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Chair

Mr. Garry Breitkreuz

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•(1105)

[English]

The Chair (Mr. Garry Breitkreuz (Yorkton—Melville, CPC)): I'll bring this meeting to order.

This is the Standing Committee on Public Safety and National Security, meeting number 37. Today we are dealing with the order of reference of Wednesday, November 22, 2006, Bill C-279, an act to amend the DNA Identification Act, establishment of indexes.

We would like to welcome to this committee member of Parliament Mike Wallace. Mr. Wallace, are you prepared to give us a presentation?

Mr. Mike Wallace (Burlington, CPC): Yes, I'll give just a brief overview, Mr. Chairman.

The Chair: After that, of course, we'll go to questions and comments. We look forward to it.

Mr. Mike Wallace: I'd be happy to answer any questions and comments. You may want to call on staff to answer any questions too.

Thank you, Mr. Chairman, for this opportunity. I want to thank the committee members for being here.

I'll try to be relatively quick, because I understand bells are going to happen, and we have votes.

There is a fair amount of history around Bill C-279 and the issue. I just want to take a couple of minutes, briefly, to talk about what we're trying to accomplish with these DNA indices.

First of all, let me thank everyone who's worked on this with me. The RCMP have been supportive, as have the Ontario Provincial Police. My own force in Halton have consulted with me. There have been a number of groups who have come to see me in support of it: victims' rights groups, a native women's group, and of course Ms. Judy Peterson, who many years ago started this process. She has a missing daughter—her first name is Lindsey—and she is looking for the Government of Canada to move forward on an index process that helps find missing persons in Canada.

There are about 7,000 missing persons in Canada at the present time. There are a number of different indices that already exist. There is the index that exists for DNA at crime scenes. One example I like to use is that until very recently you had to go to every morgue in the country to see if one of your loved ones was there. This bill is very important in helping bring closure to families who have had missing persons for a number of years.

On the good side, the OPP, for example, in Ontario, who are very supportive of this bill, have just introduced a process by which they're taking pictures of people in morgues and putting them on the Internet and then people may be able to identify them visually. But it would be much more efficient and much more effective—and they agree—if we used the information that now exists and the technology.

Canada has been a leader in DNA, and we have another bill in front of the House, a government bill on this particular topic on using DNA in criminal investigations. All I was looking for was support for using the same technology to be able to identify people who have been missing for many years.

There had been a number of issues, Mr. Chairman, and a number of them have been resolved. For example, there has been a discussion about the definition of a missing person. Is it six days? Is it six weeks? For my bill's purposes, we were hoping for a discussion today, and I was going to look for the committee to support that it be a year. The vast majority, 80%, of missing persons are found within a year. So it would be a smaller component that would fall under that definition, and that would narrow the scope of the missing person we're looking for and the scope of the work that the law enforcement groups would be doing.

But let's talk about the facts. First of all, I appreciate everyone who's spoken to this bill so far in the House. All parties have spoken to it of course, and I've had basic support in principle—that's why I'm here—from all parties. The Bloc had some issues with jurisdiction, which we were working on, but this concept has been around for a number of years, and the Honourable Ms. Barnes has pointed out to us that it's been kicking around while we have been trying to get the right mix.

The fact of the matter is that we need to work with our federal, provincial, and territorial partners. The minister has been bringing this forward at the FPT meetings over the last couple of years. There hasn't been a complete solution. I think we thought we would, by this time, have a complete solution on jurisdictional items and on a number of definitions. But the ministry has indicated to me that is not the case yet. It's not completely finalized, but they are continuing to work on it, because I think all of us agree that at the end of the day—I know it is a bit of a partisan place—trying to help families resolve missing persons in their families and bringing closure to them is not a partisan issue.

I appreciate the party support that I've gotten from all sides of the House, and I do appreciate the work that the ministry has been doing on this. Unfortunately, that has not been completed yet, and the bill will likely—it's up to committee what they do with it—not be able to proceed at this point until that work is done.

Mr. Chairman, those are my opening remarks. We'll continue to work on this issue as long as I am honoured as being a member of Parliament.

•(1110)

I'm willing to answer any questions people may have.

The Chair: Thank you very much.

You of course have raised a very important issue, and I think, as you have said, you will have support from all sides of the House for this. We appreciate the fact that you have brought it forward, and I look forward to the discussion around here at this point.

Mr. MacKenzie, do you have a point of order?

Mr. Dave MacKenzie (Oxford, CPC): No, I'd just like to ask Mr. Wallace a couple of questions and make a comment along with it.

Hon. Sue Barnes (London West, Lib.): I have no problem. I know it's my time, but I have no problem with Mr. MacKenzie going.

The Chair: Okay, if that's agreeable, we'll have Mr. MacKenzie.

Mr. Dave MacKenzie: Just to clarify for the committee—it's not so much an issue with the bill—I think you've indicated that the issues with provincial-federal-territorial jurisdictions have not been resolved—

Mr. Mike Wallace: That's correct.

Mr. Dave MacKenzie: —and that these are still somewhere out there in time.

Mr. Mike Wallace: Right. When we first brought this forward, obviously I did my homework, investigating where we were with the ministry in their work with the FPT issue and their expectation that it would be done.

It has been on their agenda at every meeting they've had over the last nine months, and there was a spring meeting. We thought the issues would all have been resolved and we would have been able to bring any changes that were required to the bill, and I was open to changes here today.

That is not quite ready yet, so unfortunately I'm not able to provide you that information.

The Chair: Ms. Barnes.

Hon. Sue Barnes: Maybe I could just get the clarification, either from Mr. Wallace or from Mr. MacKenzie, the parliamentary secretary. This bill, if enacted, would also—it's a royal prerogative—need money, and at this stage, as a private member's bill, unless Mr. MacKenzie can tell me that there has been money assigned to this bill—

Mr. Mike Wallace: Well, I can answer the question. It does need royal assent, and that was—

Hon. Sue Barnes: Royal—?

Mr. Mike Wallace: A royal recommendation; I'm sorry. That has not been forthcoming as yet, so that puts basically an end to it at this point.

Hon. Sue Barnes: Okay.

Perhaps I can just say a couple of words, then. I know all sides of the House are on side with the sentiment of this bill. There is a lot of agony for people with uncertainty about missing persons.

I have read the letter that was circulated by the chair's office through the clerk to all of us—from the Minister of Justice from Saskatchewan, I believe—in the last couple of weeks, saying the jurisdictional issues are of grave concern. And I know there are technical issues relating to the DNA.

Mr. Wallace, I want to be clear. What are you asking from this committee at this time?

Also, before you answer that, I would say that even though I respect your desire to have this put off to some time, and even though it's your private member's bill, Parliament sent it here.

First of all, I'll give you a chance to answer.

•(1115)

Mr. Mike Wallace: Sure. Thank you for that opportunity, and thank you for pointing this out to me in the House a few weeks ago. You pointed out correctly that being new, I thought there could be an extension provided. It was indicated to me that it's not likely going to happen.

So I don't know. I think if the bill is brought back to the House, it doesn't get read, because of the issue of the money that's required. So I'm leaving it to the committee whether they send it back without anything in it, or whether we don't do anything with it at all and it just dies. I'm not here with a recommendation as to what to do with it, because procedurally I don't want to presume what the committee may want to do with it.

Hon. Sue Barnes: Having listened to that, I would like personally to hear at least from the department officials on this bill. I know that we're being called to the House for votes very shortly, and I've had a discussion with the parliamentary secretary.

I think that because so many people in the House really wanted to see some movement on this file, we cannot just gut this bill without at least—I'm not saying you're not credible, Mr. Wallace—I know you are—but I'd like to hear from the officials the reasons why we can't proceed at this time, and at least have them in here.

I think we have about another week on this, so if we did that, then there may be some consent needed in the House by you as the mover of the bill, if in fact this bill is emptied after hearing from them. I'm not prepared to make that decision today.

I'm glad you're here telling us in person that you understand those ramifications and complexities. I think it's a complexity any government would face, so in the spirit of being very supportive of the intention of this bill, but recognizing that it's not just the federal jurisdiction and that there are technical problems, I don't want people to have to rely on my word. I'd like to hear it from the justice officials of the government.

That would be my recommendation: that we maybe bring in—We have a future business meeting, and maybe we can establish that we just have a meeting—it might not take all that long—with the justice officials, just because I know this is an important issue for many people across the land.

I'm not even apologizing for that. It is an important issue for many people.

An hon. member: I agree.

The Chair: How does the committee wish to proceed? It's almost like we're in a planning committee here. Where do we wish to move on this?

One of our options is not to recommend it back to the House and just leave it as is, or hear from the officials.

Mr. MacKenzie.

Mr. Dave MacKenzie: Mr. Chair, I wonder if Mr. Ménard or his colleague, or Mr. Comartin, have any comments.

The Chair: Monsieur Ménard or Mr. Comartin, do you wish to hear from the officials as well, before we make a decision on this? Or how do you feel? I don't know if you've read the letter from Saskatchewan on jurisprudence.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Oh, yes.

The Chair: Who wants to speak first?

Monsieur Ménard.

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): I believe I read the letter from the justice minister of Saskatchewan. I find that it clearly expressed the concerns we have with regard to this bill. It is a very fine bill, and in fact I believe it would be very useful. However, it is not really necessary, since Parliament can act in any criminal matter. Nevertheless, the bill may well be useful, even in cases where no criminal act is involved. Further, I believe it is always preferable for such a type of data bank to exist, so that everyone can have access to the same data.

However, we have certain ideas on how to proceed. For years, I attended a conference which is held every summer. It is the Uniform Law Conference. Obviously, in a federal system such as ours, this type of thing is necessary. It seems to me that the issue at hand could best be dealt with at that type of conference. Indeed, representatives from the federal and provincial governments could agree on amending their respective legislation, in tandem with one another, in order to create a single data base.

It is very ambitious for a single member of Parliament to want to bring about such a fine project. But the subject raises jurisdictional issues. If the object of the bill was to create a DNA data bank to identify criminals or to help solve crimes, there would not be any problem, but that is not the case. I perfectly understand that the member wants the scope of this bill to be much wider. He wants to make it easier to find missing persons, whether they disappeared in a forest, following an accident or a drowning, for instance, through a data bank when the remains of these persons are found in the forest or elsewhere.

Even as a sovereignist, I recognize that this type of data bank would be most useful if it served as many purposes as possible. I would even go so far as to say that it should be a North American data bank. As it turns out, the Americans have had the same kind of jurisdictional problems. Today, each U.S. state has its own data bank, and they are interconnected.

Whatever the case may be, I believe this matter would be best addressed at the Uniform Law Conference. It seems to me that the easiest way to achieve this result would be to go that route, since the original sponsor of this motion is now a minister in cabinet. He could speak to the Minister of Justice, if he so wishes, and suggest that the matter be put on the agenda for next summer's conference.

•(1120)

[*English*]

The Chair: Thank you.

Mr. Comartin, do you have any comments?

Mr. Joe Comartin: What are our timelines on this? By what time do we have to deal with this?

The Chair: We have approximately two weeks, until May 1.

Just to clarify this, the decision we now have to make is either not to proceed, which means deemed reported back to the House by May 1; or we can amend the bill, gut the bill, or do whatever we want in that respect, and report it back; or pass it on as is; or delay the first three options and hear from the officials.

Mr. Joe Comartin: What I want is a message from this committee back to the government, really, that we just have to stop doing this. I remember meeting with Mr. Lunn in the last Parliament, and Mr. Easter at that point. Both had been very extensively involved in the issue. It's quite clear, and I got the message from both of them, in their dealings with the attorneys general across the country, that everybody wants to do this. It's a question of working out the mechanics between the two levels of government.

This has gone on now, Mr. Chairman, and I think we all know this, for over five years. It's in excess of that now that we know we need this kind of a system. Mr. Ménard's point is well taken. We saw the same problem in the United States. I don't think they've resolved it adequately across the whole of the country, and we certainly haven't even started on it.

So what I'd like coming out of this is I would like us to do something. I don't want to just let it go back without that message coming from this committee. I don't know if we have to do a report as part of sending the bill back, but we badly need to do this. I know there are problems with the provinces. We saw that in the letter from Saskatchewan. Certainly we've heard it from the Province of Quebec in terms of the concern over provincial jurisdiction here. Having said that, it seems to me that there's been enough discussion between the provincial and federal levels that in fact they know how to do it.

Let me throw it back at the parliamentary secretary. Why don't you go and fix it?

In all seriousness, Mr. MacKenzie, I'm not hearing that the government is at a stage yet of having a government bill come forward that would put in place what the federal government needs to do and then have that agreed upon by all the provinces. Maybe you could help us in that regard.

To answer your basic question, I simply want a message going back from this committee that we recognize the significance of this.

Mr. Wallace, on the point you made about some of the limits you put in in terms of how long the person has to be disappeared before we do it, it would be interesting to see what those are, because the scope of what we're doing may be substantially less than if we take every single missing person in the country from the day they go missing. So the scope of what we may have to do may be substantially less, and that may get both levels of government to move more quickly, since they won't be faced with as much financial burden.

• (1125)

The Chair: Let me interrupt you for a minute.

Mr. Wallace, for those 7,000 missing persons, that number you used, how long have they been missing? You suggested one year.

Mr. Mike Wallace: It would depend. That's not a year.

I'll give you some examples that are a little more concrete. Just in Ontario alone, there are a couple of hundred remains in morgues as Jane and John Does. The oldest one is from 1973. Some of them are relatively recent, but they're waiting at least a year before they post them.

The Chair: Okay.

Ms. Barnes.

Hon. Sue Barnes: I'm just going to propose that the first part of next Tuesday's meeting, say the first hour, be devoted to having the officials in here and then to dealing with the bill clause by clause. To my understanding, I'd like to hear the official line that they're not ready. We've already heard from Mr. MacKenzie that the government is not putting money into this right now, so it can't proceed in the House, in any event, without that royal recommendation, and we don't have it here at committee.

At that point, we could deal with the clause-by-clause afterwards. If in fact what happens after that is we empty the bill—I don't know, but that's one of the things that could happen—then I believe there's some rule, and I'd like the clerk to verify this for Tuesday where we could give reasons why we have emptied the bill, and then that would go back to the House.

So that does give the message, Mr. Comartin, that we could do this.

We could do this today, but I'm very uncomfortable, on behalf of my colleagues who supported this bill, in dealing with it on just the basis of the private member's bill, because you've made this larger than yourself. So I think we have to hear from the officials. I think we do have the time. At first I was concerned that we wouldn't have the time, but we do have that meeting open and I think we can deal with it on Tuesday.

The Chair: The meeting is not really open; we were going to deal with the issue of counterfeit goods and the draft report, but we can still do that.

Hon. Sue Barnes: We could start that in the second half of the meeting, I would think.

The Chair: Well, what I heard you saying was to hear from the officials for one hour and then deal with the bill in the second hour.

Hon. Sue Barnes: Clause-by-clause consideration wouldn't take that long. You saw how quickly we did it before.

The Chair: Okay. Did you have a comment on that, Mr. Wallace?

Hon. Sue Barnes: Perhaps Mr. MacKenzie does.

The Chair: Okay; go ahead, Mr. MacKenzie.

Mr. Dave MacKenzie: I do apologize to the committee that we're at this late date and have our backs to the wall with respect to time.

First, I think we came here today with a motion to extend the time. I understand that the opposition is opposed, and we understand that. That was our first issue.

Second, I think there's good merit in having the officials come before us to let us know exactly where they are in these discussions with their provincial counterparts and to know where that probably is. I think it's obvious there is support around the table for the concept of the bill, recognizing there are issues that need to be resolved—perhaps the first one is the federal-provincial jurisdictional issue—so I think it's appropriate.

We've heard from Mr. Wallace on that—on the bill itself—but I think Ms. Barnes is absolutely right; we should have the officials come before us and let us know where they are in that process, and I think we should do that sooner rather than later. If it means we have to put something else over a little bit, then we do it.

The Chair: The bells are ringing. They're half-hour bells, but we've got to bring this to a head, so let me make the proposal that on Tuesday, April 24—at least I think this is what I'm hearing from most of the people here—we have the officials for the first hour. We're going to have to determine who those officials are in a minute, but we'll have the officials here for the first hour, and then deal with the issue in the second hour—either in camera or in public, as you wish.

Hon. Sue Barnes: I don't think it will take a second hour to deal with it. I thought my hour would be pretty inclusive for dealing with it, so you could still go with the regular business that was scheduled and start that on the Tuesday, unless you don't want to.

• (1130)

The Chair: Well, people sitting around this table could use a little extra time on preparing the report for the counterfeit goods. We're really pushing to have that all ready, so if we're not even sure whether we can deal—

Hon. Sue Barnes: I consent to it being the full—

The Chair: You know, this committee always takes longer than we think to deal with an issue, so to—

Hon. Sue Barnes: I'm glad the cards are on the table, Mr. Chair.

The Chair: Okay. I'm being very honest with you.

Hon. Sue Barnes: Well, in that respect, let's deal with it.

The Chair: If we could deal with this by sharing all that information, it will help you make your decision, I hope. We can then deal with just this issue on Tuesday, and we'll then push off the counterfeit goods draft report until Thursday. Is that okay? The trip to Laval, as you know, has been postponed.

Do I hear any dissenting comments? If not, I then understand that we are going to do this on Tuesday of next week.

We're dealing with the witness protection program this Thursday. I do not think we even have to meet for a steering committee meeting, do we? I think we've just done our steering committee meeting; we can now rush off and do our votes.

Just hang on a minute. Is there anything else we have to deal with today? Do the members agree that we will come back after the vote to deal with the counterfeit goods, pursuant to Standing Order 108 (2)?

Hon. Sue Barnes: At what time is that going to be?

The Chair: When do these bells end? When did they start? Do they end about 11:50?

Hon. Sue Barnes: It's a half-hour bell.

The Chair: Then we would probably have to be back here at 12:30 in order to give me enough time. Do you want to try to squeeze it in today?

Mr. Dave MacKenzie: Why don't we try to squeeze it in now?

The Chair: Shall we squeeze it in right now? Okay.

Mr. Mike Wallace: Can I be excused?

The Chair: You may be excused, Mr. Wallace. Thank you very much.

We will move in camera, with the consent of this committee.

[Proceedings continue in camera]

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