



# A STRONGER, SAFER, BETTER CANADA

FALL 2010



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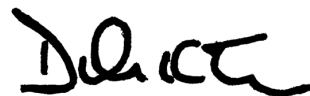
Dear Constituents,

It is my pleasure to write to you at the beginning of another session of Parliament in Ottawa. I want to take this time and highlight for you some of the proposed legislation our Government has brought forward to ensure safety and security for all Canadians and their families.

I feel it is important for you to be updated on what it is we are doing to make our country safer and allow you the opportunity to send me your thoughts regarding these important initiatives.

Our Government will continue to stand up for law-bidding Canadian families, safer streets, and better justice for all Canadians

Sincerely,



**STAND UP FOR CANADA**



**Dave Van Kesteren, M.P.**  
Chatham-Kent Essex



## **Ending Entitlements for Prisoners (C-31)**

**“The Government is taking action to put an end to entitlements for prisoners and ensure that those Canadians who have spent their lives working hard and playing by the rules receive the benefits they deserve.”**

**- Senator Boisvenu**

In June 1st, Minister Finley and Senator Pierre-Hugues Boisvenu tabled a bill that will amend the Old Age Security Act and terminate payment of Old Age Security (OAS) benefits to convicted criminals.

The OAS program is funded through general tax revenues and is designed to help seniors meet their immediate and basic needs in retirement. Since an inmate’s basic needs, such as food and shelter, are already met and paid by public funds, there is no reason for Canadian taxpayers to also fund income support for inmates through OAS benefits.

**“As a result of the action of our government, inmates will no longer be able to collect taxpayer funded Old Age Security payments. Our government committed to taking immediate action to stop these payments, and Canadians know that when our government makes a commitment, we follow through.”**

**- The Honourable Diane Finley, Minister of Human Resources and Skills Development**





**Dave Van Kesteren, M.P.**  
Chatham-Kent Essex



## **Protecting the Public From Violent Young Offenders (C-4)**

On March 16th the Minister of Justice announced legislative amendments to strengthen the way the young offenders system deals with violent and repeat young offenders.

**The legislation will give Canadians greater confidence that violent and repeat young offenders will be held accountable for their actions. It will help ensure that the protection of society is given due consideration in sentencing these offenders.**

The bill is entitled Sébastien's Law in memory of Sébastien Lacasse and to honour the dedication of his parents, Line and Luc. The Lacasse family and other courageous families have worked tirelessly as advocates for the rights of victims, to make a difference in the lives of others. In bringing forward this bill we are acknowledging all Canadian families who have lost loved ones in crimes involving youth violence.

The proposed amendments to young offenders legislation would:

- make protection of society the primary goal;
- simplify the rules to keep violent and repeat young offenders off the streets while awaiting trial, when necessary to protect society;
- require the courts to consider adult sentences for youth convicted of the most serious crimes – murder, attempted murder, manslaughter and aggravated assault;
- enable the courts to impose more appropriate sentences on other violent and repeat offenders, as necessary in individual cases – to use existing sanctions in a way that would discourage an individual from offending again; to use a pattern of escalating criminal activity to seek a custodial sentence when necessary; to impose a custodial sentence for reckless behaviour that puts the lives and safety of others at risk; and
- require the courts to consider publishing the name of a violent young offender when necessary for the protection of society.



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Chatham-Kent Essex



## **Ending House Arrest for Property and Other Serious Crimes (C-16)**

**“We think that it is wrong that arsonists are allowed to serve their sentence in the comfort of their own homes after they have burned other homes down.”**

**- The Honourable Vic Toews, Minister of Public Safety**

On April 22nd the Minister of Justice re-introduced legislation that would restrict the use of conditional sentences. A conditional sentence is a sentence of imprisonment of less than two years that may be served in the community – for example, under house arrest – provided several pre-conditions are met.

The amendments will remove the reference to Serious Personal Injury Offence in the *Criminal Code* and instead make it clear that conditional sentences are not available for the offences listed below.

All offences for which the law prescribes a maximum sentence of 14 years or life including:

- aggravated assault, arson, fraud, making or possessing counterfeit money, perjury, acts of piracy, use of airgun or air pistol causing bodily harm, endangering safety of aircraft/airport, failure to stop at scene of accident – causing death, dangerous operation of a motor vehicle - street racing causing death, accessory after the fact to murder, robbery or break and entry to steal a firearm, hostage taking and extortion.

Offences prosecuted by indictment and for which the law prescribes a maximum sentence of imprisonment of 10 years that

- result in bodily harm, involve the import/export, trafficking and production of drugs or involve the use of weapons.

Offences listed below for which the law prescribes a maximum penalty of 10 years when prosecuted by indictment

- Prison breach, Luring a child, Criminal harassment, Sexual assault, Kidnapping, forcible confinement, Trafficking in persons - material benefit, Abduction, Theft over \$5000, Breaking and entering with intent, Being unlawfully in a dwelling-house or Arson for fraudulent purpose.



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Chatham-Kent Essex



## **Combating Terrorism Act (C-17)**

On April 23rd, Minister Nicholson and Member of Parliament Daniel Petit announced the introduction of legislation to reinstate necessary measures to combat terrorism.

**Our government is working to give law enforcement the tools they need to combat terrorism while protecting fundamental rights and freedoms. These measures will help law enforcement to investigate terrorism offences - those already committed and those being planned - and to prevent terrorist activity.**

The "investigative hearing" provision allows a judge to order a person to answer questions or produce documents, when there are grounds to believe a terrorism offence has been or will be committed.

"Recognizance with conditions" is a provision whereby a person agrees to abide by conditions imposed by a judge to prevent terrorist activity.

The legislation proposes to reinstate these provisions for five years. It would add safeguards to protect the fundamental rights and freedoms of individuals who may be subject to them.

## **Protecting Children from Online Sexual Exploitation (C-22)**

On May 6th, 2010 Minister Nicholson announced the introduction of legislation that would require suppliers of Internet services to report online child pornography to authorities.

**This legislation is the next step in our governments efforts to help fight the sexual exploitation of children. The bill would require suppliers of Internet Services to report to a designated agency tips they receive from the public.**

It would require suppliers of Internet services to notify police and safeguard evidence if they believe a child pornography offence has been committed using an Internet service they provide. At the moment such actions are voluntary. The bill would set graduated fines for failure to comply.



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Chatham-Kent Essex



## **Standing Up for Victims of White Collar Crime (C-21)**

Fraud can have a devastating impact on the lives of its victims, including loss of life savings and feelings of humiliation for having been deceived into voluntarily handing over their property.

On May 3rd, 2010 Minister Nicholson announced the introduction of legislation to establish mandatory jail time for fraud over \$1 million and to help ensure the voices of victims are heard when white collar criminals are sentenced.

**The legislation would make jail time mandatory for fraud over \$1 million, by setting a new mandatory minimum sentence of two years for such crimes, add new aggravating factors to toughen sentences—factors such as the impact on the victim and the magnitude of the fraud.** It would require judges in all fraud cases to consider demanding offenders make restitution to their victims and allow affected groups to submit Community Impact Statements to the court.

## **Repealing the Faint Hope Clause (S-6)**

On April 20th, Minister Nicholson announced the introduction of legislation to repeal the “faint hope clause” so that criminals who commit first- or second-degree murder will no longer be able to apply for early parole.

**Those currently serving a life sentence or awaiting sentencing will face tougher rules when they apply for early parole.**

By ending the faint hope reviews, we will spare victims’ families the anguish of attending sentencing repeated parole eligibility hearings and having to relive their losses, over and over again.



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Chatham-Kent Essex



## **Eliminating Pardons for Serious Crimes Act (C-23)**

On May 12th, 2010 Minister Toews and Senator Boisvenu announced legislation to replace the current system and eliminate pardons for serious crimes.

**Anyone convicted of a sex offence against a child would be permanently ineligible for a pardon. Those convicted of more than three indictable offences would also be permanently ineligible.** In all other cases, the legislation would increase the period of ineligibility for a record suspension – to five years for summary conviction offences, and to ten years for indictable offences.

Our government believes the system should not put the rights of criminals ahead of the rights of victims and law-abiding citizens. The current pardons' system implies that what the offender did is somehow okay, or is forgiven, or that the harm done has somehow disappeared. Under the current system "pardons" are granted almost automatically. The new system would allow a "record suspension" in more limited circumstances.



**Prime Minister Stephen Harper meets with victims' rights advocates and Sheldon Kennedy, former NHL Player**



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Chatham-Kent Essex



## **Drug and Alcohol Prohibition Compliance (C-30)**

On May 31st, 2010 the Minister of Justice introduced a bill that would help control criminal behaviour by ensuring that individuals comply with court orders prohibiting drug and alcohol use.

**The proposed amendments would enable better monitoring of individuals under court ordered supervision at risk of offending if they do not comply with drug and alcohol prohibition conditions. The legislation would allow police and probation officers to demand bodily samples necessary to test for alcohol or drug consumption by offenders.**

Ensuring compliance with prohibition conditions regarding drugs and alcohol should help decrease criminal conduct. Failure to provide a sample under these conditions would be a breach of the court condition, which can result in imprisonment for up to 2 years.

## **Auto Theft and Property Crime (S-9)**

On May 12th, 2010 Minister Nicholson announced legislation to tackle property crime, including the serious crimes of auto theft and trafficking in property obtained by crime.

**This legislation will create a specific offence of "motor vehicle theft," a specific offence of VIN-tampering, and a general offence to address all forms of trafficking in property obtained by crime.** It will allow the Canadian Border Services Agency to investigate, identify and detain imported vehicles or vehicles about to be exported. This legislation will also see that an offender faces mandatory jail time of at least six months for a third and subsequent conviction of motor vehicle theft.

This legislation will give law enforcement and prosecutors new tools to deal with repeat offenders and to combat those who participate in criminal marketing chains. About one in five cases of auto theft is the work of organized crime. By cracking down on auto theft, our government is disrupting the criminal enterprises that make gangs and organized crime profitable.



**Dave Van Kesteren, M.P.**  
Chatham-Kent Essex



## **Cracking Down on Organized Crime (S-10)**

On May 12th, 2010 Minister Nicholson announced legislation setting mandatory jail time for serious drug crimes, specifically targeting gangs and organized crime.

The production and trafficking of illicit drugs is the most significant source of money for gangs and organized crime. The proposed legislation would assist law enforcement agencies in cracking down on drug producers and dealers who threaten the safety of our children, neighbourhoods, and communities.

Traffickers connected to organized crime, and those who use violence or weapons, would face at least a year in jail. If they sell to youth or frequent places where youth gather, they would be put away for at least two years. Producers who pose a hazard to the health and safety or security of residential neighbourhoods would go to jail for at least three years.

**“Our Government’s message is clear: drug lords should pay with jail time.”**

**- Daniel Petit, Parliamentary Secretary to the Minister of Justice**





**Dave Van Kesteren, M.P.**  
Chatham-Kent Essex



## Status of Crime Bills

Government Business	Bill Description	Status of Bill
<b>C-4</b>	Sebastian's Law (Youth Criminal Justice)	This bill has passed second reading and has been referred to committee for further study.
<b>C-16</b>	Ending House Arrest	This bill has passed second reading and has been referred to committee for further study.
<b>C-17</b>	Anti-Terrorism Act	This bill was read for the first time on April 23, 2010 and is awaiting second reading in the House of Commons.
<b>C-21</b>	White Collar Crime	This bill was read for the first time on May 3, 2010 and is awaiting second reading in the House of Commons.
<b>C-22</b>	Protecting Children from Online Sexual Exploitation	This bill was read for the first time on May 6, 2010 and is awaiting second reading in the House of Commons.
<b>C-23</b>	Eliminating Pardons for Serious Crimes	This bill was read for the first time on May 12, 2010 and is awaiting second reading in the House of Commons.
<b>S-6</b>	Faint Hope Clause	This bill passed second reading in the Senate on May 5, 2010 and has been referred to committee for further study.
<b>S-9</b>	Auto Theft	This bill passed second reading in the Senate on May 26, 2010 and has been referred to committee for further study.
<b>S-10</b>	MMPs for Drug Crimes	This bill was read in the Senate for the first time on May 3, 2010 and is awaiting second reading in the House.
<b>C-30</b>	Drug and Alcohol Prohibition Compliance	This bill was read for the first time on May 31, 2010 and is awaiting second reading in the House of Commons.
<b>C-31</b>	Eliminating Entitlements for Prisoners	This bill was read for the first time on June 1st, 2010 and is awaiting second reading in the House of Commons.

For more information on these bills please visit [www.parl.gc.ca](http://www.parl.gc.ca)



**Dave Van Kesteren, M.P.**  
Chatham-Kent Essex



## **Bill C-428**

### **Old Age Security Residency Requirements for New Immigrants**

Liberal MP Ruby Dhalla (Brampton—Springdale) introduced Bill C-428, a Private Members' Bill to amend the *Old Age Security Act*. **If this Bill were to become law it would essentially reduce the OAS qualification period from 10 to 3 years for new immigrants.**

Currently, in order to qualify for OAS, there is a 10 year residency requirement after the age of 18. If this is met, eligible Canadians can start receiving benefits at age 65. Reducing the residency requirement to just 3 years would allow 62 year-olds the world over to move to Canada and collect a pension when they turn 65—all paid for by hardworking Canadians.

**At a cost of over \$700 million, this proposal is costly and irresponsible and would be paid for by Canadian taxpayers.**

It is reasonable to expect that a person should be required to live in Canada for a minimum period of time before being granted the right to a lifelong public benefit. Our Government is taking a fair and responsible approach to providing benefits to seniors.

**3 years in Canada is not long enough for OAS qualification.**





**Dave Van Kesteren, M.P.**  
Chatham-Kent Essex



## Ending the Wasteful Long-Gun Registry

Most Canadians in rural communities agree that the long-gun registry is a colossal waste of time. The Auditor General told us in 2006 that the information in the long-gun registry is frequently wrong, both about individuals and weapons.

**Here are some more disturbing facts about the long-gun registry:**

- **The Liberals told us the registry would cost \$2 million. The price has skyrocketed into the billions.**
- **According to the RCMP, 94% of the guns used in crimes are smuggled into Canada illegally.**
- **The registry has been in place since 1996, but lists fewer than half of the legally owned guns in Canada.**

Conservative MP Candice Hoepfner introduced Bill C-391 (Repeal of the Long Gun Registry) to Parliament. On November 4, 2009, this bill passed 2nd Reading in the House of Commons and was referred to the Standing Committee on Public Safety and National Security. It will then return to the house for 3rd reading and a vote before going to the Senate.

Firearm owners or those who wish to acquire a firearm or ammunition will still have to hold a valid firearms license and comply with all safe storage requirements.

Canadians who are not in possession of a valid firearms license will be required to complete thorough background and safety checks and meet specific safety training standards in order to obtain one.

Registration of prohibited and restricted firearms, such as handguns, will continue to be in effect.

Police will continue to know if an individual is in possession of a firearm on their premises because anyone who is in possession of any type of firearm must be licensed, and that information will continue to appear on police information systems.

### Breakdown of 2nd reading vote by Political Party

	CPC	LIB	NDP	BLOC	IND
<b>Yes</b>	142	9	12	0	1
<b>No</b>	0	66	24	47	0



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Chatham-Kent Essex



## **Bill C-11**

### **Balanced Refugee Reform Act**

**“We must act to avoid a two-tier immigration system: one for immigrants who wait in line—often for years—to come to Canada, and another for those who use the asylum system, not for protection, but to try to get through the back door into Canada”**

**- The Honourable Jason Kenny, Minister of Citizenship and Immigration**

Canada’s asylum system is crippled by long delays and a cumbersome process. This results in claims taking years to resolve. These delays encourage people who do not need protection to make an asylum claim, knowing they will be able to live and work in Canada for many years.

Did you know:

- In 2009, over 33,000 asylum claims were made, but only 42% of the claims finalized were accepted
- Approximately 60,000 asylum claimants are currently waiting for a hearing
- Decision on asylum claims currently take 19 months
- On average, it takes 4.5 years from the time an asylum claim is initially made until all the legal avenues have been exhausted and a failed asylum claimant is removed from Canada.

Bill C-11 introduces a balanced and fair package of reforms. The new measures would allow the government to designate safe countries of origin, allow the timely removal of failed asylum claimants, put limits on pre-removal risk assessments and other post-claim processes, and enhance Canada’s resettlement program.

**“Through these changes, we create a more efficient system whereby most failed claimants would be removed from Canada within a year of their final IRB decision. This would benefit all Canadians and protect the integrity of our immigration system.”**

**- The Honourable Vic Toews, Minister of Public Safety**



**Dave Van Kesteren, M.P.**  
Chatham-Kent Essex



**Chatham**

6 King Street West  
Chatham, Ontario  
N7M 1C6  
Tel: 519-358-7555  
Fax: 519-358-1428

**Leamington**

15 Princess Street  
Leamington, Ontario  
N8H 2X8  
Tel: 519-326-9655  
Fax: 519-326-2042

**Ottawa**

Room 609 Justice Building  
House of Commons  
Ottawa, Ontario  
K1A 0A6  
Tel: 613-992-2612  
Fax: 613-992-1852

**Email:** VanKesteren.D@parl.gc.ca

**Website:** www.davevankesteren.ca

**WHAT DO YOU THINK?**

*Yes*

*No*

Do you support Dave voting to end house arrest for serious crimes? (C-16)



Do you support Dave voting to eliminate pardons for serious crimes? (C-23)



Do you support Dave voting to scrap the long-gun registry? (C-391)



Do you support Dave voting to eliminate OAS entitlements to convicted criminals? (C-31)



Do you support Dave voting against Bill C-428?



No postage  
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**Dave Van Kesteren, MP  
609 Justice Building  
House of Commons  
Ottawa, Ontario  
K1A 0A6**

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FROM

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

E-Mail: \_\_\_\_\_

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