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Speaker: The Honourable Andrew Scheer

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Government Orders

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Safe Streets and Communities Act

The House proceeded to the consideration of 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, as reported (with amendments) from the committee.

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

Madam Speaker, I am very pleased to speak today about Bill C-10, the safe streets and communities act, to highlight that this bill is a reflection of our commitment to tackling crime, increasing public safety, and restoring the confidence of Canadians in the justice system.

The people of Canada know they can count on us to deliver on our commitments. Bill C-10 includes nine bills from the previous Parliament. Many critics of the bill argued that the bill was too big and too difficult to understand. I would note that the bill has had a thorough review in the Standing Committee on Justice and Human Rights. There has been no difficulty at all in understanding what these reforms seek to do. While not all members share the government's approach, I think all members of the committee would agree that their voices have been heard and we have had a respectful exchange of views.

As has been noted many times, all of these reforms have been previously introduced in Parliament. Many were previously studied and some even passed by at least one chamber. These bills were at various stages in Parliament in the last session, have been debated and studied in this session, and the public and stakeholders as well as members of Parliament are by now very familiar with these proposals.

Despite this familiarity, it is worth noting the elements and the origins of Bill C-10, in other words, the nine bills that were introduced in the last session of Parliament. As the Minister of Justice indicated at second reading debate, some changes have been made to this bill due primarily to the need to co-ordinate the merger of several bills into one and make consequential amendments to effect these changes. In some cases, other modifications were made, all of which are consistent with the objectives of the bill as originally introduced.

The former bills now included in Bill C-10 are the following.

Bill C-4, which proposed to amend the Youth Criminal Justice Act to ensure that violent and repeat young offenders are held accountable through sentences that are proportionate to the severity of their crimes and that the protection of society is given due consideration in applying the act.

Bill C-5, Keeping Canadians Safe (International Transfer of Offenders) Act, which proposed to enhance public safety by modifying the circumstances that would permit an international transfer of an offender.

Bill C-16, which proposed Criminal Code amendments to prevent the use of conditional sentences, or house arrest for serious and violent offences.

Bill C-23B, Eliminating Pardons for Serious Crimes Act, which proposed to amend the Criminal Records Act to expand the period of ineligibility to apply for a record suspension, currently referred to as a pardon, and to make record suspensions unavailable for certain offences and for persons who have been convicted of more than three offences prosecuted by indictment.

Bill C-39, Ending Early Release for Criminals and Increasing Offender Accountability Act, which proposed amendments to the Corrections and Conditional Release Act, to support victims of crime and address inmate accountability and responsibility and the management of offenders.

Bill C-54, Protecting Children from Sexual Predators Act, which proposed Criminal Code amendments to better protect children against sexual abuse, including by increasing the penalties for these offences and creating two new offences aimed at certain conduct that could facilitate or enable the commission of a sexual offence against a child.

Bill C-56, Preventing the Trafficking, Abuse and Exploitation of Vulnerable Immigrants Act, which proposed to amend the Immigration and Refugee Protection Act to authorize immigration officers to refuse work permits where it would protect vulnerable foreign nationals against exploitation, including sexual exploitation.

Bill S-7, the Justice for Victims of Terrorism Act, which proposed reforms to allow victims of terrorism to sue terrorists and supporters of terrorism, including listed foreign states.

Bill S-10, Penalties for Organized Drug Crime Act, which proposed amendments to the Controlled Drugs and Substances Act to provide mandatory minimum penalties for serious drug offences, including when offences are carried out for organized crime purposes, or if they involve targeting youth.

(1200)

The maximum penalty for the production of some drugs would also be increased. These amendments also proposed to allow a sentencing court to delay sentencing while the offender completed an approved treatment program.

Bill C-10 was studied by the justice committee over several weeks and over 90 motions to amend the bill were considered. While very few were passed and many were completely inconsistent with the principles underlying the bill, each motion was given due consideration.

I would also note that over 80 motions have been proposed at report stage. Many of these motions seek to completely undo or gut the proposed amendments.

As I noted at the outset of my remarks, Bill C-10 reflects our government's commitment to restoring public confidence in our justice system. Clearly, the motions proposed at report stage demonstrate that this commitment is not shared by other members of the House.

There has been a great deal of discussion about the elements of the bill that provide for mandatory minimum penalties and that restrict conditional sentences. The reality is that these reforms are carefully tailored and targeted to offenders who commit the most serious offences.

Should offenders convicted of arson receive a conditional sentence allowing them to serve out their sentence at home under certain conditions? Should an offender convicted of an offence with a maximum sentence of 14 years ever be permitted to serve that sentence in the comfort of the offender's home?

Even under the strictest of conditions I think all Canadians would agree that no matter what the conditions of house arrest may be, it is simply not appropriate for serious offences. Bill C-10 reforms will make that crystal clear.

I would note that motions to amend the proposed reforms to the conditional sentencing provisions were made at committee and again at report stage. Without going into detail, those motions sought to permit conditional sentences to be imposed without regard to any criteria to limit their imposition as long as certain other exceptional circumstances existed about the offender. Such sentences are not appropriate for some offences regardless of the offender's particular circumstances.

Conditional sentences were never intended to be used for the most serious or violent offences. Our reforms will clarify this once and for all and will provide the clear parameters for use of conditional sentences or house arrest.

As I noted, part 2 of the safe streets and communities act includes former Bill S-10, Penalties for Organized Drug Crime Act. These reforms have been introduced in three previous Parliaments and have been passed by both chambers but never by both in the same session.

Despite our repeated debates and committee study of these reforms, there still remains much misunderstanding about the mandatory minimums for serious drug offences. As noted by other speakers, the minimum mandatory penalties are tailored to serious drug offences where aggravating factors are present.

Importantly, the amendments include an exception that allows courts not to impose the mandatory minimum sentence if an offender successfully completes a drug treatment program or DTC, as it is referred to. The program works with individuals who have been charged with drug-related offences who meet certain eligibility criteria to overcome their drug addictions and avoid future conflict with the law. It involves a blend of judicial supervision, incentives for reduced drug use, social services support and sanctions for non-compliance.

There are currently six drug treatment courts in Canada. They are located in Ottawa, Toronto, Winnipeg, Regina, Edmonton and Vancouver. The same exception applies for other programs, so that a court could delay sentencing to allow the offender to attend another approved treatment program.

This last point seems to have been overlooked by some members and we all share the concern about the need for mental health resources. However, the Criminal Code already permits a court to delay sentencing to permit an offender to attend an approved treatment program. This could be a program for mental health issues, anger management or other similar issues. This already exists in the code.

I will conclude by saying that the government is committed to public safety and improvements to the justice system, and will continue to deliver on the promises that we have made to Canadians.

(1205)

[*Translation*]

Ms. Rosane Doré Lefebvre (Alfred-Pellan, NDP):

Mr. Speaker, the government is introducing a bill that will increase the prison population in federal institutions.

I have a few questions about that. Several federal penitentiaries are located in my riding. At present, the employees of institutions that house inmates already have many problems in relation to quality of life, health and workplace safety. These institutions are not even at full capacity, yet there are already problems.

Does my hon. colleague believe that the number of employees working in these federal penitentiaries will be increased? Is there anything in this bill to protect the employees already on the ground, given that the prison population will increase and more and more problems will arise in prisons?

[English]

Ms. Kerry-Lynne D. Findlay:

Mr. Speaker, one of the problems I am finding in this debate back and forth is that everyone keeps looking within the four corners of this particular comprehensive legislative package for all the answers. There are ongoing programs and ongoing dialogue with our provincial and territorial partners.

As we know, with the division of powers in Canada, the federal government is responsible for legislating on criminal law and the provincial governments for administering it. The conditions in prisons, how prisons are run and how staffing is done is part of an ongoing dialogue. These are things that continue to be worked on and those concerns will be brought forward in those dialogues.

[Translation]

Ms. Hélène LeBlanc (LaSalle—Émard, NDP):

Mr. Speaker, I have a question for the Parliamentary Secretary to the Minister of Justice. As elected officials and government members, they have a duty to base their decisions on experts' studies in order to create informed policies.

She said the bill aims to restore the confidence of Canadians in our justice system. What study is the member basing that statement on?

(1210)

Ms. Kerry-Lynne D. Findlay:

Mr. Speaker, I do not know that one needs studies to know. I certainly heard it when I was knocking on doors during the last election campaign. As a lawyer of 30 years, I have been hearing for the last 30 years from members of the public that they do not understand why the punishment for certain crimes is not commensurate with the severity of the crime. They do

not understand why someone convicted, not just accused but convicted, of serious and violent offences can serve some of that time or any of that time in a conditional sentence or in their own homes.

This is an ongoing problem in the public's mind and one that we are adamantly seeking to address with this legislation.

Hon. Irwin Cotler (Mount Royal, Lib.):

Mr. Speaker, the other parliamentary secretary made reference to the fact that we should be going across the country and listening to Canadians, not engaging in fear-mongering. I have gone across the country and I have listened to Canadians, both in my former capacity as minister of justice and now as an MP, on this bill.

I would like to put two questions. Is it fear-mongering to raise evidence-based critiques of mandatory minimums, some of which are based on evidence contained in Department of Justice publications, as I know them to be?

Second, is it fear-mongering to raise concerns about whether Bill C-10 comports with the Canadian Charter of Rights and Freedoms when the minister of justice, whoever he or she may be, has a constitutional duty to ensure that legislation comports with the Charter of Rights and Freedoms?

Ms. Kerry-Lynne D. Findlay:

Mr. Speaker, of course there is a duty on behalf of the Minister of Justice to put forward legislation that complies, in our view, with the Charter of Rights and Freedoms. However, as the hon. member said himself in the justice committee, there is also a constitutional duty for the minister in his portfolio to protect the public. That is exactly what this is aimed at doing.

A lot of rhetoric has been coming from the other side, most of it hysterical, and I do mean that in both senses of the word. There were 40 mandatory minimum penalties in the Criminal Code before this government took office that were either introduced by the Liberal Party, which he represents, or were not repealed by that party.