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Chair

Mr. John Maloney

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• (1110)

[English]

The Chair (Mr. John Maloney (Welland, Lib.)): I would like to call the meeting to order this morning.

We have before us Ms. Catherine Ebbs, to be examined respecting a proposed appointment as chair of the RCMP External Review Committee. We have a brief on Ms. Ebbs' background, a résumé, CV, etc.

I would perhaps ask Ms. Ebbs to make an opening comment and then I'll turn it over to our panel for questioning.

Please proceed.

Ms. Catherine Ebbs (As an Individual): Thank you very much, Mr. Chair and honourable members of the committee. Thank you for giving me this opportunity to talk to you about the role of chair and my qualifications for that position.

The RCMP External Review Committee is a very small independent agency of the government that reports to Parliament through the Minister of Public Safety and Emergency Preparedness. The committee provides an outside review of labour relations cases that have been brought to the commissioner for decision on appeal. We provide findings and recommendations to the commissioner on those decisions. According to law, he is bound to consider them; he is not bound to follow them. But if he doesn't follow them he is required to give reasons for his choice for not doing so.

I've been with the RCMP External Review Committee since July 2003. I first started as legal counsel after being successful in a public service competition. Several months later the chair asked me to assume the duties of executive director and senior counsel on an acting position, and, as you know, in April of this year I was appointed chair on an acting basis.

The chance to work in different positions with the agency and to see the workings from different angles I think is an asset for me in my role as chair. It allows me to understand the needs of the organization and of its personnel much more fully.

The position of chair has two primary responsibilities. The first is to review the case reviews and prepare the findings and recommendations that are submitted to the commissioner. The second is to perform the functions of chief executive officer.

I believe that my many years in the administrative tribunal community, both as decision-maker and as leader of small divisions,

gives me the aptitudes and the knowledge that's required to carry out this position.

I am very happy to answer any of your specific questions.

Thank you.

The Chair: Thank you, Ms. Ebbs.

Mr. Breitzkreuz or Mr. Warawa.

Mr. Garry Breitzkreuz (Yorkton—Melville, CPC): Thank you very much.

One of the things I'm doing as I'm looking at the job description here—and I haven't had a chance to completely go through it—is to try to get a grasp of how you as the CEO would administer or would run this department. Can you give us some concrete examples of what you feel your role would be as the chief executive officer? Can you give us a feeling of what you sense would be your primary responsibilities, and how they would impact on the daily operations of the RCMP? For those of us who are not very familiar with this, could you give us a job description of what you feel would be your day-to-day activities?

Ms. Catherine Ebbs: Certainly.

The RCMP External Review Committee is a very small agency. I don't know how much you know about our committee. It's one of the smallest agencies in the federal government, six people in total.

As chief executive officer of a small agency like that, I have to be very mindful of the responsibilities that an agency has in the structure of government. Our agency must account, like any other agency or department of government. We must meet the responsibilities that are placed on us by the central agency.

I have to ensure as chief executive officer that we are accountable, that we produce the reports that are required by Treasury Board, that we monitor our performance as required for any government agency. Also, as chief executive officer I am responsible for creating an environment within that agency that allows everyone in it the chance to grow and produce to the maximum for that agency. That's a big role, I think, of someone who is a leader of an agency.

• (1115)

Mr. Garry Breitzkreuz: What I'm trying to get at is how your position fits in with the overall goals of the agency. Could you just give us a bird's eye view of how you understand the role of that agency in its relationship to the RCMP?

Ms. Catherine Ebbs: As I said, the role of the agency in relation to the RCMP is to provide an independent, outside opinion for the commissioner to consider when he has to make decisions on labour relations cases. What I'm talking about is grievances that have been brought to the second level, appeals of disciplinary decisions that have been made, and appeals of discharge and demotion decisions that have been made. These cases can involve serious issues both for the member and for the force as a whole.

As chief executive officer, it's my responsibility to make sure our findings and recommendations are complete and thorough, and that we provide the commissioner with the best information possible in terms of those issues—the administrative law issues, the issues related to the policy of the government and the policy within the RCMP and the fairness of the process.

Mr. Garry Breitkreuz: So you strictly deal with labour relations.

Ms. Catherine Ebbs: Yes.

Mr. Garry Breitkreuz: Without mentioning names, could you give me some examples of some of the cases that have come before the commission and how these have been handled?

Ms. Catherine Ebbs: I certainly can, and I would also say that on the website of the RCMP External Review Committee, all of the cases that have been dealt with over the almost twenty years of its existence are summarized on that website. However, I will give you a few examples of cases that have been dealt with—

• (1120)

Mr. Garry Breitkreuz: I have to admit that I have not visited that website.

Ms. Catherine Ebbs: That's no problem.

One example I can give you is that in recent years the committee has considered issues of medical discharge, cases in which the RCMP has initiated a procedure for the medical discharge of a member who has been found to be physically incapable of keeping the duties of their position.

In one of the cases we dealt with, we looked very closely at the legal implications, the legal responsibilities for an employer involved in a medical discharge case. In recent years, the Supreme Court has been very clear that when a person suffers from a medical disability, the employer has a responsibility, before trying to discharge the member, to try to accommodate the member, perhaps by changing the work duties so that the member can still be functioning within the force.

The committee's recommendations in that case included a lot of information about the legal requirements of an employer in a case of medical discharge. These were considered by the RCMP and led to changes in the way they looked at those cases. So that's one way in which the RCMP External Review Committee can have a positive influence on the labour relations environment within the RCMP.

Mr. Garry Breitkreuz: Do any other examples come to mind that might be helpful?

Ms. Catherine Ebbs: We've also looked at grievances. We can look at such issues as interpretation of relocation policies and travel policies. We look at harassment. We look at the policy of the RCMP regarding ordering the suspension of a member without pay and allowances. In those cases, we have recently, in our findings and

recommendations, explored the issue of whether the regulations that provide the authority to the RCMP to stop pay and allowances were properly formed. That has led to a review by the RCMP of their policies, just to make sure that they were in conformity with the law.

Mr. Garry Breitkreuz: My final question is one I am most concerned with in regard to your position and in regard to labour issues, now that I've heard essentially how you handle these things.

Someone within the RCMP sees something happening and they have great concern about it. They begin to try to work within the RCMP to do something about it but it doesn't really get resolved to their satisfaction or nothing is done about it. Their superiors feel this person is maybe going beyond their job description and is asking some of these questions about how things are handled within the RCMP or some of the priorities. They then don't get the promotion that they probably should get, or maybe they even get disciplined in some way or something happens that is a result of what they're trying to do.

I'm getting at the whole whistle-blower aspect of it.

The Chair: Could you get at it very quickly, Mr. Breitkreuz?

Mr. Garry Breitkreuz: Yes.

If there are people within the RCMP who want to blow the whistle on things, how would you handle that if they maybe are dealt with in an unfair manner by the RCMP?

Ms. Catherine Ebbs: We actually have had cases in which we have considered the issue of whistle-blowing. One of those cases is still in the court stage, and one of them led to a court decision that requires us to do a new hearing on the matter. I can't be very specific, though, because those are cases that are still before the committee.

As with any type of labour relations case that the committee would look at, our primary priority is to look to make sure that in the action taken by the force, whether it was a disciplinary measure or whatever, they respected labour law principles and they respected the court rulings on such cases.

The Chair: Thank you, Ms. Ebbs.

We'll go to the Bloc Québécois, and Monsieur Lemay.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Good morning and welcome, Ms. Ebbs. Would I be correct in saying that your position exists because RCMP officers cannot belong to a union?

Ms. Catherine Ebbs: That is correct.

Mr. Marc Lemay: Am I to understand that your position serves as an intermediary between RCMP officers and the Commissioner?

Ms. Catherine Ebbs: Given that members of the RCMP are not unionized, the government decided that it would be worthwhile providing recourse to an independent opinion in matters of work relations. However, I would not say that the role is that of an intermediary. The purpose of this position is not to represent members of the RCMP nor management but rather to provide an independent opinion, from outside the organization.

•(1125)

Mr. Marc Lemay: Does this also apply to civilian employees who may be called on, in the course of their work, to work for the RCMP? They may be secretaries or engineers, for example.

Ms. Catherine Ebbs: Our mandate includes civilian and regular members, but not civil servants. Some of them, those working within the Canadian Mounted Police, may choose to use recourses provided by the government.

Mr. Marc Lemay: For example, people working in the laboratory.

Ms. Catherine Ebbs: Civilians may also be working in those positions.

Mr. Marc Lemay: I consulted the RCMP External Review Committee's website but I would like to know how many people sit on this Committee.

Ms. Catherine Ebbs: As I already stated, there are six people on this Committee in all. One person is appointed by order in council, in this case myself, for now. Therefore there are five members in addition to the chairperson.

Mr. Marc Lemay: So the External Review Committee is not made up of volunteers, a lawyer, and so on.

Ms. Catherine Ebbs: It is a government body.

Mr. Marc Lemay: You are therefore the chair/director general.

Ms. Catherine Ebbs: Yes. It's a small committee.

Mr. Marc Lemay: I did not find this information on the website.

Are you involved in RCMP members' wage demands?

Ms. Catherine Ebbs: No.

Mr. Marc Lemay: You become involved only in cases such as that of a person feeling wronged because they did not get the promotion they expected. Is that so?

Ms. Catherine Ebbs: You are referring to our mandate regarding grievances. Grievances involve an interpretation of government policies that apply to all civil servants, including members of the Royal Canadian Mounted Police. Our mandate does not include the consideration of grievances involving the RCMP's internal policies. Furthermore, we do not consider grievances in areas that the organization has already provided avenues of recourse for. I believe this also applies to promotions.

Mr. Marc Lemay: If an individual felt he had been wronged by being arrested for unacceptable reasons, then they cannot turn to you, can they?

Ms. Catherine Ebbs: No, a completely separate organization deals with public grievances against the RCMP.

Mr. Marc Lemay: Without going into any details, I would like to know at what point you would become involved if an RCMP officer had a medical problem and claimed, for example, that he was experiencing a certain amount of stress in the performance of his duties. Would it be after the Commissioner had rejected the claim, for hierarchical reasons?

Ms. Catherine Ebbs: When there are grievances, a decision is first rendered at the first level. If the individual is not satisfied with that decision, then he can lay a grievance at the second level, which means that the Commissioner must render a decision. At that point,

the case is referred to the committee. The committee comes to a conclusion and makes recommendations. The Commissioner then makes his decision.

Mr. Marc Lemay: I've noticed, and I'm not the only one, that you speak French very well. Have you had an opportunity to practice? Do you render your written decisions in French and in English?

Ms. Catherine Ebbs: Yes. Over the course of my first few months as interim chair, I drafted more reports in French than in English.

Mr. Marc Lemay: Do you have problems with francophone officers?

Ms. Catherine Ebbs: No.

•(1130)

Mr. Marc Lemay: Thank you, Ms. Ebbs.

[*English*]

The Chair: Thank you very much, Mr. Lemay.

From the government side, Mr. Cullen.

Hon. Roy Cullen (Etobicoke North, Lib.): I really have nothing to add. I think we have an excellent candidate and I'm totally behind this appointment.

The Chair: Thank you for your endorsement.

Ms. Sgro.

Hon. Judy Sgro (York West, Lib.): I'm going through your bio and everything here, and I may say, from a woman's perspective as well, it's wonderful to see the success you've had.

What was the driving force behind your interest in the area, the RCMP?

Ms. Catherine Ebbs: As I said, I've been involved for many years in the administrative tribunal community, and one of the first things that interests me is the dynamic of making decisions and recommendations in an administrative tribunal community, ensuring that the law and policies are respected and ensuring that processes are fair. In my prior experience my focus was always on ensuring that processes that were followed were fair. That's one of my priorities and it's one of my priorities as chair.

I think the external review committee serves a very valuable function in providing civilian review. I believe in that process and I think that we have over the years been able to have a positive influence on the environment within the RCMP. I hope that the committee will continue to do so.

Hon. Judy Sgro: Thank you very much, and I'm very supportive of the position.

The Chair: Mr. Warawa.

Mr. Mark Warawa (Langley, CPC): Thank you, Mr. Chair.

I want to begin by complimenting you on your English also.

Some hon. members: Oh, oh!

Mr. Mark Warawa: Your CV was very impressive, and the only thing I see missing is some time on the beautiful west coast.

I have a question regarding your time, 16 years, with the National Parole Board. Was that a full-time or a part-time position?

Ms. Catherine Ebbs: I started off in 1987 as a part-time board member, and from 1989 to 2003 it was a full-time position, two years in the appeal division and 10 years as vice-chair in charge of the appeal division.

Mr. Mark Warawa: You would have had some very interesting and difficult cases with the National Parole Board over those 16 years, and you needed the wisdom of Solomon, I'm sure, in many cases. Are there cases that in hindsight you wish had been handled differently?

Ms. Catherine Ebbs: Well, I did and still do a lot of training of board members. What I've always emphasized in training board members and what I lived with and do now live with as a board member is this. My responsibility is to do the best job I can, with the information I have, to make sure that at the end of the day I can say for every decision I took the time I needed to make sure I knew the case, that I applied the law and the regulations properly, and that I acted fairly. If I can do all those things, then months down the road I can be satisfied, when I explain what I did, that I did as much as I could in terms of that decision. I think that's the responsibility we have as board members.

Mr. Mark Warawa: Thank you.

I think you answered part of my question when you shared that there are seven members plus the chair.

• (1135)

Ms. Catherine Ebbs: There is only one person appointed by order in council, and then there are actually five members of the public service.

Mr. Mark Warawa: Five plus one is six in total.

Ms. Catherine Ebbs: Yes.

Mr. Mark Warawa: Now, the person appointed will be the chair, and you're the acting chair. How were you involved with the committee in the first place, which was approximately two years ago?

Ms. Catherine Ebbs: When my position with the National Parole Board came to an end, I applied for a public service position as legal counsel with the RCMP external review committee, and I was successful in that competition. That's how I started with the committee, as legal counsel in a public service position.

Mr. Mark Warawa: When the present chair stepped down, you became the acting chair. How were you chosen to be the acting chair?

Ms. Catherine Ebbs: Well, I was asked if I would consider being acting chair. I spoke to the minister's office at that time and was asked if I would take on the duties of acting chair until such time as a chair was appointed.

Mr. Mark Warawa: Was there consensus within the committee on that appointment of you as the acting chair? Did the committee function, and was there support from your colleagues in that committee?

Ms. Catherine Ebbs: Do you mean the other five people within the RCMP external review committee?

Mr. Mark Warawa: Yes.

Ms. Catherine Ebbs: Well, I wouldn't want to speak for them. I hope there was consensus. I think it's gone well since April.

Mr. Mark Warawa: Were they involved with the decision to have you become the acting chair, or was that at the discretion of the minister?

Ms. Catherine Ebbs: They weren't involved, no.

Mr. Mark Warawa: Thank you.

Those are all my questions.

The Chair: Thank you.

Mr. Plamondon.

[*Translation*]

Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour, BQ): Welcome, Ms. Ebbs. I'm going to pretend that we are before a tribunal and I'm going to submit RCMP cases to you that have never been resolved. It would appear that the will to resolve these issues does not exist.

There are people working for the mobile communications branch in Ottawa, which I'm sure you're familiar with. They hold engineer positions, but they are not engineers. That is illegal. They have neither a diploma nor any university training. They may have taken courses in administration or technical courses, but they do not hold the title of engineer.

I checked with the Canadian Council of Professional Engineers and they confirmed that the RCMP does not have the right to give individuals the title of engineer and to pay them accordingly if they are not engineers. Meanwhile there are real engineers who are surplus employees and are waiting to fill those engineers positions.

Let me take the case of Mr. Roy. I wrote to the Minister about this on the third of October last. I will give you a copy of the letter in both official languages.

I'm asking you—

[*English*]

The Chair: Asking this witness about specific cases is improper. It's improper.

Mr. Louis Plamondon: I have a case and I want to know what her answer will be, if she knows this problem.

The Chair: I appreciate that, but there should be a full hearing for that; she can't just make an assessment based on the five minutes you have to put forward the situation.

Mr. Louis Plamondon: No, it's a problem that we have, and I want to know if she has the capacity to resolve this problem.

The Chair: She has the capacity, but I don't think she's in a position to give you an opinion on it.

Mr. Louis Plamondon: I have my five minutes, and I will speak with the witness, and that's her—

The Chair: Well, I'll watch your questioning very closely.

Mr. Louis Plamondon: You didn't stop this guy. You didn't stop this guy. So why do you stop me?

The Chair: Because we're seeking information on her qualifications for this position, not her opinion on a specific case.

Mr. Louis Plamondon: I will see if she has the qualifications to be able to answer this question. Just let me do my job.

• (1140)

The Chair: I'll watch your questioning very closely.

Mr. Louis Plamondon: Let me do my job.

[Translation]

Ms. Ebbs, in a case such as this one, where people are using the title of engineer, what is your authority? Do you have the authority to tell RCMP heads that they have to put those people in their place and comply with the Canadian Council of Professional Engineers policy to the effect that individuals cannot use the title of engineer if they are not engineers? Do you have that authority? Is that part of your mandate?

Ms. Catherine Ebbs: Thank you. As I'm sure you'll understand, I cannot speak to specific cases.

Mr. Louis Plamondon: I agree.

Ms. Catherine Ebbs: However, as chair, I do have the authority to submit conclusions and recommendations to the Commissioner. We do not make the decision, we submit recommendations.

Mr. Louis Plamondon: As the holder of the position that you currently hold on an acting basis, what would your recommendation be? Would you recommend that the Canadian Council of Professional Engineers policy be complied with, by and large?

Ms. Catherine Ebbs: I cannot speak to that. I cannot even tell you if this is a case that would be—

Mr. Louis Plamondon: I am not talking about a case. Is it normal that someone who is not an engineer hold that title within the RCMP, with all that implies in terms of security?

[English]

The Chair: Mr. Plamondon, I don't think she's qualified to answer that question.

Mr. Louis Plamondon: I want to know her judgment; I am asking a question.

The Chair: I think you're getting too specific.

Mr. Louis Plamondon: She is applying for an important post.

[Translation]

I would like to know what her general vision would be in case such as that one. I think it's perfectly normal to ask questions. I don't want to upset you, Ms. Ebbs. I think you understand the spirit in which I am asking this. I'm asking you if you have the authority and the will to make sure your recommendations relating to respect for professions in Canada are followed.

Isn't that normal?

[English]

The Chair: Let's follow on her authority to review a question of this nature.

[Translation]

Ms. Catherine Ebbs: First, without speaking about that case specifically, I can tell you that the committee would have to be authorized to consider that grievance. Second, as I said earlier, when considering a specific case, we would make our recommendations to

the Commissioner. Unfortunately, I cannot tell you anymore on that specific topic. I apologize.

Mr. Louis Plamondon: I'll give you a second example.

[English]

The Chair: Mr. Plamondon, you have a minute and a half. Be careful.

[Translation]

Mr. Louis Plamondon: There are positions within the RCMP that have been converted from ITEC to CP. Are you familiar with those levels?

Ms. Catherine Ebbs: Yes.

Mr. Louis Plamondon: Those levels have an impact on salary.

In some sections of the RCMP, that conversion has been accepted whereas it has been rejected in others, depending on the manager. That means there are employees carrying out exactly the same duties but at a different salary level. For five years now, these employees have used redress procedures and today, the interim commissioner has said he will not take a position on this.

Do you have the authority—

Hon. Roy Cullen: I'm sorry, Mr. Chairman, but I believe this is a specific case. The witness must not speak to specific files.

Mr. Louis Plamondon: I'm not talking about a specific case. Allow me to finish and you will understand.

Ms. Ebbs, how do you see your authority in cases of such inequity? These people cannot defend themselves because they do not have a union. They have used all their recourses and now they're being told that they have to go to court. However, if these individuals want to pursue this, going before the court will be extremely costly.

As Commissioner, do you think you should act decisively in order to correct inequities such as this one?

[English]

The Chair: Are you prepared to answer that question?

[Translation]

Ms. Catherine Ebbs: Once again, it would be inappropriate for me to speak on that topic.

• (1145)

Mr. Louis Plamondon: Would you allow me to give you the files?

[English]

The Chair: Thank you, Ms. Ebbs.

Anyone on the government side? On the opposition side?

Mr. Moore.

Mr. Rob Moore (Fundy Royal, CPC): Thank you.

Can you maybe talk a bit about the difference between the RCMP and the other large forces, like the Toronto force? I have a mixture in my riding. Some are RCMP and there's some municipal policing. And the municipal forces belong to unions where they have someone to advocate. They have leadership to advocate on their behalf when it comes to a labour dispute.

My understanding is that this doesn't exist in the structure of the RCMP, that it's quite different. I'm wondering if there is a tendency in the office that you're going to be holding, in light of that difference, to become more of an advocate for personnel in the same way that a union leader would be in a municipal force. Can you comment a bit on the difference between your role and what the corresponding role would be, say, with the Toronto police force?

Ms. Catherine Ebbs: Well, when the external review committee was created almost twenty years ago, the idea was very much that it be an independent objective review. It's not designed to be an advocate for the member or an advocate for management. And I think that over the years the committee has functioned; it's been very careful to keep that objective view.

Mr. Rob Moore: That was really my only question, so thank you.

The Chair: Mr. Plamondon.

[Translation]

Mr. Louis Plamondon: Shall I table the two letters? You could give an answer to the issue I raised earlier.

Ms. Catherine Ebbs: I should point out that the committee does not have the authority for undertaking a review. By law, these cases have to be referred to the committee by the RCMP.

Mr. Louis Plamondon: By people from the RCMP?

Ms. Catherine Ebbs: I'm talking about the committee; we do not have the necessary authority to undertake a review.

Mr. Louis Plamondon: Can only the RCMP trigger a review, or can an individual who is a member of the RCMP send you documents?

Ms. Catherine Ebbs: I just state that, by law, cases have to be referred by the RCMP. In terms of the procedures that exist within the RCMP to receive complaints, I cannot speak to that.

Mr. Louis Plamondon: I want to understand, Mr. Chairman. The RCMP can refer complaints but if—

Ms. Catherine Ebbs: By law—

Mr. Louis Plamondon: I want to understand. An individual who wants to lay a complaint cannot lay it with you?

Ms. Catherine Ebbs: No. By law, the RCMP has to send us a request for review. By law, that is how the process unfolds.

Mr. Louis Plamondon: In other words, it's the boss who refers the complaints, not the individual.

Ms. Catherine Ebbs: Under the law, under certain circumstances, cases can be referred by the RCMP.

[English]

The Chair: There is a process by which a grievance works its way up to your committee. Correct?

Ms. Catherine Ebbs: Yes. It's the law that sets that out.

The Chair: And would you be able to provide us with that in a brief form for Mr. Plamondon?

Ms. Catherine Ebbs: Certainly.

The Chair: Thank you.

I have a couple of questions myself. From your CV it would appear that you have a lot of administrative background,

predominantly with the Parole Board, and then for the last two years with the RCMP. The selection criteria as chairperson...some of the areas referred to are knowledge of the procedures and practices involved in conducting a quasi-judicial hearing, particularly as they relate to evidence, legal interpretation, and procedural fairness, knowledge of administrative law, labour law, and human rights principles. Could you tell me how you feel that you are knowledgeable and have the background to cover those areas?

• (1150)

Ms. Catherine Ebbs: Obviously I've had a lot of experience in the administrative law side. That's quite apparent. The labour law side is primarily in the years that I have been with the RCMP External Review Committee. My experience in conducting hearings—

The Chair: That would have been for seven months, with the committee. Correct?

Ms. Catherine Ebbs: No, over two years, since July 2003. In July 2003 I started work as legal counsel there. So that's when I became immersed in the labour law area as well as in administrative law.

The experience conducting hearings I guess started with my private practice background, where I did litigation that gives me experience in areas that are relevant to conducting quasi-judicial hearings. Also, I conducted many hearings over the course of my years with the National Parole Board, although those were of an inquisitorial rather than an adversarial nature. Still, many of the skills are similar.

I forget what other areas were in the list.

The Chair: Knowledge of administrative law, labour law, and human rights principles, procedures and practice of conducting a quasi-judicial hearing.

Ms. Catherine Ebbs: Human rights principles. Also, as you can see from my résumé, from 2001, I think, until 2003 I pursued studies at the master's level in law and constitutional law, with a focus on constitutional law and administrative law, and that also gave me the chance to explore the area of human rights principles as well.

The Chair: We all perhaps have job evaluations by a peer or a peer group. Who would evaluate you in your position as chair, and has that review been undertaken for your period of the last seven months?

Ms. Catherine Ebbs: I don't know if there's a process for evaluation of the chair, to be honest. There has been no evaluation by anyone in the time that I've been there.

The Chair: No one's complained you're doing a bad job.

Ms. Catherine Ebbs: No, not to me, anyway.

The Chair: Are there any other questions?

Mr. Plamondon, very quickly, sir.

[Translation]

Mr. Louis Plamondon: You said that you had training in the area of individual rights. You listed all your qualifications. However, I am having a hard time understanding what your role is. If you're saying that as Commissioner, you need to be given authority by the RCMP to advise the RCMP, then that means you're somewhat taking a back seat to the RCMP. If that organization has a problem with certain individuals, then they can ask you to look at the situation and to make recommendations. Is that right?

Ms. Catherine Ebbs: I would say that it is much more structured than that. It would be a pleasure to provide you with all the information—

Mr. Louis Plamondon: Earlier, when you were replying to a question from a Conservative member, you gave the example of a case where you advised the RCMP regarding an individual who had a medical problem.

Ms. Catherine Ebbs: That was a case that, under the law, had been referred to the committee.

Mr. Louis Plamondon: Under the law, would the individual who had that health problem have been able to write you directly to ask you to consider his case, or does the RCMP have to request that?

Ms. Catherine Ebbs: By law that case has to be referred to the committee.

Mr. Louis Plamondon: What do you mean by "by law"? Is it the RCMP who writes you or does someone phone you? Under the law, who writes you?

[English]

The Chair: Mr. Plamondon, there is a procedure, a process under the act, and Ms. Ebbs has undertaken to provide us with a copy of that procedure. But I don't think this has anything to do with her qualifications for this position.

[Translation]

Mr. Louis Plamondon: Yes and no. You're right except that I want to understand the process. I want to know how an individual can access the services provided by this position. If they can't, then what is the purpose of having that position, given that it's the RCMP who decides whether the committee will be consulted or not?

The RCMP has several problems in the area of human resources. I think that this lady is highly qualified for the position, but if it serves no purpose then I'd rather it did not exist. I would like an individual to have the right to use the services provided by this position—

[English]

The Chair: That might be a question for another day. That's not the purpose of our task, our exercise here today. We may wish to review that at another time, but that's not what we're here to do today.

Thank you very much, Ms. Ebbs, for being here and for your full and frank responses on some certainly interesting questions to you. Thank you very much.

We'll just suspend for a few minutes.

Mr. Breitkreuz, are you prepared to move forward with your motion?

•(1155)

Mr. Garry Breitkreuz: I am.

The Chair: Maybe I could deal with a point you just brought to my attention, Mr. Macklin. I was going to wait for the end of Mr. Breitkreuz's presentation, but it would appear that it might be appropriate now.

Does anyone wish to consider a motion to the effect that the committee has examined the qualifications and competence of Catherine Ebbs, the nominee for the position of chair of the RCMP External Review Committee, and finds her competent, or not, to perform the duties of that position?

Do you wish to make that motion, sir?

Hon. Roy Cullen: I'd like to make the motion that she is competent.

The Chair: Yes, it was your choice.

Hon. Roy Cullen: Yes, I know, and I'm just giving it to you.

The Chair: Is there any discussion? All in favour? Is the consensus unanimous?

(Motion agreed to)

The Chair: Okay, Mr. Breitkreuz.

Mr. Garry Breitkreuz: Thank you, Mr. Chair.

I'd like to thank the members of the committee for taking time to consider this case. I thought it was a slam dunk, but maybe that is not the case. I will therefore go through the presentation of this. Bear with me as I put forth the various concerns I have.

I will go over the motion as it reads:

That the Standing Committee on Justice and Human Rights investigate the compensation claim by Lloyd Schrier with respect to brainwashing experiments he was subjected to at the hands of psychiatrist Ewen Cameron at the Allan Memorial Institute in Montreal and, further, that the Committee report to the House with their findings and recommendations.

Now, I am bringing forward this motion with the hope that we can correct this particular injustice as quickly as possible.

You will all have noted the Library of Parliament report on this case. I hope you've had time to read it. Putting a motion before the committee was one of the options that the Library of Parliament recommended for addressing this injustice.

If the members of this committee see the merits of Mr. Schrier's case, proceeding in this way will certainly be faster than other ways, such as introducing a private member's bill, etc. We know that may never get through and it would be very lengthy.

Now, one of the members of this committee asked me why I am bringing forward this motion on behalf of Mr. Lloyd Schrier. The reason I'm doing this is that Lloyd and his father have been unable to convince their own member of Parliament to help move this issue forward, so he came to me. I listened to him, and I feel that, based on compassionate grounds, we should move forward. This case has really been dragging on for far too long. It's time that Mr. Lloyd Schrier is treated with the same compassion as all the other victims of Dr. Cameron's government-funded experiments.

That's the basis of my appeal today. I'm not making a legal argument. I don't want people to construe it in that way. I feel that, on the basis of compassion, we should be making the recommendation.

Lloyd may not have been technically a patient of Dr. Cameron's experiments, but he certainly was a victim of Dr. Cameron's experiments. To his credit, Lloyd doesn't consider himself a victim, as such. As he told a *Globe and Mail* reporter back in 1996, "I just don't think it's right. I think it's terrible, what they did to me. Even back then, I don't think they were that naive."

The September 2004 bulletin of Canadian Family Physicians stated, and again I'd like to quote:

Unlike Schrier, the adults who took part in Cameron's experiments had at least a potential benefit from treatment. This unborn baby was exposed to all the risks and none of the benefits of Dr Cameron's "deprogramming".

Now, "deprogramming" is really too vague a word for the experiments that Lloyd Schrier was subjected to. Brainwashing would be much more appropriate. What really happened was that Dr. Cameron would administer a daily cocktail of drugs. These were 15 different drugs, by Lloyd's own count, to induce sleep in his patients. For Lloyd and his mother, the drugs induced 30 complete days of sleep between February 6, 1960, to April 1, 1960. We all know that drugs put babies in the womb at risk, no matter what drug it is—nicotine, alcohol, thalidomide, marijuana. In addition to those drugs, between February 6 and August 17, 1960, Lloyd and his mother also endured 29 electro-convulsive shock treatments.

• (1200)

As the Library of Parliament points out in their paper, which I hope you've read—and I'm quoting again—"These experiments were funded by the United States Central Intelligence Agency and the Government of Canada".

These were the so-called treatments, if you want to call them that, that Lloyd Schrier was put through. This was with the full knowledge of Dr. Cameron.

Dr. Cameron's own notes, believe it or not, confirm that he knew that Lloyd's mother was pregnant during almost the entire time of his experiments, from February 22, 1960, when the lab tests confirmed Lloyd's presence in his mother's womb, until August 17, 1960, when Dr. Cameron's notes indicated he would stop treatment—I am quoting now from his notes—"since she is now in her eighth month of pregnancy". Those are his own notes.

I believe that Lloyd Schrier should receive *ex gratia* compensation on compassionate grounds from the Government of Canada for what he went through.

Before we get to that question, all I'm really hoping today to do is convince the members of this committee that Lloyd's claim deserves a little bit of our time to examine the options we have to try to right this wrong.

I know that there are those who will claim, as Judge Yvon Pinard did in 1996, that Lloyd wasn't a person at the time of these brainwashing experiments. He may not have been a person according to the law, but Lloyd Schrier surely was a baby. And we all know, even the government knows.... Health Canada warns

women every day on cigarette packages that smoking during pregnancy can hurt their babies.

In fact, on November 15, 1999, Dr. Catherine McCourt, who was the director of reproductive health for Health Canada, approved the following ads to be placed on cigarette packages in Canada—and I'd like to quote:

Cigarettes hurt babies. Tobacco during pregnancy reduces the growth of babies during pregnancy. These smaller babies may not catch up in growth after birth and the risks of infant illness, disability and death are increased.

Here is another quotation:

Tobacco smoke hurts babies. Tobacco use during pregnancy increases the risk of preterm birth. Babies born preterm are at an increased risk of infant death, illness and disability.

The problem is no one warned Lloyd's mom and dad that 29 electric shock treatments and months of taking a cocktail of drugs might hurt their baby. No one warned them.

So, you will see why we need to examine this case, why we need to clear up the confusion, not only for Lloyd's sake, but also to clarify the government's policy with respect to babies while they're in the womb. How can one department of the federal government, namely the Department of Health, operate with a policy of treating babies as persons and warning their mothers about the harm that could come to them, and another department, namely the Department of Justice, operate with a completely opposite policy?

I would like to refer the members of this committee to reread the section on *ex gratia* payments on page 4 of this Library of Parliament report. I would like to just quote, in conclusion. It states:

The government and the Federal Court have maintained that Lloyd Schrier is not entitled to receive compensation under the Order in Council P.C. 1992-2302. However, the Crown has the power to make an *ex gratia* payment to him.

That is the end of that quote.

Then it goes on to explain that under the Treasury Board's policy—and this is a quotation—

Ex gratia payments are in the nature of a gift and are made in public interest. Such payments are not made in fulfilment of a statutory or legal obligation, but as a vehicle of last resort.

I am asking this committee to examine the Lloyd Schrier case, because it is his last resort. Let us have the compassion that I believe we should have and approve this.

• (1205)

The Chair: Mr. Lemay, then I'm not sure who was first over here.

Mr. Lemay first.

[*Translation*]

Mr. Marc Lemay: Excuse me, Mr. Chairman, I am not upset by what I've just heard. I just want to know one thing. The motion that is before us is whether the committee is willing to hear... That's the issue isn't it? Fine.

I'm not sure, but I have a few questions to ask. First, did Ms. Schrier receive \$100,000?

A voice: Yes.

Mr. Marc Lemay: Did Mr. and Ms. Schrier receive that amount?

[English]

The Chair: No, just the mother, Mrs. Schrier.

[Translation]

Mr. Marc Lemay: Fine. She received the money.

The Chair: Yes. The mother received the money.

Mr. Marc Lemay: Did the son make a request? Did Mr. Lloyd Schrier make a request?

[English]

The Chair: Yes.

[Translation]

Mr. Marc Lemay: And the request was turned down?

The Chair: Yes.

Mr. Marc Lemay: Then the committee is being approached for the purposes of a request for an *ex gratia* payment. However, this is the same request for \$100,000 that was made by everyone else. Am I right?

The Chair: Yes.

Mr. Marc Lemay: Fine. Perfect.

[English]

The Chair: Mr. Macklin is next.

Hon. Paul Harold Macklin (Northumberland—Quinte West, Lib.): Thank you very much.

I want to have a chance to address the background that led up to this, so it is clear what went on.

This whole matter arose in the fifties and sixties through this process of funded medical research that went on at the time. The doctor in charge was Dr. Ewen Cameron at the Allan Memorial Institute in Montreal.

As a result of this research, certain ultimate concerns were raised by the participants that they had been harmed. So the government went out at that point and got an opinion from the then-distinguished jurist, Mr. George Cooper, Q.C. He brought forward an opinion to the government and said:

In my opinion, given the climate of the times, and the prevailing practices as to medical research and experimentation, ethics and consent, the Government of Canada cannot be expected to bear responsibility for what happened at AMI, even assuming...that Dr. Cameron crossed over the line of the acceptable in medical research. The government's research grants were at all times subject to reviews both internal and external; no adverse comments were brought to the attention of those responsible.

So that's the essence of the opinion that was received by the government at the time.

Nonetheless, having heard the concerns of the individuals, and despite these findings, the government established the Allan Memorial Institute plan to offer *ex gratia* payments to patients of Dr. Cameron who had been treated for mental illness and had gone through this de-patterning treatment. Rather than just looking within their own administrative structure at how and who should be receiving moneys, the government established in the end that they were going to pay \$100,000 to everyone who had been aggrieved in this process.

The government retained the independent firm of Ontario Blue Cross to undertake a medical review of each formal application. As a result of that, Blue Cross then submitted to the government a recommendation for acceptance or rejection of the applicants. In this particular case, 332 applications were received, including an application on behalf of Lloyd Schrier, and 77 of the 332 were deemed acceptable. The government paid out a total of \$7.7 million in *ex gratia* payments. These payments, as we previously heard, were made on the basis of compassionate and humanitarian grounds.

Family members of de-patterned patients, fetuses, and former medical patients who received other unscientific medical treatment similar to de-patterning also made requests for payment. However, these payments were refused. The government limited the scope of payments, as they did not accept liability for treatment given to patients of Dr. Cameron.

Former medical patients who received other unscientific medical treatments similar to de-patterning, family members of de-patterned patients and fetuses, and other similar groups also made requests for payments, but they were refused, as it was not the government's intention to make the payment to such groups of individuals. Since then, the Quebec Court of Appeal issued a judgment confirming that even the doctors and the hospital acted properly, given the medical practices of that time.

Therefore I submit that the government has been more than financially generous in the matter. If the government were to make a payment to Mr. Schrier, it would set a precedent whereby it would not be able to refuse payment to other individuals who felt they were directly or indirectly affected by Dr. Cameron's work.

So I submit that there was a third-party, arm's-length review of all the applicants, including Lloyd Schrier's case.

● (1210)

I believe, as we say, that at the end of it all, all the payments that were made were made on humanitarian and compassionate grounds. One of the letters we've received I think suggests that there was an application to a court that was successful for another individual. If that is accurate, then that would have equally been available to Mr. Schrier to pursue. Besides, when you come down to the reality of this committee, are we in fact a committee that is going to now launch ourselves into this area, when in fact there has been an independent study and independent decisions made and a recommendation brought before the government? Are we going to turn ourselves into some form of court? Where are we going with this?

I think all of us have some sympathy for the case he makes, but the reality is, does that lead us to legal liability or liability that would simply allow us to satisfy his needs without ultimately opening a potential Pandora's box? I am concerned, and I submit that I don't believe, based on what I have set out, that in fact this case ought to be reopened by us. If there is legal ground for so doing, then I would say that it should be pursued, but I don't believe that we should be the vehicle for going forward with this matter.

● (1215)

The Chair: Mr. Breitkreuz.

Mr. Garry Breitkreuz: Thank you.

First of all, I want to fundamentally disagree with the approach my colleague is taking. I am not approaching this on a legal basis. I don't intend this committee to start delving into every single detail. I appealed on compassionate grounds. For the member to say that this is going to set a precedent for similar cases.... How many other victims were there like this? There is no knowledge that there was anybody else in these experiments who faced the cocktail of drugs that he was fed. We can investigate the pros and cons of his compensation claim, but I think we've had this laid out for us. I don't think this has to take a lot of time. To portray this as the committee getting into areas that it shouldn't.... I mean, this is the justice committee. On the basis of compassionate grounds, I think we should go ahead.

Also, in regard to the fact that the member said this has already been dealt with by the courts and so on, those court decisions were based on the wording of orders in council. They really failed to take into consideration all the victims of Dr. Cameron's experiments. The government has the power to change that wording from orders in council. I think it would be simpler to just give this man his *ex gratia* payment on compassionate grounds, as is permitted under Treasury Board policies, and get on with it.

I don't think there's any doubt, if you've read some of the medical letters that I think have been distributed to you. Look at what they say. There's one in which Lloyd, and I quote, "produced evidence on his problems throughout infancy, childhood, adolescence, and adulthood". He was affected by these things. We now know, today, that this will happen.

We often go back and correct wrongs of the past. Look at the schools the aboriginal people were sent to. We're trying to correct some of those things. There was a Dr. Koren who said that Lloyd Schrier "may not have been a patient in the usual sense, but he received the treatment". And while he scores within the normal range physically and neurologically, "how do you know what he might have been?" We do not know the damage that was caused, but we do know, as he was growing up, that he produced a lot of evidence of being harmed.

I don't think we can ignore this case, Mr. Chairman, and to start portraying this as some kind of legal thing.... I'm not appealing on that basis. I don't think we have to go this way. I don't think this has to take a lot of time before committee. It doesn't have to be a long report. The Library of Parliament has already done the work. We can move this motion forward. If we want to have a hearing, it can take a total of one hour to hear the doctors and a few witnesses. I don't think we have to go into some kind of legal thing. I'm just appealing to the government to do the right thing and not spend a whole lot of time on this.

The Chair: Thank you, Mr. Breitzkreuz.

Mr. Wrzesnewszky, then Mr. Warawa, Mr. Cullen, and Mr. Thompson.

Mr. Borys Wrzesnewszky (Etobicoke Centre, Lib.): Having gone through this file, I'd like to preface by saying I have tremendous sympathy for this particular case. However, notwithstanding my sympathy, I have a number of difficulties with the way this motion is presented.

The role of parliamentary standing committees is to work on policy and hear about legislation. We're dealing with an individual case in this particular situation. If we look at the details, there were 332 applicants and 255 were refused. Mr. Schrier is one of the 255. There were 332 applications, 77 of which were accepted by an arm's-length body, the Blue Cross.

I have difficulty, first of all, because this is a committee that should be dealing with policy discussions and with legislation, as opposed to individual cases. In fact, in the package we have correspondence from a lawyer, Mr. Stein, who has represented others in similar circumstances, and for instance refers to a similar situation of a patient he was successful in representing in Federal Court. I would, perhaps as a friendly suggestion, suggest that the same process is available to Mr. Schrier.

Going through the file, the government at that time quite rightfully decided that if it was making *ex gratia* payments so that there was no potential for some sort of conflict, the decisions about who to pay would be decided by an arm's-length body, which in this particular case was the Blue Cross. There was a process for everyone to apply. There were 332 applications and 77 were accepted. Those were decisions made by an arm's-length body, and the government then made the payments based on those particular decisions. I think it's quite right to have an arm's-length body make decisions on *ex gratia* payments

Where the problem may lie is in a change in understanding of some of the wording. For instance, when this was being examined, I guess some 15 or 20 years ago, even going back to the 1960s, they used the terminology of "childlike", which recently has been interpreted literally and was probably quite different from what the medical terminology meant at that time. That's perhaps one of the problems.

Mr. Breitzkreuz, instead of a specific case, perhaps we need to have a motion that re-examines the process that was involved and why there were 77 cases accepted and 255 rejected. There may be other Mr. Schriers out there; I don't think it's our role to start picking individual cases. We should be looking at general policy. If the government used terminology in its orders in council that is now being misinterpreted, maybe that's at the essence of where our difficulties are today. I'd like to make those friendly suggestions.

Mr. Schrier seems to have a lawyer representing him who has been successful in another case; individually, he has that option. If he'd like this committee to get involved, it should be in the general policy and in examining past policy decisions of the government or legislation.

Thank you.

• (1220)

The Chair: We'll have a very quick clarification just of the numbers— no further. You're going to clarify the numbers.

Mr. Garry Breitzkreuz: I need to counter a couple of things, Mr. Chair, in all fairness.

If you want to make this a legal case, the court—

The Chair: Mr. Breitzkreuz, I'm going to ask you to hold now. I think there are other people who want to make a comment, and then I'll let you wrap up.

Mr. Warawa.

Mr. Mark Warawa: Thank you, Mr. Chair.

I'd like to start off by thanking Mr. Breitzkreuz for bringing this to our attention and taking up this request from one of our constituents, a Canadian. He has brought to our attention a person who is disabled because of what happened in the sixties in an experiment that shouldn't have happened.

It's been shared by a couple of speakers that they have sympathy with respect to the situation. If somebody had a coat and we had two and if we had sympathy for that person but did nothing, how genuine would our sympathy be? Sympathy without an action, when you have an opportunity to do something, rings hollow.

We have a program that provided \$100,000 to 77 people. As was pointed out, 77 were deemed acceptable and 255 were not. There were a total of 332 applicants initially.

I think the question being asked indirectly is, how many of those 255 who were turned down in a neutral administrative fashion, being told they did not qualify the way the rules had been set out, involved an unborn child? How many of those 255 involved a person now disabled, an adult with disabilities caused by these horrendous experiments that happened in the sixties and shouldn't have happened? My guess is it's a very small number, but we don't know. Some would say maybe it's a large number and we're going to start a precedent.

Is it worth showing that person we are going to find the facts and find out if we should make a recommendation to the justice minister, saying we believe Mr. Lloyd Schrier does qualify? That's all that's being asked, do we want to look into the facts and make a recommendation? To spend one meeting is what's being asked. Or do we want to, in a callous way, say we have sympathy but we're not going to listen to the case because the rules were set out and it was handled independently.

I think what's being asked for is reasonable. I'm asking that we not turn our backs on this person. He is coming before us indirectly through Mr. Breitzkreuz and saying please, what was done to me was unjust and I'm asking for some compassion; I know the justice minister has that discretion; please help me. I think we owe it to that person to listen and then make a recommendation, and if it will open up a Pandora's box, let's find that out before we say no.

Thank you.

•(1225)

The Chair: Mr. Cullen.

Yes, Mr. Thompson?

Mr. Myron Thompson (Wild Rose, CPC): I have a point of order, Mr. Chairman, if I may. The points I was going to make have been pretty well addressed, so you can take me off the list, but I would ask the chairman's consideration in this sense. We've had several speakers and I know Mr. Breitzkreuz needs to respond to each and every one of them. To do that in a wrap-up could be rather

difficult, much the same as when we have witnesses; when we ask, they answer, and so on. I'd ask that Mr. Breitzkreuz be able to respond to some of the comments he's heard and that we then move on to the next person, such as Mr. Cullen. When you bombard a guy with all these things—and we've heard some good comments from the fellows across the way—give the man a chance to respond.

The Chair: Mr. Breitzkreuz, will you have difficulty following the opposition?

Mr. Garry Breitzkreuz: I'm making notes here. It's just that my wrap-up is going to be longer than I thought because of all the points raised. If I could respond to each one as a point.... It's up to you, Mr. Chairman; it's at your discretion.

The Chair: In the interest of trying to expedite it, I think it might be better to hear from everybody. Then you can have the final word.

Thank you for your comments, Mr. Thompson. I would prefer to go ahead. We will give Mr. Breitzkreuz as much time as he requires.

Hon. Roy Cullen: Thank you, Mr. Chairman, and thank you, Mr. Breitzkreuz, for bringing this matter forward.

I agree with all the comments that were made by Mr. Macklin. In fact, if he hadn't made them, I probably would have made the same points, but I'd like to pick up on a couple of points that have been brought forward.

If we look at the panorama of Canada, we find there are a lot of stories; there are a lot of citizens who feel aggrieved. It's a big jungle out there. We've had arguments in this committee before. We've agreed to disagree on looking at what are, in my judgment, operational matters of the RCMP, but I recognize the politics of that in Quebec, Saskatchewan, Manitoba, or wherever. In fact, the committee decided to review those matters, and that's what democracy is all about.

This to me is a legal question, and there are so many other stories out there that if we start opening up files, we're going to set a terrible precedent for this committee. There will be other stories coming forward of people seeking justice, and this is the justice committee, so this is where it should happen.

If we could, let's come back to the workload of this committee. I agree with Mr. Wrzesnewskyj: we need to be focusing on broad policy questions and legislation. We have a huge amount of legislation before us now or in the pipeline. There was new legislation just tabled the other day on conditional sentencing. This committee, I know, is seized with the ideas of dealing with our corrections system, dealing with conditional sentencing, dealing with crime. If we get sidetracked onto each and every issue that is brought forward to us by aggrieved Canadians seeking justice, then we're not going to really be responsible in responding to the priorities Canadians expect us to deal with, these matters that affect all Canadians.

I just agree with everything my colleague said, and I think we're on a slippery slope if we start agreeing to deal with individual cases like this.

•(1230)

The Chair: Thank you, Mr. Cullen.

Is there anyone else who wants to comment? Mr. Wrzesnewskyj.

Mr. Borys Wrzesnewskyj: I think Mr. Warawa, without realizing it, actually hit the nail on the head when he used that example where, if someone approaches you on a personal level and you have two coats, do you share a coat? Absolutely, if someone approaches you on a personal level.

This is an issue that's been brought to a committee. We have a very specific mandate for this committee, and we can't start dealing with individual cases. On a personal level, of course, I have tremendous sympathy in this, and perhaps—and I hope this would be treated as a friendly suggestion—there are more important fundamental issues raised by this particular case. There are policy issues that need to be addressed, and I think some of those are in fact implied in some of the correspondence here.

When the original order in council was made, it used wording that may have limited the arm's-length agency in terms of who would receive these payments. A high proportion were refused, 255, and they used terminology such as “childlike” in the order in council. There's presently, I believe, a different legal interpretation from the medical interpretation or understanding of what that meant back in the sixties. Those are the types of issue that I think are policy and legislative issues this committee can deal with, as opposed to individual cases.

On an individual level, of course there is sympathy. I'm trying to make a friendly suggestion that perhaps this isn't within our mandate, but to look at the fundamental cause of why we've arrived at this situation is within our mandate. This Mr. Stein has been successful in an individual case, so there is recourse and perhaps we can help guide Mr. Schrier in that manner.

Thank you.

The Chair: Thank you, Mr. Wrzesnewskyj.

Take as much time as you like, Mr. Breitkreuz.

Mr. Garry Breitkreuz: Thank you.

Let me answer that last objection first.

It's not within our mandate. The Library of Parliament lawyers said this was an avenue Mr. Schrier could pursue by coming here and bringing it up. That's really not an acceptable argument. That's what he could do.

Another argument that was put across by my colleagues on the other side was that 77 cases were accepted, and many were rejected. That's actually an argument for granting him a compassionate settlement because his mother was one of the 77. It was admitted she was harmed, and doctors have told us he was harmed because he was in the womb. He was potentially harmed at least as much as his mother. So that is an argument for what I'm saying; it's not an argument for not granting him the stuff.

Another thing that was brought forward was we deal only with policy and legislation at this committee. That's not true. We have been dealing with RCMP cases here from time to time. I remember the Quebec members on the committee brought forward their huge concerns about what's happening there. We deal with some of the injustices that are playing themselves out in this country.

And another thing, the reason the government seems to be objecting is they are trying to make this a legal issue. I made it clear right from the beginning this is not intended to be a legal issue. If the courts were to look at this, they would base their decisions based on the orders in council this government has made, and we'll end up with an uncompassionate decision on this.

Then the government suggested we take a look at this and change our policy. We already have two departments that don't have the same policy. The health department has one policy on when a baby is a baby, and the justice department has another.

The other thing is how long does it take to change policy? That could take forever, and this man might not even be alive by the time this government decides to get its policy in order.

Every one of the arguments I've heard from the other side I really cannot accept. We should go ahead with this on the basis of compassionate grounds, and not try to drag this out and muddy the waters.

Thank you.

• (1235)

The Chair: Okay, Mr. Breitkreuz, you're completed.

I would then call the question.

(Motion agreed to) [See *Minutes of Proceedings*]

Mr. Garry Breitkreuz: I'd like to thank the members of the committee for considering this.

Thank you.

The Chair: Yes, Mr. Lemay.

[*Translation*]

Mr. Marc Lemay: I understand that we will be considering this case but that does not mean the Committee has to make a decision. We can undertake a consideration of the case.

We've been doing a lot of reading these days. I noticed that Mr. Macklin has several documents that we don't have. Could we be sent copies? I would like to have, among other things, a copy of the decisions that were recently rendered regarding Mr. Lloyd Schrier, as well as the decision that was rendered in the case of his mother, Ms. Schrier, if there was one.

[*English*]

The Chair: We'll provide as much documentation as there is available and we know of. If members have documentation already, we'd ask them to submit that to the clerk for reproduction.

Mr. Garry Breitkreuz: I have distributed everything already.

The Chair: Thank you, Mr. Lemay.

At this time, I'd like to return to Bill C-250.

Mr. Kramp, it would appear an extension of time is going to be required. I'd like a motion that would allow me to make that request to the House.

Hon. Roy Cullen: I so move.

The Chair: It is moved by Mr. Cullen.

All those in favor?

Mr. Garry Breitkreuz: Are we voting on an extension?

The Chair: It is on an extension of the time we have to report. Do you wish to hear additional witnesses we approved last week at the last meeting?

Mr. Garry Breitkreuz: No, I would object to that. I would object to an extension. I don't think we should extend the time period.

The Chair: Mr. Lemay.

[Translation]

Mr. Marc Lemay: I think that it should be pointed out to our Conservative friends that we agree on having a list of additional witnesses. We can't vote against that. There are already witnesses scheduled to appear next week. We're late. We therefore have to postpone this to 14 days later, not a century later. We'll meet with them next week or the following week. We can't vote against that, because witnesses have already been scheduled. Representatives from the Quebec Bar have already been told. So I think that there should be unanimity on the issue of the report.

• (1240)

[English]

The Chair: The end of the 60 sitting days is November 17. The first day that we could slot in even the first batch of those witnesses is November 17, unless you wish to sit more hours on different days, and that conflicts with other schedules.

Mr. Breitkreuz.

Mr. Garry Breitkreuz: I would like some clarification. How long an extension? Are you asking for a one-week extension?

The Chair: Thirty days.

Mr. Garry Breitkreuz: That's what the rules say. No, we could limit it to, say—

The Chair: I didn't say 30 days. We're just asking if we can extend it to 30 days.

Mr. Garry Breitkreuz: Thirty days carries us until February. I don't think I'd like to support that. I think we should limit it. I could support extending it a little. Maybe we can extend it to seven days. Can we extend it to seven days?

The Chair: I think seven days would be three possible sitting days, no, two.

Okay, I accept what you're saying. Why don't we say perhaps to the end of November, or to the end of this sitting, December 15 or so?

Mr. Garry Breitkreuz: Even to the end of November is really stretching it out. I'd like to see this resolved as quickly as possible.

Okay, I'll agree to the end of November. I would agree to an extension.

The Chair: I'm receiving advice from our clerk that when we request an extension it has to be 30 sitting days to consider it. If we agree among ourselves on something less, that's fine, but on the request to extend, we can't just pick them out of the air, 10 days, 15, or whatever; we have to ask for 30 days. There can be understanding among the committee that there's a specific date that we will not exceed....

Mr. Garry Breitkreuz: For my colleagues from Quebec, there are witnesses coming in and it seems to me we could agree to the end of November. By then the witnesses would have been heard if they're here on the 17th.

The Chair: I'll listen to both sides.

Hon. Judy Sgro: This Bill C-215 is really important. It's not just for you guys; I think it's an important piece of work that we have to do. We've got some witnesses coming in and we're still trying to track down a couple of folks with Mr. Kramp and Virginia. I think it's a really important piece of legislation and we can do some good work. I don't want to see our having to short-cut it and not get the full information we need. If we want to do some amendments to it and we want to get it through here and through the House, I think there's a possibility if we can do some of the right work with it.

The Chair: Mr. Cullen.

Hon. Roy Cullen: I was just going to say I'm glad the clerk clarified that. If we're required to ask for 30 days, clearly that's what we need to do. We've already got witnesses lined up. I think we should strive to deal with it as soon and as expeditiously as we can, but to make commitments beyond that I don't think is very wise.

Mr. Garry Breitkreuz: That's 30 sitting days. That's the maximum.

Mr. Chair, I'm trying to get an agreement to move this forward. I agree with Judy. I think we should try to move this more quickly, but if we ask for 30 sitting days, the reality of this situation is that we might not even get it done before the next election. I don't want to see this dragged out and dropped. I think it's too important for that.

Hon. Judy Sgro: It may be less than 30 sitting days. Let's get our witnesses in.

Mr. Garry Breitkreuz: That's why I'm trying to get some kind of a feel for what you and the other side would like to do. Can we get this done before...? I suggested the end of November. What about December 15?

Hon. Paul Harold Macklin: I think it's fair to say that it's not the government that is going to make that decision in the end. The opposition in this committee controls this committee in terms of votes, and quite frankly, we're not in a position to stop you from taking whatever decision you want to take in the end.

Clearly, I think we have to be certain that we can hear the witnesses we've agreed to hear. Some may not be able to come, but we also have other dates. Let's do our best to keep our calendar full and to keep proceeding, and I'm sure we'll end up with it done within a reasonable period of time.

• (1245)

The Chair: Mr. Cullen.

Hon. Roy Cullen: Mr. Chair, I was just going to say, speaking for myself, that I think we have to agree with this motion, but then among ourselves we could say that before this Parliament recesses we will have dealt with it.

Some hon. members: Oh, oh.

Hon. Roy Cullen: No, but we can try. We have to have a sort of informal understanding that this would be our objective.

Mr. Garry Breitzkreuz: You're talking about December, isn't that right? Parliament's "recessing" can refer to an election call.

Hon. Roy Cullen: No, December...

Mr. Garry Breitzkreuz: Okay, with that understanding, Mr. Chair, that we are going to try to get this done by the middle of December...

The Chair: Would someone make the motion that we make the request for an extension of 30 sitting days pursuant to Standing Order 97.1(3)(a)?

Hon. Roy Cullen: I moved that already, Mr. Chair.

The Chair: That's right; you did, Mr. Cullen.

(Motion agreed to) [See *Minutes of Proceedings*]

The Chair: Gentlemen, before you leave, here is a reminder that clause-by-clause study of Bill C-16 will be next, on November 3.

We have two more bills referred to us: Bill C-64, the vehicle identification bill, and Bill C-65, the street racing bill.

That's it for the day. Are there any questions?

Hon. Paul Harold Macklin: Yes. Will the subcommittee on future business be now examining our legislative calendar and bringing recommendations as to where we go?

The Chair: That's an excellent idea, Mr. Macklin. We'll do that.

The meeting is adjourned.

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