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Thursday, December 6, 2007

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Chair

Mr. Art Hanger

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• (1110)

[English]

The Chair (Mr. Art Hanger (Calgary Northeast, CPC)): I call the Standing Committee on Justice and Human Rights to order. It being Thursday, December 6, 2007, the committee will continue its debate and discussion on Bill C-343, an act to amend the Criminal Code on motor vehicle theft.

Our witnesses appearing today, from the Canadian Automobile Dealers Association, are Mr. Thomas Donnelly, chairman, accompanied by Mr. Huw Williams of the public affairs section; from the Ontario Provincial Police, Mr. Scott Mills, detective staff sergeant unit commander, provincial auto theft team, organized crime section; from the North American Export Committee, Mr. Ben Jillett, investigator, provincial auto theft team; and finally, as an individual, Mr. Julian Roberts, professor, Centre for Criminology, Oxford University.

Thank you, gentlemen, for being here.

I will now turn the floor over to Mr. Thomas Donnelly, chairman of the Canadian Automobile Dealers Association, to begin.

Mr. Thomas Donnelly (Chairman, Canadian Automobile Dealers Association): Thank you very much, Mr. Chairman.

My name is Tom Donnelly, and I am the chairman of the Canadian Automobile Dealers Association, also known as CADA. I'm accompanied today by Mr. Huw Williams, who is our public and government affairs director with CADA.

CADA is a national trade association that represents franchised dealerships of new cars and trucks. We have over 3,000 members and we are a presence in virtually every community in Canada. We employ approximately 140,000 people nationwide.

I'm especially pleased to be here today to talk about the important issue of vehicle theft, a problem too often forgotten until it directly affects you. In addition to my role as chairman of CADA, I also operate a medium-sized, family-run GM dealership here in Ottawa. Most dealerships in Canada are much like mine, family owned and operated, independent small businesses, not, as some may think, creatures of the manufacturers.

As you can imagine, when an expensive vehicle worth \$30,000 or more is stolen from my lot, it has a real and direct effect on my business's bottom line. Most of my remarks will emphasize that by driving up the cost of purchasing and insuring a vehicle, such theft is a problem to more than just a person whose car has disappeared.

Additionally, too often such crimes are the results of organized crime networks and bring with them all the associated negatives of such organizations. This is especially true when looking at thefts from dealerships like those I represent.

It's important to talk a little bit about vehicle theft in Canada and take a quick look at some of the statistics. As Canadians, we often assume our peaceable kingdom has less crime than the United States. Usually this is a safe assumption, but when it comes to vehicle theft, we actually have the dubious distinction of beating our American neighbours' per capita vehicle theft rate by 26%.

Moreover, there are 56% more vehicle thefts in Canada than there were two decades ago. From 1991-2001 alone, we saw vehicle theft increase by 10%, despite a 38% decline in the rate of all other property crimes. Of those cars that are stolen, about 30% are never recovered and only 13% of the cases are ever solved by the police. Clearly, there's room for improvement.

On a personal note, I'll give you an example that happened to us in south Ottawa about 18 months ago. At about 4:30 on a Sunday morning our fences were cut, and four \$60,000 diesel extended-cab pickup trucks were stolen in less than three or four minutes. When we discovered this on the Monday when we returned to our premises, we phoned to make a police report, and the police gave us our file number to contact our insurance company.

It's become a real issue with some of the police departments because it's not something they seem to be winning a war on. That's not a slight against police, it's just a problem with respect to the way things are today.

It's easy to think of a vehicle theft as an insurance problem, a hassle for those whose car or truck is stolen, with damages largely offset by the victim's insurance policy, yet with little direct effect on the population at large. Nothing could be further from the truth. While it is certainly true that the victim of a car theft is most directly harmed, society at large is certainly affected as well.

The Insurance Bureau of Canada estimates the cost to Canadian insurers, and by extension its policyholders, is more than \$600 million a year, and that's just the cost to the insurance companies. According to studies, the number doubles to \$1.2 billion when health care costs, policing, and out-of-pocket costs such as deductibles are added. These costs drive up the price of insurance for all policyholders, not just those unlucky enough to wake up to find their car is no longer in the driveway.

Costs to consumers from vehicle theft are not limited to insurance policyholders but are also found in the sticker prices of new vehicles. Theft of merchandise is an issue for all retailers, be they selling groceries, general merchandise, or cars, and as such theft hurts retailers' bottom lines, it ultimately only serves to increase the costs to the paying customer.

Unlike us, other retailers are rarely targeted with specific shopping lists of goods to be stolen. In separate studies, Statistics Canada and the RCMP found an increasing involvement from organized crime groups in the theft of specific vehicles. Specific makes, models, and years are targeted. They're stolen and in less than 48 hours they're in a shipping container bound from ports like Halifax, Vancouver, and Montreal for eastern Europe, China, and elsewhere. Other models are often stolen to be chopped for parts, often sold back to unsuspecting consumers as genuine merchandise.

• (1115)

This sort of theft is a large reason why 41% of the vehicles stolen from dealerships are never recovered, which is almost three times higher than that of thefts from parking lots and four times higher than that for thefts from the street.

Numbers like these are part of the reason why auto theft and auto-related claims are, with the exception of the odd catastrophic loss, the highest loss experienced for insurers. This has also meant that fewer and fewer companies are willing to offer the sorts of garage policies that dealerships need. This has left little in the way of competition, leaving dealers to pay exorbitant premiums, beyond even what could be expected because of what the risk is.

Dealers are trying to do their part. We've tried to reduce thefts in a number of different ways, such as adding floodlights, fencing, hiring night-time security guards, but such measures are still imperfect. The nature of a dealership is that millions of dollars of assets sit in a parking lot on display exposed to potential thieves. As thorough as we are with security, we are still dealing with a complex criminal network that reaps substantial financial benefits from stealing cars. Even if we could turn every dealership into the urban equivalent of Fort Knox, the tenacity of organized crime knows no bounds in circumventing our precautions.

It is imperative that the government act to curtail such thefts. Certainly they harm business and consumers through added security and insurance costs, but also the profits of the stolen car networks finance additional criminal activities in organized crime—things like the trade of drugs, prostitution, murder-for-hire, etc. While business dealerships across Canada would benefit if thefts from car dealerships were stopped tomorrow, it would even be of greater benefit to Canadians by hindering such criminal activities.

One of the strongest parts of this legislation is that it creates a separate crime for the theft of a vehicle. As I am sure the committee is familiar, the status quo is that if someone is charged with stealing a car they're actually charged with theft over or under, as appropriate, \$5,000.

On every practical level a stolen car is not the same as other stolen property. Unlike televisions, china, jewellery, etc., cars are essential to individuals for mobility and independence. Cars allow a family to take their kids to school, the doctor, and the hockey rink. It is a car that gets people to work, or to the ski hill or beach on the weekend. These functions aren't dependent on the cost of the vehicle and are taken away just as much when a \$30,000 car is stolen as when a \$3,000 car is stolen. That's why vehicle theft can't be measured by the value of the asset, as the nature of the harm is not really dependent on the value in the same way that other property is.

Some parts of government already treat vehicle theft differently. Statistics Canada keeps a separate record for cars stolen, and the average person on the street would likely feel the same. It would seem that for the last instance of a stolen car being treated as just a property crime in the Criminal Code, this legislation would fix that.

The legislation brings important focus on the issue of vehicle theft, a problem that adds cost to consumers and business and fuels organized crime in addition to the individual effects on those who actually have their cars stolen. Importantly, it makes stealing a car its own offence and better reflects the function of a car, which often belies its strict monetary value as property.

While I'm sure that there will be some discussion about the length of the proposed sentences as well as the inclusion of so-called mandatory minimums, I think it is important to stress that this legislation offers real improvements over existing legislation and can only serve as an added deterrent for a problem that has only gotten larger as other crimes have declined.

Thank you very much.

• (1120)

The Chair: Thank you, Mr. Donnelly.

Next on our list, from the Ontario Provincial Police, we have Detective Staff Sergeant Scott Mills.

Detective Staff Sergeant Scott Mills (Unit Commander, Provincial Auto Theft Team, Organized Crime Section, Ontario Provincial Police): Good morning, and thank you, Mr. Chair.

I'm attending today representing the Ontario Provincial Police as a designate for Commissioner Julian Fantino. In addition, I'm attending as a unit commander of the OPP provincial auto theft team, which is under our organized crime section of the investigation bureau.

The mission of the provincial auto theft team is to provide leadership, expertise, and coordination to dedicated investigations targeting organized crime in the enterprise crime of auto theft. The provincial auto theft team with the OPP as a lead agency is mandated to investigate organized crime as it relates to enterprise vehicle theft by gathering intelligence, identifying the persons and groups involved, and taking appropriate action. Most of our investigations are multi-jurisdictional, multidisciplinary, interprovincial and international, which mirrors the organized crime sophistication involved in this type of theft.

The provincial auto theft team is partnered with most major Ontario police agencies, various government regulatory bodies, and the Insurance Bureau of Canada. The provincial auto theft team welcomes this opportunity to appear before this committee on Bill C-343. Our goal is to work with elected officials to bring about reforms that enhance the public safety and security of our communities.

The safety and security of our communities requires our dedication and determination, and I am dedicated and determined to enlighten all those who will listen to the fact that auto theft is not merely a property crime, but that auto theft and the possession of a stolen vehicle in the hands of a fleeing criminal or an inexperienced driver-offender presents a grave danger to the public. This year alone, personally, my provincial auto theft unit has experienced the death of a 15-year-old youth who fled the police and died behind the wheel of a stolen car. We've had three instances of when desperate auto thieves have attacked or driven directly at police officers, resulting in the officers discharging their firearms, and there have been countless accidents as a result of fleeing stolen vehicles. The danger of this death and violence spilling out onto the innocent public is a reality.

I'm just going to review some national statistics. In 2006 approximately 160,000 vehicles were stolen in Canada, at a cost of well over \$1 billion. I'll mirror an earlier statement that the theft rate in Canada is 26% higher per capita than in the United States. The national vehicle theft rate has remained relatively stable in Ontario, but the recovery rate has steadily declined in Ontario. Saskatchewan and British Columbia have the highest theft rates per capita in the country, and the average person arrested in British Columbia and Saskatchewan for auto theft is 14 years of age.

Approximately 54,000 vehicles are stolen annually in Ontario, ranking us fourth overall in North America behind California, with a population of 30 million; Texas, with a population of 21 million; and Florida, with a population of 19 million. In 1990, 90% of all vehicles that were stolen in Ontario were recovered. Today only 60% of the vehicles stolen are recovered. The recovery rates in Ontario are influenced by a number of factors, the largest of which is organized crime involvement.

Vehicles that are not recovered do not simply disappear. Vehicles not recovered are exported to another jurisdiction, where they're no

longer sought by the police. They are assigned a fraudulent identity, or what we call "revinning", and then sold to the unsuspecting public, or they are what we call chopped in a chop shop and the parts are sold on the grey market as legitimate.

Organized enterprise auto theft by professional auto thieves represents millions of dollars in profits for organized crime groups in Ontario. The average person arrested by the provincial auto theft team, which is my unit focused on organized crime, is 34 years of age. Ontario, where the recovery rate has fallen to 60%, is now faced with organized crime groups employing professional thieves who are heavily involved in auto theft as a means to generate revenue. B.C. and Saskatchewan are primarily faced with amateur thieves involved in transportation thefts, or joy riding, and still enjoy a 90% and 94% recovery rate.

● (1125)

Both the professional and the amateur thief present a clear and present danger to the community, leading police on high-speed pursuits, often committing these crimes while high on drugs.

The experience of the provincial auto theft team reveals that presently the penalties in Ontario range from probation to light fines. Repeat offenders face primarily 30 days in custody. We've had occasion to talk to very prolific auto thieves in Ontario, members of organized crime, and they've boasted about not only stealing thousands of vehicles annually, but also that they've been arrested and convicted numerous times and are still active and receiving light penalties.

The provincial auto theft team has conducted surveillance during recent projects. One project, Project Eagle, was concluded in 2006, and we watched thieves exit the courtroom after being convicted for stealing a vehicle and steal another vehicle within an hour.

The provincial auto theft team and the Ontario Provincial Police support this initiative to deter auto theft and make our communities safer. The provincial auto theft team and the Ontario Provincial Police would welcome further changes to the Criminal Code of Canada, similar to those in Bill C-343, that would include possession of a stolen vehicle as a separate offence. The provincial auto theft team would also support legislation that would see any vehicle whose vehicle identification number or any vessel whose hull identification number has been obliterated or removed to be forfeit to the crown.

The provincial auto theft team's focus is on combatting organized crime and those who profit from this enterprise auto theft trade. The provincial auto theft team would support legislation that targets organized crime and creates specific offences for those who engage in the auto theft trade by trafficking in stolen vehicles or parts.

I'd like to quote from Commissioner Julian Fantino in a letter he wrote to the clerk of this committee:

This legislation would make auto theft a separate offence under the Criminal Code and would ensure mandatory minimum jail sentences, particularly for third or subsequent offences. As you're aware, motor vehicle theft costs Canadians in excess of \$1 billion annually and continues to threaten the safety and security of our communities and law enforcement personnel. Auto theft is not a victimless crime. It involves home invasions, break and enters, and other crimes that support organized crime. This past summer auto theft resulted in the on-duty death of Constable Robert Plunkett of the York Regional Police.

Auto theft is not a victimless crime. Auto theft must be treated as a serious threat to public safety and viewed as such. The proposals in Bill C-343 represent proactive measures to protect the public. The stand-alone offence of auto theft more accurately represents the seriousness and the sophistication of the auto theft situation than the simple offence of possession of stolen property.

Thank you.

The Chair: Thank you very much, Detective Staff Sergeant.

Now we have the North American Export Committee, Mr. Ben Jillett. You have the floor, sir.

• (1130)

Mr. Ben Jillett (Investigator, Provincial Auto Theft Team, North American Export Committee): Thank you, Mr. Chairman, for the opportunity to address this committee.

I am a director for the North American Export Committee, which is made up of various persons from law enforcement and the private sector in Canada, the United States, and Mexico. The mission of the North American Export Committee is to bring together those entities that share a common goal of combatting the exportation of stolen vehicles.

In addition to being a director with the North American Export Committee, I'm an investigator with the Insurance Bureau of Canada in the auto theft services and I'm also seconded to the provincial auto theft team in Toronto, working under Scott Mills. The team is headed up by the Ontario Provincial Police. I am also a retired member of the RCMP and served for 31 years.

As part of my work investigating exported stolen vehicles, I have spent a great deal of time overseas in the repatriation of stolen vehicles. As a matter of fact, in June of this year I presented to the FBI training seminar in Accra, Ghana, about North American stolen vehicles being exported to the west coast of Africa.

The North American Export Committee fully supports Bill C-343 and asks that all members of Parliament approve it in its current form.

More and more, auto theft in Canada is being committed by organized, for-profit crime rings. This is evidenced, in part, by the significant reduction in the recovery of stolen vehicles. The criminals involved in these rings are dangerous repeat offenders. Bill C-343 addresses the increased severity of the problem by making auto theft a separate offence under the Criminal Code, rather than treating it as a simple property crime.

Also, Bill C-343 proposes mandatory minimum sentences, but does so only for third and subsequent offences. The export committee views this as a very reasonable use of mandatory minimum sentencing, as it targets only repeat offenders.

Auto theft is a very expensive crime. As we heard, it's costing Canadians \$1.2 billion a year, and in 2006 there were 159,000 vehicles stolen in Canada. Even more troubling, though, is the human cost of auto theft. A study by the National Committee to Reduce Auto Theft found that between 1999 and 2001, 81 Canadians were killed and 127 were seriously injured because of auto theft. There is no question that auto theft is a threat to the safety and security of all Canadians.

I would like to share with you a few cases that I am involved in that demonstrate the scope and magnitude of organized crime in auto theft in Canada.

First is Project Ghana, part two. In January and February of this year, the Ontario provincial auto theft team recovered 50 high-end stolen vehicles that were destined for West Africa. These vehicles were valued at more than \$2 million. While those cars were recovered before they left Canada, many others still made it out. Approximately 65 vehicles were found to be stolen from Canada and illegally shipped to Ghana. Most of the vehicles shipped to Ghana had originally been shipped from the ports of Halifax and Montreal.

Ghana and Nigeria in western Africa are major importers of Canadian stolen vehicles, second only to the United States. Organized West African car theft rings are increasing in number, and so is the volume of vehicles stolen by them. It is important to note that the Canada Border Services Agency claims they lack the jurisdiction to identify and seize stolen vehicles at the ports, so they are not doing this job of seizing vehicles at the export levels in Canada.

Next is Project X5. In August of this year, police arrested 19 individuals involved in operating five auto theft rings in various parts of Ontario. They recovered 14 high-end stolen vehicles worth \$1.5 million, as well as \$55,000 in cash and more than \$800,000 in drugs. The suspects also had false Ontario driver's licences, false Canadian citizenship cards, and a host of bogus social insurance numbers. The cars and the SUVs in this case were destined for West Africa and the Middle East.

Next is Project Eastbound, which was an interprovincial auto theft ring. In October 2006 law enforcement from Ontario arrested and charged 14 individuals relating to the fraudulent registration and sale of stolen vehicles to unsuspecting consumers in Quebec and New Brunswick.

• (1135)

This was a 14-month investigation targeting a group that was involved in the cloning and rewinning of stolen vehicles.

In July 2006, members of the New Brunswick RCMP, in conjunction with the Ontario provincial auto theft team, located and seized 24 more stolen vehicles that had been identified as cloned or with false vehicle identification numbers.

In August 2006, 33 search warrants were executed in Quebec by the Ontario provincial auto theft team, with the assistance of members of the Sûreté du Québec, the Montreal Police Service, and various police agencies in the province of Quebec. At this time, a total of 26 vehicles identified as cloned or with false vehicle identification numbers were located and seized. The seized vehicles were all reported stolen between 2005 and 2006, with a value of over \$6 million.

In Toronto we had a major crime task force labelled "Project Globe". This was started in 2005 by the Toronto Police Service. Initially they had identified 75 vehicles that were unlawfully obtained by a Middle Eastern crime group. They had been stolen from various financial institutions through the use of deceptive financing. Once obtained, these vehicles were placed into containers and shipped to the Middle East, namely to Dubai, Jordan, and the United Arab Emirates. Some of these vehicles were later reported stolen here in Canada, and there was an investigation; this is called "theft by conversion". The total value of these vehicles was over \$5 million.

The problem is escalating, and we are currently seeking approximately 100 high-end vehicles that have been shipped to the Middle East from Canada within the last six to eight months.

Organizations involved are known to be involved in other criminal activity, including terrorism, drug trafficking, robbery, carjacking, identity theft and fraud, and other criminal offences.

In July 2007 we were notified by the Hong Kong police that a number of luxury stolen vehicles from Canada, including a Ferrari, four Hummers, a BMW, and Cadillac Escalades, worth over \$500,000, had been seized and recovered. They arrested two Indian males carrying Indian passports in Hong Kong, and they had connections leading back to individuals in Canada.

In August 2006 I was contacted by Interpol from Lyon, France, who advised that Cambodian customs had just seized 12 luxury vehicles that had all been stolen from Canada, most of which came from the province of Quebec. These vehicles were packed in shipping containers labelled to contain aluminum doors and windows, along with clothing. These vehicles were seized at a port in Cambodia.

In conclusion, I would like to stress that various investigations have strongly suggested that auto theft is a source of funds for terrorist groups. This has also been supported by informants and was noted in an RCMP criminal intelligence report from November 2001. The same RCMP report went on to say that high-ranking Hezbollah leaders may be driving around Lebanon in cars stolen in Canada by Middle Eastern organized crime groups.

Thieves are not constrained by political borders. Auto theft has proven to be a very lucrative business operating all across this country, the United States, and overseas as well.

The North American Export Committee is certain that Bill C-343 will give law enforcement the tools it needs to properly fight the battle against organized auto theft. As a director with the North American Export Committee, I urge you all to support Bill C-343 in its current form and send it to the House of Commons for third reading and approval.

Thank you for your time, and I'm looking forward to answering any of your questions.

The Chair: Thank you, Mr. Jillett. That was some very significant information you passed to us.

Now we'll hear from Mr. Julian Roberts, a professor from the Centre for Criminology at the University of Oxford. Sir, you have the floor.

Dr. Julian Roberts (Professor, Centre for Criminology, Oxford University, As an Individual): Thank you very much, Mr. Chair.

I've been working in the area of sentencing since about 1984, when I worked for the Canadian Sentencing Commission. I think I have appeared nine previous times before this committee on this issue. If you get a mug for your tenth appearance, I'd like to take it home.

It's obviously a serious problem, there's no doubt about that, and these statistics make it clear. But my question would be, what can sentencing do about this problem? In the testimony yesterday there were a number of obviously interesting proposals: immobilizers, better police surveillance, and so on and so forth.

With respect to sentencing, it's a little bit more complicated, and the role of sentencing as a deterrent force is significantly limited. One of the witnesses a couple of days ago said that Canadians count on parliamentarians to take action about the problems that matter to them, but your job's more complicated than that. You need to take action with respect for the legal traditions of this great country, and within the statutory sentencing framework that was created in 1996 by Bill C-41.

Before you create a fairly stiff—and I'll talk about the level of penalty—mandatory minimum sentence, you need to recall that the role of Parliament is to create a statutory framework to identify important statutory aggravating factors and mitigating factors if necessary, to prescribe mandatory sentences where appropriate, but not necessarily to introduce a minimum penalty every time an offence seems to take your attention.

The Bill C-41 I refer to in 1996 codified the principle of proportionality in sentencing, section 718.1 of the Criminal Code. That principle, of course, as you well know, articulates a guide to sentencing courts, which is that the severity of the sentence should reflect the seriousness of the crime and the offender's level of culpability for the offence. You can't determine that in advance. You can't know in advance the offender's level of culpability; it's something that has to be determined by a judge. A mandatory minimum sentence takes away that judicial discretion.

I know a lot of people are quite skeptical of judicial discretion, but my submission to you would be you shouldn't be so skeptical or afraid of it.

How does this bill violate proportionality? It also violates restraint, by the way, but I probably won't have time to talk about that. By creating a sentence—and we'll look at the third conviction—of at least two years, it effectively creates a disproportionate punishment. You may say, how can it be disproportionate? It's a very serious crime. It is, but go to the sentencing statistics. I think you should take a good, hard look at those. I don't think you should get your sentencing statistics from what witnesses say or what you've heard from auto thieves; get them from Statistics Canada.

I'll give you one statistic here that is quite compelling: 95% of sentences of custody in this country are provincial terms, two years less one day and below. By the way, clause 5 indicates that the third conviction can be part of the same criminal event. So if a guy grabs three Toyota Corollas in one evening he's subject to this provision and to a penalty of at least two years pen time for stealing three cars that could be quite modest cars, and I think that's a disproportionate sentence.

If you think about it, the 5% of offenders in this country are the offenders who have committed the most serious crimes. I'll just ask you whether you want somebody who's stolen three cars—serious though that is—to be among the top 5%. We're talking about aggravated sexual assault, manslaughter, and so on. I think it's disproportionate.

The second thing is of course it's a three strikes law. It's baseball sentencing. What that means is you're promoting the use of previous convictions. The reason why the guy gets pen time, at least two years, two years or more, for stealing those three Toyota Corollas is not because the third Corolla is such a serious theft; it's because it's his third infraction. That's promoting the use of previous convictions way above the seriousness of the incident crime.

• (1140)

So he's stolen a car and he goes to the penitentiary for that because he has had two previous convictions for stealing cars. What you're doing there, of course, is promoting the offender's criminal record way above the seriousness of the crime, and that's a violation of proportionality.

I'll just say a couple of last words and then conclude, because I'm running a little late.

If having these mandatory sentences were to create a great crime prevention effect; if you had all these potential offenders thinking “My God, there's a mandatory penalty now, so let's think about robbing convenience stores instead”, there might be more support for it. But if you're talking about an average age of 14—and we just heard the statistic—for people stealing cars, you have a lot of young people stealing cars, and they're not the most reflective individuals, not the most forward-thinking individuals. They're going to steal cars.

Particularly, by the way, if they're high on drugs they're going to do it without contemplating whether it's six months or eighteen months. You could probably have a mandatory minimum sentence of ten years for the third conviction; it's not going to stop those guys, because they're not going to think about it.

They may be more concerned if they think they're going to get caught. So if there's a police presence around, or immobilizers and

alarms, that will deter them, because then it's clear to them that there are some consequences. But they don't think rationally, the way we do. I think there'll be little or no crime-preventive effect.

You may say it's not going to have a great impact upon the number of vehicles stolen, but what's the matter with it? What is the matter with it is, as I say, that it's an unwelcome parliamentary intrusion into the exercise of discretion by a sentencing court, and I think that's regrettable.

I would encourage you to go back to the drawing board to take a look at the sentencing statistics. If they show, by the way, that a car thief with ten previous convictions was getting probation, I'd be a little bit more concerned and would want to do something about the sentencing regime. But I'd need to see the statistics.

The last point I'd make is just that we should of course recall to our minds that committing a crime in conjunction with an organized crime organization is a statutory aggravating factor and will or should result in a harsher penalty anyway. I would encourage you to have a little more faith in the judiciary.

I'm not very favourable to the sentencing proposals in this bill.

Thank you.

• (1145)

The Chair: Thank you, Mr. Roberts.

Just as a point of clarification for the committee and for me, sitting here as a former investigator, Mr. Jillett, you talked about a Project Eastbound, a 14-month investigation. How many police officers were involved in that investigation?

Mr. Ben Jillett: They were numerous, from Ontario, Quebec, and New Brunswick. I'd be guessing at the numbers, but I would say probably about 60.

The Chair: That's 60 over 14 months?

Mr. Ben Jillett: Yes, in the various provinces.

The Chair: Is that typical of these projects?

Mr. Ben Jillett: No, that's an extremely large one. Normally they're not that big, with so many police forces involved. A lot of it is a few investigators from Ontario who would partner up with other investigators across Canada.

In this case, we had so many locations in Quebec and New Brunswick, especially for searches, that we needed a lot of people involved in those.

The Chair: Thank you.

I have another question on penalties after numerous convictions—about what the sentencing would be. But I'll leave that for a future opportunity and turn to Mr. Boshcoff.

Mr. Ken Boshcoff (Thunder Bay—Rainy River, Lib.): Thank you, Mr. Chairman. I'll be splitting my time with the honourable member for Scarborough—Rouge River.

When we talk about what I guess you could almost say is an epidemic, it would seem to me that society sees it going on. In spite of awareness campaigns and police publicity and all these types of things, though, there is some measure of individual responsibility that seems to be lacking, whether people leave their doors unlocked, whether they keep their keys in the car, or whether they leave their air conditioning going in hot times or their engines running in the winter. In this neck of the woods, people go out, start their cars, or do it some other way. We're almost luring people to say, "Take me".

From my experience on the police services board, when we decided that we would try to do something in our community about this, there was a huge outcry. People felt we were being unnecessarily stringent, that we were putting undue pressure on them. They felt it was a right for them to be able to leave their cars running, or that if they parked at a convenience store and ran in, they shouldn't be assigned a penalty for doing that because that's how people live, as opposed to shutting the car off and locking the door so that they wouldn't make it so susceptible.

That's my first question, and perhaps a couple of you may want to respond to that. And then try to identify that aspect of individual responsibility, versus the hitting of the car lots and putting the cars on trailers. Wouldn't you say those are two different categories of theft?

• (1150)

Detective Staff Sergeant Scott Mills: If I can respond, there are two types of auto theft, and I think we have to clarify that. There is the amateur auto theft, which is opportunistic, and then there's the professional auto theft, which is organized crime.

Public awareness may help target hardening, to prevent against the opportunistic youth or amateur auto thief, but in the organized crime world there is a market for stolen vehicles and they are very target-specific on makes and models. Regardless of the target hardening or diligence of the driver, there is a market abroad and domestically for these vehicles. It's very, very hard to deter them by street-proofing, if you will, your vehicle.

Mr. Huw Williams (Director, Public Affairs, Canadian Automobile Dealers Association): I'll just add, Mr. Boshcoff, that one of the challenges dealers face is that they put up a lot of barriers to protect the vehicles, they go through extensive processes to keep their keys in place, but once they've built those kinds of hard protective barriers and hard securities, the thieves come up with identity theft and they take the car under false pretenses—under a leasing agreement, for example—under the wrong identity. They then ship the car out of the country. So while they think they've done a legitimate transaction, it's been sold the other way.

There is a recognition amongst dealers across the country that the dealers being targeted are very much being targeted by the professional thief that Mr. Mills refers to, and by organized crime. And there is a different category of amateur thief who is out there targeting the easy opportunities to jump in people's cars. So there is definitely a distinction that has to be drawn there in the marketplace generally.

Mr. Ken Boshcoff: Would there be a percentage of what you'd say is amateur and professional-league? In terms of the opportunistic stuff, is it 10% or 15%, or is it 30% or...?

Mr. Huw Williams: I'll leave it for the police to give a version of it, but I can say in the dealership case that there are very few. A very small percentage of vehicles are stolen from a dealership by a joyrider or in an amateur kind of scenario, because the barriers are just harder to get through.

Mr. Ken Boshcoff: But what about leaving it out there in your driveway, and that type of stuff?

Detective Staff Sergeant Scott Mills: Percentage-wise, it varies so much from jurisdiction to jurisdiction. I can quote B.C. because I've recently had some conversations with the RCMP about Operation Impact. About 90% of their vehicles that are stolen are recovered. That's attributed to your amateur auto theft. They're not stealing the cars for the cars themselves; they're stealing them for transportation or things of that nature.

In Ontario, our recovery rate is only 60%. If a vehicle is stolen from your driveway with the keys in it, it's usually found dumped somewhere else. That's a recovered automobile, and that's the work of amateurs. The remaining 40% that disappear would be the work of organized crime. So in Ontario I'd give you the split of 60-40.

Mr. Ken Boshcoff: Okay.

The Chair: Mr. Lee, if you want to finish off the time, you have probably enough time for one question.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Sure.

There are two pieces of information I want to clarify. I think I'm correct in saying that, Mr. Donnelly, you referred to a 14% solved rate, or recovery rate, or clearance rate. Could you put the right word on that for me? It was 14%, I know.

Mr. Thomas Donnelly: What I'm specifically referring to is that the vehicles that are stolen from auto dealers are very specific, targeted vehicles.

Mr. Derek Lee: I'm trying to clarify what 14% referred to; was it the recovery rate, the clearance rate, the charge rate...?

Mr. Huw Williams: I think you were referring to the 13% solved rate.

Mr. Derek Lee: Was it a 13% solved rate?

• (1155)

Mr. Huw Williams: Yes, the solved rate. I believe that's from... I'll find the exact reference for you and send it to the committee so that you have it.

Mr. Derek Lee: That's a very slow solved rate, and if you can't solve it, you never get into court in the first place; these new provisions would never kick in. So we have to look for some other solutions here besides a new Criminal Code offence, but—

Mr. Huw Williams: Let me add to this that one of the messages we'd like to get through to the committee is that while this bill does start to highlight the problem, there have to be broader solutions. We're not the private sector purporting that overnight this is going to solve the problem.

Mr. Derek Lee: We all agree on that.

The other piece I want to clarify—and I think it came from Mr. Mills—had to do with the age of the offender. There was a “14-year-old” reference. Maybe it was Mr. Donnelly's comments, but it had to do with the average age or something being 14 years. I didn't quite grasp that.

Could you restate that or clarify that for me, because I was quite shocked, if that was an average age.

Detective Staff Sergeant Scott Mills: It was from me, and it was in reference to the amateur auto thieves in Saskatchewan and British Columbia. Their average age is 14, while our average age in Ontario is 34.

Mr. Derek Lee: Okay. It's just those two provinces that you're referring to? That's a different breed of cat, then, that we're dealing with from organized crime.

Thank you very much for the clarification.

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

Madame Freeman.

[*Translation*]

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): Good morning, gentlemen. This new bill poses a problem for me, and I'd like you to give me a little more information and some explanation.

According to your respective presentations and the documentation that was sent to us, 170,000 motor vehicles are stolen, and one-fifth of those motor vehicles are stolen by organized crime. It is imagined that the remaining four-fifths are crimes committed by persons not belonging to organized crime. That means that, of the 170,000 stolen motor vehicles, 34,000 were stolen by an organized crime member and that the other 136,000 were stolen by individuals who were not members of a criminal gang.

According to another statistic that you presented to us, 40% of the thieves are between 12 and 17 years of age. I heard other witnesses say that this week. You're telling us that the average age is 14.

This bill on motor vehicle theft is aimed at criminals who belong to organized crime and youths who do not belong to organized crime who are out thrill-seeking one evening. The aim is to impose quite harsh minimum sentences and restrictions.

I wonder whether the statutory measures we are setting up address the problem that you have.

[*English*]

Dr. Julian Roberts: My position would be that there's such a high proportion of these kids because it's the opportunistic stuff. The problem is, you have this offence in which there are these hard-core people—a small proportion of them hard-core organized crime selling these cars overseas, and so on—and this other group. They're

two very different kinds of offenders, and to level the same shotgun at both I think is a mistake.

I would have thought that a sentencing court would be able to impose a sentence that was appropriate, and the court would determine that “this is not your opportunistic offender who's before me today; this is an organized criminal”, so that the sentence would be significantly more severe, to return to the “aggravating circumstance” that I mentioned earlier on.

I think a court could make that distinction, but the legislation doesn't.

[*Translation*]

Mrs. Carole Freeman: So you're suggesting that we move an amendment that would complicate the situation if the person who has stolen belongs to organized crime.

[*English*]

Dr. Julian Roberts: You could do that, but as I say, you're then just doing what the code already does. If you commit a crime pursuant to a criminal organization, the sentence should be more severe. Certainly I wouldn't want the minimum penalty to be imposed on these young people who aren't organized criminals.

● (1200)

[*Translation*]

Mrs. Carole Freeman: Do you have some solution to suggest?

[*English*]

Dr. Julian Roberts: I still wouldn't want the minimum penalty anyway, but it would be much better if it somehow focused upon the organized criminals who are responsible for the massive loss—the stealing of the cars, the exporting of them, and so on.

[*Translation*]

Mrs. Carole Freeman: All right.

There's a lot of talk of restrictive statutory measures that imprison people who have committed this kind of crime. Yesterday we met with people from the Insurance Bureau of Canada, IBC. We're trying to see how we could reduce the number of thefts. An automatic shut-down mechanism has been mandatory in motor vehicles since September of this year, which may perhaps reduce the number of motor vehicle thefts.

Why do motor vehicles transit through ports? These aren't matchboxes or pencils that are leaving the country. One ring forwards cars to New Jersey, another to Asia or the Middle East. The cars circulate on board trains and boats. Wouldn't there be some way of somewhat tightening up surveillance in this area? You know that's where they go through since they have to be taken out of the country. One ring sends them to Africa. We were told that yesterday. The motor vehicles leave Canada to go to New Jersey. They pass through Montreal, Toronto and New Jersey. The itinerary is nevertheless quite simple. It's not the passage to India or the silk roads: it's a clearly known and recognized circuit.

What measures are being taken to dismantle this ring or to tighten surveillance? Are measures being taken, as far as you know?

[*English*]

The Chair: Go ahead, Mr. Jillett.

Mr. Ben Jillett: Thank you.

To explain part of the question, what we're seeing for the most part in terms of vehicles leaving Canada is that we're losing over 20,000 a year out of Canada through the ports. The U.S. has a rate of over 200,000.

In Canada, for the most part, we're seeing high-end vehicles being put into ocean-going containers. They normally use a 20-foot or a 40-foot container to export these vehicles. A 40-foot container will hold normally two, bumper to bumper, but we've seen anywhere from four to five, and in some cases six, going to Africa. They'll chain them to the roof of these containers and ship them out.

[Translation]

Mrs. Carole Freeman: Mr. Jillett, that would let you do that.

When I go through customs at the post where we are, they open the car, they ask me whether I have any lemons, if I have any things; they take out my clothes to see if I've bought a bottle of wine and they ask me for my identity card and my passport. I'm just going there for two hours. When a car goes through, when a truck goes through, is there some kind of measure for checking? Perhaps we should establish some tools.

[English]

The Chair: Would you reply, Mr. Jillett?

Mr. Ben Jillett: Exporters have to fill out a customs declaration form called a B13A. What we see for the most part is that the declarations that are filled out are false. They'll say that household effects, used furniture, or whatever is going off to Africa in these containers.

[Translation]

Mrs. Carole Freeman: When I go through customs—

[English]

The Chair: Madame Freeman, your time is up. I'm sorry, but our schedule is pretty tight.

Please finish up quickly, Mr. Jillett.

Mr. Ben Jillett: The export of goods from Canada is a low priority for CBSA. They're looking at the exports from Canada as an import into the other country. They concentrate on imports into Canada, not the exports; less than 1% of the exports from Canada are examined.

CBSA has already told us in our meetings in Ottawa that they're not interested in stolen vehicles, and it's not mandated under the Customs Act. We are working with Minister Stockwell Day and looking at getting CBSA up at the ports and trying to find ways and means of getting vehicles recovered at the ports in Canada.

We have a program through which we're going to all the exporters, shippers, and freight forwarders to try to get them involved in a voluntary program to send in bills of lading and some form of export document so that we can check these vehicles prior to export, but those records are only as good as the person shipping the vehicle out, and we see very few people declaring stolen vehicles in their export documents. They always use false numbers.

The Chair: Thank you, Mr. Jillett.

Mr. Masse.

Mr. Brian Masse (Windsor West, NDP): Thank you, Mr. Chair. I'll continue with Mr. Jillett.

That would seem to me to be where the priority should lie. If you cut that off right there, then there is no sense to even trying to organize to get the vehicles to the ports.

That itself is going to be a complicated measure. What is the normal procedure for those who are caught? Does anybody have any information about how the vehicles are assembled and then shipped to the export point and then overseas?

● (1205)

Mr. Ben Jillett: It's to know the various stages of what happens here. For the local freight forwarders, there are no regulations, and they're not governed by any laws. You can run a freight forwarding business from the basement of your house. You can order up a container, and it could be dropped off in your back yard or in some parking lot or behind your local church. What you'll do is get your cars, put them in the container, close the doors, call up the shipping line or a freight forward or a trucking company to pick up your container, and it will take it to a shipping yard. Next thing you know, it's on the rail up at CN in Brampton and is shipped to Montreal by train or to the port of Halifax. It's then manifested and shipped overseas. Doing all of this is a very simple procedure.

We're seeing that the export of stolen vehicles is growing. A lot are going out, for the most part in Canada, through the ports of Montreal and Halifax. We're seeing a lot of Canadian vehicles also going across U.S. borders, in through New Jersey, all along the east coast of the United States, and being shipped off to the Caribbean.

A couple of years ago I went down to Panama in Central America. I worked with the assistant attorney in charge of auto theft there. He had a huge case of Canadian vehicles hitting his shores in Panama. It was controlled by an eastern European crime group, and they were heavily involved in all kinds of drug activities in those countries, too.

He asked the same question: how are these cars getting through our borders? We're saying they're not being checked by any border agency in Canada prior to the export; that's part of the problem.

It was the same when I was recently in Ghana. The deputy commissioner in charge of CEPS, which is the Customs, Excise and Preventive Service... I gave a presentation to the national police, with customs and their national security people, and the same thing was brought up: what's Canada doing about the export of stolen vehicles? I said, with customs it's not covered under the Customs Act; therefore, they're not doing the enforcement at the port.

As I say, we are working with the government, working with Minister Day, working with CBSA, and with the RCMP, trying to find ways and means to prevent these vehicles from going out.

Mr. Brian Masse: Every day 10,000 trucks cross through my border, the Windsor-Detroit corridor, and I can tell you, it's low-hanging fruit. In fact, you can go after trucking companies and also individuals. There must be culpable understanding that some of these products they're shipping are actually rip-offs. What responsibility do they currently have in the process, if they're caught?

Maybe I can ask the police, what's the conviction rate for those getting caught transporting these through this chain? What are the repercussions to companies and individuals participating in it?

Detective Staff Sergeant Scott Mills: A lot of them are not getting caught. There is a problem. CBSA are addressing it. There is an understanding that the Customs Act, or the legislation governing their officers, precludes their sharing information with the police. A lot of times we're not notified. I would say the majority of the time we're not notified.

Mr. Brian Masse: That can be changed.

I want to quickly switch to another.... My mother had her car stolen. I'm not a lawyer, but I worked with youth at risk for three and a half years of my life. Between the ages of 16 and 30 is what they qualify as "youth"—it's unbelievable—but most were aged 19 or 20. They either had some type of minor problem with the law or were out of school or out of work and were at a critical moment in their life.

The reason I referred to my mother's car is because of what I suspect happened in that situation. Somebody borrowed it. They used a screwdriver on it—a Dodge Shadow, and you just have to put a screwdriver in it—and took it and then left the car at a parking lot somewhere else, with no damage or anything else. It was a very serious problem and also an inconvenience, nonetheless.

At the same time, my understanding of this bill is that this person would receive the same penalty as if somebody actually went into your dealership and were part of a group and cut through the security system and everything else there, or went in and falsified lease agreements and stole one of your vehicles. Is my interpretation of the penalty on this correct?

Dr. Julian Roberts: There are additional offences, if the individual is breaking into the dealership. But you're right that it's overly broad, in that it's the theft of the vehicle that provokes the higher penalty, and that, I think, is an issue.

Mr. Huw Williams: Mr. Masse, I'd just to add to that that there is an element that we've talked of a bit about—Mr. Lee's comment—that this is a complicated issue. One of the most important provisions of the bill is to make auto theft a separate offence and make it identified as a separate offence.

Mr. Mills spoke about making possession of a stolen vehicle an offence as well, and the concept of making it an offence to change vehicle identification numbers. So there's a whole category of offences.

I don't envy the challenge of members of Parliament to figure out how to target that towards the professionals versus the amateurs, because they are different, and we certainly see it at our dealerships.

•(1210)

Mr. Brian Masse: To be fair to a private member's bill, you can't expect them to do that, and especially on an issue like this. The question I struggle with is whether or not the punishment system is really balanced in its application on this.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Masse.

Mr. Moore, please.

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

Thanks to all the witnesses. It's really interesting testimony.

I particularly note what has been said about the CBSA. I found it interesting, because to anyone who has ever flown, they certainly have the ability to prevent someone from taking shampoo or bottled water on a plane, or anything over, I think, 100 millilitres. So it seems that is something that has to be addressed, the ability to crack down on those things that are being exported.

Mr. Mills, you mentioned the revinning of vehicles. Number one, I commend the person who brought this bill forward, because I think what's been clear is that in its various forms, whether it is the high-level organized crime and things are being exported to the Middle East, or more local action, car theft is a very serious thing. It's something that we have to combat.

I don't want to get into a big debate about sentencing at this point. Mr. Roberts, your point was noted on the deterrent effect. As a member of Parliament, anecdotally I hear from constituents. I hear from people who have been involved with the law when they were younger. The fact that they knew there would be very little penalty when they got caught certainly was an encouragement to stay involved in the life of crime that they were engaged in. So the opposite, in my view, of "deterrent" is "encouragement", and I think a system where someone knows they're not going to have a penalty is encouraging them to continue in their ways. But your point is noted on that.

To the question on revinning—because that's where I think someone who's an innocent purchaser, who does some of their due diligence, can get caught with something that has been stolen—can you expand a bit on what that means and how that's done, and how prevalent it is?

Detective Staff Sergeant Scott Mills: Revinning is basically identity theft for a vehicle. It has become very simplified with the use of the Internet, but it's basically stealing the identity of a legitimate vehicle, which may be in Texas, for example, and applying it to a vehicle that you've stolen. So you take the vehicle identification number from the legitimate vehicle in another jurisdiction and you apply it to the vehicle you've stolen.

So if you have a stolen black Cadillac Escalade, you look on the Internet and find one that fits that description in Texas, for example, and then fraudulently make up the vehicle identification number and other stickers and identifiers and place those on that vehicle. That vehicle, when inspected by a layman or a normal police officer, would pass as a legitimate vehicle. So they're selling these now stolen, illegitimate vehicles to the public as legitimate. Unless it is subjected to an expert examination, it's not discovered.

It's very prevalent. We see innocent third parties all the time who are further victimized because we discover that their vehicle is stolen, and then it is seized from them when they've already paid out.

Mr. Rob Moore: That's just another example of how—this came up in our last meeting with the insurance representatives—basically all of us as Canadians are victims of car theft, whether it's in higher insurance premiums, higher cost of vehicles, or our police officers who are diverted to combating this when there are plenty of other things to combat. So we appreciate that it's certainly not a victimless crime.

A few of the witnesses have focused on why there should be a separate offence of vehicle theft. I agree with this. One of the reasons I agree with it is because whether you're driving a 10-year-old, \$2,000 car and that's your sole means of transportation, or if you have a brand-new \$40,000 car, when that thing is gone, you don't care whether it was over or under \$5,000; your car has been stolen and it's a real violation and an impact on your lifestyle.

Is there any other reason it's important to have a separate offence for theft of a vehicle?

• (1215)

Mr. Huw Williams: From the car dealers perspective, one of the things we've been promoting and certainly trying to build awareness of is that once you identify something as a separate category of offence, you can start to build other tools into the equation that will help to resolve it. I don't think it's an accident that Canada's rate of stolen vehicles is higher than the rate in the United States, in that we don't treat it as a separate offence and you have organized crime taking advantage of the situation as it is set now.

Just to build on one of your other questions about resources, one of the examples we had from the Ottawa market was that organized crime had been involved in a series of stolen vehicle recoveries, as part of a larger operation that had discovered drugs and firearms, but they weren't going to prosecute or go through and track the stolen vehicles because doing so was too resource-intensive. The Ottawa new car dealers therefore came forward and put together funding to allow the administrative portion of that to be done, so that the police could follow up on it.

I think we have to identify the problem and make sure that the resources are targeted, because it's really a cash cow for organized crime.

Mr. Rob Moore: Do I have a little more time?

The Chair: You have time for one more question.

Mr. Rob Moore: Mr. Jillett, you mentioned the repatriation of stolen Canadian vehicles. I know what that sounds like to me. In the last committee meeting, we did hear testimony about a vehicle that

was in the Middle East and still had its Quebec plate on it, so is that just what it sounds like?

Mr. Ben Jillett: I've seen them all. When I was in Africa I saw them with Canadian plates, Quebec plates. I saw them running around with Texas plates, and then they would hang their own national plates on it.

In 1998 I did a peacekeeping mission over in Bosnia with the RCMP. I saw a lot of vehicles from Ontario and Quebec being driven around the country with Canadian plates on them and no questions asked.

There are a lot of rules and regulations that we experience here in North America that do not apply in these parts of the world, especially in West Africa. Vehicle registrations are hard to do. If you talk to any of the Canadian embassy people or the RCMP LOs in these countries, if you give them a VIN number and ask them to check it out to see if it has been registered in Nigeria, the Ivory Coast, or Ghana, they'll say it's nearly impossible. The whole system of registration is not there. So running around with a Canadian plate on a vehicle is quite common. In talking to West African authorities, I've sometimes heard it even becomes a status symbol.

The Chair: Thank you, Mr. Moore.

I have one question for you, Mr. Mills. When it comes to organized crime groups, are they using young offenders to steal these vehicles, and if they are, to what degree?

Detective Staff Sergeant Scott Mills: Again, I'll have to be specific to Ontario and a recent investigation that we just concluded, Project X5. There's definitely a tiered system in place as far as organization is concerned. There are the thieves who steal the car and receive money, like \$1,000 for a high-end sport utility vehicle. A middle man then takes over and sells it—in this instance, to us, to an undercover officer—at the \$5,000 level. Then ultimately there are the people who export them. So there is a tiered type of structure from the street to the top. In that instance, our offenders were, again, around 34 years of age.

The Chair: Mr. Bagnell.

Hon. Larry Bagnell (Yukon, Lib.): Thank you, Mr. Chair.

I thank you all for coming here. This has been very helpful for me as a member of Parliament.

I basically have two conclusions from the general discussion. One is that this is a very serious problem and we have to find ways to solve it. Secondly, unfortunately this bill isn't going to do a lot of that. It may help a little bit, but we already have a crime for theft. Although the witnesses haven't seen a vast majority of the science, those witnesses show that mandatory minimums don't work in some cases and would in fact lead to more car thefts.

As a member of Parliament, and not related to this committee, I would be very interested if you could write me a letter with some of these alternative suggestions. It could be stronger laws for these different tiers, so that we can get those guys on the upper levels for moving serial numbers, possession, transporting. There must be other ways by which we can get at some of these. If we could invest in technology, put federal government money into the technology, that would help.

My question is for you, Mr. Roberts. You said you wouldn't have time to talk about how this offends restraint. I'm not a lawyer, so could you explain what restraint is and how this bill would offend restraint?

And as the second question, if a person stole three cars in one night, would that be three offences and would they then be subject to the mandatory minimum?

• (1220)

Dr. Julian Roberts: In regard to your second question, my interpretation of this last clause is yes, because it says "a conviction for another offence under this section that arose out of the same event". Is "the same event" the same criminal event? I don't know. I didn't draft the legislation. Maybe the draftsman didn't mean that.

Hon. Larry Bagnell: If a bunch of kids got drunk one night and went out and stole three cars to joyride in, in theory they could be in a serious offence with the top 5% of Canadian criminals, murderers, rapists, and all that.

Dr. Julian Roberts: Exactly, and I'm sure that the intention behind this legislation is to go for the person who steals a car, three months later steals another car, and three months later steals another car. That's the guy they're after.

The Chair: As a point of clarification, Mr. Roberts, on that particular section, the question was directly put to Mr. Scheer. His intent was that if an individual went on a car-stealing spree one night, each offence would be considered separate. As an individual, an additional two.... It would be a separate offence.

Dr. Julian Roberts: With respect to restraint, restraint is one of the codified principles that came in 1996 in Bill C-41. The principle effectively states that you don't impose a term of custody unless no other sanction is appropriate. It's effectively Parliament's direction to courts to use custody as the sanction of last resort. With respect to this particular context, the argument would be that you wouldn't put somebody in prison for stealing a car if some other sanction could do the job effectively.

The problem with a minimum penalty in general is that it prejudices, and some of the offenders who steal a car may not be the kind of people for whom prison is an absolute necessity. That's how it violates restraint.

Hon. Larry Bagnell: Well, not only is it not an absolute necessity, but sometimes it doesn't work; it makes them worse, and there are other things that could stop them from stealing cars.

Mr. Jillett, I was very interested in your comment that there was some evidence of a relationship between car theft and terrorism funding. Could you outline that a bit?

Mr. Ben Jillett: This was back in the 1980s and 1990s, during the investigation of Hezbollah in Quebec and Ontario. They were

looking at it and had evidence at that point in time that suggested stolen vehicles were being used to fund Hezbollah, both here in Canada and over in Lebanon. That was documented back in the late 1980s and early 1990s and produced in one of their national reports. That's accessible on the Internet.

Also, in various meetings I had throughout Europe in dealing with the Interpol offices, a lot of information was surfacing on financing terrorism with stolen vehicles, especially through European cases. Europe has 3.3 million vehicles on their stolen-vehicle database, so they're seeing a lot more of that activity than we do.

I mentioned Project Globe a little while ago. We were looking at hundreds of vehicles that were travelling off to the Middle East. We've never before seen this number of vehicles going over there. A lot of intelligence agencies have been extremely interested in that information. We've never seen that before, and they're basing this on a lot of the funding and stuff that has been sewn up in bank accounts and frozen; these are very liquid assets for them to travel back and forth.

I was contacted by one of the assistant U.S. attorneys at Washington. He was very interested in what we were seeing in West Africa. He was seeing similar things happening through the United States. A lot of goods were travelling to western Africa and actually finding their way up into Morocco and actually crossing over into Spain and heading back into Europe. There's a lot of activity in traffic of vehicles.

The traffic aspect of stolen vehicles is astronomical, especially internationally. When you put it all together into a global perspective, Canada is only a part of this, but this is what we're here to represent—to try to prevent more cars from going away.

The Chair: Thank you, Mr. Jillett.

Mr. Ménard is next.

• (1225)

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): I'm going to ask two brief questions, Mr. Chair.

I'm always pleased to see you, Mr. Roberts. We had stopped expecting you, but, in the end, you're here, and that's good news.

The Bloc Québécois is in favour of the idea of there being a separate offence in the Criminal Code for motor vehicle theft. It's apparent from the analysis that stealing a motor vehicle is not the same thing as stealing a fur coat, a piece of jewellery or a television set. It isn't the same thing in the life of a citizen.

What makes us reluctant are the mandatory minimum sentences. We've of course looked at the studies done by Mr. Roberts and others on minimum sentences for crimes committed with firearms, and we believe that should also be applied more broadly.

Shouldn't we be preparing to pass the bill with amendments instead? We can create a separate regime of offences for motor vehicle theft, but preserve judicial discretion and increase the maximum sentence. We can go up to a maximum fine of \$10,000. If a judge has before him a youth who has reoffended for a third time, he will never think of imposing a \$300 fine on him. I believe we have to trust the judiciary somewhat.

That will be the gist of the amendment that we introduce in our second item of business, the clause-by-clause consideration. I'd like to know how all of your view that amendment.

[English]

Dr. Julian Roberts: On the issue of the separate offence, Mr. Moore asked if there were arguments for it. There is another argument for it, and that is a kind of truth in sentencing. That this guy has been convicted of theft doesn't tell you anything. It could be an expensive TV. If he has stolen a car, it of course has implications for the family's mobility and so on and so forth, so it's a different kind of thing. So that's an argument for having the separate offence.

On your point about distinguishing, it's very important. That's critical, because I could say to you that I have a car thief outside, so what should he get? Your first question would be whether he's a professional or an 18-year-old guy who has just grabbed his neighbour's car. The legislation in its present form doesn't permit you to make that distinction, so one way forward could be to place that distinction in statutory form, and you could use the maximum penalty structure to aid it.

The Chair: Mr. Donnelly, would you like to comment?

Mr. Thomas Donnelly: As far as the Canadian Automobile Dealers are concerned, the people who are stealing our vehicles are hardened criminals, organized criminals. They're very skilled professionals. This is probably one aspect of the businesses they're involved with, the illegal activities.

We don't see the joyriders. They're really not much of a factor. The vehicles that are stolen are specifically targeted. Things are well organized, well executed, and the vehicles are on a boat or on a truck, gone, and we just don't see them again.

[Translation]

Mr. Réal Ménard: Mr. Chair, when we say that the average age of thieves in Saskatchewan and British Columbia is 14, we're not talking about organized crime, but about juvenile delinquency. Let's get this straight: it may be organized crime in certain provinces, but when we say the average age is 14, in Saskatchewan and British Columbia, we're not talking about organized crime. Something's wrong in the statistics.

[English]

Mr. Thomas Donnelly: I'll speculate, after having had discussions with people about the event I mentioned. It happened at our dealership. We had four \$60,000 pickup trucks stolen in one morning, on a Sunday morning. That would go down something like this.

Somebody has obviously organized this. They get some kids and say to the kids that they're going to pay them \$500 to drive that car three blocks over here and drive it up the back of a truck. Somebody is then going to take that truck, drive it to Montreal, and get it onto a transport. It happens very quickly.

So this kid who is paid \$500 or \$1,000—I think that's the amount Mr. Mills referred to—is probably that 16-, 17-, or 18-year-old kid who's using the money for drugs or other things, but he is looped into this network. It's not the head guy of the organized crime who's getting in that car, driving it onto the truck, and then driving the truck to Montreal. They're manipulating people in the system. The organization of it is profound.

The Chair: I'm sorry, but our time is up, Mr. Ménard. I know there was probably some other comment, but unfortunately we can't continue.

I would like to thank the panellists for their presentations. It has been a very interesting discussion, I dare say. I have a number of questions to ask yet myself, but we do not have the time, so I would like to thank you all for your presence here.

Mr. Williams.

•(1230)

Mr. Huw Williams: Mr. Chair, I just have one note of thanks for the record. I want to thank the clerk's office for being so accommodating for the witnesses on short notice, and for being so easy to deal with.

The Chair: Thank you for your comments.

I would recess for just a few seconds.

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_____ (Pause) _____

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•(1235)

The Chair: I would like to call the committee back to order, and I request that the members take their seats.

Our witnesses at present are Inspector Jim Poole, an inspector with the Winnipeg Police Service; and Mr. Barry Ward, the executive director of the National Committee to Reduce Auto Theft. Welcome to our committee.

I would call on you to begin, please, Inspector Poole.

Inspector Jim Poole (Inspector, Winnipeg Police Service): Thank you, and good afternoon.

I want to thank you all for this opportunity to present to you today on this very significant bill introduced by Mr. Scheer some time ago. I have the unfortunate distinction of presenting to you on behalf of Winnipeg, the stolen auto capital of Canada.

The stolen auto situation in Winnipeg is one for which, by and large, the youth are responsible. This is coupled with excessive numbers over the years, with 2004 being our worst. At that point in time, a strategy was put together, encompassing the Winnipeg Police Service, Manitoba Corrections, and Probation Services. This resulted in the Winnipeg auto theft suppression strategy, whereby youth are categorized in levels, depending on their at-risk behaviour and their likeliness to be repeat offenders. It uses levels one through four, with level four being the worst. Currently, Winnipeg has 104 level four offenders and 42 level three offenders. This is what our stolen auto unit, comprised of 15 police officers, primarily targets.

The vehicle theft problem in Winnipeg is not associated with organized crime specifically, as I know you've been—

• (1240)

The Chair: Inspector, I wonder if you could just slow down a bit for the interpreters. It's not to say that your information isn't good. We just want to make sure we catch it all.

Inspector Jim Poole: Very good. Sorry.

In Winnipeg, youth and those in early adulthood are the ones stealing the cars. They're stealing these cars for excitement and/or to utilize them as a means to an end, that being other criminal behaviour, be it participation in break-and-enters, robberies, or other significant offences.

When I related that the auto theft problem isn't primarily associated with organized crime, that was because we have approximately a 95% recovery rate for our stolen vehicles. Most of these are recovered a short time later, within a few days of being stolen.

This problem is not unique to Winnipeg. It has been and continues to be a problem in many western centres, Regina and Edmonton in particular. It's important to note that no major centre is immune to this type of problem. It's just a matter of which kids start talking to other kids. We're seeing them from the age of 11 right on up through 17, 18, and 19 years old. The arrest rates in Winnipeg so far this year, from January to November, saw 744 people charged. Of those, 424, or 57%, were youths, and 320, or 43%, were adults. Of note, 50% of the level four offenders that we are monitoring—these 104 youths—have self-admitted gang involvement within the city of Winnipeg.

First and foremost in our situation, this is a public safety issue. The crime associated with it, that being the theft of a motor vehicle, certainly deserves a separate Criminal Code section to identify it as such. The significance of it being able to be identified as an indictable offence is due to the often violent crimes or incidents that are associated with it, which I'll illustrate here.

Most offenders flee from the police when initially detected. Police do have the option to pursue, of course, but this is one option that isn't followed in most cases, because of the ultimate risk to public safety when these kids, being 11 years old or of similar ages, are pushed with their inexperience at operating a vehicle such as a Ford F-350 pickup truck or some similar vehicle. This happens at all times of the day. This isn't something that occurs late at night while our families or our friends are asleep.

I have a couple of anecdotes here, just within the last week alone in Winnipeg.

On a Winnipeg afternoon at a shopping mall, a stolen vehicle arrived and its occupants attempted to steal a second vehicle. This was in the summer of this year in Winnipeg. The group was confronted by police and fled. The manner of driving was noted by an aerial surveillance unit, with no police pursuing. The command was given not to pursue these kids. They continued on a rampage through certain areas of the city and into another completely different sector, over about 15 minutes. Ultimately, we were able to call other police units into the area once they fled from the vehicle, and they were arrested. They were observed travelling at a high rate of speed through a number of these areas, in a very reckless manner.

Just last Wednesday, a break-and-enter was in progress in the city at 8:30 in the morning, in rush hour traffic. A vehicle was spotted leaving the break-and-enter and the description was broadcast, along with the licence plate. It was in fact a stolen vehicle. Within moments, responding police arrived and spotted the vehicle, and a pursuit began at that time. It was aborted by the officers pursuing due to the fact that it was snowing at the time. The vehicle fled through two red lights within approximately 30 seconds, fishtailing through traffic.

The day before, two significant incidents occurred in Winnipeg. A robbery suspect in a stolen vehicle was confronted by police. He rammed the police cruisers and shots were fired by police. That was at 2:30 in the afternoon. Later that night, at 10:30 p.m., the stolen vehicle was located by our stolen auto unit. We set up on it, an occupant came back to it, and police attended to the vehicle, at which time they were immediately rammed by this vehicle. It was an F-350 Ford pickup, and again shots were fired.

• (1245)

This illustrates the two extreme examples where officers' lives were put in jeopardy at the time. Officers obviously have great concern in the use of their weapon, and it's a deadly force encounter when they feel that they have to use it.

To give some other case studies from Winnipeg, in this last year alone, there was a jogger struck while jogging on one of Winnipeg's residential streets, on purpose. A number of arrests were made in that case, but ultimately the main accused was released and acquitted.

A young offender who is a bit of a ring leader—this is a significant case study from 2004—and who was initially arrested at the age of 12 years has become a level four offender, and back in March of 2006 was leading another group of youth: three level four and one level three offender. Over the course of 12 days prior to their arrest as a group, 39 thefts of Chevy Avalanches and Trail Blazers were noted, in which he was teaching these kids how to defeat the factory-installed immobilizers. In the 12 days post-arrest, only four vehicles of that type were noted to be stolen.

This male ultimately was arrested 11 different times from July 2004 until a tragic incident occurred on July 24 of this year, when this youth was wanted on a warrant. A warrant was issued for several breaches of his conditions of release on July 20. On July 24, police encountered him, but did not pursue. Ultimately, he struck a cyclist on a Winnipeg street and killed him. Mr. James Duane is the deceased.

Here are a couple of other significant incidents. A two-vehicle motor vehicle collision took the life of a mother, I believe of two, this summer while she was on her way to work; she was struck by an adult offender in a stolen vehicle.

We've had youth in another circumstance steal the vehicle and then, for lack of a better term, launch it across Main Street in Winnipeg at mid-afternoon on a Sunday, I believe it was, unattended but with a brick on the gas pedal. This is just what they do and what we've seen in Winnipeg itself.

Within moments of that occurring, our stolen auto members were in the area. They followed some suspects they felt were responsible and were rammed in a surveillance car by another group of youths in a second stolen vehicle—all part of the same group that had launched the van across the street.

This just illustrates, I hope, the significance and the escalating violence we're seeing associated with these types of crimes. Thus far in 2007, we've seen at least 2,000 fewer stolen vehicles than last year, so we're down about 27% from 2006. Those 2,000 vehicles are associated with an approximate cost in repairs alone to the Manitoba Public Insurance Agency of \$3,600 per vehicle; that adds up to approximately \$7.2 million.

These figures are strictly numbers associated with repairs of the vehicles and in no way account for the fact that there are 2,000 fewer opportunities for auto thieves to cause carnage on the streets of Winnipeg. The human factor has to be considered when focusing on this crime. Lives can be changed, altered, or ended in a split second as a result of those who take part in this form of criminal activity.

These people must be held accountable. This is no longer just a property crime.

The acceptance of this bill is important to law enforcement, and more importantly to public safety. It's imperative that consideration be given to having mandatory minimum sentences transcend the boundaries of the Youth Criminal Justice Act. This is crucial. If not, the majority of offenders will be overlooked in our circumstances, and these are the offenders causing the greatest risk to public safety.

Thank you.

• (1250)

The Chair: Thank you very much, Inspector Poole.

Mr. Ward.

Mr. Barry Ward (Executive Director, National Committee to Reduce Auto Theft): Thank you, Mr. Chair.

First of all, on behalf of our stakeholders and committee members of the National Committee to Reduce Auto Theft, I wish to express our appreciation to you for providing us the opportunity to have

some input regarding this significant bill being proposed by a member of Parliament, Andrew Scheer.

The National Committee to Reduce Auto Theft was formed as a result of Rick McDonald's death. He was a constable in Sudbury, Ontario, who was in the process of trying to arrest an individual he'd already arrested six months earlier. He was hit by a Dodge Caravan at 160 kilometres an hour, resulting in his death. His sister took the lead and formed the National Committee to Reduce Auto Theft, and as a result, we're here.

First and foremost, auto theft to us is a big public safety issue in our community, and your realizing that maintaining the status quo is not acceptable is very encouraging to us.

We heard the OPP officer speak about Constable Plunkett, who was killed this summer. Again, we should point out that the offender involved in that one was a chronic repeat offender, and again a youth.

Auto theft is a complex social issue. It's not limited to one category of offender or one set of circumstances. Reducing auto theft in a substantial manner requires the implementation of a multifaceted approach, including the passing of Mr. Scheer's bill. At one end, the focus should be on reducing the situational opportunities—in other words, immobilization of vehicles, which we've done through Transport Canada—and at the other, it should be imposing the appropriate punitive measures, as prescribed in Mr. Scheer's bill. In between are a number of different approaches, such as education, training, enforcement, and sentencing measures that can be used to address the public safety issues.

Five years ago this whole issue of auto theft became very significant. As a result, ministers met at the federal-provincial-territorial first ministers meeting in Moncton, New Brunswick, to address the issue of opportunistic auto theft. A presentation was delivered by Minister Mackintosh from Manitoba and a representative of our committee. Following the presentation there was a proposed resolution for immobilization of vehicles, which was presented to the Minister of Transportation, Minister Collenette. Delegates at the federal-provincial-territorial meeting passed a strongly worded resolution calling for a federal coordinated strategy to address the issue of preventing auto theft through a national approach of regulating immobilizers. This was one of the first steps of looking at a national initiative.

Following the passing of the federal-provincial-territorial ministers' resolution, members and stakeholders of the national committee passed a resolution in June 2002, requesting that the automobile manufacturers work with Transport Canada to equip all new vehicles sold in Canada with immobilizers. This resolution encouraged Transport Canada to adopt a standard established in 1998, a standard established by the Underwriters' Laboratories of Canada and the industry. The regulation that was passed was built to deal with the problems we experience here in Canada and built to remain abreast of technology and the evolution of modern-day vehicles.

The reason I bring this up is that it's been a significant issue before many bodies of government, and additional support was given from the Federation of Canadian Municipalities, which represents municipal governments. At its March 2003 meeting held in Regina, the national board of directors of the Federation of Canadian Municipalities endorsed a similar resolution for vehicle immobilization. They argued that motor vehicle theft is linked to organized crime and dangerous criminal activities and that it was a serious public safety issue to the community. The resolution urged that all new motor vehicles registered in Canada after 2005 be equipped with an immobilizer. As we know, that took place in September 2007.

• (1255)

Over the past several years motor vehicle theft has increasingly become well organized. As we heard this morning, it has an international scope of operation, influence, and impact. Highly organized rings have created an illicit economy that controls specific aspects of motor vehicle theft in Canada, easily moving vehicles across Canada at will with little resistance, with movement of vehicles in and out of the United States and abroad. The illicit economy has provided an international marketplace for stolen vehicles, and the worldwide demand is driving down the recovery rates, as we heard, in several Canadian cities.

Organized crime often utilizes auto theft as a tool, with vehicles being used to distribute illicit drugs and vehicles often being used in many other forms of criminal activity in many parts of Canada, in some cases funding terrorist activities.

With our recent regulation of immobilization, we must ensure the appropriate penalties are there to discourage chronic repeat offenders from stealing vehicles by means of home invasions, carjackings, robberies, break and enters, and discourage them from fleeing from the police. Without meaningful penalties, we are at risk of an escalation of these types of criminal activities, with our immobilization program now in place. Mr. Scheer's proposed bill will certainly provide discouragement to many chronic repeat offenders, and certainly it will be the substance of a new section for the Criminal Code.

Let me refer to a member of Parliament, Mr. Cadman from Surrey North. He had read into Parliament proposed amendments to the Criminal Code of Canada. Mr. Cadman's bill was directed at stopping the end user market, targeting jurisdictions in Canada plagued by organized theft rings where the recruitment of youth to steal vehicles was prolific, as it provides protection for the upper echelon.

Let me also refer to Minister Michael Baker, who stated that the federal Criminal Code must be amended to make motor vehicle theft a separate indictable offence punishable by more jail time. Minister Baker stated: "In my view, car theft is not a property theft defined simply by whether the value is under or over \$5,000. It is a potentially violent offence with more capacity for destruction than a single bullet fired from a firearm."

With that, I encourage the acceptance of this bill, as it is crucial to the citizens of our communities for the protection of our neighbours and the discouragement of youth involvement in auto theft.

Thank you.

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

Two months ago I had my F-250 Ford truck stolen. It was damaged on the lock side of the driver's door. A screwdriver had been jammed into the ignition and broken right off, and they had access to start it and drive away with it.

It was recovered about four hours later with a bunch of stolen property in the back of it and two known drug dealers in it, both heavily involved not in crystal meth but in one of the other known drugs. To this day, I cannot get the smell of their living in that vehicle out of the truck. It seems to be into the material.

I understand there's an additional view now held on stolen vehicles taken by people involved in drugs called a biohazard, which is evaluated by insurance companies and others. To what extent does that problem exist, to your knowledge—this biohazard evaluation?

• (1300)

Mr. Barry Ward: That's the first I've heard about it. I know there have been discussions about it in the lower mainland of British Columbia, but it's not something that's very obvious to us.

The Chair: Apparently it's quite common to the insurance companies—I should have asked that question—that and the use of needles sometimes jammed down between the seats. There are all kinds of hazards for a person taking that vehicle back and being subject to some other problem, such as being poked with an infected needle.

Mr. Barry Ward: I'm a past investigator for public insurance in Manitoba. I spent 24 years there and I was 12 years a municipal police officer. In my latter years as an investigator, it was quite common to find needles stuck in seats, when the car thieves, particularly the chronic repeat offenders, would purposely leave needles so that the tow-truck driver, the police investigator, or whoever would sustain injury from sitting on that seat.

The Chair: Thank you, sir.

Mr. Bagnell.

Hon. Larry Bagnell: Thank you.

We all acknowledge that for serious crime we have to find ways of doing things about it.

Mr. Poole, it's very interesting that it's youth in your areas. That will be related to my questions. But aboriginal people are incarcerated in higher percentages than they represent as a percentage of the population, and I'm wondering, in all these youth incidents you're talking about, whether there is a higher percentage of aboriginal youth involved in the incidents than their percentage of the population.

Inspector Jim Poole: That's not something I could specifically answer. We don't keep those statistics ourselves. I know we have a problem throughout the city, with certain geographical areas sustaining more auto theft, but I can't speak to exactly what the numbers would be on that.

Hon. Larry Bagnell: But there are some, obviously.

Do you have an effective aboriginal justice strategy? It's funded by the.... I know the justice minister is quite supportive of this. In our area it has much more success stopping these re-offences than the traditional system and a bill like this. Do you know whether there's an effective program in place in your area?

Inspector Jim Poole: I know, in speaking with the people who have been dealing with this strategy for quite some time, since its inception, that through probations and corrections the kids who are involved are getting more out of their counselling and/or intervention systems while they're in custody than when they're released to abide by conditions to attend. Ultimately, what a lot of the breaches are for is non-attendance at certain programs. I certainly know it to be true in Winnipeg that a lot of them are getting more benefit from them while they're in custody, but I can't speak to the exact—

Hon. Larry Bagnell: I have a similar question in general on various types of diversion. Is that effectively used in your area? There was a very good speech last week by the Ottawa chief of police, which explained—I can't remember the exact percentages—that in the normal system we're talking about with this bill 70% of people reoffend, whereas in the diversion system only 40% reoffend, so it's much more successful. I'm wondering, because you have so many youth, whether you have an effective diversion program in your local justice system that is cutting down on re-offences.

Inspector Jim Poole: I sit on our committee, the WATSS committee, as a recent member—I took over this posting in July—and I know they are looking at streamlining that right now. It was a discussion at one of our twice-monthly meetings. The question has been coming up, how we can more streamline the process for diversion for first-time offenders so that the reports can go forth in a much more timely fashion, and then the kids get the intervention quickly. It is in place, but we're looking at streamlining it.

Hon. Larry Bagnell: It's also referring to alternative forms of sentencing, circles—all of these types of things—which are often much more painful for the offender but also have better results in the stopping of re-offences. I assume you have that system going on.

Inspector Jim Poole: Again, I wish I could speak more effectively on something like that. It's more in the bailiwick of probations and corrections than in mine, unfortunately.

• (1305)

Hon. Larry Bagnell: Because so many of these youth you're talking about are involved in gangs, do you think that if we could somehow design a law that would have increased penalties and

sanctions and efforts at making it worse for these events when they occur in the gang environment, that might be one way of attacking the problem? It doesn't seem to happen as much in isolation.

Inspector Jim Poole: I don't believe these are crimes committed for the gang. There are programs out there that try to give these kids options, and a certain amount of the money that went from the government toward auto theft in Winnipeg was to enhance programs for the level one and level two offenders. But I don't know whether, if there were something specific related to the gang involvement, it would assist.

The Chair: Thank you, Mr. Bagnell.

Mr. Ménard is next.

[*Translation*]

Mr. Réal Ménard: First, I want to understand something. What do you mean by level three and four offenders? That's unintelligible to me.

I consider the statistic you present on page 1 of your brief very significant: the recovery rate for vehicles stolen in Winnipeg is 95%. And yet people seemed to be telling us that the national average was 60% and a little less in Ontario. That really means that people are more involved in stealing car parts and that they are not necessarily involved in organized crime rings, contrary to what can be observed in other provinces.

Explain to me what level three and four offenders are.

[*English*]

Inspector Jim Poole: Certainly, sir.

Level three and four offenders are basically assessed as to their prior involvement with auto theft and the justice system, and in terms of their likelihood to reoffend.

Level three offenders would be a slightly less risk-oriented group than the level fours. The level fours are certainly our worst offenders. When they're released, they're the ones on whom we do curfew checks, and we change the times of the curfew checks by changing our shifts. If they are to be in between 10 p.m. and seven a.m., then we'll conduct those checks; then, a week later, we'll do it substantially later in the evening—at two in the morning—and attempt to find out if they are abiding. If they're not, we breach them through probation services. Then they're re-arrested in short order and put back.

We see a significant correlation with numbers of vehicles being stolen when level four offenders are out in the general population of Winnipeg. Those numbers drop when they're back in custody.

[*Translation*]

Mr. Réal Ménard: All right.

[English]

Inspector Jim Poole: In regard to the recovery rate, I'm going from comments from our commercial stolen auto unit, which is a separate unit within our stolen auto unit. It's a two-man squad. They investigate the potential of chop shops through Winnipeg and do all sorts of shop inspections, looking for vehicles that may have been revinned, as was mentioned earlier. They are telling me that our recovery rate in Winnipeg is around 95% in any given timeframe.

[Translation]

Mr. Réal Ménard: Allow me to ask you one final question before we move on to the clause-by-clause consideration.

Not to amend our colleague's bill, but to maintain a specific regime of offences for motor vehicle theft, if this committee moved toward a maximum sentence, rather than a minimum sentence, would your police department be as satisfied, or do you really want minimum sentences?

• (1310)

[English]

Inspector Jim Poole: I think that the mandatory minimums would be a bonus for us in our field. We're seeing that the kids are getting more benefit from the probation services and the programs when they're in custody as a result of not adhering to their release conditions. We see a definite correlation with this as a potential deterrent as well, in that the numbers of vehicles stolen are down when these kids are in custody.

The Chair: Thank you, Mr. Ménard. That was a good question.

Mr. Masse is next.

Mr. Brian Masse: Thank you, Mr. Chair.

That was one of the questions I actually wanted to ask. I have a motion here from the Canadian chiefs of police; they're calling for it to be in the Criminal Code separately, but they're not calling for mandatory minimum sentences as part of that.

Your numbers are down. Are you indicating that basically they're only down because those people have been taken off the streets, so to speak, or are they down because your programs have been so effective that they're actually preventing some of the auto theft to start with?

Inspector Jim Poole: I think it may be both, to a degree. Certainly by targeting and monitoring, for a better word, the highest-risk offenders, and keeping stricter tabs on them, we're seeing, through the risk assessment, they're more likely to reoffend. We see on significant numbers of releases, when they're on bail, when they're due to come out, the numbers are rising again and we pay strict attention to them at that point to try to see. If we are able to breach them, then we put them back into custody. So I'm not sure—

Mr. Brian Masse: It would seem to me, just on the surface, that what you're doing is working, so I'm trying to draw the direct correlation to how adding the mandatory minimums would depreciate you by even greater occurrences or whether what you're doing is getting extra resources to continue that work. Because if you look at your statistics, they're quite significant in reduction. And it's not just per month. Systematically, since November of 2006, aside

from one small hiccup in January of 2007, there's a regular pattern of depression of the vehicles being stolen. It's a pattern, for sure.

Inspector Jim Poole: I agree. I think it's a combination of the two things. The programs are working well. Because this is certainly not an effort strictly by the Winnipeg Police Service. It's labour-intensive for our investigators. That's all they do. We don't spend significant amounts of time, potentially, on our clearance rates for how many stolen autos we can attribute to one kid, one youth, but we know they're being stolen. We get them on the one, and they're back in because of their reinvolvement.

I still think that in our cases, if there were a minimum, it might be viewed more seriously by those kids who are likely to become involved, maybe at the level one and level two areas.

Mr. Brian Masse: Yes, and that's fair. That's your analysis.

I was listening to your testimony. You made reference that it's not organized crime, it's the youth. But you have one case where it seemed as if the person was out there teaching other individuals and mentoring. That almost seemed to be fairly organized. I would see that more like organized crime than I would see it being youth out there independently. This person is systematically setting up a mentorship or apprenticeship program.

Inspector Jim Poole: I agree with you. I was envisioning the organized crime aspect of it as for-profit, where the vehicles are being stolen and ultimately shipped or stripped. We do see some of that, but....

These mentorship programs the kids put on within their own groups certainly are a problem. When they are incarcerated together, ultimately when they come out, as you can see from the statistics sheet on attempts in January that were through the roof, that's them practising on specified types of vehicles, so they can become proficient in stealing them.

• (1315)

Mr. Brian Masse: Very interesting.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Masse.

One hundred and four level four offenders, 42 level three offenders, and you're monitoring them how closely?

Inspector Jim Poole: Through probation services; they do curfew checks. I can tell you our city police service recently adopted the CrimeStat or Comstat model for monitoring of crimes this year. It was implemented in February, and stolen autos are the topic of almost every single meeting. We have six uniform divisions throughout the city, and each one of those divisions has six platoons of officers. Each platoon has a stolen auto representative selected from that group of officers, and they liaise with our stolen auto unit.

They are given regular updates on who lives in their areas that they can conduct curfew checks on, because we operate on two shifts, whereas they work on three, and through the night. They do curfew checks on a regular basis. We run projects where they come on days when there's extra manpower, so it's quite a concentrated effort, as well as probation services doing their own curfew checks and so on.

The Chair: I can see that it would be quite labour-intensive. I would assume there would be substantial manpower assigned through whatever shift there might be, just to concentrate on those 146 individuals.

Inspector Jim Poole: Yes, sir.

The Chair: Thank you.

Mr. Calkins.

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

I certainly appreciate the testimony that I've heard here. I wanted to ask some questions of the previous witnesses. I'm not sure if you were here to hear some of the testimony that was given. If you were here, my question is more along the lines of law enforcement.

My understanding is that there are clauses in the Criminal Code that deal with joyriding. Is that correct?

Inspector Jim Poole: Yes, I believe so.

Mr. Blaine Calkins: The previous "theft over \$5,000" and "theft under \$5,000" clauses also exist. This is simply an addition or an augmentation that specifically lays out theft of motor vehicles.

A lot has been said here. If I go back to a comment that was made by Professor Roberts while he was here, he said that basically the addition of this amendment into the Criminal Code levels a shotgun at everybody. I don't necessarily agree with that comment, and I'm looking for some comment from you.

When we still have the joyriding clause, when we still have the "theft over" and "theft under" clauses, would it be reasonable to assume that police investigators and crown prosecutors wouldn't have the knowledge? It's clear from the testimony that you've given here. When you've categorized repeat offenders as level four and level three, is it realistic to think that law enforcement agencies and crown prosecutors are simply going to throw the maximum charge at everybody who is in a car that doesn't belong to them?

I'm just wondering. There seems to be a little bit of fearmongering around the committee that everybody who takes a car, whether they're 14 years old, 18 years old, or 28 years old, is going to somehow be locked up for two years. I just don't think that's what's going to happen.

Can you elaborate on what currently happens as far as your cooperation with the crown prosecutors is concerned, on determining how some of these young people are dealt with especially? This charge would only apply to somebody over 18, because the Youth Criminal Justice Act would kick in. What effect would this law, if passed in its current form, actually have on the young people who take cars, especially when 95% of them turn back up again? Does that not constitute joyriding, in the sense that it's not a permanent attempt to deprive people of their property?

Inspector Jim Poole: The joyriding has been used a lot for the passengers in vehicles as well, as opposed to the drivers or those who actually stole the vehicle.

I believe I made mention in my submission that I would hope this could somehow transcend the boundaries of the YCJA, because that is our problem. Again, I believe the mandatory minimum for the first offence was a potential of three months and a fine, for a second offence conviction it was six months and a larger fine, and so on to the maximum of three. I would hope that would....

It's like progressive discipline in a number of other fields. You start off with the lesser amount, and hopefully that's viewed as a deterrent as well for those who are inclined to become involved in this type of behaviour.

Am I on track?

• (1320)

Mr. Blaine Calkins: I think so.

What I'm trying to get at here is that not everybody—and certainly when you're dealing with a young person who's in the wrong place at the wrong time, hanging out with some of their friends—is going to go to jail for two years if they happen to go out on a night when they're riding around in a car that one of their buddies took because he found an opportunity. The window was down, the keys were in the ignition, and they thought they'd go have some fun. As wrong as that is and as dangerous as it is—I'm not trying to minimize it—there is certainly a different approach.

The intent of this bill is that of a start to tackle the more serious problem, which is organized crime and the theft of motor vehicles, the shipping of motor vehicles overseas, the creation of all of these black markets and so on, and the huge costs to society in all forms, whether it be the cost of human lives in various events, the cost of insurance, and so on.

As the bill sits in its current form, I've heard some testimony that leads me to believe there's some fear or some uncertainty that everybody who takes a car is going to end up in jail. I don't see that being the case, but I just wanted to get your perspective on that. I certainly think it provides an opportunity to lock up the people who are the repeat offenders and those who are the most dangerous elements involved in car theft. I just wanted to get some clarification, from your perspective on the law enforcement side, of how you work with the crown prosecutors in determining that.

I was very concerned with the testimony that was given by the previous witnesses in the previous round. They basically said this is going to level a shotgun at everybody across the board. I see this as being just a further tool in a bag of some already lesser tools that are already there, and I'm wondering if that's your assessment.

Inspector Jim Poole: Go ahead.

Mr. Barry Ward: I'd like to comment on that.

I've been involved with setting up the suppression program in Winnipeg. I was also involved in the suppression program in Regina, Calgary, and the lower mainland in Vancouver.

The suppression programs are there to identify chronic repeat offenders. All these cities have specific intervention programs particularly for first-time offenders, for these young people when they first become involved. It's not an automatic lock-up. They're put on probation services, and they're monitored very closely.

The program first started in Regina; then it carried through to Winnipeg, then Calgary, and now it's in Vancouver.

Does that help?

Mr. Blaine Calkins: Mr. Van Kesteren had a question. There's a little bit of time left.

The Chair: Be very quick, please.

Mr. Dave Van Kesteren (Chatham-Kent—Essex, CPC): I'll be very quick on just a couple of things.

I'm a little confused, Mr. Poole, on the 744 arrests from January to November. Is that in Winnipeg?

Inspector Jim Poole: That's in Winnipeg alone right now.

Mr. Dave Van Kesteren: I don't quite understand. You show 467. Of course, December isn't.... Why would there be more arrests than cars stolen? I don't quite understand.

Inspector Jim Poole: We've had 5,135 stolen vehicles this year so far.

Mr. Dave Van Kesteren: My last question is, since the recovery rate for car thefts is 95%, is it fair to assume then that there may be literally hundreds more level four offenders if you're not catching the 95% who just drop them off? Level four would be the repeat offenders, I take it.

Inspector Jim Poole: Right, but the 5% not recovered we're attributing to the potentially organized crime or those selling vehicles for profit.

Mr. Dave Van Kesteren: It says "Winnipeg's stolen vehicle recovery". So you recover 95%, which means a lot of people just drop them off, and you don't catch them. Is it conceivable that the number of level fours could be much higher because you're not catching these people? They just drop them off, and they do this over and over again and never get caught?

Inspector Jim Poole: It could be that, and there may be that many vehicles attributed to the 104 people. Again, we're getting them for some of the vehicles, but certainly not all of the vehicles they're involved with. As I said regarding the group that was training on the high-end Chevy products, there were 39 in 12 days prior to their arrest, and then only four after that. There may have been even more.

•(1325)

Mr. Dave Van Kesteren: Thank you.

The Chair: Thank you, Mr. Van Kesteren.

I have one final question to both Mr. Poole and Mr. Ward, and then I believe that will conclude our presentation.

Let's say there is a series of vehicles stolen in the course of one evening, and an offender is taken in—and I don't care if he's a young offender or an adult—and he goes to court. We'll say there are three vehicles stolen, and he's apprehended. Is it considered by the court one offence, three offences, or what? How does the sentencing occur? That's the first question.

The second question is when that individual is sentenced and six months later he's picked up with another vehicle, is it automatic that the penalty assigned to him in court will be much more severe than that for the first time?

Mr. Poole.

Inspector Jim Poole: I can't say for sure right now, but I would certainly be able to respond to you in writing after I find out exactly what the perspective is on multiple offences in one night and whether they'd be charged as and considered to be three different ones.

The Chair: Mr. Ward, can you comment?

Mr. Barry Ward: Typically, in my experience of going to court, more often than not, we'll see that the crown will lay three, four, five charges, or whatever the case may be. At the court time, they'll convict him on one, and then they'll stay the remaining ones.

The Chair: It would be like a global sentencing in a way, one way or another, taking into account one of the offences the individual is involved in.

Mr. Barry Ward: That's correct.

Inspector Jim Poole: I'd just add that I know our officers document such incidents by saying something like "between the dates and times of the 12th of August and the 17th of August, an offender did steal one, two, three, or four different types of vehicles".

The Chair: That's again as a single offence. Some of these stats may not be accurate in the sense that if there are convictions, your reporting may be accurate but the conviction rate may not be accurate when you look at an individual being charged for a series of offences if the vehicles are stolen between dates and times. Is that right?

Inspector Jim Poole: That could be the case.

The Chair: All right. Thank you very much, gentlemen.

Mr. Ward.

Mr. Barry Ward: Yes, I just wanted to point out one more thing.

In the province of Manitoba, they have a mandatory regulation for immobilization of vehicles, even now in the after-market. You'll see that the attempted theft rate there is extremely high, and that's probably reflective of the immobilizers being put into those vehicles—the after-market ones. Of course, now with the oncoming regulation of Transport Canada as of September 2008, there's going to be a lot more resistance in these vehicles.

The Chair: Let's hope so.

I understand that there's a move afoot to inform everyone how to get by the immobilizers.

Mr. Barry Ward: We haven't had any defeated since 1997 or 1998, and we've been monitoring not only Canada, but Europe and Australia. There have been no defeats to date.

The Chair: Good to know.

Thank you, Mr. Ward, Mr. Poole. We appreciate your evidence here before us, and we thank you for taking the time to come.

I will suspend for 60 seconds, and we will then get to committee business right after that.

• _____ (Pause) _____

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• (1335)

The Chair: I call the committee to order.

We are now into clause-by-clause on Bill C-343.

(On clause 1)

The Chair: Before you are a number of amendments to the bill. The first I would like to draw your attention to is amendment L-1. I'll make the reference number known here; it's 3181381. That's Liberal amendment number 1.

Please note that there are some conflicts with amendment L-1 when it comes to amendments G-1 and BQ-1, so look at all those, maybe, in context.

Mr. Moore.

Mr. Rob Moore: I've seen the Bloc's amendments, and I'll give Mr. Lee a chance to explain his amendment to see.... He has five. Is the plan to discuss all of these at once, because there's only one clause? Are we going to have just a kind of open discussion on...?

• (1340)

The Chair: Well, certainly it may be advantageous to discuss it broadly. I'm not sure whether the Liberal members have had a chance. I'm going to ask them to make their presentation here in reference to amendment L-1, but it would probably be wise to discuss them all in context.

Mr. Lee.

Mr. Derek Lee: Thank you.

My amendments do two things. This looks like a lot of amendments, but essentially they're simply doing a bit of surgery on the bill.

It does two things: it accepts the principle that we are enacting a new criminal offence, motor vehicle theft; it then removes all aspects of mandatory minimum punishments; and it retains a conviction by indictment or a conviction punishable on summary conviction.

The sentence that would be there for a conviction by indictment would be a ten-year maximum, and the sentence that would be there for a summary conviction would be a two-year maximum. There is no option of a fine.

My bill would delete all of the proposed subsections that are now shown on page 2. All of that would be deleted; that's what those amendments do.

I point out that under section 734 of the Code, the court is always empowered to impose a fine as an option, if so advised. Again, my amendments take away all of the mandatory minimum procedures.

I'm prepared to move this whenever. Maybe the other parties or individuals would want to explain their amendments.

The Chair: It would permit us to have some discussion on that point, Mr. Lee. We would appreciate it, I think, broadly as a committee.

Mr. Ménard.

[*Translation*]

Mr. Réal Ménard: Mr. Chair, if it were the committee's wish to dispose of the bill before we return to the question period...

The amendment introduced by the Bloc Québécois has the same objective as that introduced by Mr. Lee. If it is the committee's wish to adopt Mr. Lee's amendments, my colleague and I will support the proposed regime of offences.

It's important for us that there not be any mandatory minimum sentences. We have had the opportunity to explain that. We could withdraw our amendment and proceed with the vote, if that was the committee's wish.

We also support the series of amendments moved by our colleague Mr. Lee.

[*English*]

The Chair: The only thing that would be required is that you not move your amendment and support Mr. Lee's; that would be the end of it all.

Mr. Masse.

Mr. Brian Masse: We'll be supporting the Liberal amendment, and if we want to have a vote before question period, we would be supportive of that as well.

The Chair: Thank you, Mr. Masse.

Mr. Moore.

Mr. Rob Moore: I think we heard a lot of testimony about the need for improvements in this area. I think the bill that's been brought forward is a good one. I will not be supporting the Liberal amendment. We believe there is a place, certainly on a third offence, where there should be some kind of minimum sentence in place.

I've sent around two amendments that I think represent a compromise, based on some of the questioning that we heard from the opposition. We're not gutting the bill, which I'm opposed to, but leaving it in place. I would like to let members know what the government amendments would do.

Number one, it would remove the mandatory minimum penalty for the first and second offence. So I think that's certainly meeting Mr. Ménard over half way.

On the third offence there would be a mandatory minimum penalty of not two years, but six months. That's what the amendment I've introduced would do. It would lower the maximum term of imprisonment for summary conviction from two years to eighteen months. That is consistent with the existing penalty scheme in the Criminal Code and it would also make all the necessary consequential amendments.

One other thing: it would increase the maximum term of imprisonment on a first and second offence from five years to ten years. That is actually consistent with what the maximum is already under theft over \$5,000. So it would make the bill consistent with what's in the code.

What it would leave in place from the bill is having auto theft, which I think we're pretty much in agreement on, and it would leave in place the six-month minimum on a third offence. Acknowledging that this is a minority Parliament, we're trying to meet opposition members over half way. So I hope that members are agreeable with this. There are just two amendments there, and I think that would do almost everything that we hope to accomplish.

• (1345)

The Chair: Mr. Ménard.

[*Translation*]

Mr. Réal Ménard: Mr. Chair, I acknowledge that Mr. Moore, who I'm told was recently married and I congratulate him, is engaged in a game of high seduction.

Unfortunately, he will acknowledge, as we do, that having a minimum sentence on a third offence changes nothing. Our thinking is that we are unsympathetic to that because we don't believe we should be administering justice by means of minimum sentences.

On the contrary, even this morning, I didn't hear, in the exchange that we had with Mr. Roberts... Incidentally, I thank the clerk for working very hard so that he could leave England, where he is settled.

Mr. Chair, I don't believe—and I'm going to check with my colleague and our leader's office—that we'll be in a position to support this amendment. However, I invite him not to make this a personal matter; he is very much a friend of mine.

[*English*]

The Chair: Mr. Lee, did you have some comments?

Mr. Derek Lee: I appreciate the efforts of the government members to try to craft something that might have achieved a consensus. But I think, as Mr. Ménard has pointed out, that there is a gap in understanding or intention here. In principle, the use of mandatory minimums, in the view of our party—and likely some other members here—ought to be restricted to the barest minimum—no pun intended—and as a result, we couldn't support adoption of mandatory minimums in this auto theft section.

The Chair: The gap seems to be between government and opposition.

Mr. Moore, do you have any further comment?

Mr. Rob Moore: I'm not going to take it personally, so I'm not hurt. But this is a genuine effort to preserve the intent of the drafter of the bill while addressing, I think, almost every concern that I heard raised by opposition members. The only minimum in this bill as amended would be on a third conviction, a six-month minimum. I think that's entirely reasonable. If the opposition's position is that a six-month minimum on a third conviction for auto theft is not reasonable, I think that is beyond reasonable.

We are making an effort to try to have some consensus. I listened to the questions on Tuesday. We did address it on the first and second penalty. I did hear that we felt that auto theft should be included, and that this bill preserves it as a distinct offence under the Criminal Code.

I can't support completely what is, in my view, gutting the bill so that there's no minimum at any point. Someone can have three, four, five, six, multiple...and we won't even, as parliamentarians, say that's deserving of a six-month sentence? These are not first-time offenders. They're not second-time offenders.

This is a major move from what Mr. Scheer had presented, in an effort to compromise.

I'll leave it at that. I can't, as a member of Parliament, support anything that would go lower than where we're prepared to go. I ask members to give one more consideration to this, which I think addresses 90% of the concerns I've heard mentioned.

• (1350)

The Chair: Thank you, Mr. Moore.

Mr. Moore has appealed to the opposition for some compromise.

Hon. Larry Bagnell: I have a point of order.

The Chair: Mr. Bagnell.

Hon. Larry Bagnell: On a point of order, I wonder if we could suspend for two minutes for caucus. It's a new proposal.

The Chair: Is the committee in agreement?

Okay, we will suspend for two minutes.

•

_____ (Pause) _____

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The Chair: I'd like to call the members to order.

The opposition has had time to caucus and discuss the matter.

Mr. Lee, do you have a comment?

Mr. Derek Lee: The members on this side of the table sincerely considered the kind and reasonable offer of the government to try to massage the penalty sections, but we are still wedded to the principle of not endorsing mandatory minimums in this particular bill. Perhaps if there were more time there could be more discussion.

I want to point out, Mr. Chairman, that it's possible that if the government amendment were withdrawn.... No, maybe it isn't. I just thought it could be put at report stage. I may be wrong in saying that. Just to withdraw doesn't do the trick, because it could have been put at committee.

• (1355)

The Chair: Because we are amending these sections now, further amendments could be made at report stage.

Mr. Derek Lee: Another tweak could be made, I think.

The Chair: Yes.

Mr. Derek Lee: Okay, that's fine.

We'll put the amendments in whatever way you think best, and we'll see where we come out of it, but we're not able to reach an agreement.

The Chair: I'm not quite clear what your comment is. You are willing to leave it in my hands to say...?

Mr. Derek Lee: No, I'm willing to leave the rest of the meeting in your good hands, and to put the amendments. We'll deal with them, and then at the report stage, if a member of the House feels so advised, there can be an attempt in the House to....

Mr. Réal Ménard: That's not clear.

Mr. Derek Lee: Okay.

[*Translation*]

Mr. Réal Ménard: I have a question, Mr. Chair.

If the committee is preparing to adopt Mr. Lee's amendments, as I believe we're going to do, and if, in a gesture of unity that will be entirely exemplary for us, the Liberal, Bloc members and New Democrats pass the amendments of Mr. Lee, the dean of this committee, am I to understand that we will dispose of the amendments and that, consequently, the Bloc will withdraw its amendment?

Does that mean that we are also going to pass the government's amendments, or are we going to dispose of them? If we pass the Liberal amendment, do we dispose of the government amendment, or will the government be able to come back with that at the report stage, in which case it will be defeated a second time?

Mr. Petit, I'll make only one bite out of you.

[*English*]

Mr. Derek Lee: Okay, let's get on with the amendment.

The Chair: L-1 would completely remove G-1 and BQ-1.

G-2, if accepted, is not caught, if you will, on any of the other motions that are put forward. If G-2 is accepted—

[*Translation*]

Mr. Réal Ménard: Let's vote. If we agree to Mr. Lee's amendment, two amendments survive.

[*English*]

The Chair: G-2 is just an addition.

Mr. Bagnell, we are running out of time, and I know that everyone is going to be anxious to get into the House for question period. Do you have a comment?

Hon. Larry Bagnell: Yes, but we're also allowed to have discussion on amendments.

The Chair: Absolutely, if you want to stay here right through, I'm game.

Hon. Larry Bagnell: Okay.

I wanted to say that I'm not totally against what Mr. Moore is offering, but we haven't had a chance to discuss that with our caucus or our critics. He suggested discussing it with Marlene, and I'd be happy to do that, but I don't know when he expects us to do that if he wants to vote right now.

Mr. Rob Moore: I just meant on the issue. I had heard her say different things about mandatory minimums. So I didn't know, and there might have been some general direction, a blanket opposition to mandatory minimums in any way, shape, or form.

I guess we should just get on with it. There might be opportunities to address this at another stage in the House.

[*Translation*]

Mr. Réal Ménard: I think we have to vote, Mr. Chair. We wanted to dispose of the bill today in order to be able to study another one next week.

[*English*]

The Chair: Mr. Ménard, I'm sorry, I didn't pick up that comment.

[*Translation*]

Mr. Réal Ménard: I think we should vote now. We wanted to dispose of the bill before the end of the session.

[*English*]

The Chair: The question is on L-1.

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

The Chair: G-1 and BQ-1 are gone.

We can take a separate vote on proposed subsections (2), (3), (4), and (5), or we can apply.

You're in agreement to apply?

Some hon. members: Agreed.

• (1400)

The Chair: Now, finally, shall government amendment 2 carry?

(Amendment negatived)

The Chair: Shall clause 1 as amended carry?

Some hon. members: Agreed.

The Chair: Shall the title carry?

Some hon. members: Agreed.

The Chair: Shall the bill as amended carry?

Some hon. members: Agreed.

The Chair: Shall the chair report the bill as amended to the House?

Some hon. members: Agreed.

The Chair: Shall the committee order a reprint of the bill as amended for the use of the House at report stage?

Some hon. members: Agreed.

The Chair: Thank you.

We're adjourned.

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