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Friday, December 2, 2011

Speaker: The Honourable Andrew Scheer

The House met at 10 a.m.

Prayers

GOVERNMENT ORDERS

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(1005)

Safe Streets and Communities Act

Hon. Diane Ablonczy (for the Minister of Justice)

moved that Bill C-10, An Act to enact the Justice for Victims of Terrorism Act and to amend the State Immunity Act, the Criminal Code, the Controlled Drugs and Substances Act, the Corrections and Conditional Release Act, the Youth Criminal Justice Act, the Immigration and Refugee Protection Act and other Acts, be read the third time and passed.

Ms. Kerry-Lynne D. Findlay (Parliamentary Secretary to the Minister of Justice, CPC):

Mr. Speaker, I am pleased to take part in the third reading debate on Bill C-10, the safe streets and communities act. I would also note that being Friday, I am wearing red today in honour of our troops, never forgotten.

This short title, though a mere six words, says so much and is so apt. At its core, it reflects the June 2011 acknowledgement in the Speech from the Throne that the Government of Canada has no more fundamental duty than to protect the personal safety of our citizens and defend against threats to our national security. Our government takes this constitutional duty to protect seriously.

It is apt because it reflects one of the most important issues that I hear about from my constituents and from Canadians across this country. Since becoming a Member of Parliament and the Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, I have had the incredible opportunity to meet with Canadians from all walks of life, from coast to coast to coast.

Whether I am meeting with victims, police, representatives from non-governmental organizations or individual concerned citizens, one issue that is always top of mind is personal safety and the desire to have greater confidence in our justice system, better balance between the rights of the accused and convicted, and a recognition of the effect and cost of crime on victims.

Everyone wants their loved ones to be safe in their homes and to feel safe in their communities. Canadians look to us, to the Government of Canada, and indeed to all parliamentarians to demonstrate real leadership in safeguarding them and in taking concrete measures to realize it.

That is a message that I have heard and continue to hear, and indeed that is the message and mandate delivered by Canadians to this government last May. This is what the safe streets and communities act delivers. Its proposed amendments reflect what we hear directly from Canadians, but let us consider what Canadians have said about Bill C-10 to all parliamentarians.

Bill C-10 will provide important new measures to meet unmet needs of victims. Importantly, it will provide victims of terrorism with a cause of action; that is, with the right to sue terrorists and those who support acts of terrorism, including listed foreign states, and to seek redress from them and hold them accountable.

These are historic measures important to victims and to Canadians generally. What have people said about these reforms to support victims of terrorists?

Maureen Basnicki, founder and director of the Canadian Coalition Against Terror, who lost her husband in the World Trade Centre tragedy on September 11, 2001, appeared before the justice committee to express her support for these reforms in Bill C-10. On October 25 of this year she said:

It has now been seven years since CCAT initiated the campaign for the passage of this type of legislation. During this time, no fewer than 10 such bills were introduced in the House of Commons and the Senate, with Bill C-10 being the most recent iteration. CCAT looks forward to the passage of the eleventh and final version of this bill within 100 sitting days, as promised by the government.

I am testifying today on behalf of Canadians who are victims of terror and on behalf of Canadians who are not yet victims of terror. I am here because it is a fundamental right of every Canadian, of every person, not to be a victim of a terrorist attack.

JVTA speaks precisely to this right. If this bill is effective even once in deterring a terrorist attack, it will have served its role in safeguarding that right. It will have been worth the thousands of hours of effort invested by Canadian terror victims in getting this measure passed.

The safe streets and communities act also proposes Criminal Code reforms that seek to consistently and adequately condemn all forms of child sexual abuse through the imposition of new and higher mandatory sentences of imprisonment, as well as some higher maximum penalties, and that seek to prevent the commission of child sexual offences.

(1010)

I can think of no higher calling than to be able to participate in substantive legislative changes that better protect our most precious resource, our Canadian children.

What have others said about these reforms? Sheldon Kennedy, the co-founder of Respect Group Inc. and himself a survivor of child sexual abuse, said to the justice committee on October 20 of this year:

Is there a parent in this country who would have an issue with protecting their children from this predator—

He was referring to the offender who sexually assaulted him. He continued:

--and others like him? Pardons should be eliminated for all child sexual offenders, period...we need to toughen sentencing for child sex offences. They just don't seem in line with the damage they leave in their wake, not even close.

I would underscore that this is damage that lasts throughout a victim's lifetime. He continued saying that:

--the fundamental reason for change to these laws is simple: we can't let these perpetrators walk freely among our youth organizations, our schools, our neighbourhoods, and our workplaces. Children need to feel safe, and parents have to trust that the government is playing a role in protecting them. Criminals need to be held accountable and be dealt with consistently with clearly defined consequences.

He completed his remarks by saying:

I want to thank this government for standing up for victims and finally taking action. It's about time someone gets tough on criminals.

Again, from my point of view, how can such a victim's statements not touch all our hearts? Bill C-10 also proposes reforms to the Controlled Drugs and Substances Act that include imposing mandatory minimum penalties for the most serious drug offences.

Mr. Tom Stamatakis, president of the Canadian Police Association, which represents over 41,000 front-line police, had this to say on November 1 of this year:

To be absolutely clear, the CPA entirely supports the goals and methods contained within Bill C-10...Every day our members see the devastating effects drug traffickers and producers have in all of our communities. Those police officers are the ones who constantly have to arrest the same drug dealers and producers over and over again and stop them from poisoning our children and grandchildren and robbing them of their futures.

Whether it is by keeping dealers and producers off the streets and out of business or by serving as a deterrent to potential dealers, Bill C-10 will help our members do their jobs and keep our communities safe. In simple terms, if you keep these criminals in jail longer, you take away their opportunity to traffic in drugs.

Bill C-10 also proposes much needed reforms to the Youth Criminal Justice Act, so that it can deal more effectively with violent and repeat young offenders and ensure the protection of the public.

The hon. Marie-Claude Blais, the minister of justice and attorney general of New Brunswick, had this to say about these reforms to the justice committee on November 3:

Without hesitation, we support the efforts to strengthen these laws aimed at protecting the victims of crime, protecting our children and giving a voice to victims.

As for changes to the Youth Criminal Justice Act, our prosecution branch supports the changes and feels that this bill will give the tools required to effectively protect the public. As per the Nunn Commission of Inquiry in Nova Scotia, we feel that this goal of protection of the public is a must. To that point, I think from past experience and speaking with justice partners, there has been an inability to deal adequately with extremely dangerous behaviour. Police and prosecutors require tools to protect the public and this act provides them with those tools.

I wish to also point out that, as confirmed by many provincial premiers and attorneys general, these are reforms the provinces have asked for from the federal government in our continuing dialogues with our justice partners.

I have taken some time to highlight what others are saying about specific components of Bill C-10, but I want to close with one last quotation about the overall importance of Bill C-10.

(1015)

The president of the Canadian Association of Chiefs of Police, Chief Dale McFee, on October 20 said the following, in part:

Canadians want to know that if they are victims of crime, the perpetrators will be dealt with fairly by the criminal justice system and will face the appropriate consequences for serious criminal acts. When we talk about terrorism, organized crime, serious violent and/or sexual crimes, producing or trafficking controlled substances, and many other criminal acts related to this bill, let me emphasize we are talking serious crime, and this type of activity simply is not acceptable.

In dealing with such crimes, we need to extend protection to the most vulnerable members of society, we need to enhance the ability of our justice system to hold criminals accountable for their actions, and we need to improve the safety and security of all Canadians.

This is what Canadians want, this is what Canadians deserve, and this is exactly what the safe streets and communities act would deliver. We are proud to stand up for the law-abiding public in Canada. We are proud to keep our commitments to victims.

These measures would help to ensure that our justice system remains one of integrity and that the right balance between the rights of the accused and the convicted are measured against the need for offender accountability and giving voice to their victims.

Ms. Irene Mathysen (London—Fanshawe, NDP):

Mr. Speaker, I noted that the parliamentary secretary said that this was a very important bill. I wonder, if it is so important, why are we allowing only three hours of debate at third reading. It would seem to me that it deserves far more.

One of my questions pertains to her remarks regarding the section that deals with child sexual assault. We agree, on this side of the House, that it is very important to protect our children. If it is so important to the government, why, when the opposition agreed to separate this part of the bill so it could have speedy passage, did the government refuse, and is now dragging things through the Senate when we could have had this piece of the act in place long ago and protected our children?

Ms. Kerry-Lynne D. Findlay:

Mr. Speaker, there are really two parts to that question.

As I said in my speech, this legislation has had many previous iterations before Parliament. We have had some 363 witnesses appear at 67 committee meetings, and 261 speeches, before today's speeches, on this legislation. This government feels the time to act is now and the time for talking about it is over.

With respect to the issue of child protection, it is true that the opposition supported the offences and the changes in sentencing with respect to child sexual offences. However, it did not support in any way the aspects of the bill dealing with drug trafficking, which was an attempt, among other things, to protect our children. It would target those who would traffic to our children, yet the NDP was content to have much softer accountability for those criminals and not go after organized crime.

We are not afraid of organized crime. We are not afraid of standing up for our children with respect to drug trafficking as well as child sex offences.

Mr. Kevin Lamoureux (Winnipeg North, Lib.):

Mr. Speaker, if we listen to the parliamentary secretary, we would think that everything is okay. After all, the Conservatives bring in this bill which should have been eight or nine pieces of legislation and then the parliamentary secretary tries to give the impression that there is some sort of consensus of the stakeholders. The reality is that there is nothing close to a consensus from the stakeholders.

We have provinces that are completely offside, that are calling into question this legislation. We have many different stakeholders raising flags and saying that this legislation is fundamentally flawed. We have had the member for Mount Royal make amendments to the legislation, which the government turned down. Then the

government recognizes and tries to amend it at third reading and finds out that no, it cannot do it.

Why will the government members not open their minds and recognize that there are fundamental flaws in Bill C-10, and that amendments are necessary? Why will they not recognize the need to send this bill back to committee so it can be properly amended today?

(1020)

Ms. Kerry-Lynne D. Findlay:

Mr. Speaker, I reject the premise of that question from the hon. member. As I stated earlier, very pieces of legislation that have been before this House have been studied as much as this bill and its components. Yes, it is comprehensive legislation that brings together nine bills, but those have been studied, they have had witness testimony, speeches and committee hearings, as I have already pointed out.

As to dialoguing with our provincial and territorial counterparts, this is an ongoing matter. This is something we do continuously. It is disingenuous of the hon. member to suggest that we are not listening.

The Premier of British Columbia has praised the legislation. The Attorneys General for Saskatchewan and Manitoba have come out in praise of it. I quoted some of what the Attorney General for New Brunswick had to say. Not only that, the Attorney General for Saskatchewan publicly stated, "These are reforms we've been asking for. We've been asking the federal government to take action, and we're glad they have".

Mr. Scott Armstrong (Cumberland—Colchester—Musquodoboit Valley, CPC):

Mr. Speaker, during the campaign, every Conservative went door to door across this country from end to the other and said that we would pass the omnibus crime bill within the first 100 sitting days.

I want to know if the member thinks that is an important commitment that our party should keep.

Ms. Kerry-Lynne D. Findlay:

Mr. Speaker, of course it is important to keep our commitments. This is something that not only did this government campaign on in the last election but in several previous elections. We have consistently said that we will stand up for law-abiding Canadians and that we will protect victims. We

pledged to do that within the first 100 sitting days and we intend to honour our commitments to those people.

Members heard in my statements comments from spokespeople for the victims rights groups. They have been waiting for this. They have been struggling for it. They have been advocating for it.

It is the right balance. We are the only party that is seeking balance.

[*Translation*]

Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP):

Mr. Speaker, this omnibus bill always makes me think of the late Italian anti-Mafia magistrate Giovanni Falcone. Before he died, he said that there were three kinds of policies: those that work for the Mafia, those that work against the Mafia and—the most dangerous of all—those that let the Mafia be.

There are a lot of measures in Bill C-10, but there are a lot of things missing too. It does not address the serious crime of money laundering. Where are the regulations against money laundering in this bill? Is there special punishment for people who import cocaine in containers? Will police officers be assigned to the fight against serious crime? The bill does not talk about that.

The government is increasing prison sentences for petty criminals, for people who sell drugs. We all agree that criminals must be punished. But we should start by going after organized crime, after the people who commit crimes, who bring in containers and order assassinations. I would like to know this will affect organized crime, when we know that any small-time drug dealer is easily replaced.

[*English*]

Ms. Kerry-Lynne D. Findlay:

Mr. Speaker, I agree with the member. We need to be serious in our approach to organized crime. One of the very important parts of this legislation is that where someone is convicted of drug trafficking and it is proven that he or she is part of organized crime, then minimum mandatory penalties do come into force. There are aggravating factors set out in this legislation where someone is part of organized criminality, or where there are threats of violence or actual violence, or where our children are targeted in their schools and elsewhere. That is where the mandatory minimum penalties come into force.

Is it everything? No, it is not. However, not everything can be in one particular piece of legislation. This is part of an overall program of this

government for greater truth in sentencing, to restore confidence in the justice system and to hold those criminals to account. We take the threat of organized crime very seriously and we will continue to move in that direction.

(1025)

Mr. Andrew Cash (Davenport, NDP):

Mr. Speaker, we are debating this bill for the first time at third reading this morning and the debate will end this afternoon. This is a massive piece of legislation. This is an outrageous display of lack of democracy on the part of the government. Stakeholders right across the country are asking for more input.

The government, however, at the 11th hour is realizing that it should have passed some of the amendments that it rejected in committee and is now trying to stuff them in at the last minute. The government is floundering about trying to get this right and pretending that it has consulted all stakeholders.

The Canadian Bar Association has 10 reasons that Bill C-10 needs to be rejected. One of them is that this is a rush job. We should be much more diligent. We should be doing research and listening to Canadians. Why is the government refusing to listen to Canadians on the issue of Bill C-10?

Ms. Kerry-Lynne D. Findlay:

Mr. Speaker, there is nothing rushed about this whatsoever. This is the fourth time that the drug trafficking proposals have been before Parliament. The component parts of this comprehensive legislation have been studied, debated and discussed. We have gone through clause by clause in committee. As I said earlier, 67 committee days were devoted to this, with over 261 speeches and 363 witness appearances, 50 of whom we just heard from in the last few weeks. There is nothing rushed about it.

However, what we are in a rush to do is stand up for law-abiding Canadians and keep our commitments to victims of crime who feel they are voiceless in the present system and want those who perpetrate crimes to suffer the penalties that are commensurate with the severity of the crimes.