



House of Commons
CANADA

Standing Committee on Justice and Human Rights

JUST • NUMBER 002 • 2nd SESSION • 40th PARLIAMENT

EVIDENCE

Monday, February 9, 2009

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Chair

Mr. Ed Fast

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•(1530)

[English]

The Chair (Mr. Ed Fast (Abbotsford, CPC)): I call the meeting to order. This is the second meeting of the Standing Committee on Justice and Human Rights.

Members, I'm aware that we had planned to hear from Mr. Saunders, the proposed appointee for the position of Director of Public Prosecutions, today. Unfortunately, for a variety of reasons, the steering committee agreed to recommend that the minister be invited today to discuss the supplementary estimates. Mr. Saunders is confirmed for Wednesday.

If there are no objections from the committee, we will proceed with the review of the supplementary estimates (B) for the fiscal year ending March 31, 2009. We can then consider the remainder of the steering committee's report following the minister's appearance today. We also have a number of motions that we'll be dealing with; I believe there are five. We'll leave about half an hour at the end of this meeting for that activity.

I was remiss at our last meeting in failing to recognize the staff that we have serving at this committee. It was an oversight and it won't happen again. First of all, I want to introduce our analysts from the Library of Parliament, Dominique Valiquet and Robin MacKay. They're our resource people on legislation and studies. Our clerk is Miriam Burke and she has Isabelle Duford shadowing her. I welcome you to the committee.

Mr. Minister, thank you for appearing. As you know, the normal sequence of events is that you'll have 10 minutes to make a representation to this committee and then we'll open the floor to questions.

The floor is yours.

Hon. Rob Nicholson (Minister of Justice): Thank you very much, Mr. Chairman. I am pleased to appear before the Standing Committee on Justice and Human Rights to discuss the supplementary spending estimates of the Department of Justice. Just as you were introducing people that you're pleased to be here with, I'm pleased to be here with the deputy minister and deputy attorney general, Mr. John Sims.

As you know, a number of issues have arisen since your committee last met, not the least of which is the growing economic instability around the globe. Of course, Canada is feeling the effects of this crisis, and the recent budget that was presented by my colleague Minister of Finance Jim Flaherty, and that was passed by the House, offers an action plan to get us through this crisis. It is

intended to provide stimulus for economic growth, restore confidence, and support Canadians and their families during this synchronized global recession.

[Translation]

In this context, government departments and agencies are more accountable than ever to Canadian taxpayers.

[English]

Over and beyond our fiscal responsibilities, our government is committed to keeping Canadians safe and contributing to global security. As Minister of Justice and Attorney General of Canada, I have made it a priority for the Department of Justice to develop policy and legislation that addresses crime more effectively, thereby increasing the confidence of Canadians in the justice system.

•(1535)

[Translation]

The Government is committed to accountability. This is why, in December 2006, this Government created the Public Prosecution Service of Canada as an entity separate from the Department of Justice.

[English]

Our government took this step to make it absolutely clear that criminal prosecutions are independent from political influence.

A selection committee was struck in 2007, under the Director of Public Prosecutions Act, to assess the candidates for the position of Director of Public Prosecutions. As you will recall, the committee included representatives from all opposition parties. The selection committee provided me three recommended candidates from which to choose. I appreciate the work of the committee members, a number of whom are with us today.

From this list I nominated Mr. Brian Saunders. Mr. Saunders has been acting Director of Public Prosecutions since December 2006 and has demonstrated his expertise and dedication to working in the best interests of Canadians. I am confident that he will continue to be instrumental in maintaining the level of confidence Canadians expect from their criminal justice system.

As you may know, parliamentary committee approval is required before I can recommend Mr. Saunders to the Governor in Council for appointment as Director of Public Prosecutions. I believe you indicated in your opening comments, Mr. Chairman, that this committee will review the proposed appointment of Mr. Saunders on Wednesday.

In addition to accountability, my department seeks to ensure accessibility, efficiency, and fairness of our system of justice, and to promote respect for the rule of law. In that regard, the department administers a number of funding programs that I believe are of great value to Canadians. One of them is the child-centred family law strategy.

As our supplementary estimates indicate, we wish to allocate an additional \$24.42 million for the Department of Justice's child-centred family law strategy. The programs under this strategy aim to minimize the potentially negative impact of separation and divorce on children. The objectives are to help separating and divorcing parents agree on parenting arrangements that focus on the needs of their children, and to keep such cases outside of a courtroom wherever possible. This not only reduces the impact of family breakdown on our children but lessens the burdens on our courts. The strategy, which was originally slated for five years, was renewed for a sixth year, for which the supplementary funding is needed.

As of April 2009, the initiative supporting families experiencing separation and divorce, announced last September to begin in fiscal year 2009, will begin building on the successes of the previous initiative to improve access to the family justice system and encourage parents to comply with their family obligations, including support and access. Overall funding for this initiative amounts to \$122 million over five years, which will support mediation, parenting education, and child support recalculation services. It will help parents make sound decisions and maintain positive relationships with their children. In addition, we will provide \$16 million per year for the provinces and territories, which are responsible for the delivery of family justice services. This funding will support enforcement services to help the provinces and territories collect child support for the benefit of families.

Some of that funding will also be available for non-governmental organizations to promote legal education and professional training. This initiative demonstrates the government's commitment to strengthening Canadian families and ensuring that those families experiencing separation and divorce will continue to be well served.

My department is also requesting supplementary funding to continue providing legal advice to the Government of Canada in matters relating to national security. The funding will ensure that the government will continue to rely on the expertise and representation of Justice counsel in cases such as those detailed in the report of the Iacobucci inquiry. As the related cases come before the courts, the government will continue to rely on the expertise and representation of Justice counsel.

This government remains committed to helping victims better navigate and deal with the criminal justice and correction system. To that end, we have increased allocations to the victims fund by \$5.75 million annually since budget 2006 to, among other things, provide greater financial assistance to those victims who wish to attend National Parole Board hearings, assist Canadians who have been victimized abroad, provide additional funding to provincial and territorial governments to enhance or develop new services for underserved victims of crime, and provide resources to the territories to directly assist victims with emergency costs. In total, we've increased the funding to the federal victims strategy by \$54 million over four years. We have established an independent federal

ombudsman for victims of crime to ensure that the federal government lives up to its commitments and obligations to victims of crime, and gives victims a strong and effective voice in the justice system.

● (1540)

I had the pleasure of tabling the office's first annual report to Parliament last week, along with the government response to recommendations.

The Department of Justice has the overall lead on the national anti-drug strategy, which was announced in October 2007. Through its youth justice fund for treatment programs, the Department of Justice is responsible for allocating funding through provincial, territorial, and non-governmental organizations to programs that explore and evaluate drug treatment options for youth in the justice system. Over the last year, the Department of Justice has allocated a total of \$1.47 million to programs that have supported salaries for addiction workers in Prince Edward Island, offered equine therapy in western Ontario, and supported a treatment program for aboriginal youth involved in drugs and gangs in Manitoba. These programs are providing innovative treatment options for youth who are addicted to drugs.

I believe that legal aid is one of the pillars of Canada's justice system and ensures continued protection of individual rights. In budget 2007, for the first time in more than a decade, the government converted the \$30 million in interim resources into ongoing permanent funding for criminal legal aid.

[*Translation*]

This approach provides stable and predictable federal funding that will assist the provinces and territories in developing long-term strategies to support and manage the delivery of criminal legal aid.

[*English*]

In addition, this government continued interim resources for immigration and refugee legal aid of \$11.5 million annually to the provinces that provide these services: British Columbia, Alberta, Manitoba, Ontario, Quebec, and Newfoundland and Labrador. I believe that in cooperation with our provincial and territorial partners we will continue to build a more effective legal aid system.

Mr. Chairman, our department has also requested some \$3 million in the main estimates for grants and contributions under the justice partnership and innovation program. This program contributes to policy development to ensure the justice system remains accessible, efficient, and effective. Some of the resources dedicated to the program are used to support public legal education and information organizations that provide Canadians with plain language, user-friendly legal information on issues related to general law, family violence, or family law. The Department of Justice is committed to continuing to play a leadership role in ensuring that Canadians have access to justice.

Mr. Chairman, our government also recognizes that our aboriginals enter our criminal justice system in disproportionate numbers. To that end, we have renewed our commitment to the aboriginal justice strategy until 2012, and we'll make an additional investment of \$40 million, for a total of \$85 million over five years.

The strategy provides programs and justice services to more than 400 aboriginal communities across Canada, helping to hold offenders accountable for their actions, increasing awareness of victims issues, and promoting greater youth connection with aboriginal culture and traditions. Over time, they have helped reduce the number of aboriginal people coming into conflict with the justice system. By recommitting and increasing our support to this strategy, the Government of Canada will be better able to continue its partnership with aboriginal communities, service providers, and our provincial and territorial partners.

Mr. Chairman, we have accomplished much in the way of justice legislation, which has been complemented by initiatives and legislation undertaken by my colleagues, the public safety minister Stockwell Day and now Peter Van Loan.

As you know, we have passed into law the comprehensive Tackling Violent Crime Act, which aims to better protect youth from sexual predators, protect society from dangerous offenders, get serious with drug-impaired drivers, and toughen sentencing and bail for those who commit serious gun crimes. We've also increased penalties for those who are convicted of street racing, ended conditional sentences for serious personal injury offences, introduced a national anti-drug strategy, and conducted a cross-Canada review of the youth criminal justice system.

I want to reiterate why we undertook the review of the youth criminal justice system. Many Canadians have told us that serious and violent young offenders are sometimes not held fully accountable under the act. Our government shares the concern, and it has committed to ensuring that youth sentences are proportionate to the seriousness of the crime. We felt that the fifth anniversary of the act provided an opportune time to embark upon a review of how this country deals with its young offenders.

In February 2008, I met with my provincial and territorial colleagues here in Ottawa, which was followed by cross-country round table sessions with youth and partner organizations. I sought the input of provinces and territories because they of course play a key role in administering the act. It was clear that for the majority of non-violent offenders the act is working, but for the small percentage of violent repeat offenders it has not worked. Colleagues, I think it is important to improve Canadians' confidence in the youth justice system, and it is something to which we all must be committed.

Mr. Chairman, we know there are a number of serious violent youth offenders. Some of these offenders have serious mental health issues that require specialized assessment and treatment services. Through the intensive rehabilitation custody and supervision program, or IRCS, the Department of Justice assists provinces and territories in providing these services. We have asked for \$11 million in federal funding, from fiscal years 2008 to 2012, to be made available to the provinces and territories.

We have broadened the scope for this funding. Prior to this change, only youths serving an IRCS sentence for serious offences, which include murder, manslaughter, attempted murder, and aggravated assault, received the treatment. Now youth who have similar mental issues and have committed a violent offence involving serious bodily injury, or harm for which an adult would be subject to a maximum of a 14-year penalty, are eligible for this treatment. By providing this funding, we are helping to ensure that some potentially dangerous young offenders will get the treatment they need to reduce the risk they pose to the community. This will not only protect the public but help rehabilitate these youth.

● (1545)

The safety and security of Canadians is a priority for our government, so you can be sure that we will continue to proceed with our agenda, including addressing such issues as identity theft, property crimes, and the growing threat of organized gangs.

The abuse and neglect of older adults is of concern to our government. The federal Department of Justice is pleased to be participating in the federal elder abuse initiative, which was allocated \$13 million over three years in budget 2008. The initiative is led by Human Resources and Social Development Canada, and our department's portion will be contributed to that initiative. With the funding, we intend to assist public legal education organizations within the provinces with programs and publications on the legal aspects of elder abuse, as well as fund research on crimes against seniors and on how to raise awareness of elder abuse.

To conclude, I would like to express my appreciation and thanks to you and your committee for all the work you are doing and will do in the future. The Department of Justice is instrumental in the government's work to respond to the needs of Canadians. Our many programs and initiatives require collaboration, of course, with our provincial partners as well as municipalities and other government departments. This collaboration accounts for much of my department's success in responding to the needs of Canadians through our many programs and initiatives. If we're able to keep Canadians safe and improve access to justice, our department will need to continue to receive the funding to do so. As I've demonstrated, these funds have brought results, and I will do my utmost to ensure that these funds will continue to be spent wisely in the service of Canadians.

Thank you very much.

The Chair: Thank you, Minister. I should also welcome to the committee your deputy minister, John Sims. I think he'll be available to answer questions if required and certainly act as a resource to you when you answer questions.

As agreed, we're going to have seven minutes for each questioner in the first round. We'll begin with Mr. Murphy.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Thank you, Mr. Chair.

Thank you, Mr. Minister and Mr. Deputy Minister, for being here. We do appreciate getting back to a functioning justice committee. It's like a new season.

I'll start right off with a question about youth criminal justice.

Mr. Minister, all of us are in ridings where youth criminal justice is an issue, and most of us are in ridings where the minister's tour on YCJA hit town. We in the opposition only know about it because we were given the opportunity perhaps to buy a T-shirt; we weren't invited to the meetings. But as a result of your meetings—the stakeholders were invited, many of whom, at the local level, MPs across the country would know—many of the stakeholders have told me that they were quite adamant with you, Mr. Minister, that the integration or the insertion of the principles of sentencing, namely denunciation and deterrence, would not work in the Youth Criminal Justice Act. Of course, the reason for that is, why have a Youth Criminal Justice Act, a Young Offenders Act, any youth legislation, unless it is markedly different from the Criminal Code?

As you know, the Criminal Code has the provisions for denunciation and deterrence for adults within it. You also know that for really heinous crimes there is discretion left. Your government has not been fond of keeping discretion in the judiciary, but it still remains for trial as an adult to occur in certain cases.

So my question—and it is related, although you may not think it is, to the estimates—is that you went on tour, you spent money and engaged experts and met stakeholders, but we have yet to see any work product from the tour. In short, did the tour take place, the consultations? What were the expenses? What product came out of it in real terms for Canadians who have spent the money? Since February 2008, you've met with the ministers of the territories and the provinces. There is product somewhere. When will Canadians see the work of that product and assure us that denunciation and deterrence were not the flavour du jour in any of the meetings from the stakeholders—because that's what I understand?

• (1550)

Hon. Rob Nicholson: Well, you've been a busy man, Mr. Murphy, if you've spoken with all the stakeholders in ten provinces and three territories.

Mr. Brian Murphy: In my riding.

Hon. Rob Nicholson: I'm sure you've had an opportunity to speak to a number of them in New Brunswick.

About a year ago, as I indicated in my opening remarks, I did consult with provincial and territorial attorneys general and justice ministers as to their views with respect to the Youth Criminal Justice Act. I indicated to them, as I have indicated to you, that with five years under our belt with that particular piece of legislation, this is an appropriate time to have a look at it.

I heard many things, quite frankly, across the country, and comments on every issue within it, quite frankly. I heard from some people that the Youth Criminal Justice Act works well in many instances, particularly with respect to non-violent offenders. There was certainly consensus that there has to be a separate youth criminal

justice system. It's something I am very much committed to, and that came through loud and clear.

We did, though, have push-back with respect to the most violent of young offenders and those of them who are repeat violent offenders. There actually was quite a bit of concern expressed to me. In terms of what these cost, the deputy minister has indicated to me that the estimate for these round tables across the country was approximately \$85,000.

In terms of what you can expect, again, we haven't introduced legislation on changes to the Youth Criminal Justice Act. We've indicated that we will come forward with changes to the Youth Criminal Justice Act, and that will certainly be the product of what we heard across this country and input we have received from our provincial and territorial counterparts as well as others.

For instance, one of the reports that's had a great impact on this, in my opinion, is the Nunn report out of Nova Scotia, with which you would be quite familiar. That report, among other things, focused on the challenge of having individuals or young people being charged and released and charged and released on a revolving-door basis. Mr. Justice Nunn specifically directed his attention to that. You may remember that we introduced legislation that specifically addressed it and the question of deterrence and denunciation, which you just mentioned. Again, that did not pass because the last Parliament did not continue. Again, we're committed to moving ahead and improving the system, improving services to young people.

I've been of the opinion since I've practised law that our best chance of helping people in the criminal justice system is when they are young. If you have somebody who's 45 and they've been committing crimes all their life, that's more of a challenge, quite frankly, than to intervene with somebody who is 16 or 17 years old. We remain absolutely committed to this separate criminal justice system for young people. Again, I think the five-year anniversary of that act was an appropriate time to have a look at it. As I indicated, I started that consultation process with provincial and territorial attorneys general in February of last year.

• (1555)

The Chair: We are moving on to Monsieur Ménard.

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Perhaps we could continue to briefly discuss the Youth Criminal Justice Act. The last time you appeared before the committee, you still had not made up your mind about the five-year review of the act, that is you hadn't decided yet whether you were going to consult with the committee or hold cross-country hearings. As far as I know, you have already launched these Canada-wide consultations.

I wonder if you could possibly table the documents that were used for these consultations. Several of these documents were posted on the Internet, but I would also like to know what conclusions you reached further to these consultations. If I understand correctly, your government is planning to table sometime in the next few weeks a bill calling for a major overhaul of the act. Are you now telling us that further to these consultations, the amendments will not be merely cosmetic, but actually more substantial? Obviously, I'd like to see all of the documents.

In addition, I would like to hear more from you about the services that will be helpful to people who are in the process of getting a divorce. Are we talking about mediation services here? What would this mean for Quebec? I would also like to know if you are planning to bring in amendments to the Canadian Human Rights Act. I'll start with these three questions and if I have time, I will have three more for you.

[English]

Hon. Rob Nicholson: That's a lot for three questions, Monsieur Ménard.

The product of those consultations will of course be any legislation that we table in the youth criminal justice area. You used a timetable. That timetable would be in consultation with the government House leader.

There are a number of initiatives that I would like to move forward on. We introduced a number of initiatives in the last Parliament. I'm quite interested and concerned about those. But again, with the present economic crisis in which we find ourselves, I understand that everything from the budget, the ways and means, the estimates.... I appreciate the overriding concern that Canadians have, and that is why Parliament at this moment is particularly—

[Translation]

Mr. Réal Ménard: Minister, will this be the first piece of legislation to come before the committee? Will we receive the documents that helped you get some idea of the amendments that were needed? Are you planning a major review of the act?

[English]

Hon. Rob Nicholson: With respect to documents that we have used, Mr. Ménard, I think you yourself pointed out that a number of them have been posted. Again, mine was a fact-gathering mission—my discussions with people across this country and with provincial attorneys general—and we will proceed in due course. I gave you a little bit of an idea with respect to the timetable.

With respect to divorce, I indicated to you that the family law strategy initiative that was announced recently provides assistance, for instance, to Canadians who want to access information with respect to child support—the federal involvement in that. We work with our provincial and federal territorial partners. I would be glad to provide you with further details of that strategy. It's one that I have been very interested in.

You had three points. With respect to the Canadian Human Rights Act, I'm looking forward to the report that will come from your committee. My understanding is that Mr. Storseth has tabled a motion on that. Of course you remember that not long ago we had

the Moon report, and we are looking at that. So I look forward to your conclusions and any comments you have with respect to that.

● (1600)

[Translation]

Mr. Réal Ménard: My comment concerns the Canadian Human Rights Act. I know that you represent that left-minded wing of Cabinet. As you know, many people would like to see incorporated into the legislation the social condition...

[English]

Mr. Brian Storseth (Westlock—St. Paul, CPC): I have a point of order, Mr. Chairman. The translation isn't quite keeping up, so if you could....

[Translation]

Mr. Réal Ménard: Alright. I'm sorry.

I'm directing my comment to you because I know that you represent somewhat the Conservative Party left on justice matters.

[English]

Hon. Rob Nicholson: I guess that's what you meant by....

[Translation]

Mr. Réal Ménard: Are you aware that for the past ten years, there has been talk of recognizing one's social condition as grounds for prohibiting discrimination and that Quebec is the only province to recognize this and to help social welfare recipients? It really is time for us to move forward on this. The federal government is the only jurisdiction not to provide protection to persons subject to the court's jurisdiction.

I'd like to hear your views on this matter.

[English]

Hon. Rob Nicholson: Monsieur Ménard, with respect to that and any suggestions you might have, please make them in this committee's study of that. Again, I welcome any studies, any reports, any comments on that, and we will have a look at whatever recommendations you and/or this committee come up with.

The Chair: Mr. Ménard, you have one minute, so one short question and a short answer.

[Translation]

Mr. Réal Ménard: Fine then.

In years past, Health Canada was responsible for the National Anti-Drug Strategy. Your department is now responsible for the Strategy. Can you provide us with additional details about treatment programs and what this really means in terms of jurisdictional compliance?

[English]

Hon. Rob Nicholson: First of all, while the Department of Justice has the lead on it, I just want to clarify that the Department of Health is also involved with this, as is my colleague from Public Safety. It's a joint initiative by all of us. Indeed, the first part of the initiative, among other things, was to get the message out, particularly to young people, of the dangers and problems with taking drugs. That took the form of advertising, of which you may be aware. You made reference to your own province of Quebec. It was distributed right across Canada, including in Quebec.

With respect to treatment, you will know that the drug courts that we have in Canada offer people an alternative to get out and break the cycle of getting involved with the criminal justice system. The strategy itself is flexible in terms of working with our partners to come up with innovative ideas, and I encourage you to have a look at it. It's an initiative that I was quite excited to be a part of, because we want, on the one hand, to be serious in terms of sending out a message to people who are in the business of dealing with drugs, or bringing drugs into this country, but we also have to extend a hand to people who have found themselves addicted and want to try to break that cycle. And so, something like the national anti-drug strategy is a great part of that overall strategy, which is to assist these people.

I hope that's of some help. The deputy minister has indicated to me that there are a number initiatives, not just by the Department of Justice, as I indicated, but also by my colleagues at Health Canada, and we'd be glad to leave that with you as well.

The Chair: Thank you.

Mr. Comartin, for seven minutes.

•(1605)

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

Thank you, Mr. Minister, for being here.

With regards to the legislative agenda, we were in the process of dealing with the identity theft amendments to the code. I won't say what happened at that point, but we stopped doing anything in this committee just about year ago, actually.

Is identity theft a priority for this government, to get that bill back before the House and this committee?

Hon. Rob Nicholson: It is a priority, Mr. Comartin, and I hear about this all the time.

If I could give you a quick anecdote, I used my credit card at an establishment in Niagara Falls. I got back home and immediately I was called by the credit card fraud people, who wanted to know how my day was going in Calgary, which was a bit of a problem since I'm in Niagara Falls. And they pointed out to me that my information must have been scooped up, sent out very quickly, and somebody was using my information in Calgary. And the woman on the phone made a passing comment, as she didn't know who I was, that identity theft was becoming a real problem in Canada. And I said, "You have no idea how completely I agree with you on that subject."

And so we have to do this. As I indicated to you, when I first made the announcement in Montreal, one of the reporters asked me, "Is this your attempt to get ahead of the bad guys?" I responded that I just wanted to catch up with the bad guys. Our criminal laws have to be changed to catch up with the changes in technology and the sophistication of the people who are in this business.

So yes, this will continue to remain a priority.

Mr. Joe Comartin: Will it be the first priority? Will it be the first bill that we see coming out of your department?

Hon. Rob Nicholson: I'll be discussing that with the government House leader, but it is one of those issues that I want to bring forward.

Mr. Joe Comartin: There was a newspaper article this morning about your compatriot in Public Safety not spending money. I note from the report that we got from the Federal Ombudsman for Victims of Crime that that department was slow in getting up. Did they spend their allotted funds in the previous budget year?

Hon. Rob Nicholson: I'm not saying whether they spent it all, Mr. Comartin. I don't want to say that. I can tell you that I'll pass your comments on to the Minister of Public Safety and inform him that he has left some money unspent.

I don't know what exactly you're referring to, except—

Mr. Joe Comartin: It was \$24 million out of a budget of \$43 million, and it was specifically for prevention.

Hon. Rob Nicholson: I know that we're moving ahead in all of these different areas. I can tell you that one of the things I am particularly proud of is the Office of the Federal Ombudsman for Victims of Crime.

You may remember that it was first recommended in the year 2000. A couple of administrations did not act on it, and approximately two years ago we moved forward with it, appointing the first federal ombudsman for victims of crime. His role, of course, is to get the office up and running. I have watched that very carefully and am very pleased with the initial results. Again, as I indicated to you a couple of days ago in Parliament, I tabled the first report of it.

So this is a success story. Standing up for victims and giving them an outlet or place to express their concerns, or their suggestions with respect to the issues that affect them, I think is a very important component of what we have done. Again, who can argue with standing up for victims and law-abiding Canadians? This is a step in the right direction.

Mr. Joe Comartin: I think the only argument you'd get, Mr. Minister, is that I don't understand why it took a full year to just get his office furniture and—

Hon. Rob Nicholson: I don't think that's the case. I visited that office, and it's not a question of getting the furniture. It was up and running. And I indicated to him that he had to be very careful who he hired, to make sure he had people who were sensitive to all the issues that were before him, and I believe he acted in an expeditious manner.

You may disagree with me, but I believe it has moved forward and I think this is one of the great success stories in the justice area.

Mr. Joe Comartin: Just to stay with dollar figures, in terms of this information that came out about public safety, there are a number of programs within Justice. You mentioned the family justice one, but there are others—legal aid, the victims of crime, the aboriginal community funding.

Hon. Rob Nicholson: It's an impressive list, I know.

Mr. Joe Comartin: Mr. Minister, I'm not quite sure how this information came out. I think it was the newspaper digging it out. Is there any mechanism within your department where at the end of the fiscal period you report specifically on funds that were not spent and in what categories they were not spent?

Hon. Rob Nicholson: My understanding is that a very complete documentation of what we have, what we need, and what we're going to need in the future is done on a regular basis. This is the whole basis, and I think you and I had this discussion last year, with respect to the various estimates that take place during the course of the year. I believe they do watch us very carefully, and certainly that is my instruction and admonition to them, to do that and to watch very carefully the expenditures on behalf of the people of Canada.

I think you're getting the officials, who may be coming as soon as I am done, and you can question them further to satisfy yourself. Again, we're not the largest department in the Government of Canada, but we're very careful with the funds that have been given to us.

• (1610)

Mr. Joe Comartin: Mr. Minister, was your department consulted for an opinion on the Omar Khadr file? And were any funds spent from your department this year on that file?

Hon. Rob Nicholson: I never comment on specific legal advice that's provided by the Department of Justice. And with respect to your question as to whether there were any funds, that's something we can look into, Mr. Comartin.

Mr. Joe Comartin: Would it show up if you had in fact spent funds on that? Would it show up in a separate line item?

Hon. Rob Nicholson: It's hard to say. If you're asking me about any specific legal advice, we give legal advice on a regular basis to many government departments and agencies, and again, that's what Parliament and the people of this country tasked us to do.

Mr. Joe Comartin: With regards to the Iacobucci inquiry, is there a line item somewhere as to how much your department has spent up to this point or what they will spend by the end of this fiscal period?

Hon. Rob Nicholson: I'll have a look at that, Mr. Comartin, and we will forward that information to you.

Mr. Joe Comartin: Thank you.

Those are all the questions I have, Minister.

The Chair: Thank you, Mr. Comartin.

We'll go to Monsieur Petit. I understand you're sharing your time with Mr. Moore. I'll let you decide.

Monsieur Petit first.

[Translation]

Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC): Thank you, Mr. Chair.

Good day, Minister. As we begin a new year, I'd like to welcome you here once again. I'd also like to extend greetings to my colleagues. We have been together for two or three sessions now.

Mr. Nicholson, I'm hoping that you can shed some light on a particular problem. Organized criminal networks are currently operating. Of course, we all have our own definitions of what these networks are: street gangs, the mafia, and so forth. In reality, these criminal networks are involved in drug trafficking. Thousands of tons of drugs are pouring into Montreal. These networks engage in the trafficking of persons and in prostitution. They practise extortion and use virtually every single dock and airport to make money. They strike fear in the hearts of Montrealers, in the hearts of our fathers and mothers.

The problem is that even though they are responsible for a lot of the drugs that come into Montreal, it's impossible for us to apprehend all of these criminals. People have the impression that there is no crime in Montreal. Yet, thousands of Montreal youth become totally dependent every day on drugs. We're not able to apprehend the criminals, and yet people are being led to believe that crime rates are dropping. This week, the pimp of a young woman who had been abused and forced into prostitution for two years was arrested. It didn't happen overnight. He was able to go about his business for two years as if nothing was amiss, even though he was committing a crime every day.

Minister, organized crime networks pose a serious problem, domestically as well as internationally. This type of activity knows no borders. It poses a threat to the Canadian and Quebec economies and a threat to public health and safety. What measures do you intend to bring in to reassure members of the public? Just because the statistics don't show it doesn't mean that crimes are not being committed every day.

[English]

Hon. Rob Nicholson: There's no question, Mr. Chair, that this is a growing problem in Canada. As recently as earlier today I was on the phone with the public safety minister of British Columbia with respect to the challenges they are facing in that particular province. I indicated to him, and am telling you, that we have begun the steps to crack down on this.

You will remember, in the Tackling Violent Crime Act, the provisions with respect to bail as they relate to people who are charged with serious gun crimes. We changed the bail provisions. I've had police already tell me that this is exactly what they need to try to break up these organizations so that the individual who has repeatedly shown himself or herself to be involved in gun crimes is not immediately back out on the street. This is a help. The mandatory sentences for those individuals who commit serious gun crimes is a step in the right direction. But I believe that we have to go further.

When I introduced changes to the drug laws of this country, I indicated that we, of course, want to help those unfortunate individuals who find themselves becoming addicted to drugs. At the same time, we sent a very clear message to those people who are in the business, for instance, of importing drugs into this country or of exporting drugs and to those people who are selling drugs to our young people. We sent them a very clear message, and those are the mandatory jail provisions in that particular legislation.

Here's what police and law enforcement agencies tell me. The people who are bringing drugs into this country—this is not the person who, one-off, is experimenting with a drug on a Saturday night—are people who are generally involved with organized crime. These are people involved with gangs. These are the people who are importing drugs into this country. And we have to send a very clear message to them that if you get involved with that kind of behaviour, you can expect jail time in this country. I think that's an appropriate message to send out to those individuals.

We're not talking about a person who just made a bad mistake one afternoon. No, no, we're talking about people who, as you say, with their criminal activity are in the business, quite frankly, of destroying or attempting to destroy the society in which we live. This cannot be tolerated.

We have brought steps forward to direct attention to this, and we will continue to do so. I thank you for the question.

•(1615)

The Chair: Monsieur Petit, we have approximately one and a half minutes left.

Mr. Moore, did you want to proceed?

Mr. Rob Moore (Fundy Royal, CPC): Sure.

Thank you, Minister, for appearing here today. We appreciate your presence here.

You touched on something earlier that I wanted to ask about, and that is the ombudsman for victims of crime and representation for victims and the place of victims in the process. I know that for a long time people were calling for support for victims. Certainly in my community in New Brunswick there's the sense that in the past, in the criminal justice system, the victims often got left behind in the process. We know that having representation for victims of crime was recommended in 2000.

We see the commitment that's been made and the moneys that have been put aside. I'm wondering if you can speak more generally on the need for support for victims of crime and why that's important to victims.

Hon. Rob Nicholson: Standing up for victims and law-abiding Canadians is a priority of this government. It's absolutely essential that we take their concerns and we take them seriously.

Again, as you pointed out, a committee recommended in the year 2000 that we establish the federal ombudsman for victims of crime. It wasn't acted on through two administrations, but it is something that I was very pleased our government was acting on. Let's face it, there are groups, organizations, and committees that represent every cause on earth in Ottawa, and I think it's only appropriate that there would be a specific office for people to deal with nothing other than the issues of victims in this country and their concerns.

I have to tell you as a footnote to this that one of the great champions of victims' rights, Gary Rosenfeldt, who along with his wife Sharon has been a pioneer in this area, just recently passed away. That's a great loss to people who take victims' rights very seriously. But I know he and his wife were very pleased to see us move forward on that. And I was very clear when I met on a number of occasions with the new federal ombudsman that that's his focus. It

could never get moved from that to other issues; it's victims and what they have to say, and making their issues his priority is the priority of that office.

So I think that this will be a permanent feature of our judicial system in this country. This office having been established, I believe that for the foreseeable future every government will recognize that this is an important aspect of the criminal justice system and that we need that kind of an office.

So again, I'm very, very pleased we were part of that and we got it up and running.

•(1620)

The Chair: You have five minutes, Mr. Dosanjh.

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Thank you.

Minister, I have just a couple of questions.

One is this. When you deal with issues of crime and safety, there's a whole spectrum of things, and the question I might ask you might legitimately belong in the public safety portfolio, but here's the question. You have in fact been spending over a billion dollars on incarcerating prisoners, legitimately so. You've been passing legislation that's been toughening up sentences and lengthening sentences for various crimes. Yet the money you've budgeted in the last two fiscal years on crime prevention can't get out the door. We are not spending the money preventing crime. We're not assisting the crime prevention groups that exist across this country that are actually clamouring for resources, that want to do crime prevention so that people don't get into a life of crime. How does that make sense to you? Canadians would wonder. You have this government that has this schizophrenic attitude, spending billions of dollars on incarcerating people, toughening up sentences, lengthening sentences, yet not spending enough money, not getting it out the door on crime prevention.

Hon. Rob Nicholson: I disagree with you, Mr. Dosanjh.

First of all, with respect to issues of public safety and the costs of incarceration, of course that would be more accurately directed to my colleague Mr. Van Loan. But with respect to the initiatives, I've indicated to you the national anti-drug strategy, and I think just within my opening comments I named a number of different groups that receive money. We're working with our provincial-territorial partners. We're prepared to support innovative ideas, and we have been doing that. We've been assisting these individuals, and if you know of groups or individuals who have innovative ideas that they want to—

Just the drug courts, for instance, or the aboriginal justice strategy—these are ongoing expenditures and they are designed to help break the pattern of repeat criminal activity, and I think they've been a success.

Hon. Ujjal Dosanjh: But Minister, tell me this. How is it that your government can't get the money out of the door on crime prevention?

Hon. Rob Nicholson: I think we're doing that.

I can tell you that we've put \$7 million in funding for Health Canada's community initiatives to help communities—they're getting that out; \$3.3 million to enhance the ability at Canada Border Services to inhibit the flow; \$220,000 for a drug intervention program, one specific one with respect to aboriginal youth; \$300,000 to improve addiction programs. All of these, \$250,000—

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Could you speak a little more slowly please. The interpreters are having a hard time keeping up with you.

[*English*]

Hon. Rob Nicholson: I'm sorry. I have such little time.

But I think we're getting it out the door, Mr. Dosanjh. Again, I'm the first one to agree that it has to be a comprehensive approach.

Hon. Ujjal Dosanjh: Let me just say that, of the \$43 million, less than half of it actually went out the door on crime prevention in the fiscal report already.

On drug treatment courts, you put out a press release in November of last year providing resources for drug courts in Canada. Have there been any extensive, comprehensive studies on the only drug court that exists in Canada, which is in Vancouver? If there have been, what were the results?

I am from Vancouver, and as a former attorney general who actually was campaigning for drug courts, I'd like to know what the studies are showing.

• (1625)

Hon. Rob Nicholson: As a matter of fact, with respect to the court in Vancouver, there is an ongoing study, which I would expect will be completed by March of this year. In answer to your next question, we will post that and we will certainly make that available.

There are drug treatment courts in six different cities across this country. We are very pleased with the feedback we have received, but we are doing an evaluation, so you will see the one for Vancouver and you will get the evaluation from all of them. I believe the results will be positive and you will agree with me that these are very helpful in breaking that cycle of dependency.

The Chair: Mr. Dosanjh, you have five seconds.

Hon. Ujjal Dosanjh: I'll be very quick.

You issued a press release expanding this program, providing more resources. Did you have a study done on the Vancouver drug court before you actually did this, and what did that study say?

The Chair: A quick answer.

Hon. Rob Nicholson: There have been ongoing analyses of all the drug courts in this country, and as I say, you'll be pleased to know that those evaluations will be posted in March.

The Chair: Thank you.

Monsieur Lemay.

[*Translation*]

Mr. Marc Lemay: Good day, Minister. I don't think we've had the chance to talk. I have listened carefully to the answers you gave earlier to my colleague opposite. I have 30 years of experience in the field of criminal defence law and as a criminal lawyer, I'd like to ask you a question. A certain problem has been noted and I would hope that it has been brought to your attention more than once. If not, you can be assured that I will take it upon myself to remind you.

The problem as we see it is not when criminals enter the correctional system. And it will not be resolved by imposing minimum prison terms. The problem, sir, occurs when criminals are released. They are released too soon, before serving their full sentence. I'm a criminal lawyer, so I know what I'm talking about. It's not normal for someone who has been sentenced to 22 months in prison to be released after four months. That's not normal, sir. I could give you myriad examples of cases just like this.

For starters, when do you intend to submit recommendations, proposals or suggestions for amending the Criminal Code and reviewing the Parole Act, to tighten up release conditions? When are you planning to do away with the famous one-sixth provision? You know what I'm referring to. I know from experience as a criminal lawyer that when a judge imposes a 36-month sentence on my clients, they don't worry too much when they are incarcerated because they know they will be out in six months. The public is fed up with this arrangement. I can assure you that Quebecers have had enough.

So then, my first question is this: when do you intend to bring in some amendments? I don't see this listed anywhere as one of your priorities and I was merely wondering if it is a priority for you.

I have a second question, and a third, if time allows. I am very concerned about young people and especially about the problem of Internet predators and Internet crime. Is your department planning to allocate any funding or assistance or to strike a committee to work on legal considerations—that's what we're interested in—to put an end to Internet crime and curtail the activities of Internet predators? We know all about these crimes. Are there programs in place that will be renewed?

I'm concerned about these two issues and I would appreciate some answers.

[*English*]

Hon. Rob Nicholson: Monsieur Lemay, with respect to any changes to parole, that of course would be the purview of the Minister of Public Safety. I would certainly be pleased to pass on any comments you have. I will do that on your behalf.

I'm surprised about, and I hope you will reconsider, your opposition to mandatory jail times. On the one hand, you made the comment that they're out too soon, but then you're against mandatory jail times. Again, I'm hoping you will keep an open mind. Certainly the Tackling Violent Crime Act has mandatory jail times, and I think that's going to work.

To your comments with respect to cyber crime, I think Canada is cooperating with agencies. You alluded to this being an international problem, that this is not something that takes place just in Canada. Quite frankly, I'm pleased with the amount of cooperation that is now taking place between countries. You will remember the individual in Southeast Asia who was accused of molesting children. That individual's face went around the world. That's the kind of cooperation that is now taking place between government agencies and governments around the world. This is the kind of thing we are doing.

Again, I appreciate the challenges. As I indicated with identify theft, trying to stay on top of all the innovations and changes that have taken place with respect to technology is a continuing challenge.

• (1630)

The Chair: We'll move on to Mr. Norlock.

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Thank you again, Minister, for being here.

Not wanting to waste any time with the niceties, I'd like to get down to business.

People look at Parliament and they see committee work being done. Then there's a new session of Parliament and we seem to be visiting different areas instead of the unfinished business we have.

Minister, I'm talking about the sex offender registry. You mentioned that it is an international problem. We know that. You've made reference to one of the most famous cases where there was international cooperation. Well, if there's international cooperation, I think what we need in this place is national cooperation. People pay a lot of money to get us here, and they expect us to do things. The sex offender registry is a piece of legislation that we have to visit; it's gathering dust.

I wonder if you could make a comment on where you see that. I've made the same comment at the public safety committee. We start things and we should finish them. I wonder if you could comment on the sex offender registry and where it is in your order of priorities.

Hon. Rob Nicholson: You probably raised it at the public safety committee because it's a public safety issue. If you're asking in general, of course a sex offender registry can be useful to police and police forces. We've come a long way in this country in the last 20 years in terms of getting the message out and assisting people on that.

I gave you the one example of cooperation that is now taking place between various countries. I was at a conference two years ago, and the Russian delegate pointed out that they had publicized some information with respect to a potential sex offender and Canada was one of the few countries that wanted to get further information.

I know my colleague the public safety minister takes this very seriously. This is the direction we have to go. We need greater cooperation inside and outside of Canada to deal with this.

If you go back 16 to 20 years ago in this country when we looked at child pornography, the traditional view was an abuse that took place to a child, with somebody selling it to somebody else. We very

quickly found out in the late 1980s and early 1990s that there was no money being transferred, which was one of the indicia of the crime. Many times these things were produced offshore and outside of Canada.

To try to catch up with what was happening in this area necessitated changes to the Criminal Code that have made it a crime to possess child pornography. Never mind whether there was any money being transacted, and never mind whether it was made inside or outside of Canada; that's irrelevant. Somewhere there were children being abused, and we had to take steps on that.

I think we've come a long way, but we have to continue to make progress in this area.

Thank you for your comments.

• (1635)

The Chair: You have one and a half minutes.

Mr. Rick Norlock: Mr. Minister, I was going to give an introduction to this particular issue, but I'd like to talk quickly on impaired driving. I believe there was recently a case out of Red Deer in which there was a challenge to prevent individuals from using the two-beer defence. Of course, there was a decision. I'm wondering what your thoughts are, if not on that particular case, then on some of the initiatives regarding impaired driving and driving under the influence of drugs.

Hon. Rob Nicholson: I think we've made considerable progress in that area by specifically enacting provisions within the Criminal Code that address the whole question of drug-impaired driving. If you're a victim of an impaired driver, it's of little comfort to you to know that the person was impaired by drugs as opposed to alcohol. Either way, you have become a victim of that individual's irresponsible behaviour. So I think it was time to bring forward those changes.

With respect to your reference to the two-beer defence, again, we're very careful in the drafting of these to see that they comply with the Charter of Rights and the Canadian Bill of Rights. That is the responsibility of the Minister of Justice. We're satisfied that the Tackling Violent Crime Act is constitutional, and certainly it addresses a concern that many Canadians have. Again, I'm pleased that we have made progress in this area in my lifetime with respect to people's attitudes towards impaired driving. It's everybody's hope that those improvements will continue.

The Chair: Thank you, Mr. Minister. I just wanted to let you know that I am cognizant of the fact that you have another engagement to go to, so we'll have you out of here by five o'clock.

Hon. Rob Nicholson: Thank you.

The Chair: We move now to Mr. McGuinty.

Mr. David McGuinty (Ottawa South, Lib.): Thank you, Mr. Chair.

Mr. Minister, thank you for joining us.

I'd like to ask you a few questions, if I could, about Omar Khadr. Mr. Minister, is Omar Khadr the only Canadian citizen left in Guantanamo Bay?

Hon. Rob Nicholson: That would more properly be directed to the Minister of Foreign Affairs, Mr. McGuinty.

The Chair: Is that a point of order, Mr. Storseth? What's the question?

Mr. Brian Storseth: How is the question relevant to the estimates?

The Chair: I'm going to allow the question. It's the first appearance the minister has before this committee, and I think we want to give some latitude to ask questions as long as we try to focus on the estimates.

Mr. David McGuinty: Thank you, Mr. Chair. I do want to focus on some expenditures that, I believe, were incurred by the department in the Omar Khadr question.

Mr. Minister, have you commissioned or received legal opinions on Omar Khadr at the expense of the Department of Justice?

Hon. Rob Nicholson: Would you repeat that, Mr. McGuinty?

Mr. David McGuinty: Have you received or commissioned legal opinions on the status of Mr. Khadr as a Canadian citizen in Guantanamo Bay?

Hon. Rob Nicholson: I would never confirm whatever legal opinions I've requested or indeed any legal opinions I've given, Mr. McGuinty, with respect to any other department of the Government of Canada. We treat that information with solicitor-client privilege. As I indicated I believe to Mr. Comartin, we do provide legal advice to a wide range of government departments. Whatever information we give, or the extent to which we give advice, we treat it with solicitor-client privilege. You can probably understand that.

Mr. David McGuinty: Let me ask you something then, Mr. Minister, if I might.

You are Canada's top lawyer.

Hon. Rob Nicholson: Thank you very much.

Mr. David McGuinty: You're a federal Queen's Counsel. You had a distinguished practice, I understand, before you—

Hon. Rob Nicholson: Keep going, because this is music to my ears. Please go ahead.

Mr. David McGuinty: Let me ask you your view as a lawyer and officer of the court with respect to the Omar Khadr situation.

Hon. Rob Nicholson: Any advice I give as a lawyer, Mr. McGuinty—

Mr. David McGuinty: But I'm not asking for advice.

Hon. Rob Nicholson: I don't give any advice as a lawyer outside of my responsibilities as Attorney General and justice minister.

Mr. David McGuinty: But Mr. Minister, I'm not asking for advice. I'm asking for your view as a Queen's Counsel.

• (1640)

Hon. Rob Nicholson: You asked me how I felt about it in my role as a lawyer. Generally when somebody asks you that question, they're asking you your legal opinion on a particular issue or action.

I think the system works well, quite frankly, in Canada. I was reading recently about Sir John A. Macdonald when he put both roles of Minister of Justice and Attorney General together. We've continued with that tradition that the justice minister and Attorney

General will give that kind of legal advice to various government departments on various issues.

Mr. David McGuinty: So Mr. Khadr is the only Canadian citizen in Guantanamo, I take it. I take it you likely have received—

Hon. Rob Nicholson: That's your comment. I'm not making any comment on it, Mr. McGuinty.

Mr. David McGuinty: How could you not know that, Minister?

Hon. Rob Nicholson: Again, you already directed these questions to the Minister of Foreign Affairs and you've got your answer from him, and he speaks on behalf of the Government of Canada.

Mr. David McGuinty: Let me put it to you this way, Minister. Are you putting provisions in place now, as the Minister of Justice, to deal with Mr. Khadr when he is ultimately repatriated, if he is?

Hon. Rob Nicholson: What I'm doing, Mr. McGuinty, is moving forward on my justice legislation, and again, any hypothetical questions are hypothetical and I will leave them as such.

Mr. David McGuinty: So the treatment of a Canadian citizen, Omar Khadr, is not in the purview of the Minister of Justice. Is that what you're telling us?

Hon. Rob Nicholson: I'm telling you, Mr. McGuinty, that the spokesperson for the Government of Canada is the Minister of Foreign Affairs. You and some of your colleagues have asked questions a number of times on that, and whatever advice I give to my colleague or to the Government of Canada in my formal capacity as Minister of Justice and Attorney General will remain that.

Mr. David McGuinty: Minister, I have another question for you. It connects both to the Omar Khadr question and to the question of the Government of Canada's recent reversal of a long-standing policy of seeking commutation of death penalty convictions outside this nation state.

Minister, do you believe in different categories of Canadian citizenship?

Hon. Rob Nicholson: I believe in Canadian citizenship. This is the greatest citizenship to have in this world, and everyone who is a Canadian citizen should be very proud of that. Of course many rights and responsibilities come with being a Canadian citizen, and we can all celebrate that.

Mr. David McGuinty: You would probably agree, Minister, then, as a result, that citizenship is citizenship is citizenship, and we wouldn't—

Hon. Rob Nicholson: I used to say a Liberal is a Liberal, but I'm not sure what point you are making, Mr. McGuinty.

Mr. David McGuinty: This country wouldn't apply different categories of citizenship to its Minister of Justice, would it?

Hon. Rob Nicholson: I beg your pardon?

Mr. David McGuinty: This country wouldn't apply or bring to bear different categories of citizenship; we would treat all citizens equally, wouldn't we?

Hon. Rob Nicholson: I think I've made my comments with respect to citizenship pretty clear.

Mr. David McGuinty: Thanks, Mr. Minister.

Thank you.

[Translation]

Mr. Daniel Petit: On a point of order, Mr. Chair.

[English]

The Chair: We have a point of order.

[Translation]

Mr. Daniel Petit: I've been listening to Mr. David McGuinty for several minutes now. Omar Khadr's case in one thing, but Mr. McGuinty is playing politics with a very touchy subject. The minister is here today to discuss the directives that will be issued to us during the year. Mr. McGuinty is playing politics, and that's an extremely serious matter. Everyone seated here at the table knows in fact that the Minister of Justice cannot disclose his sources or reveal what kind of advice he may have received.

Therefore, I'd like to ask Mr. McGuinty to stick to the issue on today's agenda. It's not that he is wasting our time. Far from it. In fact, I admire his nerve. However, this is not the appropriate forum for this discussion.

[English]

The Chair: Monsieur Ménard.

[Translation]

Mr. Réal Ménard: I would not want to see Mr. Petit set a dangerous precedent. When a representative of the Crown testifies before a parliamentary committee, all members of Parliament have the right to ask questions. Contrary to what Mr. Storseth was saying, it's possible to discuss something other than the estimates. Admittedly, the minister is not responsible for this file, but all parliamentarians have the right to question ministers of the Crown about the government's activities.

You should inform Mr. Petit this his is not a true point of order.

[English]

The Chair: Mr. Murphy.

Mr. Brian Murphy: On the point of order, Mr. Chair, the whole question, it seemed to me, was whether Mr. Petit and others thought it was relevant. Clearly you felt it was relevant; you didn't interrupt Mr. McGuinty. Clearly if the chief legal officer in Canada doesn't know what a Canadian citizen is, we feel it's relevant.

In future if you want to decide what's relevant and what isn't, that might shortcut all these points of order.

The Chair: Mr. Murphy, you know I did allow the question. I'm prepared to allow a certain amount of flexibility in asking a question.

As it turns out, Mr. McGuinty's time is up, and we'll move on to Mr. Rathgeber.

•(1645)

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Thank you, Mr. Chair, and thank you, Mr. Minister, for your attendance here this afternoon.

I will ask a question that I believe is relevant and falls under your purview as the Minister of Justice. It's picking up on some questions that Mr. Lemay had with respect to early release. I'd like to ask this from the other aspect of this, and that is with respect to credit given for pre-trial custody.

A number of chiefs of police and several solicitor generals from the provinces have great concerns that judges are routinely giving two-for-one, and sometimes three-for-one time credit for individuals while they're awaiting ultimate disposition in remand centres. In fact, it's been suggested that some individuals in remand are deliberately delaying the process through pre-trial applications, adjournment applications, firing counsel, and delaying their ultimate trial. They deliberately drag out the system so they can get two-for-one and three-for-one credit for the time they spent in pre-trial custody.

My question is, has the Department of Justice had any studies on whether or not in fact this does occur and if it is a problem? If so, is it the priority of the government to perhaps deal with the discretion that the judges seem to be exercising with respect to two-for-one and three-for-one credits for pre-trial custody?

Hon. Rob Nicholson: I know there's quite a bit of work that goes on, Mr. Rathgeber, with respect to all aspects of the criminal justice system. This is an issue that has been raised with me by my provincial counterparts and it has been discussed. I've indicated on a number of occasions that we look at all aspects of the criminal justice system, and we're taking our changes to the criminal justice system one step at a time. I've indicated, for instance, that I think the mandatory jail sentences that were provided in our drug laws are steps in the right direction. We don't close the door off to any reform of the criminal justice system in this country.

That being said, in response to other questions, we have a number of issues that I would like to see addressed, including identity theft, car theft—auto theft is a huge problem in this country—organized crime, gangs, drugs. I hope we can move through all these issues in an expeditious manner. Perhaps we can get those pieces of legislation passed when they are introduced. As I said to you or to your colleagues, we're just getting started with changes to the criminal justice system in this country, and we would continue to make that available.

It's our understanding that judges take this into consideration, quite frankly, when they are making that sentence. They know how long the individual has been detained. One of the things we're doing is that we'd like to see the process speeded up in the sense that people get access to justice, have their case heard, and move forward on the system.

You'll remember, or perhaps you may not remember, in the previous Parliament we had Bill C-13, which addressed a number of efficiencies in the system, because we want the system to move forward so you're not having an individual who finds himself or herself spending a long time in incarceration before their matter is being heard. These are our ongoing concerns, and we've made progress.

This was interesting to me. On that Bill C-13, which addressed a number of concerns, I was told, for instance, that this was the fourth attempt in 10 years to get something like that passed. So we're always looking for efficiencies and ways of expediting the process, at the same time as concerning ourselves with the rights of the individuals, as well as the rights of the victims and law-abiding Canadians. We want the system to work and we're prepared to look at all suggestions in this area.

Mr. Brent Rathgeber: With respect to young offenders, I know during the election there was some concern that the government wanted to put 14-year-olds in adult detention centres. I understand the Supreme Court of Canada recently also weighed in on this issue, so I was wondering if you could comment on the current position of the government with respect to transfers of 14-year-olds into the adult penitentiary system.

• (1650)

Hon. Rob Nicholson: Again, there's been quite a bit on this. We've indicated that the youth criminal justice system must effectively hold young offenders accountable for serious crimes and there must be meaningful consequences.

There were comments about putting young people in with adults. That's absolutely untrue. It was never said by me or by anyone associated with our government, because we believe that's not where young people should be. They should be with other young people, getting the treatment and help they need. We've been very, very clear on that.

In May 2008 the Supreme Court decided that a young offender could no longer automatically get an adult sentence for most serious sentences as prescribed, with the onus being on the defence; however, the court did not rule out adult or longer sentences where the crown could successfully argue that the most appropriate sentence would be a longer sentence for youth offenders.

Ours is a balanced approach. Again, I heard quite a bit about this and about concerns that people have in this area. There are many, many people encouraging this government to act.

The Chair: Thank you.

Mr. Moore, did you want to take another question?

Mr. Storseth, do you have a question?

Mr. Brian Storseth: Sure. Maybe I'll split my time with the parliamentary secretary. I do have a couple of questions I'd like to ask the minister, though, thank you, Mr. Chair.

Minister, thank you very much for coming. It's indeed unusual for a minister to give us an hour and a half right off the bat, so it's nice to have so much of your time.

I noticed a couple of points within your opening comments. First, you talked about the family law strategy. I may not have the full name correct here, but it seems to have been a fairly successful program. You said it was a five-year program that has currently been extended for a sixth year. Is that correct?

Hon. Rob Nicholson: It's the sixth year, with continuous funding for the next four years.

Mr. Brian Storseth: So we do have a plan to move forward.

Hon. Rob Nicholson: Yes, it's to move forward on it.

Mr. Brian Storseth: Excellent.

The second question I had was on the \$85 million over five years for an aboriginal justice strategy, which we have moving forward. I'm assuming that education is a key component of this strategy.

Hon. Rob Nicholson: There's no question about that. Of course we have a constitutional responsibility with respect to aboriginal Canadians. Therefore, as part of our ongoing efforts to work with them and assist those individuals who come into conflict with the law, we have the aboriginal justice strategy.

I can tell you that when I became justice minister a couple of years ago and was looking very carefully at all the different programs and where the money from the Department of Justice was spent, this actually caught my attention from the positive feedback I received on it. It was a hands-on attempt to break the cycle of an individual who finds himself or herself caught up in the criminal justice system. This is exactly what we want. I indicated to you that we're working with over 400 aboriginal communities across Canada. Again, I get good feedback on it.

I think most Canadians who would have a look at that and take a fair-minded approach to it would agree that this is exactly what we should be doing. Again, it was one of those programs—one of many, quite frankly, we're involved with—that caught my attention at a very early stage in my role as justice minister and one with which I've been very, very pleased.

Mr. Brian Storseth: On the link to the program and the amount of money in the program, I have several first nations communities in my riding. As well, I served on the aboriginal affairs committee in the last Parliament. This was a big issue. It does seem as though there's been an increase in funding for this program over the last several years. That's something that's very much appreciated by first nations.

Hon. Rob Nicholson: There has been, Mr. Storseth, and why not? Again, I think this is money well spent. I think it touches so many different aspects of an individual who gets caught up in the criminal justice system. This is money well spent. This is exactly what we should be doing.

Mr. Brian Storseth: My last question would be in regard to your consultations you've had on the Youth Criminal Justice Act. I believe you were in Edmonton. In our area we had some very positive feedback. It's certainly a little different from what I heard from Mr. Murphy.

One of the things I heard brought up a few times was concern about bullying and how it could be looked at within the Youth Criminal Justice Act. Have you had a lot of feedback on that in your consultations, not just in the Edmonton area but across the country?

•(1655)

Hon. Rob Nicholson: I can't say that I've heard quite a bit about that. I've heard about many of the causes of youth criminal justice offences, going back to problems with fetal alcohol syndrome and what a terrible role that plays in the lives of some individuals. I've heard a wide range of opinions on that, but the accountability and seriousness with which groups take the whole issue of the youth criminal justice system came through loud and clear.

I've heard from many groups that for non-violent, particularly first-time offenders, the system works well, but there is concern. In the Nunn report the concern, among other things, is about individuals continuously being released, and not enough being done to intervene with individuals who, for whatever reason, are out of control. For their protection and the protection of society, intervention needs to take place.

Mr. Brian Storseth: Thank you, Mr. Minister.

The Chair: Thank you.

We have one more question on the government side for five minutes. Who will take that?

Mr. Rob Moore: I have one more question to the minister.

The Chair: Mr. Moore.

Mr. Rob Moore: Minister, thank you for being here today and for your time.

You mentioned, in your opening remarks on legal aid, the permanence and stability of the funding going forward. I'm wondering what the feedback has been that brought us to that point. I know in the past there were issues with the provinces, where they were unable to count on their federal counterparts in that way and for stable, long-term funding. I'm wondering about this change in focus in this method of funding.

Hon. Rob Nicholson: Thank you very much for the question.

As I indicated to you in my opening remarks, legal aid is a vital component of the criminal justice system. While I appreciate that it's administered and for the most part funded by the provincial governments, it is a vital component of what we are doing in making sure that an individual gets the kind of representation they have to have when they're tied up with this. Sometimes, and not necessarily for bad reasons, temporary funding is put out just to see how a program is going to work, whether it's valuable. That's legitimate.

I think it's important, to the extent that we can, to provide long-term, stable funding that can be counted upon by, in this case, the provinces, rather than have the door open on a regular basis to see whether in fact that level of federal government support is going to be there. The provinces have to be in a position to be able to plan their financial future, their budgetary measures, and they have priorities. Of course one of them is legal aid.

So I think this is a better way to do it, to establish that this is permanent funding and something that can be counted upon, because again, having access to legal counsel is an essential component of fairness within our system. We are pleased to work with our provincial and territorial counterparts on that and we'll continue to do so.

The Constitution of this country provides that the administration of justice is given to the provinces, but the actual passing of Criminal Code changes is to the federal government. While there is that split, it's still a partnership. We all have a stake in seeing that the system works.

As I said, I think we can take a great deal of pride in this country in our criminal justice system. That's not to say we don't have changes or we shouldn't have changes. We are absolutely committed, as we were in the last Parliament, to make sure there are those changes to the criminal justice system. As I indicated to you, we will be coming forward with more changes. It's my hope that this committee doesn't get bogged down in political gamesmanship. I certainly hope we wouldn't get into that. I hope the committee can work constructively to move forward with a number of these initiatives that Canadians are asking us for.

We can take a great deal of pride in some of the things we have done. Raising the age of protection from 14 to 16 is very, very important. I think it sends out the correct message to those individuals, for example, who are in the business of molesting and taking advantage of young people. I think we can all take some satisfaction that we've helped to get that through.

But there are other things we have to move on. As I indicated to you, identity theft is one of them, and changes to the laws with respect to auto theft. There are gaps in the law right now. We have to plug up those cracks in the system and make sure that our laws are up to date.

On the one hand, the provinces administer these laws, but again, we're the ones who bring forward so much of what they have to deal with. This is one of the reasons I am in consultation on a regular basis with my provincial counterparts, because I know they're the ones who have to administer the laws that we pass. It's been a good relationship, and I look forward to continuing to work them, as I look forward to continuing to work with you.

•(1700)

The Chair: Minister, thank you for your appearance here, and Mr. Sims as well.

We'll let you get on your way. We will have you back again, as I'm sure you expect. We look forward to continuing dialogue with you.

Hon. Rob Nicholson: Thank you very much, and good luck on your deliberations.

The Chair: Before we deal with the motions, what is the will of the committee? Typically we would now approve the supplementary estimates. There are a number of motions I would typically call for. Is that the will of the committee?

[*Translation*]

Mr. Réal Ménard: Yes.

[*English*]

The Chair: All right.

You'll note that there are four motions before you. I will move to votes 1b, 5b, and 30b under Justice.

JUSTICE
Department

Vote 1b—Operating expenditures, and, pursuant to paragraph 29.1(2)(a) of the Financial Administration Act, authority to expend revenues received in a fiscal year, and to offset expenditures incurred in the fiscal year.....\$9,262,349

Vote 5b—The grants listed in the Estimates and contributions.....\$16,000,000
Courts Administration Service

Vote 30b—Program expenditures.....\$1,349,175

(Votes 1b, 5b, and 30b agreed to)

The Chair: Finally, shall I report the supplementary estimates (B) for 2008-09 to the House?

Some hon. members: Agreed.

The Chair: Thank you.

Unless you wish otherwise, what we'll do now is move on to the motions that we have before us. There are actually five motions that have been tabled with the committee. What I was hoping to do is deal with the motions where there appears to be immediate consensus; we can dispose of those right away and then move on to the more contentious ones.

Mr. Brian Murphy: I would suggest that there have been some discussions and that Mr. Moore's motion on impaired driving is probably one that would not require a lot of debate. That's just a guess, but perhaps that could be taken first.

The Chair: Let's take that one first.

Mr. Moore, do you want to formally make that motion?

Mr. Rob Moore: I move the motion.

We've had some discussion in the past about impaired driving, and it continues to be a number one criminal cause of death in Canada, so I do wish that we would report some findings out of this committee. We did hear evidence on drug-impaired driving, but it would be good for us, as the motion says, to study impaired driving generally and to make some recommendations as a committee. I think it's an appropriate subject matter for us to be studying.

● (1705)

The Chair: Mr. Murphy.

Mr. Brian Murphy: Obviously it's a good motion and I think the Liberal side would agree with it. Unlike some motions, it doesn't have within it the estimated number of hearings. Perhaps that's because we will submit it to the subcommittee or the steering committee.

But I would wonder what was in the mind of the parliamentary secretary in terms of who he'd like to meet. We have had a go at this and we have had a number of witnesses, and it might be useful for the education of the steering committee to submit each party's vision of how many days might be required and what witnesses would be required. Is that the intention?

Mr. Rob Moore: I think we could study this for three meetings—in light of the fact that most of us around the table have already done some study on impaired driving—as long as the steering committee, as well as the committee, felt we were getting a broad enough spectrum of witnesses and were able to do the issue justice. But in my view, three meetings on this subject would be worthwhile.

The Chair: Monsieur Ménard, and then Mr. Comartin.

[*Translation*]

Mr. Réal Ménard: The Bloc Québécois is also of the opinion that any study under way should be completed before a new one is undertaken. The only thing that worries me is the wording of the motion. There is no mention made of the fact that the Chair shall report back to the House. Would the parliamentary secretary like a proper report, that is would he like to be mandated to report back to the House? Or is the objective simply to hold consultations? If that is the case, then I think we should amend the motion. The clerk can correct me if I'm wrong, but I think the motion needs to be worded in technical terms so that the Chair is required to report back to the House. I saw no such wording in Mr. Moore's motion. Perhaps he does not want the Chair to report back to the House. If so, that needs to be clearly stated. Do you in fact want the Chair to report back to the House?

[*English*]

The Chair: Mr. Moore.

Mr. Rob Moore: For now, I'm happy with the motion as it is. I think for us to get into drafting a report and findings takes additional time. I'll certainly consider that, but I'd like to see us bring forward some witnesses who are dealing with the subject matter at hand. There are some topics here that we haven't really delved into much as a committee. Most of our focus in the last session of Parliament focused on drug-impaired driving, and this is dealing with impaired driving and blood alcohol levels. It's something that interested committee members when we had witnesses here speaking about drug-impaired driving.

[*Translation*]

Mr. Réal Ménard: Mr. Chair, I'm merely trying to understand what point there would be to not having a report. Will we simply have the committee's minutes of proceedings to refer back to? What will be the purpose of this whole exercise? It's not that I really object to the fact that there won't be a report, but in my view, we need to be aware that the scope of our work will be more limited in that case. Do you not think that our ultimate goal should be to produce a report?

[*English*]

The Chair: What I'd like to suggest is that we move forward with the motion as presently drafted. When we move in camera and we discuss the work plan, we can also talk about whether the work to be done on the impaired driving study will actually form the basis of a report and be reported to the House.

Is that acceptable? We're going to have an in camera meeting—

[*Translation*]

Mr. Réal Ménard: It is not the usual way of doing things, but if this is what the committee wants, then I will go along with it.

[*English*]

The Chair: Actually, Mr. Comartin was next, and then Mr. Dosanjh.

Mr. Joe Comartin: Mr. Chair, we have various motions here today, so perhaps we need some direction from you as to how these are going to be prioritized, in terms of which one is going to get on the work schedule first. I don't know if we should be dealing with this issue as each motion is dealt with, or if we should come back to it.

Quite frankly, I don't have a problem with dealing with this one first in terms of our work schedule on matters other than government legislation. But I think we should be indicating that if we approve this, it doesn't necessarily mean that it will be the first one we deal with; that issue will be determined at some point in the future.

• (1710)

The Chair: No, and I didn't make that assumption either. However, in the steering committee, Mr. Comartin, you will recall that we did agree that the next three meetings after the Director of Public Prosecutions appears will be occupied with the impaired driving study. We can always change that, of course, but I would suggest that we go ahead with the motions and find out which one we're going to move forward with and then decide where they fit into our work study. And that, of course, is going to be done by consensus at this table.

Mr. Joe Comartin: Thank you.

The Chair: We have a motion on the table. We can do it by consent. Is everyone amenable to accepting this motion?

(Motion agreed to)

The Chair: There were four other motions. Are there any on which you expect there will be consensus?

I know, Monsieur Ménard, you had put forward a motion regarding a study.

[Translation]

Mr. Réal Ménard: Earlier, I spoke to the parliamentary secretary. We put some questions to the minister about organized crime. I think there might be a broad consensus on this matter, but perhaps you could check with our Liberal colleagues. Obviously, my motion calls for a report to be tabled to the House.

[English]

The Chair: Does everyone have a copy of this particular motion?

Some hon. members: Yes.

The Chair: What's your wish?

[Translation]

Mr. Réal Ménard: I know that Mr. Petit has some opinions on the subject.

[English]

The Chair: I don't see Mr. Petit with his hand up.

[Translation]

Mr. Brian Murphy: The scheduling of meetings remains the responsibility of the subcommittee. However, we support the motion.

[English]

The Chair: All right. Do we have a consensus then?

(Motion agreed to)

The Chair: We'll move forward with this study as well.

Now, there are three others. What's your wish? Those of you who have tabled these as notices of motion, could you let me know?

[Translation]

Mr. Réal Ménard: If my colleague Mr. Storseth has no objections, we could combine the two motions. I'm sorry that I didn't discuss this possibility with him earlier. We could also set aside two or three meetings to examine section 13, along with my motion, since both items relate to the Canadian Human Rights Act. Perhaps you could even report back to the House.

[English]

The Chair: Mr. Storseth, what's your will?

Mr. Brian Storseth: Thank you very much, Mr. Chair.

As Mr. Ménard has indicated, we haven't had the opportunity to discuss this yet, so I'm not prepared today to move my motion forward. I will gladly take the time to talk to Mr. Ménard about it after the meeting or tomorrow and see what we can do with regard to it.

The Chair: Mr. Ménard, are you prepared to defer moving forward with your motion until the next meeting?

[Translation]

Mr. Réal Ménard: I am.

[English]

The Chair: So we've disposed of that one.

We have one left, and that, I believe, is Mr. Comartin's motion. I believe he has indicated that he doesn't want to deal with it until after the break.

Is that correct?

Mr. Joe Comartin: That's correct, Mr. Chair.

The Chair: All right, then we've disposed of the five motions for the time being.

There is one motion we could use, given the fact that we've already agreed to move forward with the study on impaired driving. In order to move evidence from the last Parliament forward to this study, there's a motion that would typically read that the evidence and documentation received by the Standing Committee on Justice and Human Rights during the second session of the 39th Parliament in relation to its comprehensive review of matters related to impaired driving be taken into consideration by the committee in this session.

Is that your wish?

Some hon. members: Agreed.

The Chair: Would someone then move that?

[Translation]

Mr. Réal Ménard: I so move.

[English]

The Chair: Monsieur Ménard moves it, and we do it by consent. It's deemed to be adopted.

(Motion agreed to)

We are suspended.

The Chair: The next item is going to be the report from the steering committee, as well as further discussion on the work plan. For that, I think we'll be moving in camera. If it's agreeable, what we'll do is suspend this meeting and go in camera.

[Proceedings continue in camera]

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

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