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# Standing Committee on Justice and Human Rights

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**Monday, February 2, 2009**

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**Chair**

**Mr. Ed Fast**

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## Standing Committee on Justice and Human Rights

Monday, February 2, 2009

• (1535)

[English]

**The Clerk of the Committee (Ms. Miriam Burke):** Honourable members of the committee, I see a quorum. We can now proceed to the election of the chair. I am ready to receive motions to that effect.

Pursuant to Standing Order 106(2), the chair must be a member of the government party.

Mr. LeBlanc.

**Hon. Dominic LeBlanc (Beauséjour, Lib.):** Madam Clerk, I move that Ed Fast be chair.

**The Clerk:** It's been moved by Mr. LeBlanc that Mr. Fast be elected chair of the committee. Are there further motions?

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

(Motion agreed to)

**The Clerk:** I declare the motion carried and Mr. Fast duly elected chair of the committee.

Before inviting Mr. Fast to take the chair, if the committee wishes, we will now proceed to the election of vice-chairs.

I'm now prepared to receive motions for the first vice-chair.

Mr. Moore.

**Mr. Rob Moore (Fundy Royal, CPC):** I move that Brian Murphy be vice-chair.

**The Clerk:** It's been moved by Mr. Moore that Mr. Murphy be elected as the first vice-chair of the committee.

Are there any other motions?

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

(Motion agreed to)

[Translation]

**The Clerk:** I am now ready to receive motions for the election of the second vice-chair.

**Mr. Marc Lemay (Abitibi—Témiscamingue, BQ):** I move that Mr. Réal Ménard be elected second vice-chair.

[English]

**The Clerk:** It's been moved by Mr. Lemay

[Translation]

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

Is it the pleasure of the committee to accept the said motion?

(Motion agreed to)

[English]

**The Clerk:** I now invite Mr. Fast to take the chair.

**The Chair (Mr. Ed Fast (Abbotsford, CPC)):** Thank you.

I just want to tell you that it's an honour to be elected to this position.

I took it upon myself to go back and look at some of the transcripts of the justice committee from the last Parliament. For the most part there was a fair degree of collegiality and good work that happened at this committee. Obviously, from time to time we do have disagreements, but I thought the committee worked well until the last few months. It is my hope that we'll continue in that spirit of collegiality.

I should also say that I am new to this committee, although I have appeared before it and I have also sat in as an alternate. Many of you have years of experience here, and I will be leaning on you for assistance. If you feel there is something that I should know about how the meetings are conducted, I'm certainly open to receiving that from any member of this committee.

I believe, Madam Clerk, we have some routine motions that we go through, so I would open up the floor for those motions.

The clerk will pass those around.

Yes, Mr. Murphy.

• (1540)

**Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.):** I see from the heading that these are the routine motions that were adopted for the justice committee in the last session. Is that right? So there have been no changes.

That seemed to work pretty well. At your pleasure, Mr. Chair, rather than move them one by one, I would move that we adopt all of these routine motions, if that is acceptable.

**The Chair:** Mr. Moore.

**Mr. Rob Moore:** There are just a few that I did want to have some discussion on. Although I'd love to get through this quickly, there are a couple.

**The Chair:** Could you identify which ones those are? Then we can do the rest by omnibus.

**Mr. Rob Moore:** Sure. I'll start with motions.

It now says, in the second paragraph to the bottom, page one:

That 48 hours' notice be required for any substantive motion to be considered by the Committee, unless the substantive motion relates directly to business then under consideration;

I would propose that we take out one part of it so that the motion reads:

That 48 hours' notice be required for any substantive motion to be considered by the Committee;

The reason I'm proposing—

**The Chair:** Mr. Moore, perhaps I could just ask you to identify the motions that there may be some debate on and the ones for which there is consent to move forward on and agree to.

**Mr. Rob Moore:** Sure.

I consent to move forward on all but the priority of legislation—which actually is, I think, a new one that I'd like to insert—but then motions; as I mentioned, the 48-hour requirement and also the speaking order.

**The Chair:** Thank you.

Mr. Ménard.

[*Translation*]

**Mr. Réal Ménard (Hochelaga, BQ):** Mr. Chair, I want to make sure that I fully understand Mr. Moore's position on the 48 hours' notice. Basically, we do not need anyone to be taken by surprise by motions being brought forward that we have not had the time to prepare and examine as they deserve, and that our offices, the government house leader's and the whip's, have not been made aware of.

For substantive motions, I assume that, if we are dealing with amendments, and we are already studying a bill or a motion, motions can be made. The clerk can enlighten us about that. I want to understand the point that Mr. Moore wanted to make. If we are in clause-by-clause study of a bill, is it his intention that it not be possible to make an amendment, or a friendly amendment as they are called? How does Mr. Moore see that?

[*English*]

**The Chair:** I think what we're trying to do is just identify the motions that we have agreement on right now. Then we'll deal with the others one by one.

**Mr. Brian Murphy:** Point of order.

**The Chair:** Yes, Mr. Murphy.

**Mr. Brian Murphy:** I think the way it falls then—and maybe there's agreement from Mr. Moore—is that no objections arise from the first ten motions. So I would amend my motion to pass just the first ten motions.

**A voice:** Nine.

**Mr. Brian Murphy:** There you are; it's the first nine motions, sorry.

**The Chair:** Do you want to include the eleventh one as well, on the time for questioning witnesses?

**Mr. Brian Murphy:** I think Mr. Moore indicated that he had problems with that.

**Mr. Rob Moore:** Just for clarification, I don't see on here.... Did we not in the past have a routine motion on speaking order? Or is that in here?

• (1545)

**Mr. Brian Murphy:** It is the last one.

We'll debate the last two motions separately; that's what I was intending to do by this, if there's agreement.

**The Chair:** Will do.

Monsieur Ménard.

[*Translation*]

**Mr. Réal Ménard:** I just want to make sure that, for private members' bills, we agree that the committee will keep all of its discretion in determining the order in which private members' bills will be considered, and that there will be no predetermined order at all. We understand that the motion simply states that the sponsor will be invited, but this does not mean predetermining the way in which we organize our work.

[*English*]

**The Chair:** I believe Mr. Moore is going to make a motion about that later. We'll have a discussion on that.

I think we have agreement that the first nine are non-contentious. Is there any further discussion on that? Could we have a motion?

Is that a motion, Mr. Murphy?

**Mr. Brian Murphy:** Yes.

**The Chair:** Is there any further discussion?

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

**The Chair:** So we have those nine done.

Moving on to motion ten, does someone wish to move it, or to move a different motion?

**Mr. Rob Moore:** So it hasn't been moved?

**The Chair:** I don't believe so.

Mr. Murphy, did you imply that you had moved motion 10?

**Mr. Brian Murphy:** My previous motion is now carried. I withdrew motions 10 and 11.

**The Chair:** All right. Please go ahead.

**Mr. Rob Moore:** On motion 10, Mr. Ménard has already commented on it. I think the challenge is that the legislation we're dealing with is often extremely technical. We do take a great deal of time to debate it. Any changes to it often require a great deal of work that may not be contemplated. Table-dropping, as it were, some substantive changes to legislation can create some challenges. As a committee we may not be able to do—pardon the pun—justice to a piece of legislation if we're not given proper time to analyze the motion.

That's simply the reason I'd like to take out that one line: “unless the substantive motion relates directly to business then under consideration”.

**The Chair:** Is there any discussion?

Ms. Davies.

**Ms. Libby Davies (Vancouver East, NDP):** Joe Comartin is our regular member, but he couldn't be here today, so I'm sitting in.

I would point out that in the previous committee it has been the standard motion that's used by many committees in terms of how to deal with the 48 hours' notice. I've been on a number of committees. When you are going through a bill clause by clause, yes, you do try to get in your amendments in advance, especially the ones that are substantive. But I've found that often during debate there may be some sort of minor adjustment that flows from an amendment you have; it's a subamendment. It's not necessarily routine, but it might be routine, and we'd really be precluding that.

I do have a concern that by moving it as you have you will be frustrating members' ability to deal with what are really very legitimate motions when you're debating a bill. Or you might be dealing with an item of business and you want to have someone else come forward or ask for a report pertaining to the witnesses you've heard. I do have concerns about that.

What I would ask in terms of your rationale for putting it forward is could you give an example of where it was a problem? The way it's been worded on the paper is what it was in the previous committee. Maybe there are some examples of why it didn't work or what the problem was. I don't think we've really heard that.

**The Chair:** Mr. Moore.

**Mr. Rob Moore:** Yes, I can certainly do that. We don't need to have a prolonged debate on it, unless someone else has a comment. I'll just make my comment.

For the members who were on the previous committee, on some of the government legislation that we had been discussing we sometimes saw a flurry of last-minute amendments. They could be amendments from government and they could be opposition amendments. I think it doesn't do justice to anyone to try to digest a very complicated Criminal Code amendment—for example, when we're dealing with Bill C-2, the Tackling Violent Crime Act— if we have to try to piece this together on the spot and put our expert witnesses on the spot.

I will differentiate this committee a bit from some other committees. Some of the legislation we're dealing with is extremely technical in nature and everyone should have the opportunity to digest any amendments or motions that are coming forward.

That's why I put this forward. Maybe we can see what the will of the members is. I don't want to belabour it.

•(1550)

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

Monsieur Lemay.

[*Translation*]

**Mr. Marc Lemay:** I am going to try to be very clear. I do not understand Mr. Moore's position requiring 48 hours' notice to be given before the committee can consider a substantive motion that does not directly deal with the matter that the committee is studying at the time. If we are discussing Bill C-2, for example, and an amendment has to be discussed, I do not feel that 48 hours' notice are required.

The intent of this paragraph is that 48 hours' notice is to be given in both official languages for a substantive motion that deals with something else.

Here is another example. If we were studying Bill C-2 and a legal crisis broke out over the appointment of a judge to the Supreme Court, that would be a completely different matter. So 48 hours' notice would be required. That is what I understand from the text before us and this is why I agree with the text. I do not understand what you want to change.

[*English*]

**The Chair:** Thank you.

Mr. Storseth.

**Mr. Brian Storseth (Westlock—St. Paul, CPC):** Thank you very much, Mr. Chair.

As a rookie to this committee, I don't necessarily know how it operated in the past, but we're discussing routine motions here, and the idea of routine motions is to supplement any of the Standing Orders that aren't currently codified under the Standing Orders of the House of Commons. This is codified very clearly. To me, you don't need to have this in here, simply because, as Mr. Lemay tried to say, you can't move a substantive motion to a piece of legislation that would change the intent of the legislation. That's under the Standing Orders. So I don't know why we have to have it repeated here. What is in here is already in the Standing Orders in the House right now.

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

Mr. Ménard.

[*Translation*]

**Mr. Réal Ménard:** Basically, my colleague Mr. Lemay is saying that he is fine with the present wording. I am too. But Mr. Moore's proposal is an amendment. He wants to remove the words “unless the substantive motion relates directly to business then under consideration”.

Is that the intent of Mr. Moore's amendment?

[*English*]

**Mr. Rob Moore:** Absolutely, that's correct. For the reasons already set out, I think when we bring in departmental experts, their job is to try to tell us what the implication of an amendment or a motion would be for the Criminal Code. To table-drop that creates a situation where perhaps we're not all getting the best possible advice we could get if someone had time to consider it. All the legislation we deal with is pretty significant and technical, and I think 48 hours' notice...if we're dealing with a bill, it just means that motions impacting on that bill, or other motions, would have to be in 48 hours before.

[Translation]

**Mr. Réal Ménard:** I just want to understand. One thing worries me. We are studying a bill, witnesses have talked to us, and, all of a sudden, during clause-by-clause study, we want to make a friendly amendment. If we were to pass your amendment, it seems to me that it would no longer be possible to do that. I can see why the government would want to avoid that. Nor do I want to be in a position of making substantive decisions without having consulted the office of my whip, my leader or my chief. I think that everyone feels the same. I do not want to find myself tied to a mechanism that is so rigid that we cannot look closely into things when we are studying a bill or an amendment and considering a matter that we have already been able to think about.

Would that be the effect of your amendment; is it, in a sense, an elegant way of cutting off debate? If we wanted to introduce a quick amendment on Bill C-2 because of the direction that our work had been taking, could we do so? As I understand it, we could not, and, Mr. Chair, I do not think that that makes very much sense.

• (1555)

[English]

**The Chair:** Monsieur Petit.

[Translation]

**Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC):** Can I make a comment, Mr. Chair, just to put at rest the mind of our future mayor of Montreal, Mr. Réal Ménard?

Really, this does not prevent friendly amendments, as Mr. Ménard mentioned. This is about substantive motions. Mr. Ménard was talking about amendments. Say a witness were to present something to us and we noticed that a word or a comma was in the wrong place. We are here precisely to serve Canadians on criminal justice matters, and so on. We can do that immediately; it is not a substantive motion.

Mr. Moore was talking about substantive motions. That is what we need. Substantive motions. Mr. Réal Ménard is an expert on amendments because he introduces them regularly. We have always accepted them and it has always worked well.

The 48 hours' notice becomes important for substantive motions.

Thank you, Mr. Chair.

**Mr. Réal Ménard:** ...withdrawing the substantive motion would be on all...

**Mr. Daniel Petit:** He is not withdrawing it.

[English]

**The Chair:** Mr. Murphy, and then Mr. Lemay.

**Mr. Brian Murphy:** I don't want to beat this to death, but a friendly motion can be a substantive one or a procedural one, so I think that sort of misses the point.

What I'm looking at, as a practical example we dealt with, is mandatory minimums, and we've dealt with three years, five years, and seven years. Yes, if you change something from seven to five, I believe it's substantive. But I don't think the people from DOJ at the table have discharged their duty by the time we're deciding whether we're going to put three, five, or seven years on a certain section. So

we have to have that flexibility, because a lot of the good work that has happened here is a bit of a consensus, and this would preclude that, but for 48 hours' notice.

So I think it has worked okay in the past. Let's put it this way: that sentence interposed there was certainly not any part of any of our problems, if we had any, in the last session.

So even though he nominated me for vice-chair and I do owe him something—a cup of coffee maybe—I'm not going to support Mr. Moore's motion.

**The Chair:** All right. Perhaps we could bring this to conclusion.

Monsieur Lemay, did you have another comment?

[Translation]

**Mr. Marc Lemay:** I have practised criminal law for 30 years and I have still not grasped Mr. Moore's meaning. Let me go back to the example of Bill C-2, which is over and done with so we do not have to deal with it again. If we were studying Bill C-2 and we realized that an amendment was necessary, since we were discussing something directly related to what the committee is studying, 48 hours' notice would not be necessary.

However, if some other urgent motion needed to be debated, the appointment of a judge, for example, this would not be a substantive motion directly relating to business under consideration. So 48 hours' notice would be necessary. I am absolutely not prepared to accept that. It stops important issues coming to us at the last minute, in the middle of a meeting, or a few hours before a meeting. That is what the 48 hours prevents.

• (1600)

[English]

**Mr. Rob Moore:** Mr. Chair, there appears to be a consensus developing that we don't agree on my motion, so why don't we just move on with it? Can we put it to a vote?

**The Chair:** Well, if you'd like to make the motion. I'm not sure the motion—

**Mr. Rob Moore:** My motion would remove these words: “unless the substantive motion relates directly to business then under consideration”.

**The Chair:** You're removing that from the motion as it appears before us, right?

**Mr. Rob Moore:** Right, so it would require 48 hours' notice for any substantive motion to be put before the committee.

**The Chair:** All right. Do you want to vote on that—

**Mr. Rob Moore:** Yes.

**The Chair:** —or are you acknowledging that there's no consensus and that we should just move on to the motion as written?

[Translation]

**Mr. Daniel Petit:** A point of order. Could we hear the motion, please? Can we have the motion read in its entirety and, if a recorded vote is necessary, we can have one.

Mr. Rob Moore, our parliamentary secretary, should be saying: that 48 hours' notice be required for any substantive motion to be considered by the committee, and that the notice of motion be filed with the Clerk of the Committee and distributed to members in both official languages. That is the motion. That is the text before us and that is clearly what we should be voting on.

With your permission, Mr. Chair, I will submit that text so that my colleagues can at least read it and see that it is a valid motion.

[English]

**The Chair:** As long as everybody understands, the motion that is on the table, which Mr. Moore made, removes that portion.

**Ms. Libby Davies:** A point of order, Mr. Chairperson. Shouldn't somebody move the motion as it's written here, and then it would be an amendment to remove that particular clause?

**The Chair:** Ms. Davies, they're suggested motions. They're not actually motions that are in any way standard.

**Ms. Libby Davies:** Okay, but somebody should probably move it as a motion, and then—

**The Chair:** I believe Mr. Moore has.

**Ms. Libby Davies:** —it would be an amendment unless he chose to withdraw it.

**The Chair:** Mr. Moore has chosen to make the motion, which deletes that part of what you see written. We'll vote on that, and if that fails, we'll go back to Mr. Murphy and he can make the original motion.

I'll call the question on the motion, which is the one that Mr. Moore has made.

(Motion negatived)

**The Chair:** Mr. Murphy, did you want to make the original motion?

**Mr. Brian Murphy:** I move that the motion listed as number 10, which begins "That forty-eight (48) hours' notice be required..." in its full wording, be the routine motion.

**The Chair:** Is there any debate on that?

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

**The Chair:** Madam Clerk, do you want more time when I call the question?

**The Clerk:** I'm okay. I'll ask for it when I need it.

**The Chair:** Okay.

Mr. Petit.

[Translation]

**Mr. Daniel Petit:** I made a motion. I read it in its entirety. The clerk is required to write it down and I feel that it should be put to a vote as presented. I said it, I moved it. The chair did not ask me if it was seconded or not. I made the motion. Period. Now let us see if it has a seconder or not.

[English]

**The Chair:** Mr. Moore has already made that motion.

Monsieur Petit, we dealt with Mr. Moore's motion, which I believe is what you were talking about, and it failed, and then we moved to Mr. Murphy's motion, which is the one that was—

[Translation]

**Mr. Daniel Petit:** Mr. Moore's text was not complete. I put before you a complete motion saying exactly what I want and reflecting both my intention and my parliamentary secretary's. It should at least be brought forward. Mr. Moore discussed a part of it and no one seemed to understand. I made a clear, precise motion that takes nothing away from any of the parties here. It is just so that things work better. So I think that the motion is complete. Just because something has been voted down, it does not mean that my motion should not be introduced. I am introducing it, and, if it is defeated, we move on. So here it is. It is clear. Let me repeat it: that 48 hours' notice be required for any substantive motion to be considered by the committee, and that the notice of motion be filed with the Clerk of the Committee and distributed to members in both official languages. It is clear. No one loses anything. It lets us do better work and that is what we should be about. So I am making the motion and asking if anyone wants to second it. Then we can vote.

That is all, Mr. Chair.

•(1605)

[English]

**The Chair:** Monsieur Petit, with respect, I believe the motion that you've just read into the record is exactly what Mr. Moore had moved. Perhaps you could consult with Mr. Moore to double-check that, but I believe that's the case.

[Translation]

**Mr. Réal Ménard:** Speak up.

**Mr. Daniel Petit:** Mr. Chair, when I voted, it was on a part of what the parliamentary secretary had proposed and not on all of it. My apologies. This perhaps explains it. If it really is the same motion, I will withdraw mine. But I thought it was only part. I moved it in its entirety.

[English]

**The Chair:** It was the same thing. Thank you.

We have Mr. Murphy's motion, which I believe passed, so now we should move on to number 10, which is on time for questioning of witnesses.

**Ms. Libby Davies:** I'd like to move the motion as it is.

**The Chair:** We have a motion. Is there any discussion?

**Hon. Dominic LeBlanc:** Is it the last paragraph?

**The Chair:** Yes, it's the last paragraph, on time for questioning witnesses.

Mr. Moore.

**Mr. Rob Moore:** I know this is what we followed last time, but just because we have a different composition of the committee, walk us through a round. My understanding is that it would be Liberal, Bloc, NDP, Conservative; Liberal, Bloc, Conservative; Liberal, Conservative; and then a Conservative if that person has not had a turn.

**The Chair:** Yes.

**Mr. Rob Moore:** All right. That's fine.

**An hon. member:** Mr. Chair, I move to vote.

**The Chair:** We have a motion on the floor already.

**An hon. member:** I move that we vote on that.

**The Chair:** All right, call the question.

[*Translation*]

**Mr. Réal Ménard:** It would be the same as in the last session. So we would start with the official opposition, followed by the Bloc Québécois, the party in power and then the NDP. On the second round, we would alternate. It would be like the last session.

[*English*]

**The Chair:** I don't know what happened in the last session. What Mr. Moore said is that we're going Liberal, Bloc, NDP, Conservative; Liberal, Bloc, Conservative; Liberal, Conservative. If there's time left, because we have one extra Conservative who hasn't spoken, he would then get a chance, and then we would start it all over again.

[*Translation*]

**Mr. Marc Lemay:** That is right.

[*English*]

**Ms. Libby Davies:** Can I just clarify? The way it's written here, there's the first round, which is seven minutes, done by party, and then it alternates between the government and opposition parties. I didn't hear him say the NDP—

**Mr. Brian Storseth:** I have a point of order, Mr. Chair.

**Ms. Libby Davies:** —so it does go back and forth.

**The Chair:** We have a point of order.

**Mr. Brian Storseth:** Mr. Chair, I believe the NDP moved a motion. I believe we called for the vote and I believe you started the process of voting, at which time we have to vote on it.

**The Chair:** Yes. I'm hoping we're going to be collegial. If something is confusing, I want to make sure it's clear for everyone who votes on the motion.

Are you satisfied, Ms. Davies?

**Ms. Libby Davies:** I just want to make sure that is understood, because the way it's written here is that it alternates back and forth on the second round between the government and the opposition parties; it's plural. The way your member read it out, it didn't sound quite like that.

**The Chair:** We actually have sort of a schematic of how this will look, and we can show that to you.

If we follow the approach that we just discussed, which Mr. Moore tried to clarify, we start with Liberal, we go to Bloc, we go to NDP, and then we go to Conservative. So that's one Conservative, yes. Then we get another Liberal, another Bloc, and then Conservative, so that's two Conservatives. Then we go Liberal, Conservative, and that's three Conservatives. We have two more Conservatives left, and I believe the understanding has been in the past that everyone gets to speak once before someone gets to speak a second time. Is that correct? Then there would have to be two more Conservatives speaking at the end, if there is time.

Is that your understanding?

• (1610)

**Ms. Libby Davies:** I'd like a clarification, because my understanding was that on the second round when it goes back and forth, at some point it does come back to the NDP, noting that it goes back to a government member each time.

**The Chair:** But then we would be violating the principle that everyone gets to speak once before there's a second turn for anyone else. I believe that's a principle that's going—

**Ms. Libby Davies:** Okay, right.

**The Chair:** As long as we have an understanding of what's involved. Everybody speaks once, and then we go and start the process again. Is that right?

Mr. Dosanjh.

**Hon. Ujjal Dosanjh (Vancouver South, Lib.):** I understand these turns and these alternations. It is among parties, not individuals. You could have just one Conservative speaking during all of the turns that you have, so I think that this is—

**The Chair:** You're absolutely correct.

Do we have an understanding of what the motion is? All right, I call the question.

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

**The Chair:** Now, I believe there were some additional motions. Is that correct?

Mr. Moore.

**Mr. Rob Moore:** Yes.

Again, I don't want to belabour this, but the motion I would have is that when we have a bill or a private member's bill before our committee, it would take precedence over any other studies the committee is undertaking at that time. So if we have a piece of government legislation or a private member's bill, it would take precedence over a study, and we would deal with that before resuming the study.

**The Chair:** Do you make that a motion?

**Mr. Rob Moore:** Yes. I can read my motion in. Do you want me to do that?

**The Chair:** Why don't you do that.

**Mr. Rob Moore:** My motion would be that the consideration and examination of any government or private member's bill that falls within the express mandate of the committee shall take precedence over any study or non-legislative examination, other than questions of privilege. In such circumstances the non-legislative study shall be deferred until such time as the bill is reported back to the House.

That's my motion.

**The Chair:** All right.

Discussion on the motion: Ms. Davies and then Monsieur Ménard.



**Ms. Libby Davies:** Not having been a regular member of the committee, but as sort of infrequent, I do know that this committee does get a fair number of private members' bills that come through the House, so I certainly understand Mr. Moore's reasoning that he would want to see those come forward. However, my understanding of committees generally is that the steering committee is the group that orders the business of the committee. I think if we pass this motion it will kind of put this very difficult box around what the committee can do. I think there may be instances when the committee wants to deal with a pressing issue or it may want to look at something, and if this is passed and all private members' business automatically takes precedence I think it will greatly limit the flexibility the committee has.

That's something that should be worked out by the steering committee, which plans the business and the process of what the committee is dealing with. I think that's the preferable way and that's usually worked and I think that should continue. So I wouldn't support the motion.

**The Chair:** Monsieur Ménard.

[*Translation*]

**Mr. Réal Ménard:** Mr. Chair, in the past, of course, the committee has always been ready to consider government bills. That seems normal to me. Nothing in the Standing Orders says that a priority must be established automatically.

In fact, situations can arise. In the last session, for example, the government had six or seven bills. If we had followed the logic of the motion before us, we would not have had any time for private members' bills.

Speaking for myself, I am not ready for that. We must have a guarantee of cooperation. The government can count on our cooperation in studying its bills. However, nothing in the Standing Orders requires a committee to drop everything and give its bills priority.

As our colleague Ms. Libby Davies reminded us, the steering committee will be able to prioritize a number of things. I do not feel that it would be wise for us to support this motion.

•(1615)

[*English*]

**The Chair:** Thank you.

Mr. Moore.

**Mr. Rob Moore:** I'll withdraw the motion.

**The Chair:** You withdraw the motion.

**Mr. Rob Moore:** I can't bear one more defeat.

**The Chair:** We need consent of the committee to do that. Everyone consents to it being withdrawn?

**Some hon. members:** Agreed.

**The Chair:** Thank you.

**Mr. Brian Murphy:** Are there any other motions you're going to withdraw?

**The Chair:** Are there any other motions that you want to make with respect to routine motions?

Yes, Ms. Davies.

**Ms. Libby Davies:** I don't know if a motion is required to establish the steering committee. I don't know what the committee did before or whether it's just something that happens by consensus, that there is a steering committee.

**The Chair:** We had a motion. You'll notice that the subcommittee on agenda and procedure has been established by a motion already, so it's in place.

First of all, let's talk about the membership of the committee. I invite some discussion on that.

Monsieur Ménard.

[*Translation*]

**Mr. Réal Ménard:** Last time, one representative per party sat on the steering committee and it worked well. We met just before the committee meeting.

I think that we discussed this last time. We can discuss it. I have no formal objection. Do we want the parliamentary secretary to sit on it or not? Nothing personal, of course, it is just that, this time, we have two parliamentary secretaries, Mr. Chair. Imagine the moments of personal growth that lie before us.

The fact is that we should follow the principle of having one representative per party.

[*English*]

**The Chair:** Since we don't have a meeting set for Wednesday, could I suggest that would be an appropriate time to have a steering committee meeting, where we can work on a work plan? I'm going to invite some discussion on a work plan, but—

[*Translation*]

**Mr. Réal Ménard:** Thursday or Wednesday? Wednesday.

[*English*]

**The Chair:** Wednesday.

[*Translation*]

**Mr. Réal Ménard:** Wednesday.

[*English*]

**The Chair:** Wednesday at 3:30, the same time as this meeting would typically take place.

[*Translation*]

**Mr. Réal Ménard:** Do we have a motion for one representative per party? Do we want a parliamentary secretary or not? We have to discuss that. I have no opinion on the matter.

[*English*]

**The Chair:** It's already part of the motion.

[*Translation*]

**Mr. Réal Ménard:** *Note to editors: technical difficulties.*

[*English*]

**The Chair:** Do we have a location, Madam Clerk?

**The Clerk:** Not yet.

**The Chair:** You'll let us know? Thank you.

Before we get into a discussion of work plans, I'm going to make one proposal.

Do we not have a photograph of our committee? I know it hasn't been done.

Do you want to do that off the record? Okay. You'd prefer to do it off the record.

**An hon. member:** [*Inaudible—Editor* ]

**The Chair:** I understand that each member is going to receive a copy of the most current version of the Criminal Code, just so you know, Mr. Norlock.

Are there any other points? I would open up the floor to some discussion about the kind of work plan you would like the steering committee to have.

Monsieur Ménard.

[*Translation*]

**Mr. Réal Ménard:** I have three comments. First, since the Conservatives have been in power, there has traditionally been a mechanism allowing parliamentarians to be consulted when a new judge is appointed to the Supreme Court. Is that the government's intention? It was not necessarily done by the Committee on Justice and Human Rights, it could be done by a special committee. Is it the government's intention to consult parliamentarians, even if this Maritimes appointment has already been made?

Second, could a parliamentary secretary tell us if the government's first bill is going to deal with the Youth Criminal Justice Act?

What are the priority bills that the government intends to bring to the committee, Mr. Chair?

[*English*]

**The Chair:** Mr. Moore.

**Mr. Rob Moore:** Thank you.

On the issue of legislation, there will be legislation forthcoming in the area of criminal justice that as a committee we'll all be able to sink our teeth into and study.

As for the work of the committee, my recommendation would be something that I think has been put off for going on well over a year. That would be our ratification of the appointment of the director of public prosecutions. He was scheduled to appear before us. That was delayed. We have someone who's in a very important position, a new position, and I would hope that the steering committee will consider that we, as a committee, look at ratifying his appointment as the director of public prosecutions.

• (1620)

**Mr. Réal Ménard:** [*Inaudible—Editor*]

**Mr. Rob Moore:** In that case, the appointment's been made. As to future mechanisms, in the past, as you know, we've had some parliamentary review, with parliamentarians interviewing Supreme Court nominees. As to the future mechanism, I can't comment on what it will look like for the next appointment, if we're all around for that.

[*Translation*]

**Mr. Réal Ménard:** Would the government be open to the idea of one of us bringing forward a motion at the next steering committee meeting to have the Supreme Court nominee appear? Would the government be open to that? Clearly, the process has been interrupted. We met for an entire afternoon with Mr. LeBlanc and other colleagues of yours, the parliamentary secretary, Mr. Paradis, and we expected the Supreme Court candidate to appear. I would find it a shame if we curtailed a process that deserves to continue.

[*English*]

**The Chair:** Mr. Moore.

**Mr. Rob Moore:** Yes, I would suggest that there probably would have been some review of that type, but we all know that we went through a fairly extraordinary period and we had a Supreme Court that was awaiting the appointment of a new justice.

My guess is that it would be inappropriate to bring someone before a parliamentary committee who's already been appointed to the Supreme Court. I think that would put them in an extremely awkward position. Filling this position is something that the Chief Justice of the Supreme Court implored us to do. They're dealing with some weighty issues and it's important to have a full complement on the court. I think it would be inappropriate to bring someone from the Supreme Court, whether newly appointed or otherwise, before a committee.

**The Chair:** Right.

Any other discussion about work plan issues?

Mr. Storseth.

**Mr. Brian Storseth:** Thank you, Mr. Chair.

I'd just like to take the opportunity to give you 48 hours' notice on a motion that I am putting forward. Would you like me to read it into the record or just present it to you?

**The Chair:** Read it into the record, if you wish.

**Mr. Brian Storseth:** Whereas concerns have been raised regarding the investigative techniques of the Canadian Human Rights Commission and the interpretation and application of section 13 of the Canadian Human Rights Act—

**Mr. Marc Lemay:** Slowly.

**Mr. Brian Storseth:** Sorry. My apologies.

Whereas concerns have been raised regarding the investigative techniques of the Canadian Human Rights Commission and the interpretation and application of section 13 of the Canadian Human Rights Act, and whereas the commission operates independently and reports to Parliament, be it resolved that the justice and human rights committee examine and make recommendations with respect to the Canadian Human Rights Commission, and in particular, (a) review the mandate and operations of the commission, (b) review the commission's application and interpretation of section 13 of the act, (c) solicit and consider oral submissions from the chief commissioner and oral or written submissions from other interested persons or organizations, and (d) submit a report, including any proposed amendments to the Canadian Human Rights Act, arising out of the results of the committee's inquiry.

Thank you, Mr. Chair.

I have a translated version for you.

**The Chair:** Right.

Monsieur Ménard.

[*Translation*]

**Mr. Réal Ménard:** Thank you, Mr. Chair.

I feel that this is an important question. We will study the motion. I find it interesting that a concern like this has been raised.

I am saying to the committee—and I will say it again to the steering committee—that the Bloc Québécois is going to introduce three motions. I take note of the parliamentary secretary's advice and I will discuss it with my colleagues. Perhaps it is not appropriate to have the new Supreme Court judge appear since he has already taken up his position. That is a valid argument, but it would have been good if we could have met him.

Mr. Chair, I would like to set aside one of our sessions to deal with the question of human rights and adding social status as a “prohibited ground of discrimination“. Nine provinces have it. The committee does not need to conduct a study because plenty of information on the matter exists already. But it would be good for the committee to bring its concern to the Department of Justice. I would like us to set some meetings aside to discuss street gangs, cybercrime, and various aspects of organized crime. The committee could also see if the provisions of the Criminal Code are still relevant. We could be dealing with motions like that in short order.

• (1625)

[*English*]

**The Chair:** Mr. Moore.

**Mr. Rob Moore:** Obviously, there are going to be motions coming from different individuals and parties. Rather than our getting into a debate on them all now, we might as well wait and see what motions are tabled and then have the steering committee make its recommendations.

The only thing I would implore the committee to do is I think it would be appropriate for us to have the director of public prosecutions here, at least for one meeting, so we can kind of put our stamp on his work.

**The Chair:** I'll take note of that.

Mr. LeBlanc.

**Hon. Dominic LeBlanc:** Mr. Chairman, I think Mr. Moore's comment with respect to the director of public prosecutions is valid.

As I remember, our colleague Joe Comartin in fact had experience in the interview process and so on in terms of the selection of the director of public prosecutions. As I remember, it was Mr. Comartin's concern that led to the committee waiting or wanting to see before we proceeded with meeting with the acting director.

I would just ask, Mr. Chair, that before we proceed somebody talk to Mr. Comartin, if he's here. I will be guided by his hesitancy, if that's the right word, or his concern, only because he was involved in a process with which I wasn't familiar—that's all.

**The Chair:** Mr. Moore.

**Mr. Rob Moore:** Yes, that's a fair comment.

If you recall, though, we did have the director of public prosecutions, the appointee, here at our committee, scheduled to appear, and then the committee meeting for that day was unfortunately cut short.

I think we had reached a consensus as a committee to hear from the director of public prosecutions in the past. He was here, ready to appear.

**The Chair:** Mr. Murphy.

**Mr. Brian Murphy:** I think I recall that Mr. Comartin won a minor victory in that he wanted the first portion of that one- or two-hour session to be questioning about process—not of the candidate but of somebody from DOJ. We even got it down to a half hour or something, didn't we? Mr. Comartin wanted some questioning of a DOJ person on procedure and then the candidate. I'm pretty sure that's the way it was.

Do you recall that?

**The Chair:** Mr. Moore.

**Mr. Rob Moore:** I recall he was here, sitting over there. I don't recall how many minutes or hours we were going to question him. But we're welcome to have a discussion with Joe Comartin before the appearance of the director.

**The Chair:** Perhaps I could make a suggestion. Wednesday we don't have a meeting, but the following Monday we do. We want to have something to do at that committee. If we move forward, do we have consent at this table—assuming Mr. Comartin is amenable to the process—that we move forward with the director of public prosecutions? Then we fill that space and we have something to do on that Monday.

[*Translation*]

**Mr. Réal Ménard:** I agree with inviting Mr. Saunders to appear before us on Monday.

[*English*]

**The Chair:** Yes.

[*Translation*]

**Mr. Réal Ménard:** Agreed.

[*English*]

**The Chair:** Great.

**Ms. Libby Davies:** Mr. Comartin will be back tomorrow, so I'm sure you could talk to him. I don't know what went on before in terms of the discussion or how it was set up. Listening to what Mr. LeBlanc had to say, obviously talking to Mr. Comartin would be helpful.

**The Chair:** Which we will do.

Is there anything else?

We're adjourned.





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