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# Standing Committee on Justice and Human Rights

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**Chair**

Mr. Art Hanger

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## Standing Committee on Justice and Human Rights

Tuesday, November 27, 2007

•(1100)

[English]

**The Chair (Mr. Art Hanger (Calgary Northeast, CPC)):** I'd like to call the Standing Committee on Justice and Human Rights to order. I believe everyone has a copy of the agenda before them.

I would like to welcome the Minister of Justice, Mr. Rob Nicholson, and the Deputy Minister, Mr. John Sims, to our committee today.

Pursuant to Standing Order 81(5), the supplementary estimates for the fiscal year ending March 31, 2008, will be under review. The minister and the deputy minister—and I know some of his officials are here—will be making a presentation. From there, there will be some questions.

I'll turn the floor over to Mr. Rob Nicholson.

I might point out that the minister has agreed to stay until our committee business is being attended to. That will be at 15 minutes before one o'clock. I'd just note, the agenda has him here from 11 a. m. to 12 p.m.

Thank you for extending your time, Minister. The floor is yours.

**Hon. Rob Nicholson (Minister of Justice):** It is my pleasure. Thank you very much, Mr. Chairman.

Once again I am pleased to appear before the Standing Committee on Justice and Human Rights to answer questions with respect to the supplementary estimates.

I am pleased as well, of course, to have the Deputy Minister of Justice, Mr. John Sims, with me.

Mr. Chairman, as you know, as Minister of Justice and Attorney General, I have made it a priority for the Department of Justice to develop legislation and policy that addresses crime more effectively and increases the confidence of Canadians in the justice system. This work fits squarely within the context of ensuring the accessibility, efficiency, and fairness in our system of justice; promoting respect for the rule of law; and providing legal counsel to the government.

In a broader sense, as minister of this government, I am also committed to the priorities of Canadians. This involves being accountable and spending taxpayers' money wisely, delivering real benefits to ordinary working people and their families, defending and advancing Canada's interests and values in the world, tackling crime, and making our neighbourhoods safer.

This last priority has been the focus of much of my work, in conjunction with my colleague, the Honourable Stockwell Day,

Minister of Public Safety, and I'm pleased with some of the progress we've made. In the past 21 months we've passed legislation to impose serious penalties on street racing; we have passed legislation to end conditional sentences for serious personal injuries, and I wish that bill had gone farther, but nonetheless, Mr. Chairman, it is now the law of this country; we have invested in crime prevention community projects that target youth; and we've introduced a national anti-drug strategy with an investment of new resources in the amount of \$64 million over the next two budget years.

We have remained committed to our goal of tackling crime, and we have continued to pursue this goal vigorously since Parliament resumed, because crime affects everyone, from families to businesses to entire communities. Time and time again, Canadians have said they want a strong criminal justice system, and in aid of that, we introduced the Tackling Violent Crime Act as one of our first orders of business in this new session. It reintroduces the significant crime bills that were extensively debated during the last session but never became law. These include providing mandatory jail sentences and creating tougher bail provisions for those who commit serious gun crimes; increasing the age of protection for sexual activity from 14 to 16; cracking down on drug and alcohol-impaired driving; and ensuring that high-risk and dangerous offenders face tougher consequences when they are sentenced and better monitoring of post-release to prevent them from re-offending again and again.

As you know, all of these measures were introduced in the last Parliament, and last night I was pleased to see that bill pass the House of Commons at the report stage with considerable support.

In addition, Mr. Chairman, as you would know, we tabled three new bills in the last week that seek to protect our communities on a number of different fronts. First of all, we introduced amendments to the Youth Criminal Justice Act that would include deterrence and denunciation sentencing principles and that would change the current pre-trial detention provision in the act, making it easier to detain youth in custody prior to their trials if the youth are a danger to society. These changes reflect the expectations of Canadians. They want to be assured that young offenders, just like adult offenders, will face meaningful consequences for serious crime.

Second, we tabled legislation that proposes mandatory jail time for people involved in serious drug crimes. We know that illicit drugs are dangerous and destructive. They are infiltrating our neighbourhoods, turning suburban homes into grow ops and crystal meth labs, and we know they are directly implicated in the deaths of many Canadians every year, many of whom are young people.

Drug producers and dealers threaten the safety of our communities. They must face tougher penalties, so we're proposing a one-year sentence if offenders are dealing drugs such as marijuana for organized crime purposes or if a weapon or violence is involved. There would be a minimum two-year sentence if they're selling drugs like cocaine, heroin, or methamphetamines to young people, or dealing drugs where youth congregate, or running a large marijuana grow op of at least 500 plants.

•(1105)

Getting tough on drug producers and dealers is part of our national anti-drug strategy that was announced in October. But we also want to prevent people from becoming enslaved by drugs and to free people from drugs when they get hooked. So this bill contains an exception that allows a drug treatment court to impose a lesser penalty than a mandatory minimum sentence if the offender successfully completes an approved drug treatment program and if the offence does not involve any of the aggravating factors such as violence.

In addition, Mr. Chairman, you would know that we introduced an amendment to the Criminal Code to address the growing problem of identity theft. This is a growing problem. It's estimated that Canadians lose \$2 billion every year as a direct result of identify theft, so we are making it an offence to obtain, possess, or traffic other people's identity information if there is an intention to use that information to commit a crime. In my opinion, this is a very reasonable and important step forward. It closes a gap that exists within the Criminal Code. I've had law enforcement agencies across this country point out to me that yes, of course, for the person who is using a forged credit card, that is committing an offence in Canada, and it always has been. But those individuals who assemble that information, distribute it, or sell it to facilitate the commission of a crime have not been caught up to this point, and we have to get them as well.

Mr. Chairman, we're committed to protecting Canada's citizens, but we also are obligated to do our part in preventing crime. By giving options to young people at risk, we can help ensure that they are not drawn into a life of drugs and violence. So we've committed \$20 million over two years to support community-based prevention and intervention projects that prevent youth from entering gangs and assist them in leaving gangs.

I'll give you an example. In my area of Niagara, in St. Catharines, I announced with my colleague, Stockwell Day, a \$1.7 million project that will work with at-risk youth who are in conflict with the law or involved with gangs in an effort to reduce gang-related activity.

Crime issues vary from province to province and from region to region. This is why I believe community-based programs work best. To further their success, my department seeks additional funding of \$53 million so that our government can continue to provide support

to the provinces and territories, which form an integral part of our country's justice system.

The next steps I would like to indicate to you are with respect to the Youth Criminal Justice Act. This is the 100th anniversary of the first youth criminal justice system in Canada. It's the fifth anniversary of the Youth Criminal Justice Act. I think this is an appropriate time to commence a review of how this country deals with young people. So in addition to the amendments we introduced in the House of Commons to the Youth Criminal Justice Act, we will be launching a broader review of the youth justice system, and we will provide the details of that review, including its scope, in the near future.

Mr. Chairman, I'd like to point out that there is another anniversary coming up. Next month will be the first anniversary of the creation of the Office of the Director of Public Prosecutions as a separate entity from the Department of Justice. We've taken this step in the interests of accountability and to make absolutely clear that criminal prosecutions are independent from political influence. We continue the process of selecting a permanent director for this office and hope to make an announcement very soon in this regard. As Attorney General, I will be appointing that individual, and that choice will be referred for approval to a committee of Parliament.

As we move forward, I will continue to work hard in my role as Minister of Justice to ensure that the government's tackling crime agenda progresses through Parliament so that we can all enjoy safer streets and more secure communities.

In closing, Mr. Chairman, I'd like to thank you and your committee members for the important work you do.

•(1110)

The Department of Justice is instrumental in the government's work in responding to the needs of Canadians. Our many programs and initiatives require collaboration, of course, with our provincial and territorial partners as well as with municipalities and other government departments. For it to continue its work in making Canada's streets safer and communities safer, and to improve our justice system, the department will need to continue to receive funding.

Thank you very much, Mr. Chairman, for affording me the opportunity to make some opening comments. If the committee has any questions, I would be glad to take them.

**The Chair:** Thank you, Minister.

I know the committee does have some questions.

Mr. Savage, with the Liberal Party, you have seven minutes.

**Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.):** Thank you, Mr. Chair. I'll probably split my time with Ms. Barnes.

Minister, it's nice to see you.

I went through the estimates, and I have a question. I recall hearing that there was a poll done in the last year on whether or not Canadians support capital punishment. Is that here in the estimates?

**Hon. Rob Nicholson:** No.

**Mr. Michael Savage:** Wasn't the poll done?

**Hon. Rob Nicholson:** You asked if it's in the estimates and the answer is no.

**Mr. Michael Savage:** Was there a poll done?

• (1115)

**Hon. Rob Nicholson:** We'll check and we'll get back to you on that.

**Mr. Michael Savage:** It seems to me that the poll was done and it got some attention. I wonder why a poll would be done on whether or not Canadians prefer capital punishment.

**Hon. Rob Nicholson:** The deputy is not sure whether a poll was done, but if it was, we'll get that information.

**Mr. Michael Savage:** I'd be interested in that. In light of what's happened recently in terms of our change of policy in terms of advocating for those on death row around the world, it concerns me that a poll would be done on Canadians' preference for capital punishment. It should be in here somewhere, and if it isn't, I wonder if you actually got the results you wanted. So I would like to get some more information on that poll.

You mentioned youth criminal justice, which is a big issue in my riding, as it is for Canadians across the country.

**Hon. Rob Nicholson:** And it is in your province.

**Mr. Michael Savage:** It is an issue in my province and in my riding. You have been down on a number of occasions, and you've referenced Justice Merlin Nunn's report—

**Hon. Rob Nicholson:** Yes.

**Mr. Michael Savage:** —a number of times in bringing forward recent legislation, legislation that I, in general, support and want to see come to this committee.

**Hon. Rob Nicholson:** This is good.

**Mr. Michael Savage:** Justice Nunn specifically said in his report that the Youth Criminal Justice Act is basically a very sound piece of legislation, to quote him directly. Do you agree with that?

**Hon. Rob Nicholson:** I believe that a separate youth criminal justice system is a good idea, and it's one that I support. I support the principles contained in the Youth Criminal Justice Act. You're quite correct that we have made some changes to them, and one of them is in direct response to the Nunn report that was tabled in Nova Scotia.

Again, I indicated to you that I believe it is an appropriate time—on the fifth anniversary of this bill—to have a comprehensive review. I can tell you as well that one of the number one issues raised with me as justice minister when I've gone across this country is the whole question of the Youth Criminal Justice Act. I support the concept of a separate youth criminal justice system, and I always have, for that matter.

**Mr. Michael Savage:** You would agree with Justice Nunn, and with me, that the Youth Criminal Justice Act is a sound piece of legislation.

**Hon. Rob Nicholson:** I think it's a sound piece of legislation that needs improvement.

**Mr. Michael Savage:** Okay.

Thank you.

I'll pass my time to Ms. Barnes.

**Hon. Sue Barnes (London West, Lib.):** Following up on that, Justice Nunn had more than one area that he considered important for implementation and correction inside that Youth Criminal Justice Act. I wonder, Minister, if you could explain why you chose only one out of a number of recommendations to follow up on.

**Hon. Rob Nicholson:** I get all kinds of suggestions, as you might guess, with respect to the Youth Criminal Justice Act.

I wanted to address one of the specific concerns that Mr. Justice Nunn was asked to look into, and that was the whole question of pre-trial detention. This was as a result of a very tragic incident that took place in Nova Scotia that resulted in the death of a woman by an individual who had been picked up and released and picked up and released. Quite apart from my belief that a complete review of the law is necessary, I felt that it was important to make sure that this was in there. So we introduced that particular amendment, as you know, in Parliament.

I was quite pleased that the new Attorney General of Nova Scotia, as well as the previous Attorney General, both publicly indicated their support for our actions on that. While some of these things are controversial, it's my hope that this particular piece of legislation, as we've introduced it, can move expeditiously through the parliamentary process. I'm pleased that at least your colleague, Mr. Savage, indicated that he generally supports what we're doing. Again, I hope that translates into moving this as quickly and as expeditiously as possible through the parliamentary process.

**Hon. Sue Barnes:** Yes, and I wouldn't want to misquote Mr. Savage. He was showing concern and support for those recommendations of the Nunn commission, and also showing concern, at the same time, that Justice Nunn had said that it—

**Hon. Rob Nicholson:** Are you saying I jumped to conclusions that you're supportive of the legislation?

**Hon. Sue Barnes:** Yes, you're jumping to conclusions, Mr. Nicholson, but we can correct those conclusions.

• (1120)

**Hon. Rob Nicholson:** It may be wishful thinking on my part, but in any case, please have a look at it and see what you think.

**Hon. Sue Barnes:** I will move on to another area, the drug courts in this country.

For information purposes, how many drug courts now exist? What I'm most concerned about is whether or not you are proceeding, as minister, with the expansion of drug courts into other areas of the country and when we can expect those. I see that there are some funds here in the estimates for drug courts, so could you tell us exactly what your plans are and whether or not, specifically, there will be new drug courts? I know these were planned. I just want to see whether we are following through.

**Hon. Rob Nicholson:** In answer to your initial question, there are six drug treatment court sites in Canada: Vancouver, Edmonton, Regina, Winnipeg, Toronto, and Ottawa. And just so you know, I am very supportive of this particular program. It provides an alternative, in my opinion, particularly in areas where drugs are a major problem, for getting youth, usually young people, out of the system and getting them the kind of treatment they need. So I'm not announcing any new drug treatment courts, but as you quite correctly pointed out, I'm asking for funding to support the drug treatment courts we have. Again, I think this is a good idea, and the feedback I generally get on these things is that they make a positive step.

**Hon. Sue Barnes:** We have one Gladue court in Toronto. Are there any plans for expansion, for further Gladue courts across the country?

**Hon. Rob Nicholson:** I'm not making any announcement with respect to any further drug courts, but again, the supplementary estimates—

**Hon. Sue Barnes:** This is Gladue courts, not drug courts.

**Hon. Rob Nicholson:** Gladue?

**Hon. Sue Barnes:** There's one in Toronto. Perhaps your assistant can help.

**Hon. Rob Nicholson:** With respect to the aboriginal justice system, again, those are part of these estimates, and I'm open to suggestions regarding moving that forward, but we're committed to that. One of the things, quite frankly, I've liked about that system is that—shortly after becoming justice minister I had a briefing with respect to that—there are good results as a result of the intervention. Of course, we have a constitutional responsibility with respect to aboriginal Canadians, so I think it's a good fit all around. We provide them with some assistance to assist them, and of course we have those constitutional responsibilities.

**The Chair:** Thank you, Ms. Barnes.

Monsieur Ménard.

[*Translation*]

**Mr. Réal Ménard (Hochelaga, BQ):** Mr. Minister, I thank you for appearing before us today.

First of all, you are certainly one of the most enterprising ministers that Parliament has seen in many years. If you were paid by bill, you would certainly be a rich man. I imagine you are itching to table yet another bill this week.

Having said that, I would like to ask you three questions. You must be aware of the fact that a vast survey dealing with various issues has been carried out over several months involving 10,000 Canadians. I do not know who paid for this survey. Was it your department, the Prime Minister's Office or the Privy Council? I

did not notice if there were questions on the death penalty, but there were questions on rehabilitation, on tolerance and on criminal measures. I would first of all like to know who paid for the survey, which the newspaper *La Presse* in Quebec made a big deal about, particularly journalist Mr. Hugo de Grandpré?

Furthermore, I'm very happy that your department is asking for an additional vote of \$53 million for support services. These are funds intended for the provinces and territories to support youth justice services. If I understand correctly, these are funds that would be added to the National Strategy for Crime Prevention. I would like to hear a little more from you on that and I would like to know how much money, of this \$53 million, will be allocated to Quebec.

If I understand correctly, you are asking for another \$100 million for the National Drug Strategy. I will have the opportunity to come back to that, but I would also like more information.

I would therefore like to know who paid for the survey of 10,000 Canadians at the beginning of the year. What are we to understand about the \$53 million to support youth and how much will Quebec receive?

[*English*]

**Hon. Rob Nicholson:** Monsieur Ménard, on the questions you asked about the polls, my understanding is that we'll have that information for you in the next couple of minutes.

At this time, the resources for youth justice services, the drug prevention programs, are not allocated on a provincial basis. For the most part we try to work with community-based programs. I gave an example of one in the Regional Municipality of Niagara. Our experience in working with community-based programs is that you get good results with people who know what's happening.

I would obviously want the Province of Quebec to get its fair share. If you know of individuals, communities, or organizations that want to access those resources, please encourage them to do so. The money has been allotted and the need is there, so we want to be as helpful as possible.

● (1125)

[*Translation*]

**Mr. Réal Ménard:** I now have two more questions. Have you, as minister, received a copy of the survey I am talking about? Was it brought to your attention? I am talking about 10,000 Canadians who were questioned; that is considerable. If not, I would be happy to send you a copy, but I cannot imagine that a man with your intellectual voracity would not have seen this survey.

I would like to hear you give us more details about the \$53 million for additional youth services I was referring to. If I understand correctly, it is separate from the National Crime Prevention Strategy, which Mr. Stockwell Day talked about. Certainly there are many organizations working on crime prevention in Hochelaga-Maison-neuve. I would like to know exactly what it will be used for. Can you give us some examples?

[*English*]

**Hon. Rob Nicholson:** Mr. Sims has some comment on that.

[Translation]

**Mr. John Sims (Deputy Minister and Deputy Attorney General of Canada, Department of Justice):** Mr. Ménard, I will start with the issue of the survey. I do not have all the details at my fingertips, but if I understood correctly, we are in fact sharing the costs of these surveys. On the one hand, there is the Canadian Centre for Justice Statistics, which is part of Statistics Canada. The Department of Justice also provides funds to Statistics Canada to pay for these surveys. I cannot tell you what the specific figures are now, but we can provide you with those details if you wish.

**Mr. Réal Ménard:** I cannot imagine that the minister has not received this. If that is the case, his communications section has dropped the ball. This is a survey that was discussed in the press, and 10,000 Canadians responded to a certain number of questions. If the minister has not read it, it really must be brought to his attention.

**Mr. John Sims:** I'm sure some of our officials have copies of that survey, and could pass it on to the minister. I do not know who paid for that, and what the percentage would be.

A question was asked earlier on as to whether or not there were questions on the death penalty in the surveys. No, there have been no questions dealing with the death penalty recently.

As far as the \$53 million is concerned, \$32.5 million serve to renew these funds. Obviously, that is true... Once again, unfortunately, this is an issue of readaptation and youth rehabilitation. The comprehensive amount for all of that is \$167 million.

**Mr. Réal Ménard:** I would like to know who has access to that. Personally, I have never heard about it in my community. My riding is in the east of Montreal, in an area that has had its share of difficulties. How do organizations get access to these funds? How is this broken down? I think it would be important that your department, perhaps through our clerk, send us a little more information.

I am aware of the National Crime Prevention Strategy, but I have never heard anything about departmental aid to organizations or for youth.

[English]

**Hon. Rob Nicholson:** These are the contributions we enter into with the provincial and territorial governments to continue funding of that. We'll be glad to provide you with further information.

We participate in a number of funding programs with the other levels of government, and they all pertain to youth justice systems and facilitating youth within the system. We have entered into those, and I think it's important for us to continue. That's where that \$53 million is going, Monsieur Ménard. Again, we would be pleased to provide further details on that.

• (1130)

**The Chair:** Thank you, Mr. Ménard.

Mr. Comartin.

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Thank you, Mr. Chair.

Thank you, Mr. Nicholson and Mr. Sims, for being here.

I asked in advance for you to look at the amount that was attributed to the Iacobucci inquiry. I was a bit concerned.

I just want a confirmation that the amounts that are in the justice department's figures are not duplicates of the amounts that are in the public safety and national security department.

**Hon. Rob Nicholson:** They're not duplicates, Mr. Comartin. And we're speaking, just so you know, about \$3.977 million in these supplementary estimates.

**Mr. Joe Comartin:** Right.

I assume those figures are not going to be ended this year and that there will be an additional amount in the coming budget.

Have you a projection as to how much more the Department of Justice will spend on that inquiry?

**Hon. Rob Nicholson:** We don't have a projection at this time.

**Mr. Joe Comartin:** Am I correct, though, that there will be additional funds spent in the fiscal period 2007-08?

**Hon. Rob Nicholson:** I think it's quite possible, obviously.

**Mr. Joe Comartin:** Right.

I have the same question for the major report on the Air India inquiry. The funds are not going to end; there will be additional funds spent in 2007-08?

**Hon. Rob Nicholson:** That's a pretty good guess, Mr. Comartin.

**Mr. Joe Comartin:** All right.

With regard to the upcoming inquiry into the Mulroney-Schreiber matter, has there been any projection made as to how much the Department of Justice will be spending on it?

**Hon. Rob Nicholson:** No.

**Mr. Joe Comartin:** Has any analysis been made at all of the cost?

**Hon. Rob Nicholson:** Again, I—

**Mr. Joe Comartin:** I'm sorry, Mr. Nicholson, can I interrupt you?

**Hon. Rob Nicholson:** Yes, go right ahead.

**Mr. Joe Comartin:** I should have preceded this with another question.

Has there been an estimate made just for the current year, that is, 2006, I guess—2006-07?

**Hon. Rob Nicholson:** We may be getting ahead of ourselves. I think we had better make sure we know what the parameters and the guidelines are for a public inquiry before we'd be in a position to estimate those costs.

**Mr. Joe Comartin:** Okay.

In a situation like this, where Professor Johnston has been delegated to take on the responsibility to make recommendations, where do the funds come from to cover his costs and those of whatever experts he hires?

**Hon. Rob Nicholson:** I believe it's the Privy Council Office, Mr. Comartin, but I'll certainly check into it for you.

**Mr. Joe Comartin:** But you're fairly certain it doesn't come out of the Department of Justice figures?

**Hon. Rob Nicholson:** No.

**Mr. Joe Comartin:** Is there any contingency fund in the Department of Justice where that could be drawn from?

**Hon. Rob Nicholson:** You've asked two questions.

Is there a contingency fund in the Department of Justice? Not really, no. We try to give the estimates we'll need, and of course that's why we're back here on the supps, if there are increased costs or different changes.

**Mr. Joe Comartin:** Mr. Minister, would any of the cost of bringing Mr. Schreiber to Ottawa, whether for the standing committee or the inquiry, come out of your department, or would it all come from either Citizenship and Immigration or Public Safety?

**Hon. Rob Nicholson:** It doesn't come from us, Mr. Comartin.

**Mr. Joe Comartin:** Okay.

In making your decision as to whether you're going to put off the extradition of Mr. Schreiber from this country, is cost a factor at all?

**Hon. Rob Nicholson:** Is cost a factor?

**Mr. Joe Comartin:** Of keeping him in Canada. Is cost a factor at all?

**Hon. Rob Nicholson:** At this point, I should let you know that there has been an application filed on that extradition matter. That matter will be before the court on Friday, so I don't think it would be appropriate for me to speculate.

**Mr. Joe Comartin:** I'm not asking you to speculate, Mr. Minister, with regard to the outcome of that proceeding. I'm trying—

**Hon. Rob Nicholson:** Maybe I shouldn't have used the word "speculate". I don't comment on extradition matters, as you know. And the matter is before the court on Friday, so I believe—and I'm sure—it's inappropriate to start commenting one way or the other.

**Mr. Joe Comartin:** I see you've just been passed a note. I don't know whether that's additional information in response to any of my questions.

• (1135)

**Hon. Rob Nicholson:** No.

**Mr. Joe Comartin:** I always anticipate, Mr. Minister, that we get better answers—this is nothing personal with you, but the detailed answers oftentimes come better—from the people who are sitting in the audience.

Just to pursue this to this degree, and stepping aside from the specific Schreiber case, generally when a decision like that has to be made—responding to the request for extradition from a foreign jurisdiction—does cost enter into it? Either in terms of keeping the person or releasing the person, does cost enter into it at all?

**Hon. Rob Nicholson:** I won't comment on that, Mr. Comartin.

**Mr. Joe Comartin:** Mr. Nicholson, you indicated there was a youth justice review. Who is conducting that review?

**Hon. Rob Nicholson:** No decision has been made on that, Mr. Comartin. But again, since you've raised the matter with me, if you or any of your colleagues have any suggestions as to how to proceed on that, I would be very interested in hearing from you.

I intend to get this launched in the new year, just so you know. And I indicated as well to my colleagues at the recent Federal, Provincial and Territorial Ministers Responsible for Justice and Public Safety meeting in Winnipeg that I would be proceeding on this matter. I have asked them for their input as well.

Any suggestions as to how we should go about that would be well received by me.

**Mr. Joe Comartin:** In terms of your preliminary thinking on it, it's not going to be a parliamentary committee doing it? It will be somewhat broader than that?

**Hon. Rob Nicholson:** I'm not going to close off any possibilities at this time. My initial focus, as you probably guessed, is the bill we have before Parliament right now, which I want to get passed. But again, I'm open to suggestions, and I will make that decision in the new year.

**Mr. Joe Comartin:** How much more time do I have, Mr. Chair?

**The Chair:** One question.

**Mr. Joe Comartin:** With regard to the Director of Public Prosecutions, I have been a bit disturbed—and I want to be critical here—that you haven't put that name before Parliament up to this point. I had expected it would have been brought before Parliament—if Parliament hadn't been prorogued—as soon as we got back in September, and then I would have expected it when we did get back in October.

Is there some reason we haven't seen it?

And quite frankly, I'm concerned, Mr. Minister, about morale within the department, so I think it's crucial we get on to it.

**Hon. Rob Nicholson:** I think morale is good, quite frankly. It's a huge undertaking to set up a completely different section like that, separate from the Department of Justice, and I think it's a positive step forward. The feedback I have received up to this point is that it's working very well.

And we have an acting Director of Public Prosecutions who I believe is appearing before you—Mr. Chairman, am I correct on that?—maybe even later on this week, I'm not sure. In any case, that individual will be before you.

But I hear your representations with respect to finding a permanent individual, and we'll make that decision in due course.

**The Chair:** Thank you, Mr. Comartin.

Mr. Calkins.

**Mr. Blaine Calkins (Wetaskiwin, CPC):** Thank you, Mr. Chair.

I certainly appreciate you being here, Minister.

I don't know if you know or not, but we were talking about the agenda you brought forward, and just on behalf of my constituents in the constituency of Wetaskiwin, I can say I know they're very pleased and very happy with the law and order agenda that's being brought forward by our government. I know I'm certainly speaking on behalf of most of my constituents if I pass on my thanks to you from them.



**Hon. Rob Nicholson:** Mr. Calkins, please pass on to them how much I appreciate that support. That feedback we've been getting on this has been great.

**Mr. Blaine Calkins:** Minister, it was interesting, today the agenda on the order paper in the House started off with Bill C-2, and it was moving on to Bill C-25 and Bill C-26. We were expecting to debate those things in the House today, but unfortunately the Bloc brought in a concurrence motion and is blocking and stymying that debate.

I know it's a frustrating thing for my constituents and for many people who want to see the law and order agenda move forward. It's certainly a disappointment that it's not being moved forward today in the House.

I'll just give you a little bit of context for my questions on aboriginal justice. Hobbema is in my constituency, and of course there are a lot of issues in the Hobbema First Nation, in the four bands there.

I'm just curious about the perspective you brought up about the aboriginal justice and some of the youth crime prevention strategies. I understand that the mandate for the aboriginal justice strategy ended March 31, 2007. I notice from the supplementary estimates that the Department of Justice is requesting \$3.69 million for the aboriginal justice strategy, and that's in addition to the \$14.5 million over two years from Budget 2007.

I'm wondering if you can explain to me why that amount is needed, where it's going, and what importance and relevance that aboriginal justice strategy has.

• (1140)

**Hon. Rob Nicholson:** Thank you very much for those comments and for your comments concerning our crime-fighting agenda.

You indicated, to begin with, that you're getting good response and good feedback from your constituents, and I can tell you that everywhere I go in this country I'm getting positive feedback from individuals who are having a look at what we're doing, and for the most part they're applauding these actions.

You talked about getting it through the House of Commons and the Senate. I know you will do—and I think we all should do—everything possible to try to move these pieces of legislation, legislation that I believe Canadians want and that will be good for this country. I understand that these bills have to be studied and that there have to be speeches, but nobody wants to see things get delayed. I hope nobody wants to see them get delayed, so I appreciate all your efforts.

I see the member for St. Catharines, and I know he was chair of the legislative committee that looked into the Tackling Violent Crime Act. He, along with his colleagues from all sides, did an excellent job in getting that through. I appreciate his leadership on this as well, and I'm sure the people of St. Catharines are very appreciative of his efforts.

You asked me about the aboriginal justice strategy as well. I got into it a little bit, I believe, with Monsieur Ménard's question with respect to the aboriginal justice strategy, or perhaps it came from someone in the Liberal Party. One of the things I found attractive about it is that the feedback we have received indicates that

individuals who get involved with this are less than half as likely to reoffend as those who do not participate in a program of this nature.

You can have many programs, but as my colleague, Stockwell Day, will tell you, you have to show results; you want to know you're making a difference. I appreciate that sometimes that's very difficult to measure, but from the information I have received with respect to the aboriginal justice system and from the feedback I've had, people are pleased with it, and it is working.

I underline the fact as well that we have a constitutional responsibility with respect to aboriginal people, so there is an added onus on the Government of Canada to take steps to assist aboriginal people who unfortunately, in some cases, get involved with the criminal justice system. As you quite correctly pointed out, there is money in these supplemental estimates for the program, which is of course why we're here, and enhanced funding over the two years was announced, as you pointed out, in Budget 2007. In my opinion, this is money well spent. This has my complete support, and I believe the members of this committee are in favour of it as well. It's a good-news item and it's something that works.

**Mr. Blaine Calkins:** I appreciate that feedback. Just so you know, and for the committee's information, there's quite a youth crime prevention initiative happening at the four bands in Hobbema right now. It is led by two members of the RCMP. They have a cadet program in which they have almost 1,000 young people enlisted, and it's going gangbusters. I know some help is certainly needed there to continue with that program.

There is also the Pe Sakastew, which is a healing circle. It's a restorative justice facility there that I know through Stockwell Day's department as well. Certainly there are some really positive things happening there, and I know that advocates of restorative justice certainly want to move in that direction. Members of the community I talked to, chiefs and members of councils and elders in the community there, appreciate the crime and justice agenda that we're bringing forward, because our first priority, of course, has to be to keep the community safe. If somebody's not ready to start the healing process, we have to make sure that those who are law-abiding citizens in those communities are safe.

I noticed also that there is, in the estimates—I'm just changing gears a little bit here—\$2.589 million for funding through the supplementary estimates to support the Air India inquiry. I noticed that the PCO, Foreign Affairs, Public Safety, and CSIS are also requesting funds through the supps. I'm just wondering if you could, switching gears for a second, explain the involvement with the Air India inquiry and what is necessitating the supplementary estimates request.

• (1145)

**Hon. Rob Nicholson:** The Department of Justice is very involved, obviously, with the Air India inquiry. We have individuals who are right there and they do many things, including assisting in trying to assemble documents, get documents, and get information for the inquiry. It's an ongoing responsibility, and quite frankly a very important one.

I believe there should have been a public inquiry a long time ago on this. I applauded the decision by this government to move ahead with that Air India inquiry. I think it sends the right message out to all those hundreds and thousands of people who have become victims of that terrible tragedy. Yes, as you pointed out, in the supplementary estimates there's a request for an additional \$2.59 million, and that goes to the department to assist them in the legal services and in the maintaining of their legal team at the inquiry. It's something that is needed, that's doing good work, and that needed to be done. Yes, there are ongoing expenses that are required. Mr. Comartin got into this a little bit about these ongoing inquiries. So yes, of course, I'm here to ask for the support in passing those supplementary estimates, and this is a component of that. I think it's a worthwhile expenditure.

**The Chair:** Thank you, Mr. Calkins.

Ms. Barnes.

**Hon. Sue Barnes:** Thank you, Mr. Chair.

It's been about a year now that you've had this position as justice minister. I'm just wondering if in that year you've had any chance to meet with the aboriginal court workers, Minister.

**Hon. Rob Nicholson:** I have not met directly with them, no.

**Hon. Sue Barnes:** I would encourage you to do so because I think their perspective on how well the system is working and aboriginal justice might be a little less rosy than your own. Every time I have met with them I have found that they are overworked; they are doing excellent work, but they need more and more resources, and they have huge issues. I would encourage you to have a hands-on approach to this area, if your government does intend, and I will take you at your word, to assist in this area. The people I met with desperately needed more resources. I would encourage you to put this on your agenda. I hope you will follow up there.

**Hon. Rob Nicholson:** Let me just make a comment on that, if I might. I can't really speak for a lack of resources that existed under the previous government, but I can tell you, and there is evidence, that I have increased resources to that, because again, the feedback that I have had is that it is a positive program in terms of helping particularly young aboriginal Canadians not re-offend. So there are more resources. When you talk to those court workers, I'm sure they'll say it's better than it was, and indeed it should be.

**Hon. Sue Barnes:** I think you should have that conversation, Minister.

We'll move on to legal aid. I know you've gone through federal-provincial meetings with your counterparts, and legal aid is one of those areas.... Especially with the types of bills that your government is bringing forward, more people are going to have to have defences. I see in the estimates here there are some supplementals for legal aid to the provinces and territories. I'd like to know the level of support. I know my own province of Ontario has had real problems with being able to keep pace with the criminal legal aid. But further to that, Minister, there are many, especially young families, women, and children, who have issues often around family law. There has not been civil legal aid in this country. It's an area that I think all governments would like to move towards. I just wonder where the talks and the discussions are and what action you will be pursuing in this area.

Thank you.

**Hon. Rob Nicholson:** You touched on a couple of areas of legal aid, and you quite correctly pointed out that requests for legal aid money are in the supplementary estimates that are provided to you.

I think you're talking about the area of civil legal aid. You're right. When I was here in the 1980s and the 1990s, the Government of Canada did have a specific line item. I think it was under what we would now refer to as the Canada social transfer. There was a specific line item with respect to civil legal aid and it was cancelled by the Government of Canada in 1995. Again, you were here at that time. Why it was cancelled, I'm not in the best position to know. You're probably in a better position yourself to know why the Government of Canada cancelled it.

Inasmuch as that was taken out as an item that was listed in the transfers to the provinces, I was quite interested in making sure that more money was being transferred to the provinces. So when my colleague, Mr. Flaherty, tabled his budget, and when I saw there was \$63 billion more money going forward for the provinces, I was among those who were very pleased, and I congratulated him. I congratulated him, quite frankly, in my role as Minister of Justice because I thought, great, this is wonderful news; there is more money in the hands of the provinces, and certainly for the support of criminal and civil legal aid, they're in a better position.

If the provincial AGs didn't get any of that money for those, that's very disappointing. But I can tell you it was one of those things that certainly I looked for when Mr. Flaherty came out with that budget. When I saw those increases of transfers to the provinces, I was happy again, and happy in my role as justice minister, because I knew there would be more money for legal aid, civil and criminal, which I both support—

• (1150)

**Hon. Sue Barnes:** Can you answer the question?

**Hon. Rob Nicholson:** Yes, it's here. We do make transfers, Mr. Chairman, and again, I congratulated my colleague.

**Hon. Sue Barnes:** I would like the answer to the question of whether you're supporting and your government is moving on civil and legal aid.

**Hon. Rob Nicholson:** I'm sorry, what was that again?

**Hon. Sue Barnes:** I would like you to answer the question of whether your government is going to support civil legal aid. You didn't answer that question in that answer.

**Hon. Rob Nicholson:** Well, I support civil legal aid by means of the transfers that have been given to the provinces with the increased funding. It's my expectation that some of that must be going toward civil legal aid. It's one of the services I know about the provinces.

If you're asking me, you can make that suggestion to me that it go back to a line item that was cancelled in 1995. That may be a suggestion you want to make to me. If you're asking me if I support civil legal aid, I was delighted when I saw the increased money going to the provinces, because I knew they would be able to fund civil legal aid.

So, again, nobody was happier than I when I saw those provisions in the budget, Mr. Chairman, that's for sure.

**The Chair:** Thank you, Mr. Minister.

Thank you, Ms. Barnes.

Madam Freeman.

[*Translation*]

**Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ):** Good morning, Minister. Thank you for being here today.

I have a question concerning the National Drug Strategy. I'd like to know what percentage of the funds will be allocated to prevention and what percentage of these amounts will be held back for law enforcement. How will this be distributed among the provinces?

[*English*]

**Hon. Rob Nicholson:** Thank you, Madam Freeman.

With respect to the money that was announced, two-thirds of it will go into prevention and treatment, and I think that is as it should be. One of the things that people most often ask me, of course, is on the enforcement side, on the penalty side, and of course that's quite reasonable.

Part of the national anti-drug strategy involves two of my other colleagues, Stockwell Day and of course the Minister of Health, Tony Clement. So, in my opinion, it has to be a comprehensive program any time we deal with young people or people getting involved with drugs. Therefore, that's why I'm pleased that most of the money—and that was new resources—are going to prevention and treatment. I believe that is as it should be.

I don't have a breakdown for you as to what each individual province may be getting, but again, I take your representations as well as those of Monsieur Ménard that it obviously has to be done on a fair basis across this country. Why? Because we know the problem exists. It's not a problem that's confined to the major cities. It's confined to all Canadian cities, small and large. So again, you can be assured that it will be done on a reasonable basis.

[*Translation*]

**Mrs. Carole Freeman:** An amount of \$5.75 million is allocated to the Office of the Federal Ombudsman for victims of crime. Could you tell us what programs are offered by this new office?

[*English*]

**Hon. Rob Nicholson:** It certainly is a program and an idea, in my opinion, whose time has come. You would be aware, in your experience as a member of Parliament, that there are many groups, organizations, and offices that advocate for different causes, in this community and across Canada.

I think the idea of having one office at the federal level—and I appreciate that there are provincial roles in this area, but having a federal office of an ombudsman that will deal with issues as they relate to victims' rights is a good idea. In addition, funding the victims' fund.... Again, it seemed to me when we had a look at this that it was overdue to put in more money, quite frankly, and that's the fund that would assist individuals, the people who are victims—for instance, getting to parole hearings. So having a wider range, as to

how many individuals and how they get there...we've expanded that, but we also have this office.

It's a new office, as you know. We only made the announcement in the spring—I believe it was April when we came forward with this. I could be off the date a little bit. In any case, to get this up and running will take resources, and again, coupled with the victims' fund, I think these are both steps in the right direction.

• (1155)

[*Translation*]

**Mrs. Carole Freeman:** Thank you.

[*English*]

**The Chair:** Thank you, Madam Freeman.

Mr. Moore.

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

Thank you, Minister, for appearing here today.

Chair, I believe it was Mr. Dykstra who was next in order. Is that correct? I have my questions, but....

**The Chair:** No, you are next in order.

**Mr. Rob Moore:** Then I'll give my time to Mr. Dykstra.

**Mr. Rick Dykstra (St. Catharines, CPC):** Thank you, Chair. Thank you, Mr. Moore.

Minister, we've talked a lot this morning about youth justice and potential changes to the act. We certainly are looking forward to working through that. I guess what this all encompasses is really our focus on trying to help young people in this country and assist them with a hand up.

One of the other areas you've focused on—and this isn't necessarily a budget line item in the Ministry of Justice, but I know you take it seriously and have spent lot of time with Minister Day on it—is youth crime prevention. I know in the 2007 budget there was \$16 million allocated directly to communities to provide programs, to deliver services, and to assist young people, not to build bureaucracies in Ottawa, not to build administrations, but to provide the community organizations with direct funding.

It has been an impressive number of announcements and programs that have been implemented over the last year, year and a half. I wonder if you could comment a bit on the success of that investment.

**Hon. Rob Nicholson:** Thank you very much. I would be pleased to do so.

I think everyone recognizes that you have to have a comprehensive approach whenever you deal with these problems. As I was saying to Madam Freeman with respect to the national anti-drug strategy, you have to take a holistic approach to this. It can't just be on the enforcement side. We've got to intervene, whether it's through education or working with troubled people. We've got to do something to help them either stay away from some of these problems or assist them when they start to get involved. Again, you hit it right on the head when you indicated that my colleague, Stockwell Day, and others are quite involved with some of these programs.

You should take some of the credit, Mr. Dykstra, for the announcement that was made in your riding of St. Catharines by the Citizens' Advisory Committee. It helps all the Niagara area. One of the things that impressed me is that this community-based program has been in business for almost 20 years. I think it goes back to about 1988. They've got a track record of helping people who get into trouble, or potentially get into trouble, with the law.

I was quite impressed when I joined you and our colleague for the announcement of \$1.7 million over the next four years. Again, this kind of money can be accessed through community groups. I encourage others to have a look at this to take advantage of it, because it helps everybody.

Certainly I think that particular organization and their plans going forward are quite impressive. They indicated with that funding that they would be able to get directly involved with 80 young people who already have problems or potential problems with respect to the justice system. They would have the resources to work with them.

You would remember, Mr. Dykstra, that they indicated they would be able to reach out to hundreds of other individuals and get the message out to them that there is help and there are alternatives to getting involved, for instance, with gangs, drugs, or crimes of violence. It was a perfect fit, in my opinion, because you have an organization with a track record that is successful at what it is doing.

Should it have government support? I believe it should, of course. Again, I've made this point: we all pay the price when people fall between the cracks. To the extent we can work with groups, organizations, or, in the case of one of the programs, as Monsieur Ménard said, directly with the provinces and help to assist them in the programs they are using to reach out to young people and people coming into conflict with the law, this is money well spent. I believe it has to be a part of it.

I indicated to you a little while ago that most of the time people ask me about the enforcement side with respect to penalties, but I always indicate to them that there's more to it than that. Certainly I have been supportive, as you and your other colleagues have been, of our colleagues, both Stockwell Day and Tony Clement, in moving forward with these. You've been very supportive, as I am myself. I understand it has to be a holistic support.

I think you've summed up some of the challenges we have. I appreciate your support. I'll say it again: I appreciate your involvement. For you to get involved with that organization in the Niagara peninsula, you are improving the quality of life for the

people of Niagara. You're helping to ensure those individuals lead successful lives, and in the end everybody will benefit.

• (1200)

**The Chair:** Mr. Bagnell.

**Hon. Larry Bagnell (Yukon, Lib.):** It's always great to have you here, Mr. Minister.

An RCMP officer recently said to me about the Office of the Director of Public Prosecutions that with the Conservative agenda, all these bills are going to lead to much more activity in that area. I'm wondering why the estimates do not reflect the significant increase that would be a measure of the success of your agenda, if it's going to be successful, to incarcerate all these criminals and bring them through all these new offences and new hearings. There's going to be a lot more cost. Why is that not reflected in the estimates? Does that mean you're not predicting your program will be successful?

**Hon. Rob Nicholson:** I'm predicting that it will be successful if we get these things through Parliament, Mr. Bagnell.

Actually, the Department of Justice estimates, on which I'm here today, have now been hived off from the Director of Public Prosecutions. You will have a separate budget with respect to the DPP. We've been in the process for the last year, and this is the anniversary coming up, I think, in a couple of days with respect to the creation of that office, so I'm enthusiastic about it. I hope you'll get behind the agenda.

I note that in the legislative committee you indicated that a Liberal government would refer parts of the Tackling Violent Crime Act to the Supreme Court for a reference and that you'd take out other parts. I hope that's not the case, quite frankly. All of the Tackling Violent Crime Act, in my opinion, is very, very important. Quite frankly, some of it is overdue. Somebody said to me, you're trying to bring some of these laws into the 21st century. That bill that allows adult predators to molest 14- and 15-year-olds is out of the 19th century, never mind the 20th century. That thing should have been changed many, many years ago.

You can decide or not decide to support them. Of course, that's your privilege. I'm not sure what sections you would refer to the Supreme Court. I'm not sure what sections you'd take out. I was somewhat encouraged that at least at the report stage yesterday it looked to me like we were able to gather almost unanimous support.

I want it to move forward, yes, but to be a success, in answer to your question, we have to get these things passed. We have to get them as part of the laws of this country. All of them are needed and all of them help build safer communities and make our streets safer and stand up for victims of crime, which goes back to one of the other questions we had with respect to victims. We have to stand up for victims.

• (1205)

**Hon. Larry Bagnell:** I'll just point out the contradiction, which you didn't really sufficiently answer, that it also applies to legal aid, suggesting your program won't be a success in the near future.

My next question is this. Do you believe in the committee system in which we have the estimates and we have you here, and we appreciate your coming all the time as you faithfully do? Then we have witnesses and we would improve legislation based on the number of hearings of witnesses, etc. Do you believe in that system?

**Hon. Rob Nicholson:** I do believe in the committee system. One of the interesting points that Mr. Comartin made back in the spring when I was here on the main estimates was that it's very challenging to understand the estimates when you have main estimates and supplementary estimates and you have some programs that overlap, for instance. One of the things he pointed out the last time was that with some of these programs, you're into two different fiscal years. So I understand the challenges—

**Hon. Larry Bagnell:** I'm sorry, I wasn't talking about the estimates. I was talking about bills, the review of bills.

**Hon. Rob Nicholson:** Oh, I thought you meant.... I'm here on the estimates. I'll finish that up. I believe this is a good process, to have the estimates come forward. I'm very pleased, if you're speaking with respect to Bill C-2, the legislative committee. I can tell you, I was a member of this committee myself for almost nine years—

**Hon. Larry Bagnell:** No, I just asked you about the process for reviewing bills.

**Hon. Rob Nicholson:** —and I very much appreciated the work I did as a committee member, and I appreciate the work you're doing as committee members. So I'm a big believer in the committee system of the House of Commons.

**Hon. Larry Bagnell:** If you believe it's appropriate in the committee system for reviewing bills, then why would your House leader suggest that the committee was stonewalling on a bill last week when there had only been one day of debate before the committee?

**Hon. Rob Nicholson:** Before the committee? I'd have to check into what bill you're talking about.

**Hon. Larry Bagnell:** It was youth justice.

**Hon. Rob Nicholson:** The Youth Criminal Justice Act. Obviously, if it's a straightforward bill, we want these bills to move forward as expeditiously as possible, Mr. Bagnell. I'm sure you can appreciate how patient I was in the spring with some of the components of the tackling violent crime bill. I think they were at committee for about a year. I want them to move forward as expeditiously as possible, and I hope these have your support.

As I said, I was somewhat concerned about comments you made with respect to the Tackling Violent Crime Act, but we all have our opinions on those, and you're entitled to yours.

**The Chair:** Thank you, Mr. Bagnell.

Mr. Petit.

[*Translation*]

**Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC):** Thank you, Minister. I'm very happy to see you, because it has been some time since we have seen each other at a committee meeting. I would first of all personally like to congratulate you for having tabled Bill C-2, which is finally ready.

On the other hand, when I look at the estimates, I always look to see if there is a balance between "repression" and rehabilitation.

I'm very honoured to be part of this government. I practised law for 34 years, particularly in the area of criminal law. Never, ever in the past has the federal government presented us with what you have done: an ombudsman for victims. We never had that in the past. We neglected victims.

On another point, your budget introduced a very particular idea: support for youth—or at least people who are taking drugs—who could be rehabilitated rather than being put in jail. These people could become "normal" again, if they compare themselves with what they were before. This once again is an issue of help for victims, for people who are really in a sorry situation.

I also noticed that your budget provides for additional funds for the Commission of Inquiry dealing with the investigation following the bomb attack on Air India flight 182. We must not forget that this dates back to 1985. It is the biggest air disaster that Canada has experienced, and there were 395 victims. I am proud that our government is investing in it.

However, I would particularly like to hear you on one specific point, because we are before the television cameras today. Some people have a tendency to say that we are repressive, whereas our government is the only one, up until now, to have created the position of ombudsman for victims and to have provided for rehabilitation when people have a drug problem. I would like you to explain this problem to us in more detail, because I feel that we are taking care of victims, and the proof is there that your budget provides funds for victims' rehabilitation. There never has been an ombudsman in the past. We are the first government to have created that position.

• (1210)

[*English*]

**Hon. Rob Nicholson:** Thank you very much, Monsieur Petit.

You covered a wide range of areas. I was pleased to hear your comments with respect to the ongoing funding for the Air India inquiry. Yes, I believe it's important, and we have to support that. As you point out, this is the largest mass murder in Canadian history, and therefore it's important to get some of the answers that up to this point in time have not been forthcoming.

You talked a little bit about the drug courts, and I received an earlier question on that. Yes, these are good ideas. We have to be innovative. We have to support programs, plans, and, in this case, a modification to the court system that will help get these people off drugs. This is what we want. We don't want people to be wasting their lives and destroying themselves, and indeed destroying the lives of others. So, yes, I'm very supportive of that program in place.

You talked about the federal ombudsman for victims of crime. This is something that I feel strongly about, and I know you do. You have made representations to me on this, so I know you're sincere in standing up for innocent victims of crime, and I know you're quite pleased with our whole agenda, because we're consistent throughout. We do take the concerns of victims of crime very seriously, so it was certainly one of the highlights of the last year in my role as Minister of Justice to make that announcement that, yes, there would be an office and there would be an individual who would be responsible.

I don't want a situation where a person who is a victim of crime runs into the individual who made them a victim of crime, in a grocery store, for example. I don't want them running into that individual and then saying, "Why wasn't I told about the parole hearing? Why didn't I get informed?" I want them to have an office they can go to and raise legitimate concerns, legitimate issues, as they affect victims. And I want to have a little more flexibility within the victims' fund, because I understand it can be very difficult, very expensive, for some individuals who are victims of crimes to get to those parole hearings so they can have their voices heard. So I want those resources in the fund to be there to assist them.

It's a combination of things that we are doing, but they all add up to the same thing: we are listening to what victims are telling us. These are the innocent individuals who have unfortunately been targeted by criminals. We want them to know that we are listening to them and are providing assistance for them and giving them a place to go to, Mr. Chairman. They now will know who to turn to if they have legitimate concerns.

I'm very pleased to have been a part of that. Again, I have to thank you for your support, because you have been very consistent and very supportive of this program.

•(1215)

**The Chair:** Thank you, Mr. Petit.

Mr. Savage.

**Mr. Michael Savage:** Thank you, Chair.

Minister, I want you to try to help me. I'm a parliamentarian, and like most of my colleagues, I try to do the best I can on significant issues to my constituents. Youth criminal justice is a big issue. You mentioned the ministers of justice in Nova Scotia who have supported some of the initiatives—Cecil Clarke and Murray Scott, two pretty decent guys, two of the better guys in a generally uninspired lot in the last days of the MacDonald government.

**Hon. Rob Nicholson:** Oh, I don't agree with that, Mr. Savage. No.

**Mr. Michael Savage:** Two pretty decent guys.

In my own constituency I've had town hall meetings where people have come and talked about youth criminal justice, and they want to see some changes, but they also know that we have to do the prevention and the rehabilitation as well, that dealing with young people after they've committed a crime is only one piece of that.

So we come to this place. Last Thursday I spoke on Bill C-25 and outlined the same sorts of things I had mentioned earlier. In principle, there's a lot in the bill that I can support. I have some concerns about picking and choosing from the Nunn report. I have some issues, but this is an important piece of legislation. It took your

government almost two years to bring something forward in youth criminal justice and after one day your House leader says we're delaying. That is after one day in debate, after waiting for two years. And you talked today about expeditiously moving these forward.

What do you consider to be expeditious, and what do you consider the role of Parliament to be?

**Hon. Rob Nicholson:** Thank you very much.

First of all, why are we introducing it now? Believe me, when I was here back in April before this committee, if you had told me that we still wouldn't have had passed the raising of the age of protection from 14 to 16, I wouldn't have believed you. I would have said, "What's the problem here?"

I appreciate that a lot of time was spent at committees on mandatory sentences for people who commit serious firearms offences. But as to why the Youth Criminal Justice Act comes now, well, guess what, I'm still trying to get those protections for those young people in Bill C-2. It's been a much longer process than I would have liked or have even predicted. Again, if you'd asked me last April whether we would have gotten.... I would have said I'm sure we'll get these things through.

With respect to our timing for the introduction of these, as I say to my colleagues, we're just getting started; get these things passed and we'll get to more criminal justice legislation in this country.

I think those constituents of yours would be very pleased to hear that, because we have a lot to do. We've done a lot in the criminal justice area, but I certainly want to do more.

In terms of—

**Mr. Michael Savage:** Well, Minister, you've answered my question—

**Hon. Sue Barnes:** On a point of order, Mr. Chair, I'd like to point out to this minister that the House of Commons did pass the age of protection in the last Parliament, and it was the justice minister who brought it back again. It was already out of here; we passed it.

**Hon. Rob Nicholson:** I appreciate that.

Actually, that's a very good point, because here's what happened last spring, Mr. Chairman. We got these things into the Senate, three of these bills. It was made very clear that we were on our own with those. I used to ask the leader of the opposition: "Could you give a phone call down there? Could we get some of these things passed down there?"

As the member quite correctly points out, it's not just the House of Commons. I don't want to leave the impression, Mr. Chairman, that we're out of the woods, that if we get the Tackling Violent Crime Act through the House of Commons, therefore Canadians will get the kind of legislation.... By all means, that is not the case; I appreciate it. We have to get it through the Senate.

Again, I faced that challenge last spring, and you know the results. We didn't get very much help on it. Nonetheless, I always remain optimistic, Mr. Chairman. I'm still optimistic that tackling violent crime is exactly what this country needs.

**An hon. member:** Minister—

**Hon. Rob Nicholson:** I'm hoping that we vote expeditiously.

**An hon. member:** Minister, thank you.

**Hon. Rob Nicholson:** Let's move it through the committee and the Senate expeditiously.

**Mr. Michael Savage:** Can I just close my comments? Optimism is a trait of Liberals, Minister.

I'm not a lawyer. I've been accused of being a lawyer on many occasions, but I'm not in fact a lawyer. I am a parliamentarian who takes this job seriously and wants to consider laws.

When you're in government and after almost two years bring forward a piece of legislation that's debated for one day, and then you say it's a filibuster, I think that is an affront to Parliament. I take that personally, and I hope you would as well.

• (1220)

**Hon. Rob Nicholson:** I haven't used that term, Mr. Savage.

I can tell you that in terms of your question as to how long a committee...it varies with the committee. You could have a very short bill—

**Mr. Michael Savage:** I'm talking about having a one-day debate on a piece of legislation.

**Hon. Rob Nicholson:** I'd have to see the quality of the debate and have a look at it.

**Mr. Michael Savage:** The debate was high quality; I was part of it.

**Some hon. members:** Oh, oh!

**Hon. Rob Nicholson:** I appreciate, when you get something like the Tackling Violent Crime Act bill, that you can't do it in one day. I appreciate the fact, Mr. Chairman, that we've put about five different bills—

**Mr. Michael Savage:** My time is up. You can finish.

**Hon. Rob Nicholson:** But other pieces of legislation? I would certainly hope that they would move very expeditiously through the committee process—

**An hon. member:** Could you define “expeditiously”?

**Hon. Rob Nicholson:** —and let's get it back into the House of Commons. But as your colleague says, we're not out of the woods yet, just because you get it through the House of Commons. Nobody

knows better than me that getting it passed in the House of Commons doesn't mean it becomes the law of this country.

**The Chair:** Thank you, Minister.

Mr. Savage, thank you.

Mr. Moore.

**Mr. Rob Moore:** Thank you, Chair, and thank you, Minister, for appearing here today on the estimates.

There's been a lot of discussion amongst committee members and by you on our government's legislative agenda regarding the criminal justice system.

I guess, Minister, you're in a unique position, because you are able to travel the country quite a bit talking about justice issues. Could you provide the committee with some of the feedback you're hearing from Canadians?

In my province of New Brunswick, in my riding, youth justice—youth crime—is a big issue. The provisions that have been introduced in Bill C-25—I've certainly had an opportunity to hear some feedback from my constituents—are well received. They also feel that it's striking the right balance.

Could you comment a bit on what you're hearing from Canadians, but also on the need for balance? You spoke a bit about preventative measures and helping people get out of a life of crime or of going down the wrong road. I think Bill C-25 strikes that balance. I also think Bill C-26, on tackling the problem we have with drugs in this country, strikes that balance.

So could you comment a bit on what you're hearing, but also on the need for you as a minister to strike the appropriate balance in legislation?

**Hon. Rob Nicholson:** Thank you very much. I appreciate that. I appreciate all the work you do as parliamentary secretary to the justice minister. I had the privilege of holding that role for approximately four years, and it was one of the best parts of my being a parliamentarian, quite frankly, to be involved with justice legislation. I can tell you, you are doing an outstanding job in that role, and I am very grateful.

Perhaps I could bootleg something in. I want to congratulate you publicly for the birth of your first child, a daughter. I think that's wonderful.

**Some hon. members:** Hear, hear!

**Hon. Rob Nicholson:** When you asked what am I hearing across this country, that was one of the things I did hear as well. It's not related to this.

It's interesting in this role that you do hear different things from across this country, and you try to meet with as many people as you can. It's not perfect. You can't get to everybody. For instance, when I go to the major cities, I like to visit the Department of Justice, because I want to thank them for all the work they are doing in their provinces or areas of responsibility. So whenever I'm in one city or another, I ask them if we can possibly do it—I want to do it—because it's a priority for me to get the message to them that all the hard work they are doing across this country on behalf of the people of this country is appreciated. It's appreciated by those of us who are in government.

At the same time, when you're meeting with individuals, people, for instance, in law enforcement, or mayors—that's another group that has asked to see me when I've been across this country—you do see differences across this country. If you even look at the problem of car theft, for instance, in some communities the problem revolves around, most times, young people sometimes suffering from either addictions or fetal alcohol syndrome, from that sort of thing. Individuals are stealing the car and then abandoning the car and stealing another car, whereas in some communities I hear about very sophisticated car-theft rings, chop shops, that kind of thing. Quite frankly, when I hear that, it inspires me to think that we're going to have to bring in more changes in that area. You would know of your colleague, Andrew Scheer, and his work in creating a separate offence for auto theft. He is responding to the concerns he is hearing in his province.

Again, I do hear different things in different parts of the country.

As I say, when I was in Halifax a couple of months ago, I heard loud and clear that they wanted changes to the Youth Criminal Justice Act, and specifically those two outstanding justice ministers whom my colleague, Mr. Savage, just mentioned. Both of them were very clear. They wanted to see changes to the pre-trial detention provisions of the Youth Criminal Justice Act. I told him the truth. I'm only too happy to oblige, and we'll get that and try to move that forward. We'll do what we can to try to build a consensus and to move this through Parliament.

So yes, I hear that when I'm there. On the problems with drugs, I don't think there's anywhere I've been in Canada this past year where people haven't raised with me some concerns with respect to drugs.

• (1225)

**The Chair:** Thank you, Minister.

Thank you, Mr. Moore.

**Hon. Rob Nicholson:** Anyway, the message is clear. Again, thank you very much, and thank you for what you're doing.

**The Chair:** Thank you, Mr. Moore.

Mr. Comartin.

**Mr. Joe Comartin:** I'm a bit concerned, Mr. Chair, about the unwillingness of the minister to give me an answer as to whether cost entered into the consideration on the extradition of Mr. Schreiber. The reason I'm raising this, Mr. Chair, is that across the hallway currently, Rob Walsh, our law clerk and parliamentary counsel, is giving advice to the committee sitting there that this minister, and the Minister of Justice, generally, make this decision in the political arena and not in the judicial arena.

Mr. Minister, I guess I'm putting it to you again. If the decision is in the political arena, for you to take the position that it is inappropriate for you to comment—and I think that's a fair way to characterize your position—on that particular case and to respond to the questions I asked you.... I don't know how you can hold that position when our parliamentary counsel is giving you another opinion, which is that it is in the political arena and that in fact it would not be inappropriate for you to comment publicly, because it is in the political arena. Even though other parts of this case are before the courts, the basic decision as to whether this man should be extradited or kept in Canada is a political decision.

So I'd like to understand your position on that more clearly.

Let me just finish, Mr. Minister. I think it goes beyond that. You're here before the committee, and again, I recognize that when you've come here you have been, with the odd exception, very responsive, whether it was in details or on policy issues. So I guess I don't appreciate your position. I don't mean that in a negative sense. I just do not understand it, and I don't think it's fair to the committee for you to be taking this position when you're getting that opinion from Mr. Walsh.

**Hon. Rob Nicholson:** My colleague from the Department of Justice, Mr. Don Rennie, has indicated that he is prepared to give you some of the basics with respect to this. Do you want to hear from him?

**The Chair:** Mr. Rennie, would you make your submission, please?

**Mr. Donald Rennie (Barrister and Solicitor, Senior General Counsel, Civil Litigation Section, Department of Justice):** Thank you, Mr. Chairman.

Mr. Comartin, basically, when the act or the jurisprudence refers to a political discretion as opposed to.... Then it is no longer under the control of the courts; it is in the hands of the minister. The statute still plays a very big role, and the surrender order must be executed by the minister within 45 days of the judicial decision to commit the fugitive. There is no authority, under the treaty or the act, by which the minister can suspend the execution of that surrender order. If the surrender order is not executed, the fugitive is free to apply for a discharge and the extradition process fails.

There are two limited exceptions to that. The first is where the fugitive is facing outstanding criminal charges in Canada or where there is an appeal with respect to the committal order.

There is some language being used in the media, if I may, with respect to a temporary surrender. It is true that there is a capacity to have a temporary surrender, but that is only when the fugitive is serving a sentence in Canada for a criminal offence.

So while we've not had the benefit of the advice that that committee has received, certainly under what we see as the limited discretion available to the minister under the act, we would want to look at that advice.

• (1230)

**Mr. Joe Comartin:** How much time do I have?

**The Chair:** You can have one short question and a reply, a very short one.



**Mr. Joe Comartin:** You do know that there's a contrary opinion with regard to legislation.

**Mr. Donald Rennie:** I've heard it here for the first time.

**The Chair:** Thank you, Mr. Comartin.

We'll go to Ms. Barnes.

**Hon. Sue Barnes:** I will pass to Mr. Bagnell.

**Hon. Larry Bagnell:** Thank you, Mr. Chair.

In the months leading to the last expiry of the aboriginal justice strategy money, the workers, unfortunately, were running around lobbying hard because their funding was about to expire, was about to be cut off. They were doing all sorts of things trying to get their money back when they should have been doing the good work, the excellent work, they are doing. I know the minister thinks they're doing excellent work. We, as Liberals, had to push and push in committee and in the House of Commons, and I know the minister was supporting it, and they finally got that funding reinstated, which is the good news.

The bad news is that these organizations, now that they're up and running and they've proved their success—I know the minister thinks it's a success, and I compliment him for that—are asking for permanent, ongoing funding. I wonder if the minister would make a commitment to the longer-term funding that these people are asking for, for this excellent program. It's an integral part of the justice system now, just as prosecutors and judges are.

**Hon. Rob Nicholson:** Thank you very much for that. You touched on one of the problems that, to the extent we can avoid, we like to avoid. You're quite correct, having yearly funding for any particular program sets in place a number of concerns each year about whether the program is going to be renewed.

The program, the one you've specifically mentioned with respect to the aboriginal justice strategy...we renewed it for two years, which I'm guessing you would agree is a step in the right direction. I'm not in a position to commit or to bind the Government of Canada with respect to funding proposals, but I will thank you for your representation. I listened to you very carefully.

**Hon. Sue Barnes:** Minister, I'm going to ask you about consultation on your bills. Prior to introduction into the House, what's the breadth of the consultation you do on each of your criminal justice bills? I ask that because the Prime Minister has said he's regarding crime bills as confidence bills. I might add that as a direct question to you: do you consider each and every single one of your crime bills a confidence bill in this House?

**Hon. Rob Nicholson:** The question of confidence is something that is reserved to the Prime Minister. The Prime Minister indicated with respect to the Tackling Violent Crime Act that this was a confidence measure. It's integral to what the government is trying to do. It's integral to what we promised Canadians in the last election. So we made it very clear, and I think it was reasonable to do that.

If you heard my comments on that at the report stage, I indicated as well, so that there wouldn't be any misunderstanding on anyone's part, that if the amendments as they were proposed went through, we would consider that a confidence measure. We were prepared, and we're still prepared....

We still haven't gotten this thing through at third reading, and I'll repeat what the Prime Minister has indicated, that, yes, this is a confidence measure, and if it is defeated at the third reading stage, we are prepared to go to the people of Canada.

In terms of consultation, it depends, I suppose, on the bill. Those of us, for instance, who run for Parliament, consult with our constituents. We get feedback from our constituents; we get suggestions from our constituents as to what should go in a bill. I know the Department of Justice looks at these issues very carefully. I get feedback, for instance, from provincial attorneys general. Mr. Savage talked about the two justice ministers in Nova Scotia. Certainly they were very vocal in terms of getting input into that Youth Criminal Justice Act.

In that particular bill...I'll give you another example; there's the Nunn report. There were a number of recommendations, and certainly one of them was with respect to pre-trial detention. That too is part of that input, in my opinion.

Those of us who are members of Parliament hear widely across this country, but we do listen to our constituents as well, and we want that feedback from them to see if we're on the right track and that we're moving forward.

Again, we try to get it right. I can tell you that I'm very pleased and satisfied in terms of the bills we have introduced that we have gotten it right, and these are widely supported by Canadians.

• (1235)

**Hon. Sue Barnes:** Mr. Minister, I'd like to—

**The Chair:** Thank you, Minister. Ms. Barnes, your time is up.

Mr. Ménard.

[*Translation*]

**Mr. Réal Ménard:** I will be brief. Since we are going beyond the estimates and talking about the government's philosophy as shown in a number of bills, I would like to ask you three quick questions.

Do you think most people in this country agree that when a Canadian or a Quebecker commits a crime outside the country, even a serious crime, that they may be subject to the death penalty and that the Canadian government, which claims to be passing bills that uphold the rule of law and a democratic ideal will refuse to repatriate the individuals to serve their sentence here and thereby avoid the death penalty? How does that square with your ideal of the rule of law and the values that a government should be promoting? It is quite difficult to understand the new approach your government is taking in this regard, and it is actually most disturbing. Of course, we are not trying to minimize the seriousness of the offences that were committed, but the death penalty is barbaric. Your responsibility is in no way removed because it is practised abroad rather than in Canada.

Furthermore, there was something that bothered me a little in the remarks you've been making here today. You seem to think that you have the support of a majority of Canadians. I think we should remind you, minister, that less than 40% of Canadians supported you, and that at least 60% of Quebeckers do not support either your election platform nor the vision behind it. Of course, that does not make you a less legitimate minister, but when I and my colleagues from the Bloc Québécois speak in the House of Commons, we do have an alternative vision. I never receive the mandate from my constituents to defend the vision of the criminal justice system that underlies Bill C-25, which is based on increased use of preventive detention and the deterrent principle. Quite the opposite is true.

You will recall that the National Assembly took a stand against this particular vision. We will see how things turn out, but I think we must bring you back to reality: your government is a minority government, and 60% of Canadians and Quebeckers do not subscribe to your vision. A number of people are pleased that you are not a majority government, and I think, with all due respect, that you should include me in that group.

[English]

**Hon. Rob Nicholson:** Thank you very much, Monsieur Ménard.

You say that we're refusing to repatriate. We'll have to make a decision in those cases when this comes up, as to whether it involves the death penalty, or indeed when we get applications from other Canadians who are abroad and are detained or in jail. Decisions, of course, have to be made as to whether those individuals will be transferred back to serve in Canada. There is actually legislation in place that permits that. But obviously the decisions have to be made in each case.

I am keenly aware of the fact that we have a minority government. I believe that if we had a majority, some of these pieces of legislation would have been passed. I think they would have been passed a long time ago.

Again, I appreciate your comments, but we also have the right, as we did with the Tackling Violent Crime Act, to make it very clear that we are prepared to treat that as a confidence measure. And that too is a function of a minority parliament, and it has a long tradition within our parliamentary system.

I think it was quite appropriate for us to indicate, and to indicate clearly, that the Tackling Violent Crime Act is a confidence measure. That doesn't take away your right to either vote against it or to defeat it, but I think it was incumbent upon us to make sure everybody was in favour of that.

Now, I can tell you that—

• (1240)

[Translation]

**Mr. Réal Ménard:** But it is not democratic.

[English]

**Hon. Rob Nicholson:** —we did have widespread support.

[Translation]

**Mr. Réal Ménard:** That is not democratic. I ask you to acknowledge that is not democratic, minister. The Prime Minister

said that if we did not support his vision of justice, he will not respect our right to disagree. That does not show much respect for Parliament. You should never forget the fact that your government is not a majority government. We are entitled to disagree with your vision, and that does not mean that we are less concerned about victims and about the issue of justice. We have seen some authoritarian statements from the Prime Minister, and I do not think you would have accepted that when Mr. Hanger and his colleagues were on this side of the table. They would not have agreed that people who do not support your vision of justice would not be able to have a say. We should never forget that in democracy, we are entitled to put forward this view. As regard to young offenders, we will be putting forward that point of view.

[English]

**Hon. Rob Nicholson:** I actually believe that the confidence convention is an integral part of our democratic institutions, and I believe that if something is vital to the future of a government or is a vital part of what the government stands for, it is quite appropriate to designate something as a confidence measure. We are all familiar, for instance, with budgets. They are integral to the ability of the government to actually continue. The tradition goes back several hundred years—it was not invented by my government, it's been around a long time—that if you lose control in the lower house, the House of Commons, in most cases you are obliged to go back to the people. All we wanted to do—again, I want to thank you for your support for that bill, and the support of everyone at the report stage—

**Mr. Réal Ménard:** I expect a Christmas card.

**Hon. Rob Nicholson:** Yes, I'll send you a Christmas card thanking you for that.

Again, as I say, I hope it goes through.

**The Chair:** Thank you, Minister and Mr. Ménard.

Mr. Dykstra, you have time for one question.

**Mr. Rick Dykstra:** Okay. I'll just ask one then.

Thank you, Mr. Chair.

I was looking through the estimates on the Canadian Human Rights Commission, and one thing I noticed that runs throughout this document—and I have to compliment you and the ministry officials on it—on page 14, page 7, and page 5, is that it specifically deals with developing a legislative approach to the repeal of section 67 of the Canadian Human Rights Act, including a proposed interpretive principle that would preserve the collective rights and interests of aboriginal peoples while extending the full protection of the act that is currently denied to them. This is a pretty significant issue that runs throughout the estimates, and I wondered if you could just spend a couple of minutes commenting on that.

**Hon. Rob Nicholson:** It's something I feel very strongly about, Mr. Dykstra—

**The Chair:** Minister, if you could make it quick, we have a time constraint on some other business.

**Hon. Rob Nicholson:** I find it incomprehensible that not every political party in this country is in support of this. This is to extend the Human Rights Act to all aboriginal Canadians, and the idea that they haven't waited long enough to have these basic human rights I think is wrong. Yes, I support our minister and what he is doing. I can tell you, if you want to talk about the responsibility of all members of Parliament, yes, they should stand up for aboriginal rights, and of course these people should be covered by the Canadian Human Rights Act.

**The Chair:** Thank you, Minister.

Thank you, Mr. Dykstra, for the question.

We will suspend for 60 seconds.

I would like to thank the minister, Mr. Sims, the deputy minister, and Mr. Rennie for the expert advice. Thank you for attending.

*[Proceedings continue in camera]*

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