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Standing Committee on Justice and Human Rights

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EVIDENCE

Thursday, May 4, 2006

—
Chair

Mr. Art Hanger

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•(1535)

[English]

The Clerk of the Committee (Ms. Diane Diotte): Honourable members of the committee, I see a quorum.

We can now proceed to the election of the chair. I am ready to receive motions to that effect.

Mr. Myron Thompson (Wild Rose, CPC): I would like to nominate Mr. Art Hanger, Calgary Northeast.

The Clerk: Are there any further motions?

Mr. Myron Thompson: On a point of order, Madam Clerk, I was to point out that Mr. Hanger's wife is having a serious operation, and he could not be here today.

The Clerk: It has been moved by Mr. Thompson that Mr. Hanger be elected chair of the committee.

(Motion agreed to)

The Clerk: I declare Mr. Hanger to be the duly elected chair of the committee.

[Translation]

The next item of business in the election of the vice-chairs.

[English]

Pursuant to Standing Order 106(2), the first vice-chair must be a member of the official opposition.

Mr. Bagnell.

Hon. Larry Bagnell (Yukon, Lib.): I nominate Derek Lee.

The Clerk: Are there any further motions?

It has been moved by Mr. Bagnell that Mr. Lee be elected first vice-chair of the committee.

(Motion agreed to)

The Clerk: I declare Mr. Lee to be the duly elected first vice-chair of the committee.

[Translation]

I am ready to take nominations for the position of second vice-chair. In accordance with Standing Order 106(2), the second vice-chair must represent a party other than the Official Opposition.

Are there any nominations?

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): I nominate Réal Ménard.

The Clerk: Are there any other nominations?

Ms. Freeman moves that Mr. Ménard be elected second vice-chair of the committee.

Is it the pleasure of the committee to adopt the motion?

(Motion agreed to)

Mr. Réal Ménard (Hochelaga, BQ): At least there will be someone who leans slightly to the left.

[English]

The Clerk: I now invite Mr. Lee, the vice-chair from the official opposition, to take the chair in the absence of Mr. Hanger.

The Vice-Chair (Mr. Derek Lee (Scarborough—Rouge River, Lib.)): Colleagues, we have to run through some routine motions dealing with the procedure of the committee.

I would just check with you, Madam Clerk, to make sure we have it in order. Shall I follow this list?

The Clerk: If the committee is ready, sure.

The Vice-Chair (Mr. Derek Lee): All right.

You have in front of you a list of subjects of motions together with a proposal put together by the clerk's office for our consideration. Many of these drafts reflect the previous positions of the justice committee. We can go through them one by one, if that's okay with members.

The first routine motion deals with analysts from the Library of Parliament.

Can I have someone move that?

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): I so move.

The Vice-Chair (Mr. Derek Lee): We don't need a seconder.

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

The Vice-Chair (Mr. Derek Lee): The clerk suggests we invite the two Library of Parliament persons....

Actually, as many of you will know, they don't need much of an introduction after their many years of service to Parliament and to the justice committee. They are Phil Rosen and Robin MacKay. In Mr. Rosen's case, I think his corporate memory of the committee predates everyone else's here.

Thank you for being here, Phil.

Mr. Philip Rosen (Committee Researcher): I brought my CV in case you needed it.

The Vice-Chair (Mr. Derek Lee): Robin has fallen heir to so much of that.

We'll continue with routine motions. We'll move on to the subcommittee on agenda and procedure motion, that the committee be composed of the chair, two vice-chairs, and a member of the other opposition party, which in this case would be the NDP. That covers it off.

If somebody moves this, we can debate it.

Mr. Comartin, thank you.

(Motion agreed to)

The Vice-Chair (Mr. Derek Lee): Thank you.

On the motion for a reduced quorum, new members should understand that the reduced quorum is for the purpose of hearing evidence when we have witnesses and we perhaps do not have a full quorum. There will not be a vote in that circumstance, but the witnesses will not be embarrassed by having less than a full quorum. That's the purpose of it.

Would someone would move that? Mr. Bagnell moves the motion as drafted.

(Motion agreed to)

The Vice-Chair (Mr. Derek Lee): On the distribution of documents, can I have someone move that?

Mr. Bagnell so moves. Can I put the question as drafted?

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

The Vice-Chair (Mr. Derek Lee): On working meals, Mr. Bagnell moves it. Thank you.

Is there any discussion?

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

• (1540)

The Vice-Chair (Mr. Derek Lee): The next one is usually contentious; it's not so much contentious as it's sometimes discussed before we adopt it. If you would take the time to read it, I'll put the question.

Can I have someone move it? Mr. Ignatieff so moves. Thank you.

Is there any discussion of this particular motion?

Mr. Thompson, Monsieur Ménard, and then Mr. Bagnell.

Mr. Myron Thompson: I want to point out that in the last part where it states "...be allocated to each subsequent questioner, until every member has spoken once", I know there were some questions in the last session.

For example, you have four Liberals, two Bloc, one NDP, and four over here. It would go to the official opposition, then to the Bloc, then to Joe, and then the Liberals; back there and there, and back to Joe and here; and back there, and back there, and back to Joe, and back here.

For example, Joe would get maybe three chances for questions.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): That was brilliant!

Mr. Myron Thompson: It was a great move, but somehow or another there were members left out because of that.

I need to clarify this. Does this mean when it says "every member has spoken once"—and I'm not picking on you, Joe, but you're the example—would each member speak once before Joe gets to speak a second time?

The Vice-Chair (Mr. Derek Lee): Your vice-chair certainly has a view and an interpretation of that, but I should defer to the clerk, if you wish to speak to it.

Do other members wish to comment or have a question on that particular issue before we go to the clerk?

[*Translation*]

Mr. Réal Ménard: We all agree that during the first round, the chair will recognize all opposition parties first, followed by a representative of the government party. This is not a contentious issue. Each party has seven minutes.

For the second round, it was my understanding that the chair will recognize the opposition first, then move on to the Bloc and then to the government, ending with an NDP representative. The opposition parties do not ask questions one after the other. It's important to understand the order followed during the second five-minute round of questioning.

I'm a firm believer in the principle that every member must be given the opportunity to speak. If we want members to attend committee meetings, they must all be given a chance to speak. However, I didn't think that during the second round, the Official Opposition would go first, followed by the Bloc, the government and then the NDP.

[*English*]

The Vice-Chair (Mr. Derek Lee): Okay. Does any other member wish to speak to it before we go to the clerk?

Mr. Bagnell.

Hon. Larry Bagnell: I want to go after the clerk. It explains what we did last time.

The Vice-Chair (Mr. Derek Lee): Sure, okay.

Could you comment on what the committee did last time and what this proposal is?

The Clerk: Okay. This proposal is what the justice committee adopted at the end of the last Parliament. The intention was that the first round would be exactly as Mr. Ménard said.

But the second round would be the Liberals and the Bloc, the second member of the Bloc, and after that, back to the Conservatives, because the NDP member had his chance; and after that the Liberals, then Conservatives only, because the two Bloc had the chance to express themselves, and also Mr. Comartin, until there's no one else who wants to say something. It would be the four Liberals, the four Conservatives, and after that we would start again. That's the way the justice committee has been doing it.

[Translation]

Mr. Réal Ménard: That's correct.

[English]

The Vice-Chair (Mr. Derek Lee): Is that okay, Mr. Bagnell? You don't have any further comment?

Hon. Larry Bagnell: No, it's good, because everyone gets to speak once.

Mr. Myron Thompson: By the way, on a point of order, you don't have to question if you don't want to.

The Vice-Chair (Mr. Derek Lee): That's correct.

Okay. So we've agreed on that format then, and in the first round, the party trumps the system. It will be seven, seven, seven from the opposition parties and seven from the government. On the subsequent rounds, it will be five minutes, rotated around, until each member has had a chance to ask questions. After that, my experience is that it will bounce based on the discretion of the chair and the attitude of the members. I don't recall any big problems developing with that in the last half-hour of the meeting.

If that's okay, we can adopt this motion the way it is.

(Motion agreed to)

The Vice-Chair (Mr. Derek Lee): Well done.

Are there any questions about witnesses' expenses?

Mr. Bagnell moves it.

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

• (1545)

The Vice-Chair (Mr. Derek Lee): Next we have staff at in camera meetings. One person per....

Monsieur Ménard, you have a question.

[Translation]

Mr. Réal Ménard: A contentious issue has been raised in other committees. A routine motion states that a member may be accompanied by a staff person. I simply want assurances that "staff person" also means a staff person in the whip's office. Some committees have refused to interpret the wording this way. However, as everyone well knows, the staff in the whip's office is critically important to members.

We're agreed then that in cases where a member is not accompanied by a member of his own staff, the generic term "staff person" also means a staff member in the whip's office. This holds true for all parties in the House.

[English]

The Vice-Chair (Mr. Derek Lee): Mr. Bagnell.

Hon. Larry Bagnell: I think the problem with the other committees was that the French and the English didn't match. The English version basically said that you could bring anyone, and the French version said you had to bring someone from your MP's staff. So as long as both languages can be stated to mean that you can basically bring anyone from your staff, or the whip's staff....

The Vice-Chair (Mr. Derek Lee): I want to thank Monsieur Ménard for asking the question, and then we'll go to Mr. Comartin.

Mr. Joe Comartin: I actually think we should change the wording. This came up at a public security meeting earlier in the week, and it was brought up by the Bloc because they ran into the problem.

What we should do is change the wording so that the staff person is designated by the member, that we choose who we want, rather than having the chair interpret who a staff person is.

The Vice-Chair (Mr. Derek Lee): Yes, it can sometimes be embarrassing when you don't exactly know what the relationship is between the member and a particular staffer sitting in the room, and you don't know where he or she has come from.

Can we adapt the wording to accommodate that?

Mr. Joe Comartin: Yes, after "one staff person", you could add "as designated by the member".

[Translation]

The Vice-Chair (Mr. Derek Lee): The wording in French...

Mr. Réal Ménard: The motion would read "d'une personne de son choix".

The Vice-Chair (Mr. Derek Lee): I see.

[English]

All right, then, with that amendment, which was moved by Monsieur Ménard, I'll put the question.

(Motion as amended agreed to)

The Vice-Chair (Mr. Derek Lee): Next is private members' business. I'll get someone to move it. I have to read it myself.

It's not clear what the intent is. In any event, it looks fairly harmless, and if someone wants to move it, we'll adopt it.

Mr. Brown is moving it.

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

The Vice-Chair (Mr. Derek Lee): The motion for transcripts of in camera meetings looks pretty standard.

It is moved by Mr. Comartin.

Any discussion?

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

The Vice-Chair (Mr. Derek Lee): Next we have notices of motions. This one sometimes gets a little debate.

Mr. Moore is moving this one. Thank you, Mr. Moore.

Is there any debate on this 48-hour notice provision? In my experience, it seems to have worked well.

Mr. Thompson.

Mr. Myron Thompson: I know a new committee has been struck this session regarding safety and security. Police officers and the correctional and parole services are now under a new group of people, where they used to be in this committee. The reason I'm talking about it is that I want to remind myself that this has now happened and that when we present motions to this committee, they are applicable to this committee and not the other one.

The Vice-Chair (Mr. Derek Lee): Okay.

Mr. Myron Thompson: I have made that error already this year.

The Vice-Chair (Mr. Derek Lee): Is there any further discussion?

I will put the motion.

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

The Vice-Chair (Mr. Derek Lee): Madam Clerk, that exhausts the routine motions.

At some point, as much as members may not want to, we have to address future business. We have to go to work.

Could the clerk tell us what's in the hopper—what has been referred to this committee by the House, if anything?

The Clerk: Yes. We already have received the Anti-terrorism Act revision. Also, there's another statutory requirement on organized crime that has been sent to the committee. The minister also sent two bills this morning, Bill C-9 and Bill C-10. I have to remind myself what they are.

The Vice-Chair (Mr. Derek Lee): They are on conditional sentencing and mandatory minimums.

• (1550)

The Clerk: That's it.

So that's where we are.

The Vice-Chair (Mr. Derek Lee): They have not been adopted in the House.

The Clerk: No.

The Vice-Chair (Mr. Derek Lee): Actually referred to this committee so far are the Bill C-36 review and the organized crime review.

The Clerk: You also have the main estimates.

The Vice-Chair (Mr. Derek Lee): The main estimates—and aren't there two others? Yes, two other justice bills on the order paper have not come through yet.

The Clerk: They have only had first reading in the House.

The Vice-Chair (Mr. Derek Lee): Okay. We have four bills in the House that have had first reading only. They're not here yet. We have two statutory reviews and the estimates.

Already we have a full agenda, I regret to say.

Monsieur Ménard.

[*Translation*]

Mr. Réal Ménard: I was genuinely surprised to see the study of the antiterrorist legislation referred to the Standing Committee on Justice. When the Justice and Public Safety Committee were one

single entity, we truly felt that this bill was first and foremost the responsibility of public safety officials.

Perhaps the parliamentary secretary can tell us why the government did not deem it advisable to refer this bill to the Public Safety and National Security Committee which generally has less on its plate than the Justice Committee. As you know, six or seven of every ten bills are referred to the Justice Committee for review. Moreover, security certificates are the responsibility of the Minister of Public Security, Mr. Stockwell Day.

Unless we receive new information, I'm tempted to make representations to my party's leader in the House, Michel Gauthier, asking that the process of referring bills to committee be reviewed.

I realize that it's the government's prerogative to select the committee to which it wishes to refer legislation, but could someone explain to me why, in this particular instance, it chose to refer this bill to the justice committee rather than to the public safety committee?

[*English*]

The Vice-Chair (Mr. Derek Lee): Mr. Bagnell is next, and then Mr. Thompson.

By the way, not to embarrass anybody, is there a parliamentary secretary in the justice envelope here? You are, Rob. Sorry. If you would like to speak to this, you could, now or later.

Mr. Rob Moore (Fundy Royal, CPC): Part of the rationale—of course, there is some overlap, as with many other issues—is that overall, it came to our Standing Committee on Justice and Human Rights because it deals with rights. With these certificates and so on, a lot of rights issues come into play, and that's why it was referred to this committee.

The Vice-Chair (Mr. Derek Lee): Mr. Comartin.

Mr. Joe Comartin: I've actually raised this with the House leaders, because I agree with Mr. Ménard—it really makes no sense that it be here.

I'm the only one from public security from last time. We spent a whole year doing that review. It clearly had more relevance to the security area than it did to the justice area, in spite of the fact that Mr. Moore's point that it has relevance to justice issues—civil liberties and civil rights issues in particular—is well taken. The reality is that's how it was handled in the last Parliament. There are still three of us who went through that review left on the public security committee, so there is a corporate history there that just makes sense.

In any event, I did raise it at the House leaders' meeting on Tuesday. Whether they're going to review it and perhaps send it to public security is under consideration.

The argument I made at that point I'll repeat here. We have already seen what our agenda is like. If we're going to do an adequate review, as we are legally mandated to do under that statute, we're looking at the better part of six months or more, even with heavy hearings, to get through all that evidence again. I don't think the government is prepared to wait that long on this.

I have one final point, Mr. Chair.

This issue may be better dealt with if we met as the smaller group, the agenda and procedure committee, to try to hammer out priorities.

The Vice-Chair (Mr. Derek Lee): Okay.

Mr. Bagnell, did you want to comment?

Hon. Larry Bagnell: From my perspective as a Liberal, the concerns about the bill would be with human rights and justice issues. To me, the security is just mechanics. As Liberals we have complaints with and would like to study the area of human rights. I would tend to agree with Mr. Moore in that respect.

I also agree with Mr. Comartin that with the amount of work in the committee, we wouldn't have as much time. I would suggest that whatever committee it's at reconstitute a subcommittee including as many as possible of the people who were on it before—no matter what committees they're on—so that those people who have already spent hundreds of thousands of taxpayers' dollars getting witnesses and everything for it be allowed to complete their work and do a report.

• (1555)

The Vice-Chair (Mr. Derek Lee): The chair has a couple of comments. This particular review, because of the way it was originally structured, is due back into the House no later than June 23. I don't think there's anybody around the table who believes that we can accomplish that task within that timeframe if we are starting fresh. At some point the House leaders are going to have to go back to the House to get an extension or a revision to whatever procedures would be there to accomplish this review.

The suggestion by Mr. Bagnell and the comments by Mr. Comartin need not be seen as mutually exclusive. It might actually be doable—no matter which committee presides structurally over the review—to have a subcommittee constructed either of this committee or of the public safety committee, which would be composed of most of the members who did the work in the last Parliament. I know they completed most of their work. We're in a public meeting now, so I'll just leave out there the question of how it happened that they didn't manage to finish, since they came so close. One of the reasons, of course, was that the House fell in a relatively unplanned fashion.

In any event, perhaps we could just leave those comments on the record now and each party could deal with the appropriate House leader and minister and make sure they're informed of our views, unless you want to send something to the minister and wait to see what comes back on that issue. Is that okay?

Mr. Myron Thompson: If I may say so, Mr. Chairman, I think Mr. Comartin had the right idea to get the subcommittee...and the chairs.

The Vice-Chair (Mr. Derek Lee): Yes, I'm including that. That's correct.

Mr. Myron Thompson: I think he also said organized crime was one of the bills up for review. What area is that from?

The Vice-Chair (Mr. Derek Lee): That's a fresh review.

Mr. Myron Thompson: Maybe we need to look at that as well, just to make sure we're aware of these bills, or where they ought to be.

The Vice-Chair (Mr. Derek Lee): We need to determine whether the other committee or this committee is the right place for the organized crime.

Mr. Myron Thompson: Exactly.

These things need to be taken to our House leaders and to our minister and we need to make sure that's the way it should be, because I see our agenda getting really huge. I'm not copping out on any work, but I was in on it, and I know how long a session we're looking at.

The Vice-Chair (Mr. Derek Lee): If it helps, members, when you take a look at the ministerial responsibilities here for the statutes involved, it is quite appropriate for the Bill C-36 review to come to the justice committee. It is the justice minister who would carry most of—not all, but a lot of—the sections. It was really quite a big bill. Organized crime comes under the Criminal Code and that's under the justice minister.

Mr. Myron Thompson: Okay.

The Vice-Chair (Mr. Derek Lee): We can't solve all these riddles here at this meeting. Mr. Comartin has suggested that we hand these things over to a steering committee and let them be hammered out there. I'm prepared to take that approach.

We will have a last comment from Monsieur Ménard.

[*Translation*]

Mr. Réal Ménard: I'd like to say something about organized crime, to avoid any misunderstanding. The committee's mandate is not to review all of the act's provisions, but rather the specific provision allowing police officers to carry out unlawful acts under certain circumstances. Such acts are similar to entrapment, which the Supreme Court has declared legal. Correct me if I'm wrong, but it is my understanding that we will be examining section 24, not the entire act.

[*English*]

The Vice-Chair (Mr. Derek Lee): Let's put this over to a steering committee. All the comments have been helpful.

The remaining issue is whether we shall embark on our work plan right now.

We know we have to do estimates. This is Thursday. Can I ask the clerk if it would be doable if members wished to embark on estimates at one of the meetings next week? Can you tell us what the windows of meetings are for this committee?

• (1600)

The Clerk: We're supposed to meet on Tuesday and Thursday from 3:30 p.m. to 5:30 p.m.

The Vice-Chair (Mr. Derek Lee): They are on Tuesday and Thursday from 3:30 p.m. to 5:30 p.m. It's a little late notice for estimates for Tuesday next week. If Mr. Moore doesn't have any guidance on that, we'll wing it. Can I suggest that we do estimates as the first order of business here, since we only have the two reviews? The reviews are going to be long.

[*Translation*]

Mr. Réal Ménard: Mr. Chairman, statutorily, do bills take precedence over the estimates? Which has priority: a bill or the estimates?

[*English*]

The Vice-Chair (Mr. Derek Lee): I don't think there's any established priority between a bill and the estimates. Both are referred to committee. We have no bills referred to us now, but we do have estimates referred to us.

Hon. Larry Bagnell: When is the deadline for estimates?

The Vice-Chair (Mr. Derek Lee): There is a deadline for estimates, but no deadline for bills.

Mr. Moore.

Mr. Rob Moore: Tuesday would be too early for estimates.

The Vice-Chair (Mr. Derek Lee): Yes.

Mr. Rob Moore: So it would just be deliberations....

The Vice-Chair (Mr. Derek Lee): I would agree. Therefore, the question is whether we begin with a presentation on estimates from the justice minister. We usually have the minister in first for the macro, for the wide-angle-lens view.

Why don't I suggest this? We will go to steering committee to discuss future business. If the chair can arrange an appearance by the minister and appropriate officials to lead off the estimates next Thursday afternoon, I will arrange it and give notice. If I can't, we'll put the whole thing over to steering committee and begin scheduling estimates as soon as is practicable and deal with the other questions involving the reviews. Is that okay?

[*Translation*]

Mr. Réal Ménard: Yes.

[*English*]

The Vice-Chair (Mr. Derek Lee): Good. That's it. Is there any further business?

Mr. Bagnell, is there something else?

Hon. Larry Bagnell: Can the steering committee meet before Tuesday and then present the recommendations on future business at Tuesday's meeting?

The Vice-Chair (Mr. Derek Lee): We should consult with Mr. Hanger. I forgot, I'm not the chair. Mr. Hanger is going to have to lead this, so we'll check with him.

Mr. Moore.

Mr. Rob Moore: I'm informed that for section 25.1 of the Criminal Code, which we're charged with reviewing, there could be someone here from the department on Tuesday, if we want to start looking at that on Tuesday.

The Vice-Chair (Mr. Derek Lee): Is section 25.1 about organized crime?

The Clerk: Yes.

The Vice-Chair (Mr. Derek Lee): That is on Tuesday.

Mr. Rob Moore: Yes, on Tuesday.

The Vice-Chair (Mr. Derek Lee): Are you ready to go? Okay, we'll start with the organized crime review on Tuesday with a preliminary presentation.

What do you think, Mr. Rosen?

Mr. Philip Rosen: It doesn't give us much time to prepare materials. You'll have to go it on your own.

The Vice-Chair (Mr. Derek Lee): The committee has always been so well served here. We usually have materials from the Library of Parliament to get us started on these things. Do you want to fly without them? I don't want to put our researchers under pressure here.

Mr. MacKay and Mr. Rosen will be—

[*Translation*]

Mr. Réal Ménard: Officials will most certainly be preparing some briefing materials for us. We could start with that, to use our time as productively as possible. Perhaps we can have some background information on the estimates by Thursday. In any event, we're all somewhat familiar with the subject. As a rule, officials table documents in both official languages.

[*English*]

The Vice-Chair (Mr. Derek Lee): That's fine. Is it anticipated that Mr. Hanger will be back in town?

Mr. Rob Moore: That's what we think. His wife apparently had serious surgery, and I think he'll be back from it.

The Vice-Chair (Mr. Derek Lee): That would be great. Having established all of that, Madam Clerk, we can adjourn. Agreed?

[*Translation*]

Mr. Réal Ménard: That's correct.

[*English*]

The Vice-Chair (Mr. Derek Lee): The meeting is adjourned.

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