and the municipalities that we represent.

The response by the president of the federation was that these were solid gains for Canadians and municipalities and thanked us very much for our excellent work.

* * *

ABORIGINAL AFFAIRS

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, the barricades in Caledonia are still up because the residents of Six Nations feel the federal government is not fulfilling its responsibility. The minister must prove his leadership on first nations issues.

When the minister presents the draft UN declaration on the rights of indigenous peoples to cabinet will he recommend that Canada adopt the declaration?

• (1500)

Hon. Jim Prentice (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, I believe I addressed that question previously today, but in case the hon. member did not hear me, this is a complicated subject. It is before the government. We believe the process of negotiations at the United Nations has been a constructive one. We will continue to analyze the document that has been produced and in the days ahead we will speak about it.

* * *

[*Translation*]

CITIZENSHIP AND IMMIGRATION

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Speaker, tensions are high between Syria and Lebanon. Nevertheless, Lebanese people who wish to emigrate to Canada must go to the Canadian embassy in Damascus, Syria, to apply. These people and their families have good reason to be worried.

Does the Minister of Citizenship and Immigration intend to offer immigration services at his embassy in Beirut, Lebanon, so that

Lebanese people applying for permanent residency can do so there? The embassy exists. What is the minister waiting for?

[*English*]

Hon. Monte Solberg (Minister of Citizenship and Immigration, CPC): Mr. Speaker, a number of people have approached me and the department about this issue. I know many people are concerned about making that journey to Damascus and, in fact, we are constantly reviewing our policies in this regard.

* * *

[*Translation*]

PRESENCE IN GALLERY

The Speaker: I wish to draw the attention of members to the presence in our gallery of His Excellency Foued Mabazaâ, Speaker of the Chamber of Deputies of the Tunisian Republic, and his delegation.

Some hon. members: Hear, hear!

[*English*]

The Speaker: I would also like to draw to the attention of hon. members the presence in the gallery to my left of the hon. Rick Thorpe, Minister of Small Business and Revenue for British Columbia.

Some hon. members: Hear, hear!

The Speaker: I am also pleased to draw to the attention of the House the presence in the gallery on my left of 13 representative members of the Canadian Forces here to take part in annual Canadian Forces Day events.

Canadian Forces Day is an opportunity for Canadians across the country to recognize the sacrifices that our men and women in uniform make on our behalf.

Some hon. members: Hear, hear!

ROUTINE PROCEEDINGS

[*Translation*]

OFFICE OF THE OMBUDSMAN OF THE DEPARTMENT OF NATIONAL DEFENCE AND THE CANADIAN FORCES

Mr. Russ Hiebert (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Speaker, pursuant to Standing Order 32(2), I have the honour to table, in both official languages, the 2005-2006 annual report for the Office of the Ombudsman of the Department of National Defence and the Canadian Forces, which focuses on equity.

[English]

GOVERNMENT RESPONSE TO PETITIONS

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

* * *

• (1505)

NATIONAL LITERACY POLICY ACT

Mr. Mario Silva (Davenport, Lib.) moved for leave to introduce Bill C-316, An Act to establish a national literacy policy.

He said: Mr. Speaker, I am pleased to table a bill entitled, "An Act to establish a national literacy policy".

In essence, the bill calls on the government to improve literacy in our country by effectively promoting higher literacy standards for all Canadians. Creating a national literacy standard will help raise awareness and academic achievement for each and every Canadian.

With the production of the bill, I hope to promote higher education for those who once thought it unachievable by improving the opportunities for those who find literacy a barrier in their everyday life.

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

* * *

COMMITTEES OF THE HOUSE

FISHERIES AND OCEANS

Hon. Lawrence MacAulay (Cardigan, Lib.): Mr. Speaker, I move that the second report of the Standing Committee on Fisheries and Oceans presented on Wednesday, May 31, 2006, be concurred in.

It is indeed a pleasure to stand in the House today and it is a privilege to be here. I want to thank again the people of Cardigan, who so often gave me their support. With that support comes responsibility, and today I hope to fulfill some of that responsibility.

The problem is that in the Standing Committee on Fisheries and Oceans last week we had a presentation by the Small Craft Harbours Branch, which gave us an overview of the funding requirements, harbour authorities and a number of other issues. The program began in 1997, but the harbour authority concept was approved in 1987.

The 1990 decision and the subsequent 1995 report were adopted. That was on core fishing harbours. It was a decision that was putting the funding in the appropriate place. Seven hundred and forty-eight harbours are core fishing harbours in Canada, 165 are non-core fishing harbours and 182 are recreational, some of which are to be divested. One hundred and eight harbours are at the legal stage of divestiture and of course there will be no more costs.

When it comes to the important part, it is the budget of \$86.6 million: \$8.6 million of this is in salaries; harbour maintenance, which is so important for anyone involved in the fishing industry across this nation, is 82% of that, or \$71 million is being allocated to

Routine Proceedings

that; and harbour operations and public administration gets \$5.5 million. The thing that bothered me when this report was brought to committee was the state of the current budget and that the \$86.6 million will be reduced by \$20 million next year.

For the situation we have in this country today, with the financial situation, with the surpluses we have, the dollars that are available, it is time to make sure that we put our ports in proper order. That is what I want to see today: that the House support the motion I moved. It is a very important safety issue. It is important to note that the fishers must have a place to tie up their boats. They must have a place to do their work on shore. Also, before a lot of work is done on small craft harbours, it is very important that we do in depth a study of what needs to be done. What we need to know is what the problems are, what needs to be done and where the dollars need to be spent.

That is why last Thursday in committee I moved that we not cut it by \$20 million but that in fact we increase the budget by a measly \$15 million, which is a very small amount and is only covering the cost of doing business.

In my riding in particular, which I know better than any other riding, when I was elected in 1988 the wharves were in a very poor condition—

An hon. member: That was the Mulroney government.

Hon. Lawrence MacAulay: No, in fact, Mr. Speaker, it was during part of the Mulroney government. I had the honour of sitting here for five years in the opposition watching the Mulroney government not put the dollars into small craft harbours. What really got to our fishermen in the Cardigan riding, whom I got to know very well, was the barricades. They had never heard of all these barricades that went up. Barricades were put up because the wharves were not safe for fishermen to walk on or drive on. That is totally unacceptable.

Along with the wharves not being in shape, the dredging was not done. People who do not understand the fishery might not understand how important dredging is. If the dredging is not done properly, the propeller will hit the fan. If there is a stone in the fan, it will destroy the propeller. That is \$2,000 to \$3,000 gone down the drain for the fisherman. It can bend the shaft. It can break the housing. It can cause a lot of damage. That is what we do not want to see.

That is a small indication of what it was like from 1988 to 1993, when we took over the government. What I want to see is that this government does not let this type of thing take place.

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●(1510)

We all can recall quite clearly, I think, the devastating effect that the Mulroney government had on Canada. I can remember numerous times receiving calls from fishermen. Their problem was that they needed to have the harbour dredged when they were going out to fish. These people were trying to make a living and the harbour was not dredged. We would have to try to persuade the minister at least to get it dredged enough that it could be brought up to a workable standard.

I want to make sure that the government does not turn its back on this primary industry and that it provides sufficient funding to continue the maintenance of the harbours. There has been a lot of work done in the last number of years. Great strides have been taken by the fishing community, along with the government, whereby the management of these small craft harbours has been taken over by harbour authorities made up of fishers and individual people in the community who are not involved in the fishery.

As an aside, a few weeks ago I was very pleased to be in Surrey. It is not a small craft harbour, a DOT harbour, but a lot of work went into it. I was involved with the group of fishermen and people involved in the community. We received a \$22.5 million package in order to put this into the private hands of the harbour authority. This is what is called progress.

These harbours are so important for the community. In my area alone in the Cardigan riding we have 21 harbour authorities managing 22 core harbours. This means that not only do the fishermen take time from fishing to manage the harbours, but they also put their hard-earned dollars into repairing these harbours. If the government were to cut \$20 million from the budget, it would be impossible for fishermen to continue to pick up the additional costs to manage the harbours.

In 1995 in the Maritimes there were 557 harbours, all managed by small craft harbours. Since that time, the management of 285 core harbours has been taken over by 244 harbour authorities that service the maritime fleet. This is a responsible industry and it should be commended for working with the federal government to manage the harbours.

We must remember that harbour management is an additional responsibility and we all know the hardships that have been experienced in different sectors of the fisheries over the past several years. This is why we want to make sure that the government does not cut \$20 million in funding. In fact, it should increase it by a minimum of \$15 million and also do the in depth study that I mentioned in harbours right across this country. In fact, what we have to realize is that the \$15 million is just the cost of doing business, of catching up with inflation. It is not an increase at all. It is so important that these dollars are put in.

Let me point out that the reduction from 557 harbours to 285 in the Maritimes shows that the fishermen in the past have rationalized and that the funding is only spent on core harbours to ensure that the industry is being serviced in a responsible manner. Cutting \$20 million from the small craft harbours budget would put the industry on the same course that the Mulroney government put it on from

1984 to 1993. That course was straight to the rocks. We just have to be sure that we convince the government not to let this happen.

I would like to see the motion make sure that the government does not shipwreck the fishing industry and put more undue hardship on fishermen. The viability of the fishery depends on the infrastructure that is required for people to carry out their daily activities on shore as well as on the water. I do not know if everyone here realizes it, but it is not all that easy. It is hard work. It is hard work to go out on the sea, but those who do also provide a lot of work for people on the shores and in the plants. All the spinoffs connected to the fishery are so important to the economy of the region I represent. That is why I want to make sure that the House understands how vitally important it is that we do not let the likes of this happen.

●(1515)

I was pleased to see my motion passed by the committee. I hope the House sees fit to support my motion so that next year's budget will not be cut, as I mentioned, by \$20 million, but in fact will be increased by at least \$15 million. In fact, more dollars would only make a better job of the harbours.

The last major project in my riding was announced last August, when I was able to secure \$3.9 million for a major harbour improvement project at Launching Pond. The harbour was devastated by a major storm surge that happened in December of 2004 before there was any frost or ice to protect the shoreline and harbour in the province from the destruction.

As a matter of fact, the severe storm of 2004 seriously damaged many harbours, particularly those in the eastern end of the province, which I have the privilege of representing. The storm was also associated with a tidal surge. The battered harbours and breakwaters eroded and destroyed the shore protection and deposited tonnes of sand in the harbours, channels and basins.

One of the problems is, of course, that mother nature can be both very helpful and very devastating. This major storm in 2004 was very destructive. It caused a lot of damage. There was no frost in the ground. If the ground and everything is frozen around the harbour it makes a big difference, but in this situation it was not, and the storm created a lot of harm. There was a lot of work done previous to this, but there is much more work that needs to be done from this day on.

At the Naufrage Harbour the storm removed part of the deck of the wharf, lifted pilings and damaged the tie-back system. The repair project had to re-secure the pilings, decking and tie-back system as well as replace the back wall and re-ballasting structure.

Dredging was already scheduled for the Naufrage Harbour. As we know, a lot of environmental planning has to go into it. It can be a great problem. A lot of that was done, but along came the storm. More evaluating had to be done and more dollars had to be spent. In fact, approximately 30,000 cubic metres of material were removed from the harbour basin.

Both North Lake and Launching Pond required basin dredging. The work at North Lake involved the removal of approximately 15,000 cubic metres of silt and sand from the inner basin while Launching Pond saw 7,000 cubic metres of material removed. Launching Pond also suffered considerable shoreline erosion during the December storm.

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Armourstone, which is a very important part of wharf repair, was placed to stabilize the area as it sheltered structures on the south side of the harbour from weather related damage. At Sturgeon, damage was done to the wharf decking, fenders and stringers as well as the wharf approach. Repairs have been undertaken along the placement and additional armourstone was added along the wharf approach.

The storm also dislodged a section of armourstone on the Grahams Pond wharf, but there had been a fair bit of work done on the Grahams Pond wharf with a lot of armourstone, which I will get to later. It certainly helped the situation. That is why if one spends dollars in the appropriate manner, if one does the right study, finds out what the problem is and where the dollars need to be spent and provides the dollars, one can in fact save money for the treasury and fishermen.

The entrance breakwater at Beach Point shows the effect of the severe storm conditions and repair and replacement of the armourstone on the north side of the structure. This project will protect against future storm damage by providing additional protection to the harbour basin.

These are just a few of the problems that will come about if the dollars are not allotted in the appropriate manner in order to secure the harbours.

• (1520)

Before time runs out, I want to mention a very important harbour, North Lake Harbour. It is called the tuna capital of the world. Media from all over the world have come to this harbour. If we did not have small craft harbours and the funding in order to keep this harbour in place, the more than 90 lobster boats would not be able to fish in and out every day and the more than 100 tuna boats would not be able to go in and out every day. I am sure that my colleagues in the House of Commons realize how important it is to make sure that the government fully understands that this must be cared for.

The government did one thing that pleased me very much, and when someone does something right, I will give my congratulations. The government included my private member's bill, Bill C-216, in the budget. It had to do with a \$500 capital gains tax exemption for fishermen right across the board, and it was important that this be done.

Mr. Gerald Keddy: How would you know? What do you know about it? You voted against it the first time.

Hon. Lawrence MacAulay: Mr. Speaker, I am glad to hear my colleague from South Shore—St. Margaret's shouting. He had a little problem with my bill. Back in November 2003 he introduced a bill, but he did not know the problems. He introduced an intergenerational bill which covered 10% or less of the transactions that take place in small craft harbours.

On February 25, 2005 I introduced a capital gains tax exemption bill that covered all the fisheries. One month later my hon. colleague from South Shore—St. Margaret's introduced another private member's bill. I am not saying he copied my bill, but it was the same as mine and that is okay. All I want is to make sure that the fishermen get what they should.

Mr. Gerald Keddy: You should have done it when you were in government then.

Hon. Lawrence MacAulay: Mr. Speaker, my hon. colleague is shouting from across the way. The most unfortunate problem is, when my hon. colleague from South Shore—St. Margaret's, if he had anything to do with the platform that the Conservative Party ran on, one would think the party would have included his second bill. It did not. That party included his first bill in its campaign material. That is exactly where the government intended to go. The only little flaw in the ointment was that I was elected and I introduced my private member's bill that covers all the fisheries.

My hon. colleague is taking great joy in this, but the government had a decision to make: either vote against 90% of the fishermen, or adopt my bill. I must thank the government because it adopted my bill. I appreciate it, even though it was forced to do it.

My bill is a good thing for fisheries. It controls the price of fleets. It takes no money from the government. Less money comes from the community to the government. It keeps the dollars in the communities right across Canada. If my hon. colleague from South Shore—St. Margaret's would canvass his colleagues and make sure that the Prime Minister and the Minister of Fisheries and the member himself supported this motion, then he would be doing something for the fishery.

Many other things are involved in the fishery in Prince Edward Island. One of those things is the blue mussel. Everybody here loves to eat blue mussels. They are a wonderful delicacy. One has to go out to sea to get them and there needs to be a wharf to come back to. There is the Atlantic Mussel Growers Corporation and my friend John Sullivan and a number of other people are involved. They provide a lot of work for a lot of people. If we do not have wharves, we do not have the mussel and we do not have work for people. The Fortune brothers run Atlantic Aqua Farms. My good friends the Dockendorffs run a major operation out of Morell and they provide a lot of work for a lot of people in that area.

We must support the fishing industry. We must support the small craft harbour budget. I ask my colleagues to support this motion.

• (1525)

Mr. Gerald Keddy (South Shore—St. Margaret's, CPC): Mr. Speaker, it was with great interest that I listened to my hon. colleague across the way. I very much appreciate his interest in the fishery and in small craft harbours that the motion was originally made on. Somehow he got off the subject and into capital gains.

Very quickly and for the record, in case someone actually is listening to the debate and realizes that it is more important than simply a press release for the hon. member, I first introduced the private member's bill in 2003. There was an election in 2004. The Liberal government had the opportunity at that time to bring in a capital gains deduction for fishermen, but chose not to do it.

Routine Proceedings

Two parties, the Progressive Conservative Party and the Alliance Party, were combined in 2004. There was an assembly in Montreal where we established the policies we would run on in the next campaign. I took the matter of the private member's bill to that group. There were over 2,000 individuals at the assembly from coast to coast to coast. The bill was supported entirely as it was written for intergenerational transfer. We did not know if we would be able to support the \$500,000 capital gains being available to everyone at that time because we had not seen the books.

We included it in our policy. I actually sat at the table to make sure that it was included in the policy in the last campaign in 2005-06. It was brought in by the budget of the government. The former government had opportunity after opportunity to bring this to fruition for the fishermen of this country and refused and failed to do it.

Hon. Lawrence MacAulay: Mr. Speaker, I do not want to be inconsiderate to my friend from South Shore—St. Margaret's, but the fact of the matter is he had an opportunity. I explained what happened up to the election.

I wonder why he had to have a look at the books. They were wonderful books to look at. No government has ever inherited the financial situation that the current government has inherited. I would wonder why the member for South Shore—St. Margaret's did not reintroduce his bill and have first reading here in the House of Commons. Would it be because everything that the Conservative government does is funnelled, evaluated and someone looks to see what drops out and see if the government will accept it or not? Is that what goes on? Did the Prime Minister ask the member not to submit his bill? Was there some thought that the government would not have the capital gains tax right across the board?

I have learned over my few years in the House that if a member is going to represent his constituents, he had better represent his people and not listen to what the big bucks say here in Ottawa. What the big bucks say to members in Ottawa might not help the harbours of Prince Edward Island or Nova Scotia.

I stand for my constituents, not because someone tells me that it cannot be done. What my hon. colleague should have done was brought his bill before the House. He could have had something to stand on. The bill would have had first reading. He did not do that.

If the hon. member wishes to redeem himself, he can support my motion and convince his colleagues to do so. In the end the member will have to come up with a few ideas of his own.

• (1530)

[*Translation*]

Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ): Mr. Speaker, to put a stop to this cockfighting and to return to the subject at hand—small craft harbours—I would like to point out that I personally had the opportunity to work on this file in recent years with the member for Haute-Gaspésie—La Mitis—Matane—Mata-pédia.

This is a vital issue. Thus, I would like to get back to the heart of the matter and have the member tell us that the work is required today because of the neglect of recent years. In fact, the figures, which do not lie, indicate that in 2003 the cost of renewing or

repairing small craft harbours throughout Canada was in the order of \$400 million. In 2006, three years later, the cost is now \$500 million. This demonstrates the inaction of the previous government, inaction which must be remedied now.

We will see the true colours of this new government but I do not believe the battle will be easily won. I hope the hon. member will not forget that today's problem was a problem in the past as well, and that today's disastrous situation is due, in part, to the fact that we have completely abandoned these communities and their small craft harbours.

[*English*]

Hon. Lawrence MacAulay: Mr. Speaker, I appreciate my hon. colleague's words of wisdom.

The truth is that taking care of harbours is like taking care of our homes, barns, cars, whatever. We have to continually spend dollars. What I can tell my hon. colleague is that when I read here in Ottawa that \$20 million was going to be taken out of an \$86 million program, that is trouble. That is why I put this motion on the floor. Usually, and I think always, if we hear talk about cuts, there are going to be cuts. I saw what happened here from 1988 to 1993. I saw the finances and what the situation was. What I do not want to see happen is what happened then. What I want to have happen is that the House support the motion.

I agree with my hon. colleague that we need the \$20 million and the \$15 million increase at a minimum, and at his insistence, with our discussing the issue, the study is very important. Not only do we need the money to do it, we have to know what we are doing when we are doing it. The fact is that in my district when the armourstone was put in place and the proper dollars were spent, it withstood the 2004 storm because the proper work was done. If we do not do the work properly, it will not withstand the storm.

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, I certainly want to congratulate the member for Cardigan for his achievement in getting a report through the Standing Committee on Fisheries and Oceans to increase the funding for small craft harbours.

Mr. Gerald Keddy: It was not a report. It was a motion.

Hon. Wayne Easter: Mr. Speaker, I also want to congratulate him on the policy that the government finally implemented on capital gains. He worked at that for a number of years.

Mr. Gerald Keddy: Two former ministers did nothing. Shame.

Hon. Wayne Easter: Mr. Speaker, I am surprised to hear the chirping from the member for South Shore—St. Margaret's on this issue.

My question really relates to the amount of funding for small craft harbours. I want to be clear. Is he saying that there was \$86.6 million and that is going to be reduced by \$20 million under the Conservative government's plan?

The fact of the matter is that in recent years in Atlantic Canada, whether or not it is due to global warming, which the government opposite does not seem to want to deal with, we are getting more storm damage. Small craft harbours are requiring more dredging. They are requiring more infrastructure repair. What really should be happening is that the Government of Canada should be increasing the funding for small craft harbours.

I wonder if the member for Cardigan can give me the figures we are talking about here. We have to be able to tell our fishermen what is really going to happen in the future and whether their needs are going to be met, or whether the government is going to sell them down the river, so to speak.

• (1535)

Hon. Lawrence MacAulay: Mr. Speaker, I am sure when all members understand the gravity of the situation, they will support the motion. In fact, with the financial situation of this great nation, perhaps they will see fit to put even more than \$15 million extra into the budget for small craft harbours. When we have an \$86.6 million dollar repair budget and we take \$20 million out of it, that is close to 25% of the budget gone. We can imagine where we are going if that happens. We are going right down the tubes.

I put this motion forward today to ensure that the House is fully aware, and the government is fully aware, of the gravity of the situation, to ensure it is addressed properly, and that we take care of our inshore fishermen across this great nation.

Mr. Randy Kamp (Parliamentary Secretary to the Minister of Fisheries and Oceans, CPC): Mr. Speaker, I appreciate the opportunity to rise in the House and to respond briefly to this motion that the government consider the advisability of raising the budget for the small craft harbours program tabled on behalf of the Standing Committee on Fisheries and Oceans.

First, I would be remiss if I did not thank the member for Cardigan and other members of the Standing Committee on Fisheries and Oceans for their contribution to helping manage Canada's fisheries and oceans. The government certainly values what the committee has to say and our ears are always open.

Second, we support this motion. The spending plan that the member has referred to is a long term spending plan that was devised by the Liberal government and, of course, we would certainly like to consider the advisability of increasing the amount of money that goes to small craft harbours.

Therefore, I move:

That the House do now proceed to orders of the day.

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

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Andrew Scheer): All those in favour of the motion will please say yea.

Some hon. members: Yea.

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The Acting Speaker (Mr. Andrew Scheer): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Andrew Scheer): In my opinion the yeas have it.

And more than five members having risen:

The Acting Speaker (Mr. Andrew Scheer): Call in the members.

• (1620)

(The House divided on the motion, which was negated on the following division:)

(Division No. 11)

YEAS

Members

Abbott	Ablonczy
Albrecht	Allen
Allison	Ambrose
Anders	Anderson
Baird	Benoit
Bezan	Blackburn
Blaney	Boucher
Breitkreuz	Brown (Leeds—Grenville)
Brown (Barrie)	Bruinooge
Calkins	Cannan (Kelowna—Lake Country)
Cannon (Pontiac)	Carrie
Casson	Chong
Clement	Cummins
Davidson	Day
Del Mastro	Devolin
Doyle	Dykstra
Emerson	Epp
Fast	Finley
Fitzpatrick	Flaherty
Fletcher	Galipeau
Gallant	Goldring
Goodyear	Gourde
Guergis	Hanger
Harper	Harris
Harvey	Hawn
Hearn	Hiebert
Hill	Hinton
Jaffer	Jean
Kamp (Pitt Meadows—Maple Ridge—Mission)	Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)	Komarnicki
Kramp (Prince Edward—Hastings)	Lake
Lauzon	Lemieux
Lukiwski	Lunn
Lunney	MacKenzie
Manning	Mayes
Menzies	Merrifield
Miller	Mills
Moore (Port Moody—Westwood—Port Coquitlam)	
Moore (Fundy Royal)	
Nicholson	Norlock
O'Connor	Obhrai
Oda	Pallister
Paradis	Petit
Poilievre	Prentice
Preston	Rajotte
Reid	Richardson
Schellenberger	Shipley
Skelton	Smith
Solberg	Sorenson
Stanton	Storseth
Strahl	Sweet
Thompson (New Brunswick Southwest)	Thompson (Wild Rose)
Tilson	Toews
Trost	Tweed
Van Kesteren	Van Loan
Vellacott	Verner
Wallace	Warawa
Warkentin	Watson

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Williams

Yelich — 116

NAYS

Members

Alghabra	Angus
Atamanenko	Bachand
Bagnell	Bains
Barnes	Bell (Vancouver Island North)
Bell (North Vancouver)	Bellavance
Bevington	Bigras
Black	Blais
Bonin	Boshcoff
Brown (Oakville)	Brunelle
Byrne	Carrier
Charlton	Chow
Christopherson	Coderre
Comartin	Cotler
Crête	Crowder
Cullen (Skeena—Bulkley Valley)	Cuzner
D'Amours	Davies
Deschamps	Dewar
Dhaliwal	Dhalla
Dion	Dosanjh
Duceppe	Easter
Faille	Folco
Freeman	Gagnon
Gaudet	Gauthier
Godfrey	Godin
Goodale	Graham
Guamieri	Guimond
Jennings	Julian
Karetak-Lindell	Kotto
Laforest	Lavallée
Layton	LeBlanc
Lee	Lemay
Lessard	Lévesque
Loubier	Lussier
MacAulay	Maloney
Marleau	Martin (Winnipeg Centre)
Martin (Sault Ste. Marie)	Masse
Mathyssen	McCallum
McDonough	McGuinity
McKay (Scarborough—Guildwood)	Ménard (Marc-Aurèle-Fortin)
Merasty	Minna
Mourani	Murphy (Moncton—Riverview—Dieppe)
Murphy (Charlottetown)	Nadeau
Nash	Neville
Ouellet	Owen
Pacetti	Paquette
Patry	Peterson
Plamondon	Priddy
Proulx	Ratansi
Redman	Regan
Roy	Russell
Sauvageau	Savage
Scott	Sgro
Siksay	Silva
St-Cyr	St-Hilaire
St. Amand	St. Denis
Steckle	Stoffer
Szabo	Telegdi
Temelkovski	Thibault (Rimouski-Neigette—Témiscouata—Les
Basques)	
Tonks	Wappel
Wasylycia-Leis	Wilfert
Wilson — 121	

PAIRED

Nil

The Acting Speaker (Mr. Andrew Scheer): I declare the motion lost.

Resuming debate. The hon. member for Haute-Gaspésie—La Mitis—Matane—Matapédia.

• (1625)

[*Translation*]

Mr. Jean-Yves Roy (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ): Mr. Speaker, what just happened proves that the

current government is using the same tactics the former government did. They tried to gag the House on an extremely important issue, namely small craft harbours.

For years now, the Standing Committee on Fisheries and Oceans, the entire industry and all the communities in our regions have been asking for significant investment in small craft harbours. The reason is simple: according to every study we have read, the infrastructure is currently in disrepair and in many cases is extremely dangerous. This is a matter of safety for all the fishers in the entire industry and of survival of some plants, as is the case in my riding. As far as the Mont-Louis West harbour is concerned, it is simply a question of a plant's survival. If ships can no longer dock in this harbour, if the 20 shrimpers or the other fishers can no longer dock in this harbour, the plant might have to close its doors because the fishers will have to go further west or further east.

In December 2001, the Standing Committee on Fisheries and Oceans adopted a comprehensive report and study on the small craft harbours situation. We learned then that a \$400 million investment was absolutely needed just to repair and maintain the small craft harbours.

The previous government's response was to add \$20 million a year to the budget for five years, which represents a \$100 million investment in small craft harbours. We needed \$400 million. Given the fact that the small craft harbours continue to deteriorate and given climate change and its impact on rundown harbours, the impact is even greater. Now we need roughly \$500 million or \$525 million just to repair the small craft harbours. I am not talking about the regular maintenance of small craft harbours. I am talking about 1,203 harbours, from coast to coast, whose entire infrastructure has to be repaired. This is a problem in the regions.

I would point out that I will share the time allotted me with the member for Gaspésie—Îles-de-la-Madeleine, whose riding is affected even more than that of Haute-Gaspésie—La Mitis—Matane—Matapédia, which is affected even more than the riding of Manicouagan, which is affected even more than all of the other ridings in Quebec. It is true for the Magdalen Islands, it is true for the Gaspé, it is true for the North Shore and it is true for the lower North Shore. I personally saw it on the lower North Shore two years ago on a tour. People have to wait for high tide to dock.

Fishers find themselves in difficulty when they have to brave a storm, travel 30, 40 or 50 nautical miles before arriving at a port which is totally inaccessible because it has not been dredged or repaired. We are also aware how little has been invested in the Canadian Coast Guard for the protection of our ships. Over the years, we have come to realize that there was a big problem.

Routine Proceedings

I have here a study done worldwide. It mentions many countries and what is done elsewhere. It mentions Iceland, Norway, Denmark, Sweden, the United Kingdom, the United States, Australia, New Zealand, Japan and the Philippines. It refers to all these countries. If we look at what is going on in Canada we realize it is practically the only developed country in the world that does not look after its infrastructure. Small craft harbours in Iceland and Norway are in respectable repair. When repairs are required, they are done. It is a matter of safety.

I will add that the government had undertaken to divest itself of a number of harbours that were not particularly useful. For a community, a harbour is useful for more than just fishing. In most communities, these harbours have many uses. But they are not being maintained.

Here is a specific example. Those tempted to fish for cod with a line—and a licence—from a dock in Mont-Louis should think again. They would be risking their lives.

• (1630)

It is as simple as that. The harbour is in very bad condition. So a fence is put up and people are prevented from using the harbours in question because the government did not maintain them. We are not asking for a fortune. We just want to keep the \$20 million budget, plus an additional \$15 million a year for five years, to be able at least to repair the harbours and then invest appropriately in maintaining them. We are talking about approximately \$70 million for the entire infrastructure all across the country, simply to maintain it. So this is extremely important, a major concern for our communities.

I also recall that the committee report adopted in 2001, which the previous government half carried out, was passed unanimously. The current government of Conservatives voted as unanimously as the Liberals, the Bloc Québécois and the New Democratic Party in the Standing Committee on Fisheries and Oceans to implement the recommendations of this report.

Today we see with this government a repeat of what happened under the Liberals. They tell us they are in favour of maintaining and repairing small craft harbours. However, they resort to various tactics to prevent us from speaking in the House, while saying they are in favour. There was absolutely nothing in this budget, nothing presented to us recently, to improve and maintain small craft harbours. Worse than less than nothing, they announced a cut of about \$11 million a year in the budget, in addition to the elimination of the \$20 million, which means that \$31 million were cut. This means that the harbours will continue to deteriorate.

I would like to give you an example. When the roof of a house leaks, if it is left leaking for 10 years, maintaining the house or simply repairing it costs a fortune. It is the same with small craft harbours. The roof leaks now; worse, there are huge holes in it. They do not repair it. So in the end, it will cost a fortune. What will it be in 10 years? It will be a billion dollars. Then the government will tell us that it cannot repair or maintain all the harbours because it does not have sufficient funds, with the result that some more will be abandoned and the lives of the users of small craft harbours will be endangered.

That is the real issue, and here is this government trying to gag us and prevent us from speaking, we who are defending our regions and the citizens who use small craft harbours.

I mentioned that I was dividing my time with the member for Gaspésie—Îles-de-la-Madeleine, because this is extremely important in his region. The infrastructure in that region, which has already been badly hit by the ground fish crisis and deeply affected by economic hardship, is in pathetic shape, as can be observed by travelling around the region from harbour to harbour. We can see firsthand how little the federal government has been concerned about our regions and its own infrastructure over the years. It got involved in duplicating Quebec's programs, instead of taking care of its own infrastructure.

I talked about 1,203 harbours all across Canada, but of these, slightly more than 700 are managed by corporations. The other thing is that volunteer corporations were created to manage these harbours, but the Department of Fisheries and Oceans cannot even support them. It simply cannot come up with a little funding to help them operate, so that they might really develop the harbours concerned.

At present, we realize that the corporations, which are, of course, volunteer organizations and are not being supported, are running out of steam. We realize that these people are wondering what the point is in the end, since the Department of Fisheries and Oceans cannot give them any support whatsoever to do their job. Worse, these people have to cope with the fishermen, the users, who are asking for repairs.

So these management corporations are used, one might say, as buffers between the federal government and the users. They have to manage the infrastructure in question, which is often in very poor condition, and receive all requests. They are the ones taking the criticism, when it should be the government being criticized.

Since I am being told I have one minute left, I would like to talk about another file, in closing, which is strangely similar to the one on small craft harbours. This is the at-sea observer program. I will speak about it later, because this is an extremely important file, on which the Conservative government, once again, has not really made up its mind. For some \$2 million, the resource will be at risk across the country, from sea to sea, because the government does not want to invest this small amount of money in the autonomy and independence of the at-sea observers.

• (1635)

[*English*]

Mr. Randy Kamp (Parliamentary Secretary to the Minister of Fisheries and Oceans, CPC): Mr. Speaker, I thank the hon. member for his passionate comments on small craft harbours. Those of us who serve on the Standing Committee on Fisheries and Oceans know that both members from the Bloc represent their communities very well on this issue and other issues as well. However, they are well versed on this. I appreciate the comments.

Working backward, on the at sea observer program, the member will know that we discussed that in a recent meeting, and the government is responsive to that input. That decision taken by the previous Liberal government is now being reviewed by our government because of the many things that were brought up.

Routine Proceedings

I would like to reassure the member, though, that there was no attempt on this side of the House to gag the members. In fact, we said we agreed with the motion. Having said that, we felt we should resume on what we had planned to debate today.

What does the member think of the divestiture program? Does he think we should continue at a faster pace or is that perhaps part of the problem?

[*Translation*]

Mr. Jean-Yves Roy: Mr. Speaker, I have no problem with continuing the divestiture program, but we have to support the corporations.

I would also like to remind the parliamentary secretary that the divestiture program provides for the paltry sum of \$1.5 million for the entire country. What does the government hope to accomplish with that? We are talking about divestitures of ports that need repair. It costs as much to repair a port as to build it in the first place. I can give the example of Mont-Louis in my riding. It is costing \$12 million or \$13 million to repair the port before it can be transferred. So what does the government hope to do with \$1.5 million a year?

There is a problem at the Department of Fisheries and Oceans. It is completely underfunded, a tradition in the federal government. The Department of Fisheries and Oceans is catastrophically underfunded. We do not get the impression that successive governments have considered fishing and the regions important.

[*English*]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, yesterday I had the opportunity to be in Woods Harbour. I was out on the lobster dock. The wharf was filled with lobster boats ready to head out when the season opens next fall. They have been working hard these last months. They are in such a crammed situation there. They have an application in to get some additional funding and we want to see that funding supported.

As the hon. member said, a divestiture program without support for these local community corporations, which are trying to run these operations in a fashion that really strengthens our economy, will not work out the way it has to. We have to call upon the government to provide the financial support that is necessary.

When it comes to fishing and bringing in lobster revenue, this is a vitally important part of the economy of this whole region, of the Atlantic region and right across the country. The people who bring in the fish, who bring in the lobster, are making an important contribution. When we talk to them about what they are doing day in and day out, all they are asking for is a recognition of those basic needs. We call upon the government to honour those needs.

• (1640)

[*Translation*]

Mr. Jean-Yves Roy: Mr. Speaker, I thank my colleague. I would like to tell him that in other developed countries, even when the government has divested itself of ports, it keeps on investing in them.

I will give a concrete example. Take the community of Mont-Louis, which has a population of 1,500. The port could be

transferred to the community, but in 10 or 15 years, if the port needs \$3 million or \$4 million in repairs, do you think that 1,500 people will be able to pay for them? That is the problem with the port divestiture program.

The federal government must continue supporting communities and investing in ports, as governments of other countries do, even if the ports are managed by corporations or have been transferred.

Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ): Mr. Speaker, first I would like to say that the hon. member for Haute-Gaspésie—La Mitis—Matane—Matapédia offers a very good presentation of the issues involved here.

I would like to return to those issues. Because of them, we are today faced with situations of real injustice and catastrophe with respect to small craft harbours. In fact, sometimes one wonders if the wharf is attached to the vessel or the vessel attached to the wharf. It has reached the point where people are really wondering what is going on. Unfortunately, the horror stories in my constituency of Gaspésie—Îles-de-la-Madeleine are legion.

This is a catastrophe and at the same time a scandal because, let us not forget, this injustice is continuing with the Conservative government. But it began with the Liberal government. It is the same injustice and the same fight, whether with the Conservative government or the Liberal government, namely the fight for recognition of a need that is considered essential for the coastal and fishing communities.

I know that a particular effort was made by the Liberal government, with \$20 million per year over five years. But members will understand that, given the figures, the amount in question is very far from meeting the needs. Even with the \$20 million a year for five years, we were still in a situation that required \$400 million, and today we need \$500 million, according to the department's estimates. And the true estimates and the real situation probably involve amounts far greater than that.

True the budget has been increased, thanks to the efforts of the Bloc Québécois. I recall quite clearly that, during my first election campaign, in 2000, the hon. member for Laurier—Sainte-Marie, the leader of the Bloc, came to the Magdalen Islands. At that time this was made a national issue. However, at that time we also had to fight to get the budget increased. After the 2000 election, it was.

Still, we are a long way from meeting the real needs. Basically there are two issues. There is the issue of those who use the small craft harbours. These harbours are not used just for pleasure, and there is not necessarily a wharf in each location or each municipality. We know there was a time, some years ago, say 40 or 50 years, when certain hon. members were promising wharves virtually anywhere and everywhere. I am not that sort of member. A wharf was promised for every bay. So it was necessary to do some housecleaning on this issue.

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It is true that the divestiture program was interesting enough when it was started up, but it took on frighteningly dangerous proportions. Communities did not ask for a wharf just for the fun of having one. Coastal communities used to have a lot more fishers then. In my riding, in particular, there is a municipality called Port-Daniel, where I am from. There was a time when five or six wharves were used, if I am not mistaken. And there was not just one boat at each wharf. Many boats were moored at each of those wharves. At one time, there were hundreds of fishers who needed those facilities.

I realize that the situation has changed, but I also realize that the community of Port-Daniel still has needs, as do people elsewhere. People are dealing with acts of God these days. As we know, climate change also has an impact on small craft harbours. This can lead to unusual situations, like with the Percé wharf. We have all heard of the well-known hole in that area, the hole in Rocher-Percé. Two or three years ago, the Percé wharf had its own hole to deal with.

This is a very serious problem. Because of climate change, storms are causing a lot more damage than they used to.

● (1645)

Infrastructure damage creates very difficult situations. In the budget for the Department of Fisheries and Oceans, not a penny is allocated for situations caused by acts of God.

The second thing I would like to highlight about small craft harbours is safety. Serious thought was given to the where the how and the why when building these harbours. They also contribute to safety, even though they are not often used in that capacity. For example, in the Magdalen Islands, the Pointe-aux-Loups wharf is essential because the distance between wharves is not just a few hundred metres, but several kilometres. You know as well as I do that the Gulf of St. Lawrence is very beautiful, but it can also be dangerous when the wind whips the sea into a frenzy. This is why some wharves are useful not only for berthing, but for safety.

If we do not maintain these wharves, terrible things will happen. We have already seen wharves in awful shape—safety-wise, we might well be answerable for endangering lives. This is why the small craft harbour issue is very important in the community.

In closing, I want to say a few words about the port authorities. In Quebec, as elsewhere, volunteers take care of the small craft harbours. Let me tell you that these people are quite discouraged and tired of waiting. They have been so fed up that even they have prepared a report warning that the situation has reached a point of no return and things absolutely need to change or we will end up with situations that are beyond catastrophic.

What could be more catastrophic in the history of small craft harbours? I hope the current federal government will not have the same response as the previous government. In the case of small craft harbours, when there were catastrophic situations, or situations requiring major repairs, the only response we got was the installation of a security fence around the wharf in question. That was the response to a community that needed this wharf for the fishers. The security aspect consisted in installing a security fence.

Let me tell you that the people in Grand-Vallée did not think it was funny. They finally realized that their wharf could possibly be used for other purposes. That should not be forgotten. To deal with

the current and future situation, a multi-purpose solution may have to be considered.

Versatility might be the answer. Just look at Anse-à-Beaufils in my riding. People use the wharf because they have boats that serve the tourists and that tour Bonaventure Island and Rocher Percé. This is a maritime facility that could be used for economic interests or tourism purposes. There are also lobster fishers in this sector and tourists who dock at the wharf in the summer.

If we had the facilities, quality infrastructure, repaired as it should be, this maritime crossroads could be used in many ways. This could allow communities like ours to say they have been listened to and that they are respected.

That is also what this is about: respecting these people who live in the Gaspé Peninsula, the Magdalen Islands or elsewhere. These people deserve respect and this respect comes in the form of firm, significant financial commitments to meet their needs.

● (1650)

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, I would like to congratulate my two Bloc Québécois colleagues. I believe that they accurately underscored the crucial importance of investing public funds in fishing harbours throughout Canada.

I understand the situation in Quebec because it is more or less identical to that in southeastern New Brunswick, where I am from. In my riding, the port authorities are experiencing essentially the same problems as those described by my hon. colleague from the Bloc Québécois. There is almost never enough money to carry out the work, which is important not only for the safety of those who use the wharves, but also to ensure the economic future of these small coastal communities.

I would like to ask my colleague a question. He underscored the main reasons why the government should significantly increase the budget allocated to the Department of Fisheries and Oceans specifically for fishing harbours. In my riding, we noted a long delay before the fishermen's committees were informed of the funds available this year. This might have been due to the election, or perhaps it is because this government is not terribly interested in helping these fishermen. In any case, I heard many fishermen expressing frustration about the lack of awareness or commitment, which prevents them from knowing what projects will be approved. I was wondering if the situation is the same in my colleague's riding.

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Mr. Raynald Blais: Mr. Speaker, I thank my colleague for this question.

The situation today is the same as it was a few years ago. As far as I know, a few years ago we were under a Liberal minority government. Unfortunately, that continues.

I understand that some effort has been made and I mentioned that. I also understand today that we have a Conservative minority government. However, the situation is such that the communities with a pressing need for quality infrastructure—repaired, as it must be—need simply to receive a respectful message from the government. As I mentioned earlier, the communities need to feel this respect, as do the harbour administrators when it comes time to plan. In this area, it is important to know ahead of time how much funding can be counted on.

[*English*]

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, as my colleague knows, in committee the other day people from DFO told us that these harbour authorities had the ability to raise the fees they charge to the users of these wharves. Of course that is just another form of downloading.

We had indicated to the officials at that time that any more fees toward fishermen would have another devastating effect.

I wonder if the member would concur with the statement that when these HAs, as they are called, tack on more fees to the users of these wharves it compounds the problem to an even greater extent.

• (1655)

[*Translation*]

Mr. Raynald Blais: Mr. Speaker, I do not agree with what I have just heard. I do not think the answer to the current problem is to ask for more money from those who use the facilities and who need them. If the answer to the problem of unemployment were to pay less in EI benefits, would that be a good response? I do not think so. The same can be said for the small craft harbours. Fishers need these facilities. We are not talking about this need to use and repair these ports purely for our own pleasure.

The effort must be made by the government, by the Department of Fisheries and Oceans, because it is its responsibility.

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, I congratulate my colleague from Gaspésie—Îles-de-la-Madeleine for his very clear explanation of the problem.

I would like to say that we are also talking about a loss of community culture and a loss of revenue. This revenue, which comes from fishing, tourism and even light cabotage, must not be considered as a straight loss, but as a loss for the government.

Repairing these harbours is not an act of charity. When we invest in an industry, when we help a business get back on its feet, when things go well, the federal government also gets something out of it in taxes.

I would like the member for Gaspésie—Îles-de-la-Madeleine to explain how the government is not throwing away money by investing in these harbours.

Mr. Raynald Blais: Mr. Speaker, I thank my colleague for his excellent question. In addition, because of his comment, I can add this: small craft harbours are part of our heritage.

I feel that in ridings such as ours, the history of the harbour is the history of the community. Injecting money into that heritage is also a way of showing respect for what we have been through and where we come from, as well as for the people who built and used those wharves.

It could be very useful for a riding such as mine, because these harbours are part of the heritage and the culture. In fact, it could boost the economy by aiding the tourism industry.

For the people in the community—in Gaspé or the Magdalen Islands—the wharf is a gathering place, just as it is for the tourists who come to the area.

On that note, Mr. Speaker, I would invite you to visit the Gaspé and Magdalen Islands this summer or in the coming weeks.

[*English*]

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, I would like to inform the House that I will be sharing my time with my hon. colleague from Acadie—Bathurst.

I want to thank the hon. member for Cardigan, who is on the Standing Committee of Fisheries and Oceans, for bringing forward this motion today. I also want to remind the member for Cardigan and the member for South Shore—St. Margaret's in a very respectful way, because I highly respect them both, that on their previous discussion about who introduced what first when it came to the capital gains exemption for fishermen, that it was the Standing Committee of Fisheries and Oceans that unanimously made the recommendation for fishermen and their families.

I am proud to see that some of those people who were actually part of that committee at that time and offered their unanimous support for the recommendation are here today. Unfortunately, the previous government failed to move on it. I am proud to see that the current government is moving on it in a way that is acceptable to most of the fishermen.

Regarding the situation with the wharves, I would remind everyone that wharves and harbours are just as essential to fishermen on the coast as grain elevators and railroad tracks are to farmers in the Prairies. As we know, when the government cancelled the crow rate, started knocking down grain elevators, and let the roads deteriorate, farm families left the farms and they were corporatized. Now the bigger corporations are taking over.

What is happening on the east and west coasts and in some parts of central Canada is that the wharves are deteriorating, the fish stocks are being corporatized, and fishermen are leaving their livelihoods. In fact, there used to be 17 wharves in my riding at one time. Now I am down to 2 because of redistribution.

When we look at the movement of people out of rural Canada into the major areas, a lot of them are from the farming, forestry, mining and fishing communities. These harbours are very essential to the livelihood of many rural Canadians on all three coasts.

Routine Proceedings

I want to state that Nunavut now is working with the government, DFO and other departments, like transport, in order to achieve some wharf ability in Nunavut to exploit its fisheries, so that it can land product there and not have to do it offshore. That is going to be quite an expense. I would encourage the government of the day along with the department handling it to work with the government of Nunavut and the environment, and everything else in order to ascertain the best place for these new wharves, so that the people in Nunavut can have economic activity from their natural resources.

The wharves, especially in my area of Atlantic Canada, are essential to these people. I really did not like the idea of the divestiture program because in many ways it downloaded into these mostly volunteer groups who, in turn, had to charge fees to the fishermen. Of course, they never had the money to upgrade and fix these harbours and facilities once and for all.

Another thing missing from this debate is dredging. Many of these harbours require dredging and that is a very expensive proposition. My hon. colleague from the Bloc is absolutely correct. We are standing here talking about \$20 million that we do not want to see cut and the member for Cardigan asked for an additional \$15 million, but in all honesty when we look at wharves right across this country, including central Canada, we are looking at probably upward of \$400 million to \$600 million. That is not even including what is possible for Nunavut.

We need a major investment into these wharves and harbours, so that fishermen and their communities can earn their livelihoods, just like we do in central Canada when we drive down the road. We need a nice, paved road that is safe and secure so we can get to our jobs. Fishermen and their communities need the wharves and docks to be in proper shape so that they, in turn, can do their jobs.

Fishing is probably one of the most dangerous occupations in this country. As my colleague from South Shore—St. Margaret's knows, the papers the other day reported another couple of fishermen being rescued. It is an amazing thing that these men and women who ply our seas in order to harvest the food that we in turn are able to appreciate risk their lives every day when they leave the wharves. It would be a nice thing for them to know that they have the support of all parliamentarians and that we take their issues seriously.

I have been on the committee since 1997 and I must say that it is one of the best committees of the House. It has worked with various chair people. The current chairperson from South Shore—St. Margaret's is doing a fine job so far in his early tenure as the chair of our committee, the vice-chairs are as well, and the PS from British Columbia is not a bad fellow indeed.

• (1700)

We must encourage these men. I want to say this because we want to encourage them when they go to cabinet and ask for the money that is required. I want them to know that they have the support of the NDP, and I am sure the Bloc and the Liberals, in order to do that. However, they are going to have to have that political sword to get that funding that our wharves and harbours need right across this country.

We want to let them know that if they are to pursue that angle, they will have our support. If, unfortunately, they are not able to do

that, then of course we would have to use whatever political pressure we can in order to ensure that we get it into the government's head that those harbours and wharves are just as important as rail beds, airports and roadways are to the general populace in the rest of the Canada. It is extremely vital that we do this.

This is why I am quite proud to see that the motion was brought forward today. I am glad to see that the parliamentary secretary of fisheries and oceans has said the Conservatives support the motion. But that is only \$20 million. That is not nearly enough.

We do not want to see any more cuts to the Department of Fisheries and Oceans in this regard. We want to see greater enhancements to the department. We want greater accountability for the department. We want the Auditor General to go through that department with a fine-toothed comb, to be completely honest. We need to have more investment when it comes to small crafts harbours in this country because they are so vital to the economy of those areas.

If we are going to build on the extremities of Canada, the west coast, parts of central Canada, the east, and improve the situation in the north, the government and the Prime Minister must take a firm stand and say they will not abandon them. They must not cut this department. They must enhance the resources that are required so that the communities we hail from, Nova Scotia and elsewhere in Atlantic Canada, will know that they can enjoy their livelihoods, and a very risky one at that.

They in turn will know that their government and all opposition members, for example, support what they do and are proud of what they do. It will enable them to do their job as best as they can, so that they will have quality wharves. It will ensure that there are no additional fees tacked onto them, the dredging is done properly, and that there is proper monitoring on those wharves to ensure that when they start to deteriorate, as the member for Cardigan said, we will reinvest these wharves all the time to keep them going. If we did that then maybe, just maybe, we would not have such a depopulation of rural Canada as we see today.

• (1705)

Mr. Randy Kamp (Parliamentary Secretary to the Minister of Fisheries and Oceans, CPC): Mr. Speaker, I would like to thank my hon. colleague from the standing committee for his interest in this matter. He is always well-prepared and brings a lot of useful information and perspective to the committee, and we thank him for that.

I recall, in 2005, when DFO officials said that the small craft harbours program was one of the priorities of the then minister and that he would be working at providing stabilized funding for it. That did not happen and the challenge is still before us. I am pretty sure this member would agree that it takes a lot of money. There have been some big numbers thrown around here that might be available.

Routine Proceedings

Certainly, I know the minister is going to work very hard at trying to find that source of funding. However, let us assume just for the sake of argument that there is a limited pool, and maybe even a limited pool just for fisheries and oceans. I wonder if the member has any suggestions about what areas are over-funded so that we might be able to move the money from those areas into small craft harbours. Or is he really just committed to finding new funding somewhere else?

Mr. Peter Stoffer: Mr. Speaker, the hon. member is absolutely correct that the Conservatives inherited quite a mess from the previous government when it comes to this particular aspect of DFO.

There are many ways in which we can divert funds in order to put them into that program. My personal beef is the gun registry, for one. We could save some money there. That money has been spent a hundred times over for other departments.

The reality is that the government just claimed a \$12 billion surplus. It is not that difficult for it to work with the communities across this country to prioritize the wharves that are in desperate shape now and that need assistance now because, as my colleague from the Bloc said, some of them are past the point of no return. The government can prioritize, work with the communities, and get the funding to them as quickly as possible.

It would be nice to see the government take the same approach to fishermen as it recently did with Bill C-15 which was just passed unanimously in this House. The agricultural critics worked with the Minister of Agriculture to get that funding right away. If the government could take that same approach with fishermen, in terms of their harbours and wharves, that would be a great day in this House.

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, I know that the member opposite has been a long term member of the fisheries committee and indeed a good member. I know that he is very concerned about the fishery. The member mentioned in his remarks the tremendous surplus that the current government was left with. Would the member agree with me that the spending requirements and needs of small craft harbours are in fact greater than they have ever been?

On the shores of Prince Edward Island there have been worse storms in recent years. We are getting more damage on the wharves. We are having to put in more armourstone to protect the wharves. Would the member answer in terms of the needs for fishermen in his area how the wharves compare with years ago? Does the member believe that the Government of Canada should be spending more money on small craft harbours instead of cutting back, spending less and basically saving the money for their friends in wealthy places?

● (1710)

Mr. Peter Stoffer: Mr. Speaker, there is one area that the money could come from. We always hear about how the government wants to give back some gas tax money to municipalities for roads, water and infrastructure. These fishermen also pay gas taxes on their fuel, so some of that money could be allocated to small craft harbours in order to upgrade the wharves.

The reality is that the situation is worse than it has ever been. I know that the member for Malpeque certainly would not want to stand up in the House and say that it was all the current government's

fault, because the government has inherited the problem through years of neglect.

We cannot rewrite history and turn the clock back, so we have to work together to encourage the government to find the resources applicable. There are ways, through gas tax allocation and municipal allocations or from somewhere, to ensure that some of the money that gets transferred to municipalities and provinces—and to increase the budget of DFO through small craft harbours—can assist those fishermen.

[*Translation*]

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, I am pleased to add my comments to this debate.

My riding is Acadie—Bathurst. As you may know, Chaleur Bay is lined with fishermen's wharves. The entire community from Pointe-Verte to Miscou Island and from my riding to Val-Comeau is a fishing community.

It is unfortunate that it has come to this. The former government deserves no accolades for accumulating surplus after surplus in its budgets. Our wharves are in an incredible state of deterioration.

I remember the big storm in 2000, I think it was, that caused \$550,000 in damages to the Petit-Rocher wharf. Waves crested at over 30 feet. The wharf moved about a foot and had to be repaired. The repairs were very expensive. During the election campaign in 2000, the former government played politics with this issue and told the locals that their wharf would not be repaired unless they elected a Liberal government. It is sad to see governments acting this way.

Today, the parliamentary secretary—who I respect—proposes that we take money from one area and invest it somewhere else. It could be taken out of the \$10 billion tax break given to corporations with presidents who pay themselves \$10 million. Perhaps it would be better to invest this money in the infrastructure of our country. This infrastructure is everywhere—on the Atlantic coast, in Quebec, in the Îles-de-la-Madeleine and in Gaspé, or in our home area.

As I was saying earlier, the Pointe-Verte facilities have needed repairs for several years. In Petit Rocher, it was years before the wharves were repaired. In Grand-Anse, fishermen put out to sea at 5 a.m., return from fishing and anchor in the Baie des Chaleurs. They have to wait for the tide to come in to approach the wharf. This is quite simply unacceptable. Last week, or the week before that, the boat of two fishermen was damaged when they attempted to reach the Grand-Anse wharf. The Miller Brook wharf has also been deteriorating for years, to the point that people should not walk on it. As for the Lamèque wharf, a portion has had to be closed because of its state of disrepair.

That is the situation today. The member from Prince Edward Island stands to say that this government has done nothing. I hope he will do something. To date, we are not very impressed. The budget does not allocate any funds for repairing the wharves. It was the same with the previous government. We are not just concerned about the fishery. The safety of the men and women who go out to sea to fish is also at issue.

Routine Proceedings

Today, for our communities in the Acadian Peninsula, in the area of Petit Rocher and Pointe-Verte, and along the Baie des Chaleurs, the fishery is the main industry. There is also tourism in our area. We must consider tourism and everything required for our wharves.

Hopefully, the government will accept the recommendation made by the Standing Committee on Fisheries and Oceans. However, I find the committee's recommendation of \$15 million negligible compared to the damage that has been caused across the country. Consider all of the wharves in Gaspé and the Magdalen Islands, on the North Shore and the Acadian peninsula. A fisherman who works on a lobster fishing boat does not want to find himself 60 or 80 km from home. This is nonsense. We need those wharves. They must be repaired.

• (1715)

The previous government dumped this onto the communities, the harbour authorities, telling them to deal with their own problems. As of today, June 5, the government has not yet given the green light to invest in these communities. Everyone is calling the MP to know when the money will be available and, above all, whether the money really will be given to the communities. It is time to distribute the money, and repairing the wharves must be given priority.

[English]

Yesterday, for example, the leader of the NDP was in Nova Scotia and met with a fisherman named Sterling Belliveau who has 30 years of experience as a lobster fisherman. These fishermen have been waiting a long time to get their wharf repaired. It is the same thing all over Nova Scotia. It is totally unacceptable that there is no investment in something that our fishermen are waiting for, that they need. We have to look at this in the same way as we look at grain elevators that are needed out west. For the fishery, we need this in the east, we need it in British Columbia and we need it in Vancouver. We need this all across the country where we have fishermen. Just to switch this to the communauté, where we are right now in the fishery, with people in the fishery having a hard time making a living, it is totally unacceptable.

[Translation]

Furthermore, the fishing industry is very difficult these days. Today's lobster fishermen are not rich. As for herring fishermen, who can only fish for four weeks, they are not rich either, due to the price of gas and other associated costs. The last thing they need is to arrive at the wharf and damage their boat because they cannot dock. The dredging that should have taken place was not done. It was all left in a shambles. Everything was neglected. We now find ourselves with whatever is left.

The Bloc Québécois member was right. I agree with his example. It is like a house. If the roof is not repaired, everything will be lost. This is the same for wharves. If they are not repaired when they are damaged, they will be lost.

Here is an example for those who might not be aware. It used to be that communities did not have problems with storms. There are storms now because of climatic changes. I mentioned earlier a storm that broke up the wharf in Petit-Rocher, resulting in expenditures of \$550,000. You should see it. Why did that happen? Because there should have been a stone wall out in front of the wharf to protect it.

Every year, we ask the government to invest money to protect our wharves. The government responds that there is no urgency. It waits until the wharf is damaged before fixing it up, because the repairs are then justified. If it took a preventive approach, it would cost a lot less to keep our wharves in good condition. Storms would not break them up. As well, those in poor condition have to be repaired.

People in Miller Brook, Stonehaven, Pointe-Verte, Grande-Anse, Caraquet, l'Anse-Bleue, Lamèque and Shippagan are waiting for the government to come and help them to maintain their infrastructures. This industry is important to the Atlantic region, as well as to the Pacific region. It is all very well for the government to say it is aware, but it has to appear in the budget. In the latest budget, the government allocated no additional amount to resolve the problem of the wharves. It wonders where it will get the money. It already has it. There are billions of dollars in surpluses. It should take this money and spend it where there is a demand and a need.

The fishermen and fishing communities in the regions I named need it just as much as do those in the Gaspé, the North Shore, the Magdalen Islands, Nova Scotia, Prince Edward Island and Newfoundland.

The government has a responsibility. I call on it to put the money where it should and to invest in small wharves in order to help our communities and those all across Canada.

• (1720)

Mr. Jean-Yves Roy (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ): Mr. Speaker, I thank my colleague from Acadie—Bathurst for his remarks. He is well aware of the problem, because he too lives in a maritime region.

The government is telling us that it supports reinvestment in infrastructure and infrastructure repair. The problem is that it is offering nothing concrete. There was nothing concrete in the budget that was tabled. The government is even preparing to cut \$20 million a year from the existing program. That is what the government is doing.

I would like to ask my colleague a question. He mentioned the corporations that manage the harbours, which belong to the government. If memory serves, there are 689 harbours, 569 of which are managed by corporations. We did a study, and these corporations told us that they received no government support. The corporations are run by 5,000 volunteers, with no support. These people are so burnt out that the corporations are falling apart and it is virtually impossible to replace people who leave.

I would like to know whether my colleague is seeing the same thing in his riding.

Mr. Yvon Godin: Mr. Speaker, I would like to thank my colleague.

The situation is worse than that. When the wharves were turned over to the harbour authorities, the authorities did not want them. But they were forced to take them, otherwise the wharves would be closed. The reason was that the government wanted to get rid of its responsibility.

Routine Proceedings

The regions want the government to get involved in managing the wharves. The government can tax for investment purposes. The harbour authorities are made up of volunteers, and they are frustrated, fed up and worn out. Despite all their work, they see no light at the end of the tunnel. What is more, everyone is on their case because the wharves are in disrepair.

So yes, what the hon. member said is true, and people want change.

[English]

Mr. Randy Kamp (Parliamentary Secretary to the Minister of Fisheries and Oceans, CPC): Mr. Speaker, the member was speaking very passionately on this subject, which is a good thing.

It may be in his last answer, but I am not sure I heard the hon. member say specifically what he thinks about harbour authorities.

The idea behind harbour authorities was that if we make the transition from a government operated wharf to an independently operated harbour authority, those harbour authorities now have access to other funds, even government funds, even federal government funds, perhaps from an employment program or a regional initiative and funds perhaps from other levels of government, maybe even some other more creative revenue sources or revenue generating programs and so on. That was the rationale behind them. I wonder what the hon. member thinks of this concept.

• (1725)

Mr. Yvon Godin: Mr. Speaker, the rationale and what happens are two different things. Maybe the rationale was okay but we have to look at what is happening.

The fishermen coming in from sea cannot even get to the wharf. What has been done is the government transferred it to them, said here is the rationale, and then washed its hands and walked away from them. That was the previous government. Now the new government wants to cut the program by \$20 million, when in committee the Conservatives on the committee said yes, we need an extra \$15 million and at the same time the same government wants to cut it by \$20 million.

The rationale was okay but the actuality of what is happening is wrong. We could see it right there on the water. The fishermen stay on the water and they are worried about a storm. As one colleague said, a storm on the Baie des Chaleurs could happen in the snap of a finger.

One day one fisherman was in the middle of the Baie des Chaleurs and by the time he could get to the Gaspé coast, because he was closer to that shore, he lost all the windows in the front of his boat. The waves broke all the windows and he was almost killed.

That wharf is needed. The fishermen need to be able to get in fast. For the safety of the fishermen and for them to be able to make a living, we need government involvement, not government shying away from it. Right now what the government is doing is walking away from it. This is totally wrong. That is my answer to my colleague's good question.

Mr. Gerald Keddy (South Shore—St. Margaret's, CPC): Mr. Speaker, certainly it is an honour to rise in a debate on the fishery at

any time in the House. I am more than pleased to rise on debate today.

I have listened closely to the comments from my hon. colleagues. It has been quite a wide-ranging debate. I would like to bring it back to the motion, which is:

Pursuant to Standing Order 108(2) and the motion agreed to by the Committee on May 16, 2006, the Committee has studied small crafts harbours and recommends that the government consider the advisability of raising the current budget of \$86.6 M contained in the 2006-2007 budget by \$15 M for the fiscal year 2007-2008.

All of the subjects aside, all of the issues that are confronting the fishery, all of them are important, but it is also important to speak to the motion as it has been spoken to by some of the other members. Some members have got slightly off-track of the original motion.

First and most important, we are supporting the motion. There is not a disagreement or debate in the House, really. We are supporting the motion. We support the motion as it is presented to the House. The Parliamentary Secretary to the Minister of Fisheries has said that and several other members have said that. We will be supporting the motion.

I do not think I am overstating the matter when I say that all members of the House recognize the importance of the small craft harbours program, certainly those familiar with the ocean and with the fishery and those of us who represent coastal ridings. The small craft harbours program is an essential service for the commercial fishing communities in Canada. As well, it helps sustain the many coastal and inland communities served by the program.

As a member of this House and a member of the Standing Committee on Fisheries and Oceans, I am a strong advocate for the program. More important, I recognize the significant contribution small craft harbours make to the 1,200 communities they serve in almost all the provinces and territories in Canada.

While the program is primarily intended to support the local fishing communities, these harbours perform a much broader function. They often provide a vital transportation link to adjacent communities or major hub communities. In some cases they are the only link. They are frequently the centre for community social activities or services centred for other economic pursuits, such as tourism, transport and other marine based industries. These services are very often critical to the welfare of our coastal communities. They can also serve to attract other businesses to the area. In short, small craft harbours are of great value to the many and varied clients they serve. The government is among the first to recognize their importance.

Having said that, I know that the current conditions of some core fishing harbours are not as good as we would like to see them. Reports indicate that about 21% of the facilities at these harbours are in poor condition. The overall network of small craft harbours is aging and increasingly in need of maintenance and repairs.

The program, with more than 1,200 harbours, maintains assets with a replacement cost of over \$2 billion for the core fishing harbours alone. These assets require constant maintenance and repairs. They are aging or are subject to normal wear and tear, let alone storm related damage as was mentioned several times by several of the speakers.

Routine Proceedings

Because of the limited budget, the small craft harbours program has had to very carefully assess on a constant basis its most pressing and critical core harbour repair needs. The priority has been safety and making sure that the basic harbour operations are maintained, or impacted as little as possible.

The program has managed so far to risk mitigation measures to avoid having to close any core harbours, but the level of services has diminished. I say that very clearly. Many of the members who spoke to this motion were members of the former government. Quite frankly, we have been in government for less than four months, just barely four months. It is quite a responsibility to suddenly have all of the problems of the last 13 years.

The fact is there had been a government in place that ignored small craft harbours. It ignored rural and coastal Canada and did very little to mitigate the damages and the wear and tear the harbours were subjected to. All of a sudden, members of the former government are standing and saying that there is a crisis. Where were they when the crisis was upon them?

● (1730)

We now have a government that is prepared to approve this motion, to work with fishermen, to work with coastal communities in a responsible and measured way. Apparently that is not enough. I would ask, what is enough?

Since the late 1980s the management and operation of core fishing harbours has been assumed by local harbour authorities. Harbour authorities are not for profit corporations. They represent harbour users and other local stakeholders. With about 5,000 volunteers these organizations have enabled the program to devote more scarce resources to the maintenance of assets while improving service to the harbour clients. Mainly, harbour clients are fishermen.

These harbour authorities have taken on great responsibility. Quite frankly many are now beginning to suffer fatigue and burn out largely because of the deteriorating conditions of their harbours. They need our support to continue. Improving harbour conditions will go a long way to relieve them of some of the burden. It is a very heavy burden that these harbour authorities carry. They do not have the funding. It was never put in place under the previous government. They do not have the access to resources.

There is a responsibility for government but government has to take a major and responsible approach to that responsibility. We just cannot suddenly declare tomorrow that we are going to satisfy all the ills of 13 years of neglect of the harbours.

These are not the only pressures facing the small craft harbours program. Indeed there are many others. As our fisheries and fishing industry in Canada continue to evolve, so too do the needs of the program's clients. The numbers and sizes especially of the vessels are changing. Fishing activity and patterns are shifting geographically and in other ways. More first nations communities are participating in commercial fishing. Aquaculture activity continues to expand and locate in new areas. Add to this the use of small craft harbours by non-fishing vessels. It is easy to see why many of our harbours are congested. This in turn leads to a reduction in the quality of services that users expect and contributes to deteriorating conditions at over-subscribed facilities.

Fifteen years ago the beams of the vessels were much narrower than they are today. Three vessels could actually be tied side by side. We could tie them abreast of one another at the wharf. Today two vessels can be tied side by side at the wharf because the beams have increased in size by that much. They are that much wider. The boats themselves have changed and the demands have changed with them. This in turn leads to a reduction in the quality of services that users expect and it contributes to deteriorating conditions again at over-subscribed facilities.

The program will have to invest in new capacity to address the new demands and reduce this congestion. As well, existing locally operated commercial fishing harbours outside of the program are seeking federal assistance to repair their deteriorating facilities.

In addition, Nunavut Territory, where no federal small craft harbours presently exist, has requested financial assistance to establish a number of community harbours to support the growing fishing industry. This translates into a demand for resources the program simply does not have at this time.

It was in the mid-1990s that the government began to focus its efforts exclusively on core commercial fishing harbours. This resulted in the divestiture of some 1,300 non-essential harbours. About 347 remain to be divested. Their early divestiture would provide financial relief to the program's ongoing budget. However, again because of limited resources available to maintain the core commercial fishing harbours, little funding has been set aside for these divestitures.

As a consequence, the previous pace of divestitures which was financed by now expired special funding has slowed considerably. This means that many harbours which should be in the hands of the community remain in poor condition with only the very basic repairs afforded by the program.

● (1735)

This delay has frustrated some communities waiting to assume these harbours and to see repairs made. What they want is simply a functional, safe and accessible harbour and wharfage.

Moreover, as the pace of divestiture slows, conditions at these harbours continue to deteriorate resulting in additional downstream costs to the program. The costs are escalating, the conditions of the wharves are deteriorating and government is in a very precarious position with only so much money at its request.

Our government will do its very best to explore all the options to deal with these pressures. However, DFO faces a number of other pressures and priorities, in addition to the small craft harbours program. We are truly committed to examining all possibilities. We are willing to work with other departments, various levels of government and the community at large to ensure we can continue to serve the many hundreds of fishing communities that depend upon the services of DFO.

Routine Proceedings

This government supports the small craft harbours program, the vital core services it provides and the Canadians it serves. I would hope that we can all count on the support and the constructive input of this House because we need constructive input to save the small craft harbours program and our commercial fishery, quite frankly, because a lot of pressures are facing the commercial fisheries. The wharfage issue is only one of them.

In that way, our coastal and inland fishing communities can receive the infrastructure support they need to ensure their livelihoods and the quality of life that they rightly deserve.

The government is supportive of the motion and would like to see additional permanent increases provided to the small craft harbours budget to meet all its key program requirements and respond to the most essential of the clients' needs.

I do think this is a fairly complicated issue, one that really does not benefit from the use of partisan positions and rhetoric and one in which our government has taken a leadership role in a very short period of time.

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, the member talked about rhetoric and we heard a fair bit of that when he was talking about the previous government.

The fact is that the previous Liberal government took over the financial mess that the previous government left of a \$42 billion annual deficit and it turned the country around. The previous government turned over the best fiscal position to the present government than any government has received in Canadian history. The government has the funding to do the right thing for Fisheries and Oceans and small craft harbours and the member opposite knows it.

I hope the member opposite is not just playing with words. He said that they would be supporting the motion. The motion reads, “—consider the advisability of raising the current budget—”, and then it goes to the numbers.

Is the chair of the fisheries committee, the member for South Shore—St. Margaret's, telling us today that the government is committing itself to eliminating the cut that was proposed and implementing the increase? Or, is he saying that the government, the Conservative Party opposite, will just sit around and consider a number of things?

We need to know the facts and we need the facts on the table. Will the government eliminate the cut or implement the increase that is mentioned in the motion?

● (1740)

Mr. Gerald Keddy: Mr. Speaker, I am always amazed when I stand in this House. The Conservative Party has had the reins of power for slightly over 100 days and has made some very important decisions that affect the lives of Canadians. Every resource sector in all parts of Canada has shown its support time and time again for the fishery, for our troops, for lower income earners and for middle income earners. We brought in a budget that will make a difference to all Canadians.

Now, all of a sudden, members who were in government and at the government table for over 13 years, who failed to prevent these

cuts, who allowed the deterioration and utter destruction of our wharfage system in Canada, who allowed the deterioration and destruction of our fishery in Canada, who did not rationalize licences and who never made the difficult and tough decisions they should have made, are insistent that we change the system after being in power for only 100 days.

We absolutely support the motion that the committee study small craft harbours and recommends that the government consider the advisability of raising the current budget of \$86.6 million contained in the 2006-07 budget by \$15 million for the fiscal year 2007-08.

[*Translation*]

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, I would like to thank the member for South Shore—St. Margaret's for his comments.

However, I find these comments problematic. The member says that the other government abandoned the fishery over the course of the past 13 years, and that his government is now inheriting the entire mess. People are living with docks in disrepair. The Department of Fisheries and Oceans made a presentation entitled “Small Craft Harbours” to the Standing Committee on Fisheries and Oceans. The former government abandoned fishermen, even with surpluses every year. The Liberal member said that fortunately his party had erased the government's \$46 billion deficit.

They did just that at the expense of the workers. There was a deficit of \$46 billion but, to date, \$49 billion has been taken from the unemployed. We know where the money came from. The new government was not elected to say that, since the other one did it, they will do the same thing.

Although the Conservatives have only a minority government, the presentation to the Standing Committee on Fisheries and Oceans indicates that the current budget of \$86.6 million will be reduced by \$20 million next year.

The hon. member is practically accusing the Liberal government of not doing its job. The government is supposed to do better because that is what it said it wanted to do. The Conservatives told Canadians that they wanted to be elected because they would do better. In the meantime, the Standing Committee on Fisheries and Oceans was told that the current budget of \$86.6 million will be cut by \$20 million next year. Nonetheless, the government has made an about face and is recommending \$15 million. In my opinion, they are still \$5 million short.

Furthermore, the chair of the Standing Committee on Fisheries and Oceans, the hon. member for South Shore—St. Margaret's, said he will support that. Nonetheless, these are my concerns: will his government support that? Will it restore the \$20 million? To my calculation, 20 million plus 15 million is 35 million, which is still not enough.

I think I spoke directly to the motion, even though the hon. member is trying to have us believe we do not talk about it. I know the hon. member well. When he was in the opposition that is what he would say.

Routine Proceedings

Now he is in the government and he is trying to blame the former government, which I too am prepared to blame because it took \$49 billion from the EI fund to balance the budget and maintain zero deficits. However, this new government now wants to take \$20 million from the pockets of fishers and communities.

This is my question for the hon. member: what will his new government do? It is time to stop saying they inherited this or that from the former government. That is in the past. We are now June 5, 2006, and the Conservative government is in power. What will it do for fishers? Will it restore the \$20 million and add the \$15 million as recommended by the committee?

• (1745)

[*English*]

Mr. Gerald Keddy: Mr. Speaker, the Conservative Party has said in several different ways now that we support the motion. It is our intention to support the motion and we will support the motion.

I have a question for the member for Acadie—Bathurst. His fearless leader was on his feet a while ago talking about being on the wharf in Woods Harbour. I have been on the wharf in Woods Harbour several times. Woods Harbour is a major lobster fishing port in the riding of South Shore—St. Margaret's. Apparently at that time the NDP made a commitment to the fishery. The NDP said that it would support the fishery. I certainly applaud the NDP for that if they ever do support the fishery.

However, I have a message for the fishermen who were on the wharf in Woods Harbour that day. I would tell them to be very careful when the NDP say that it will support the fishermen. I heard the NDP members say in the House that they would support our troops in Afghanistan and they then voted to withdraw the troops and not support them at a critical time in that mission. If that is the same support that the NDP will offer to the fishery, I say that is not sufficient.

Mr. Dave Van Kesteren (Chatham-Kent—Essex, CPC): Mr. Speaker, I am very encouraged. I want to let the House know at this point that, although we are known for a lot of things in Chatham-Kent—Essex, very few people know that we have the largest freshwater fishery in the world. I say that without exception.

We too have some problems with our harbour. The good people of Wheatley, where our harbour is found, have a problem with dredging. I am encouraged by what I heard, but could the member tell me if I will be able to go back to the people of my riding and tell them that this spring they will be able to do dredging with a commitment from the government?

Mr. Gerald Keddy: Mr. Speaker, I want to say to the member for Chatham-Kent—Essex, who certainly is a great advocate for his harbour and for the largest freshwater fishery in the country, that this government supports small craft harbours and it will continue to that.

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, that was a great question from the member for Chatham-Kent—Essex, but it is too bad the government will not commit to doing the job.

I will be sharing my time with the member for Cape Breton—Canso.

I am pleased to speak in support of the second report of the Standing Committee on Fisheries and Oceans. I am pleased that my

colleague from Cardigan has pushed this issue so strenuously. We are calling on the government to stand by fishermen and put the necessary funding for small craft harbours under DFO.

I was pleased when I heard the chair of the fisheries committee say that the government would be supporting this motion. Upon listening to him discuss it further, it seems the government's support is really all smoke and mirrors. He was playing with words. If the government is only going to sit around over a beer or over a glass of wine and consider what they are going to do about the cut, then they are not really doing anything at all.

It is easy for the chair of the fisheries committee and the parliamentary secretary to get up in the House and say that they support the motion, but I would like to know what concrete action they will take to deal with the problem. To concretely deal with it, the government needs to eliminate the cut and implement the increase. Unless the government does that, then the actions about which the chair of the fisheries committee talked are really mute. They are just words.

I have had the opportunity to serve both as chair of the Standing Committee on Fisheries and Oceans and as a parliamentary secretary in the past. Fishermen look to the funding of small craft harbours as absolutely crucial to their future. It is shocking to think that the new government wants to cut \$20 million from funding. That sounds like what it has done with farmers as well.

While the government left the impression in the budget that it would pay out more money, it is actually paid out less. Government backbenchers left the impression that the government would have immediate cash for farmers this spring, it never came through.

Now the government is eliminating another \$20 million from our fisheries, another industry in rural Canada. This is not what we would expect from a government that has a fairly strong rural backbench. Maybe the PMO does not listen to its own backbench. Clearly, the Prime Minister seems to run everything and his word is final. The government seems to be cutting back.

The Conservative government was left in the best fiscal position of any government in Canadian history. A surplus is available to deal with the problems in rural Canada. A surplus is available to increase funding for small craft harbours and for farmers as well. The government has the surplus to do this, but has neglected to do so because it has to give little tax credits to the rich and to the oil industry, which is doing well. What about ordinary people in rural communities in Atlantic Canada and across the country?

The previous government made massive improvements to fishing harbours during its term and it took on the infrastructure issue. However, there is no question that much more needs to be done. Key to the livelihoods of fishermen is the ability to work at their industry. To do that, they need good infrastructure. Wharves are extremely important. Breakwaters are important as part of that wharf, set up to protect fishermen from the high seas and the winds.

Routine Proceedings

● (1750)

Dredging is extremely important in some of areas of the country. The member for Chatham-Kent—Essex mentioned how important dredging was in his area.

Lighting along those wharves, winches to lift the fish out of the boats and boat sheds are important infrastructure. Safe harbour access is extremely important. The wharf has to be in good repair. There has to be protection from the high seas.

I know in a lot of my area and in Atlantic Canada dredging the sand is extremely important. It is not just getting out of the harbour to do the fishing; it is a key safety area. A lot of people in our country probably do not realize that the tides rise and fall. Often in many harbours, fishermen cannot come in at low tide, even with what we have tried to do. They have to time it so the tide is higher in order to get over the sand bars.

I will give an example of a harbour in my area. It is the harbour of Malpeque. It is a very nice little harbour. It has both mussel and lobster fishermen there. We tried to get a commitment with the bureaucracy, under the previous government, I must admit, and the new government. The fishermen of that port and I as an MP felt we had a commitment last fall that small craft harbours would dredge the harbour come spring. It sanded in last fall and the mussel fishermen, who were still operating, had to unload at other harbours. They could come in and go out empty, but they could not come in loaded.

It was going to cost a considerable amount of money to dredge. They accepted that fisheries would not dredge last fall. It was going to sand in, in the wintertime, anyway. However, it was to be done as soon as ice was out this spring. When the ice was gone, DFO did not come through like it was supposed to.

It is not the fault of the staff in Charlottetown. Somebody higher up the line decided that there was a little more sand than expected and it was \$10,000 over the limit. Eventually we did get it dredged, but I believe it was public works in the end that did it because it could spend a little more money.

When public works dredged it, instead of widening the channel 60 feet like it ought to have been, it only dredged it 30 feet wide. It did not want to spend the extra \$20,000 to do it right. By not doing it right in the first instance, in effect DFO has to re-tender and has to spend all that money over again because it was not done right the first time. That should not happen.

Not only do we have to put more money in small craft harbours, but we have to bring some common sense to the system. If we have to go over a little to do the dredging properly, then somebody should use that common sense. I know people are scared of the new government in terms of having to watch their shadow and accountability, but they should act. That did not happen in this case.

I want to point out another problem with dredging. Every time we go to dredge, the cost of an environmental study is phenomenal. I believe we have a permit for the north side of the island at the moment. That is in place for some time. The amount of money that is spent on environmental studies, doing the same thing over and over again as the years go by, is ridiculous. There should be ways and

means, through the bureaucracy in this town and at 200 Kent Street, to overcome that. Rather than give consultants and legal people money, those dollars need to be spent to get the sand out of the harbours and to make the wharves safe.

● (1755)

In terms of the motion, the bottom line is that it is just words from the government unless it eliminates the cut and implements the increase.

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, I am a western MP and many people would be surprised to learn that in my prairie riding I have 1,300 commercial fishermen on Lakes Winnipeg and Manitoba who are very dependent upon having fully functioning small craft harbours to get their whitefish boats in and out with their daily catch, especially during the season that is upon us. They are out with nets catching whitefish, pickerel, jackfish, saugers and mullets and bringing them back to the fish sheds to get them to market.

There is no doubt that the increase of money that the motion calls for is something that our small craft harbours need. Fishermen have lobbied me on a number of occasions because they felt ignored by the previous government and want to ensure there is more money in the budget to deal with the issue of the small craft harbours.

The member for Malpeque talked about the dredging issue. Dredging is not a new issue. In my riding of Selkirk—Interlake we have had an ongoing problem with consistent dredging since 1993 when the Liberals came to power. The mouth of the Red River has not been dredged since 1999. We cannot get the big fishing boats out of Lake Winnipeg and down to Selkirk with their catch. Everything has to be taken by road. Ships come into Gimli and everything is thrown onto trucks and then shipped to Selkirk to the fish plant. They cannot come down the river any more because it has been ignored for so long.

I just had a meeting this morning with the Minister of Fisheries and Oceans to again plead for the resources to be freed up for the dredging that is needed at the mouth of the Red River so the ships can get to the plant to ready their fish for market.

I really am concerned that we are wasting a lot of time talking about this motion. Everyone in the House agrees to the motion. The government should be taking care of business right now rather than spending a lot of time on the motion. We all agree we need to increase the funding to small craft harbours, and not just increase the funding but actually carry through on the commitment and do a pile of repairs to our small craft harbours throughout the country from coast to coast, including our freshwater lakes.

Routine Proceedings

Does the member feel that this is a proper use of time when we should be dealing with orders of the day and trying to get our government business going forward?

● (1800)

Hon. Wayne Easter: Mr. Speaker, I do feel that it is a proper discussion when we are dealing with the concerns of rural Canada. The government business that has been set aside is a proposal that is basically finding ways of going with minimum mandatory sentencing, the net effect of which will be to build more jails and cost more money. Maybe the reason the government wants to take \$20 million out of the fishery is to build more jails, which is what is in Bill C-10, while not dealing effectively with crime.

The government wants to Americanize the Canadian justice system, which is what Bill C-10 is all about.

The member for Selkirk—Interlake raised a good point. I have had the opportunity to look at the Lake Winnipeg fishery and it is a good one. Previous fisheries committees have made some recommendations and I will admit that there needs to be more dredging done in that area.

I would ask the member for Selkirk—Interlake to look closely at the motion and to listen to the words of the chair of the fisheries committee. He was kind of floating around all over the place and basically just looking at considering the advisability of raising the funding.

I say strenuously to the member for Selkirk—Interlake that what needs to happen here to deal with his problem and with our problem is to eliminate the cut that the Minister of Finance implemented and implement the increase that the Liberal member for Cardigan proposed. That is what needs to happen and that will go some distance to deal with the problem on Lake Winnipeg.

[*Translation*]

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Acadie—Bathurst for a very brief question.

[*English*]

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, at the same time I want to set the record straight. It is not because this Parliament had a vote on where soldiers' mission would be that it means our party does not support our soldiers. We support our soldiers, but we should have the right to decide if they are going to go on a certain mission or not. That is where the member for South Shore—St. Margaret's just missed the boat when talking about the wharf.

As for the government, when it says it is going to support the motion, there again, when the member for P.E.I. talks about the \$15 million investment and the loss of \$20 million, it affects all fishermen. Right now in Nova Scotia a decision will be made very soon as to whether the province is going to vote for a Conservative government or not, and the Conservative government at the federal level is ready to cut \$20 million from the fishery, from the help for all the harbours across the Atlantic and the country. That includes Nova Scotia too.

● (1805)

Hon. Wayne Easter: Mr. Speaker, I was worried that the member for Acadie—Bathurst fell off the wharf for a minute, but obviously he did not. The bottom line is that there needs to be more money.

The Acting Speaker (Mr. Royal Galipeau): It is my duty to interrupt the proceedings at this time and put forward the question on the motion now before the House.

Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Royal Galipeau): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Royal Galipeau): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Royal Galipeau): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Royal Galipeau): Call in the members.

The chief opposition whip on a point of order.

Hon. Karen Redman: Mr. Speaker, I would ask that this vote be deferred to the end of government orders on the next sitting day.

The Acting Speaker (Mr. Royal Galipeau): The division stands deferred until tomorrow, June 6, at the end of the time provided for government orders.

* * *

PETITIONS

CHILD CARE

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, I have the pleasure of presenting petitions from people in my community who are opposed to, and maybe even appalled by, the government's plan to kill child care. These constituents are particularly concerned about the unfairness of the child care allowance and say that it disproportionately benefits those who need help the least and hurts working, dual income families. They want to express that concern to the House of Commons.

Routine Proceedings

CITIZENSHIP AND IMMIGRATION

Mr. Rick Dykstra (St. Catharines, CPC): Mr. Speaker, I am honoured to stand in the House today to present a petition on behalf of the people in my riding of St. Catharines who are concerned about the issue of immigration and refugees. This petition deals with the acceptance of both immigrants and refugees.

•(1810)

CHILD CARE

Mr. Rick Dykstra (St. Catharines, CPC): Mr. Speaker, I am also privileged to introduce a petition on the subject of child care, an issue that is important to all Canadians. This petition comes from the people of the riding of Ottawa West—Nepean.

RIGHTS OF THE UNBORN

Mr. Ron Cannan (Kelowna—Lake Country, CPC): Mr. Speaker, pursuant to Standing Order 36 I would like to present a petition from members of my constituency of Kelowna—Lake Country and throughout Canada. The petition calls for Parliament to enact legislation which would recognize unborn children as separate victims when they are injured or killed during the commission of an offence against their mothers, allowing two charges to be laid against the offender instead of only one. I support the petition and present it.

[Translation]

POSTAL SERVICE

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, I am very pleased to present a petition on behalf of the people of several regions in south-eastern New Brunswick, including my constituency and Moncton—Riverview—Dieppe.

[English]

The petitioners are very concerned about the reduction of postal service in rural areas and small towns. Not only are they worried about delivery to rural mailboxes, but the petitioners are worried that Canada Post is seeking to close rural post offices by calling this an amalgamation or a consolidation. The petitioners are asking the government and Parliament to ensure that postal service is maintained in small rural communities all across Canada.

DELTAPORT

Mr. John Cummins (Delta—Richmond East, CPC): Mr. Speaker, I have two petitions today. One of the petitions is in three parts. The first petition has to do with citizens of Delta and British Columbia who are calling upon Parliament to stop the expansion of the Deltaport. The petitioners are very concerned about the impact of traffic on the community as well as the significant loss of habitat in the Strait of Georgia.

RIGHTS OF THE UNBORN

Mr. John Cummins (Delta—Richmond East, CPC): Mr. Speaker, the second petition I have is again from citizens of the community of Delta. The petitioners are concerned that in current federal law an unborn child is not recognized as a victim with respect to violent crimes. The petitioners call on Parliament to enact legislation which would recognize unborn children as separate victims when they are injured or killed during the commission of an offence against their mothers, therefore allowing two charges to be laid against the offender instead of only one.

QUESTIONS ON THE ORDER PAPER

Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, the following questions will be answered today: Nos. 11 and 12.

[Text]

Question No. 11—**Ms. Dawn Black:**

With regard to Arctic sovereignty: (a) does the government believe that it has a strong claim to shipping rights in the Northwest Passage; (b) what is the legal basis for this claim; (c) does the government believe that climate change has the potential to affect claims to our Arctic sovereignty; (d) if climate change poses a threat to our claims, what steps will be taken to mitigate climate change; (e) is the government aware of any activity by foreign submarines in Arctic waters since 1991; (f) which countries possess the ability to operate in our Arctic waters undetected; (g) which countries agree with our Arctic claims; and (h) which countries contest our claims and on what grounds?

Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, the answer is as follows:

a) Yes.

b) Canada has an unfettered right to regulate navigation in the waters of the Canadian Arctic, including the waterways that make up the Northwest Passage, as they are internal waters of Canada. The legal status of these waters as internal waters is based on a strong foundation in international law.

c) Canada's sovereignty over the lands and islands of the Arctic is longstanding and undisputed, with the sole exception of tiny Hans Island. Regarding the waters of the Canadian Arctic Archipelago, our title is not based on the extent of ice cover. In addition, no one disputes that these waters are Canadian. The issue that has been a matter of disagreement with the United States is the extent to which Canada can control navigation by foreign-flagged vessels that engage in voyages across the waters of the Canadian archipelago.

Climate change may have the potential to increase the frequency of commercial navigation across the Northwest Passage as ice conditions improve in the future. With greater use for international navigation, it has been said that uncontrolled transits will contribute to the argument that an international strait could develop through the Canadian Arctic waters. For Canada,

1. no international strait exists in these waters, nor can one develop there, as these waters are internal to Canada by virtue of historic title and our sovereignty there is absolute.
2. in any event, Canada will continue to exercise effective control on foreign navigation in our waters and to ensure that navigation takes place in accordance with Canada's conditions.

Routine Proceedings

Canada's policy has been and remains that it will allow international navigation in Canadian Arctic waters, so long as conditions and controls established by Canada to protect security, environmental and Inuit interests are met.

d) Canada will continue to ensure that navigation in its Arctic waters is done in accordance with its regulations and controls.

e) This information is classified for reasons of national security.

f) It is important to indicate that the first and foremost advantage of submarines, whether nuclear or conventional, is to operate undetected. Conversely since the various waterways which make up the Northwest Passage are constricted by ice floes during most of the winter season, only nuclear submarines with under-ice operating capabilities can operate in such an environment. As such we assess that nations such as; the United States, Russia, United Kingdom and France have these capabilities. Nonetheless, during summer months, once the Northwest Passage is partially clear of ice, conventional submarines could potentially operate in these waterways. However since conventional submarines rely on fossil fuels to charge the batteries that permit them to operate underwater, it would be highly unlikely for a conventional submarine to venture on a distant operation such as the Canadian Arctic without surface vessel support and go undetected on such a voyage.

g) and h) With the exception of tiny Hans Island, claimed by Denmark, no one disputes Canada's sovereignty over the lands and islands of the Canadian arctic.

Similarly, with the exception of disputes on the maritime delimitation between Canada and the US in the Beaufort Sea and between Canada and Denmark (Greenland) in the Lincoln Sea, no one disputes that the waters of the Canadian Arctic belong to Canada.

With respect to the legal status of the waters of the Canadian Arctic archipelago, only the United States and the European Union have expressed their disagreement with the validity of the straight baselines which Canada drew around the Arctic archipelago in 1986, which confirmed the status of the waters of the archipelago as internal waters of Canada.

Question No. 12—Ms. Dawn Black:

With regard to planned procurement and construction by the Department of National Defence: (a) will the government follow the fast-tracked process for procurement outlined by the previous Minister of National Defence; (b) how will any processes for procurement differ from previous processes; (c) what is the government proposing in terms of equipment procurement over the next two years; (d) is the government beginning any feasibility studies of new military ports, particularly in the Arctic; (e) has the government undertaken any environmental impact studies on the results of creating a deep water port near Iqaluit; (f) has the government done any feasibility studies for icebreakers that could be used in the Arctic, and, if so, what was recommended as the most useful icebreakers for Canada in the Arctic; (g) has the government done any feasibility studies on a sonar listening system in the Arctic to detect foreign submarines, and, if so, what was the recommended configuration and cost of the system?

Hon. Gordon O'Connor (Minister of National Defence, CPC): Mr. Speaker, the answer is as follows:

a) Other than making recommendations to Public Works and refining internal processes, the Department of National Defence and

the Canadian Forces have no authority to make changes to the government procurement system.

b) Internally, the Department of National Defence's procurement process is being improved by defining operational requirements using high level mandatory requirements and focusing technical specifications on high level performance characteristics reducing the time required to prepare and respond to requests for proposals. In addition, off-the-shelf, civilian and military, products will be employed whenever mandatory requirements are met. As well, projects are being grouped under a single division to leverage the benefits and synergies of co-locating common project management activities. Finally, a specific effort is being made to recruit, train and manage professional project managers that will contribute to a faster process

c) In the short term, the department is currently evaluating options to ensure that the Canadian Forces have the right mix of equipment and hopes to pursue cabinet approval for a number of projects in the near future.

d) As of May 2006, the Department of National Defence and the Canadian Forces have not begun any studies for new military ports in the Arctic. However, the department is looking at options to improve its presence, surveillance and response capabilities in the Arctic.

e) As of May 2006, the Department of National Defence and the Canadian Forces have not completed any environmental impact studies on the results of creating a deep-water port near Iqaluit. However, it will be looking at environmental and consultative work on the Arctic in the near future

f) As of May 2006, no feasibility studies have been completed for the acquisition of icebreakers. Options to improve the Canadian Forces' presence, surveillance and response capabilities in the Arctic are under consideration.

g) The Department of National Defence has done extensive research and scientific evaluation, dating from the 1950s onwards, on means to implement an Arctic surveillance system for the detection of submarines transiting through Canadian Arctic waters. The department will continue to explore the best means and options for maintaining domain awareness in the Arctic, including submarine detection.

* * *

[English]

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, if Question No. 9 could be made an order for return, this return would be tabled immediately.

The Acting Speaker (Mr. Royal Galipeau): Is that agreed?

Some hon. members: Agreed.

Government Orders

[Text]

Question No. 9—**Ms. Chris Charlton:**

With regard to the mandate of the Office of the Superintendent of Financial Institutions (OSFI): (a) what criteria are used by the OSFI in determining whether the pension contributions by a company can be reduced; (b) what criteria are used by the OSFI in determining by how much a company's pension contributions can be reduced; (c) what criteria are used by the OSFI when determining whether the pension payouts by a company can be reduced; and (d) what criteria are used by the OSFI in determining by how much a company's pension payouts can be reduced?

(Return tabled)

[English]

Mr. Brian Jean: Mr. Speaker, I ask that the remaining questions be allowed to stand.

The Acting Speaker (Mr. Royal Galipeau): Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[English]

CRIMINAL CODE

The House resumed consideration of the motion that Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act, be read the second time and referred to a committee.

The Acting Speaker (Mr. Royal Galipeau): When we were last discussing the bill, the hon. member for London West had eight minutes left. I recognize the hon. member for London West.

Hon. Sue Barnes (London West, Lib.): Mr. Speaker, the Minister of Justice had questioned me. Instead of putting before this chamber the evidence that he was using, he went back to make more attacks on the judiciary. This is wrong.

We have a respect in this country for our court system. Most Canadians have a high regard for members of our judiciary because they do difficult jobs for us and society.

The minister has to be reminded that the Attorney General of Canada is normally the person who should stand up for the judiciary in public debate and actually is the highest legal officer of this Parliament. What we have is someone who seems to think it is fine to casually talk about our judiciary in a manner that does not show it the respect that it deserves.

We have a Criminal Code in this country. It sets out the penalties across the country, not just for one location but for everywhere, not just for people in one region but for all the diverse multitudes in Canada.

We know there are issues. We have to go back each time and look at what the Department of Justice in its 1994 report by the Firearms Control Task Force said about the mandatory minimums and what was said on the data at that time. There has been a lot more data compiled in various jurisdictions around the world since then, but this is not a bad summary to start off with.

I will go over some of the things. Charges with minimums are often plea bargained. The public is not aware of which offences are covered by minimums. The participants in the justice system alter their behaviour to mitigate the harshness of the sentence. Discretion shifts from the judges to the prosecutors. Minimums result in lower conviction rates. We are getting the reverse of what we are after with the wrong population.

The Minister of Justice in his comments to me made it sound like members on this side of the House do not want to have convictions on serious matters. Absolutely we do. We want the right people in jail and we want them there for whatever time period. We have a floor on many mandatory minimums. It is a floor, not a ceiling.

The judges have the discretion if we leave it with them to consider the circumstances of every case and make the sentence higher or lower, depending on the circumstances. The circumstances of the case applied to the law will give the most just result in our Canadian democratic society.

We do not want rough justice in this country. We do not want approximations. We do not want a one size fits all justice. We want situations where the proper people are kept in jail. Some of them should stay there for a long time, there is no doubt, especially violent repeat offenders.

We have those 10 listed offences right now with the gun crimes. We put them there. Our Liberal government put them there. Do not tell me there was not something done. It has been done. We have not had a study that shows the results of that legislation at this time.

Let us return to the same Department of Justice review of the data. As a means of incapacitation, that is taking somebody out of society, a person who is in jail cannot commit another crime. Minimums are estimated to have no more than a modest impact on crime rates for the target offence. There have been more studies on this but they are inconclusive. Minimums result in increased prison populations. Keep in mind that the stats at that time said it cost \$62,000 to house federal inmates. We know that in federal prisons it is a higher. It varies somewhat but it is a little higher than this on an annualized basis. Minimums increase trial rates.

Mr. Speaker, am I at my eight minutes?

● (1815)

The Acting Speaker (Mr. Royal Galipeau): You are running into the questions and comments period. You might want to have other questions.

Hon. Sue Barnes: I will wrap up my comments, Mr. Speaker. Minimums increase trial rates. Individuals will go to trial because the sanctions are so high. In the past it was said that judges get around the minimums. They will probably take a lesser, included charge and give a longer sentence.

Government Orders

There are different ways to get around the system with either juries, judges, prosecutors or even police at the charge stage. One can get around the system if its perceived to be too hard.

We came up with a better and smarter way. I know we had a tripartite way of dealing with it that not only had an ability to get the legislation done, and if had been reasonable legislation, this side of the House would have supported it. However, we needed to have more effective enforcement and we agree that we have more police on the ground now. When they are in the communities, they do have that effect. I think it is a good thing.

Social initiatives that address the root causes of crime are important too. I know that with our gun schemes, we were going to put \$50 million in crime prevention strategies in downtown Toronto. This number is not equaled by the current government. The Conservatives should rethink it. They should bring us something that has more of a holistic approach, more of a rational approach, then maybe we could get to crime and punishment that is effective and could support on this side of the House.

• (1820)

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Yukon will have little over a minute for a question and an answer.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, Dan Gardner did an excellent article in the *Ottawa Citizen* last week. There were only five examples that the justice department and the minister could come up with in support of the bill and research then found that some of it was not even supportive of the bill. A vast majority of research says that these mandatory minimums are harmful to society and do not solve the problem. Could the member comment on the research that has been done on this?

Hon. Sue Barnes: Mr. Speaker, I think there will be a speech in the House later evaluating those research papers and members should pay attention to it.

[*Translation*]

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): Mr. Speaker, today I am pleased and honoured to speak on behalf of my Bloc Québécois colleagues as we begin the debate on the second reading of Bill C-10 to substantially amend the Criminal Code. On behalf of the government, the Minister of Justice is asking the House to adopt this bill, which was introduced on May 4, that will make the law tougher by imposing minimum prison sentences for offences involving firearms.

According to the bill introduced by the minister, the Criminal Code will be amended to set out minimum prison sentences of five, seven or even ten years—depending on whether it is a repeat crime—for eight serious offences involving the use of a firearm. The prison sentence will be determined according to several factors, including whether the firearm in question is a restricted or prohibited weapon, or whether there is a link between the offence and a criminal organization. The bill also sets out minimum prison sentences of one to five years depending on whether it is a repeat offence linked to other gun crimes.

Finally the obsessive hard-line approach of the Conservatives, founded on their dominant law-and-order ideology, shall once again be manifested in the creation of two new offences: breaking and entering with intent to steal a firearm, and robbery to steal a firearm.

My colleagues and I have given the wording of the bill a very attentive reading and thorough analysis, and too many concerns came up which prevented us from simply taking a positive view of its principle, at this stage of its passage.

We are fundamentally opposed to the very approach of the Conservative government which, true to itself, is cultivating an obsession with security and proposing excessively populist solutions, guided by purely electoral ambitions and scornful of the possible solutions, and above all of concrete results. Not only are the solutions put forward by the Conservatives based on mistaken premises, but worse still, they are harmful, ineffective and will contribute nothing to the real improvement of citizen safety.

The wave of violence in the city of Toronto last year, together with the excessive media coverage it was given, was probably a major contributor to reinforcing the idea that the streets of our communities have become more dangerous than before. Repetitive media coverage of a tragedy and the attention that citizens develop to these horrifying images can probably distort the reality of a situation. That is precisely what the Conservatives are skilfully cultivating to create a veritable psychosis in the population.

In other words, the Conservatives are utilizing tragedies reported in the evening news to wage an insidious campaign of fear mongering and thereby promote their simplistic solutions, which, they hope, will find a select place in the collective unconscious under the false pretext of a resolute initiative to stamp out crime and violence.

The method is as old as the world, but the recent experience of the Bush administration south of the border demonstrates the limits of populist propaganda. Similarly, the Conservatives' premise that the most effective way to battle crime and wipe out violent behaviour is to adopt tougher enforcement measures is singularly mistaken, and flies in the face of the most basic logic.

It is not the fear of serving a long and difficult prison sentence that will dissuade an individual from committing a crime, even a violent crime. This is purely and simply because the individual whose plan led him to commit such a serious offence as an armed crime, simply does not have the same state of mind or heightened awareness of the true seriousness of the act he is preparing to commit as would an honest citizen. Criminologists and other experts on individual criminal behaviour define this psychological state of mind as an unbalanced perception of invulnerability. The criminal mind is convinced of the fact that it is not running any risk of being caught.

From that perspective, the spectre or threat of a long prison term does not apply to the individual. It thus becomes totally illusory as a dissuasive factor.

Government Orders

This state of affairs applies equally to the likelihood of recidivism by an offender sentenced for a major crime. As I was saying, the state of mind and the predisposition to commit another violent crime is often seen by the individual as an unexplained failure of an act that went awry. So, bad luck and the unconscious assurance that next time he will not be caught. But there is more. The court's obligation to impose minimum sentences, especially in the case of offences involving firearms, implies as well a limitation of the means of preventing crime and the prospects for the rehabilitation of the individuals. This is because the judges hearing the case of an individual found guilty of crimes subject to the provisions of the bill before us will inevitably and needlessly have their hands tied by the requirement in the legislation to sentence the person to prison.

● (1825)

If we assume that judges are the individuals most familiar with the details and circumstances of a crime that was committed, since they must analyze the case and render a decision, their ability to determine the most appropriate sentence would thus be limited, in light of all of the facts that will have been submitted.

There is an old common law principle justice must not only be done, but also seen to be done. Thus, convicting someone to several years of prison will certainly please a certain portion of society and give them a false sense of security, but this will do nothing to resolve the causes of that individual's behaviour.

For a long time now, the Bloc Québécois has made it clear that we strongly advocate fighting crime using an approach based on the rehabilitation of offenders. The Bloc believes that the most efficient means of truly limiting the scourge of violence is by first attacking its origins. The Bloc Québécois supports a model of justice whose cornerstone rests on a individualized process that takes into account the unique nature of each case. The model proposes lasting, truly deterrent solutions that are based on rehabilitation.

Despite the Conservative Party's firm language, the government's approach is doomed to failure and will do nothing to address the

situation. At best, we will imprison people who will brood about their frustrations for years and very likely form a desire for revenge against the system that punished them instead of helping them rehabilitate themselves.

Of course, there will always be certain people for whom the value system that guides society will never be anything more than another constraint to break free of. But individuals who are deemed to be beyond redemption are not released and remain incarcerated.

By increasing minimum sentences according to the number of previous convictions, the government is admitting that its proposal is ineffective. The minister is calling for even stricter sentences for repeat offenders because he understands that their initial prison term, without guidance, will serve no purpose and that the sentence, as strict as it may be, will not have the desired deterrent effect. Then there is the highly predictable impact that serving a long and difficult sentence in a penitentiary—a nightmarish prospect that offers no comfort—will have on someone convicted of a first offence.

Penitentiaries are often described as veritable crime schools. There is a good chance, then, that during a mandatory five-year minimum sentence, an individual who may not have been headed for a life of crime will have access to all the tools he needs to complete his criminal education, so to speak.

In conclusion, I would suggest that the government, and particularly the Departments of Justice and Public Safety, work to restore public confidence in the parole process if they really want to make sweeping reforms to the justice system.

● (1830)

The Acting Speaker (Mr. Royal Galipeau): It being 6:30 p.m., the House stands adjourned until 10 a.m. tomorrow, pursuant to Standing Order 24(1).

(The House adjourned at 6:30 p.m.)

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