



House of Commons  
CANADA

# Standing Committee on Justice and Human Rights

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JUST • NUMBER 028 • 2nd SESSION • 40th PARLIAMENT

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EVIDENCE

**Wednesday, June 3, 2009**

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**Chair**

**Mr. Ed Fast**

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## Standing Committee on Justice and Human Rights

Wednesday, June 3, 2009

•(1645)

[English]

**The Chair (Mr. Ed Fast (Abbotsford, CPC)):** I call the meeting to order.

This is meeting 28 of the Standing Committee on Justice and Human Rights. Today is Wednesday, June 3, 2009.

You have before you the agenda for today. The agenda shows three items for us to deal with. Unfortunately, we're getting started late, so we'll likely only get through the first item. Perhaps we'll touch on the third, which is an in camera planning meeting. During the first hour, by order of reference, we'll be considering Bill C-26, an Act to amend the Criminal Code (auto theft and trafficking in property obtained by crime).

To help us with our review of Bill C-26 on auto and property theft, we again have with us Minister Nicholson, who is the Minister of Justice and Attorney General for Canada. Supporting the minister are William Bartlett and Paula Clarke from the criminal law policy section of the Department of Justice.

Minister, we're glad to have you here again. You have 10 minutes.

**Hon. Rob Nicholson (Minister of Justice):** Thank you very much. I feel as if I'm a member of this committee again, Mr. Chairman. I was for nine years, and I feel as if I'm back. It's like a permanent spot.

Thank you for the opportunity to be here on Bill C-26, the Act to amend the Criminal Code (auto theft and trafficking in property obtained by crime). It's an important piece of legislation. I think it demonstrates our seriousness about taking steps to crack down on property crime, particularly auto theft.

Auto theft remains a serious issue in Canada. It's one of the most pervasive forms of property crime in Canada. It is one of the highest-volume offences in Canada. In the December 2008 report on motor vehicle theft, Statistics Canada said that in 2007, approximately 146,000 motor vehicle thefts were reported to the police across Canada. That's an average of 400 thefts per day.

Motor vehicle theft has a significant impact, as you might guess, on owners, law enforcement, and the insurance industry. The Insurance Bureau of Canada estimates that auto theft costs Canadians more than \$1.2 billion each year, including policing, health care costs, as well as the cost of non-insured thefts, legal costs, and out-of-pocket costs such as insurance and deductibles. It also creates public safety concerns for Canadians as stolen vehicles

are often involved in police chases or dangerous driving, which can result in injury or death to innocent bystanders.

As you know, Bill C-26 proposes reform in three key areas: the creation of a distinct offence of theft of a motor vehicle; a new offence for altering, obliterating, or removing a vehicle identification number; and new offences for trafficking in, and possessing for the purpose of trafficking, property obtained by crime, including the importing or exporting of such goods.

[Translation]

The creation of a separate offence for car theft will send a clear message to car thieves that our justice system is determined to fight against car theft in Canada.

[English]

Our proposed offence would be a hybrid one, with a maximum penalty of 10 years' imprisonment on indictment and 18 months' imprisonment on summary conviction. There would also be a mandatory penalty of six months' imprisonment for a third and subsequent indictable offence.

As the bill is currently written, all three offences would have to have been dealt with as indictable matters. We will be proposing an amendment to have the first two offences proceeded on by either summary conviction or indictment, but the third offence would be proceeded on by way of indictment for the mandatory penalty.

This penalty is a balanced and moderate approach to repeat offences of a serious nature. This penalty sends a message that the criminal justice system will not tolerate auto theft, and the inclusion of a mandatory penalty in the proposed offence for repeat offenders will help restore public confidence in our criminal justice system.

We're also proposing to create an offence for wholly or partially altering, obliterating, or removing a VIN—a vehicle identification number—on a motor vehicle. Under the new amendments, anyone convicted of tampering with a VIN would face imprisonment for a term of up to five years on indictment, or six months or a fine of not more than \$2,000, or both, on summary conviction.

An advantage that both the new VIN tampering offence and the new, distinct motor vehicle theft offence would have over the current offence used to cover these activities, which is now “possession of property obtained by crime”, is that a conviction for these new offences would more clearly and accurately document a person's involvement in an organized vehicle theft ring as part of their criminal record. I think that's very important for crown attorneys across this country. This in turn would help the police to deal more appropriately with those offenders in subsequent investigations and prosecutions.

I will turn from a focus on auto theft to the proposed trafficking offences. These proposed trafficking offences are intended to target more broadly the entire marketing chain that processes the proceeds of theft and other property crimes, such as fraud. They will, however, also address the auto theft problem: trafficking in property obtained by crime includes the movement of stolen automobiles and their parts. This is the area in which organized crime is most involved in auto theft, either through car theft rings, chop shops that dismantle stolen cars for parts, the act of changing the VIN on a car to hide its identity, or sophisticated international rings that smuggle stolen high-end luxury cars from Canada to far-flung locations in Africa, the Middle East, and eastern Europe, to name but a few.

Currently section 354 of the Criminal Code, the general offence of possession of property obtained by a crime, which carries a maximum of 10 years' imprisonment for property valued over \$5,000, is the principal Criminal Code offence now used to address trafficking in property obtained by crime. This simple possession offence does not, however, adequately capture the full range of activities involved in trafficking. The trafficking offences will capture all of the players in a trafficking operation such as a chop shop, whereas the offence of possession of property obtained by crime applies only to those who are in possession of the stolen property, such as stolen cars. By their very nature, operations such as chop shops usually have very little inventory at any given time in order to avoid detection and reduce the probability of multiple counts in the event of an arrest.

Both of the proposed new trafficking offences would also have higher penalties than the existing offence of possession of property obtained by crime, because trafficking is a more serious matter than simple possession. If the value of the item trafficked exceeds \$5,000, anyone convicted of this offence could face up to 14 years. If the value is \$5,000 or less, it could be a hybrid offence and subject to imprisonment for up to five years on indictment or six months on summary conviction.

I am pleased that the trafficking offences would also make available to the Canada Border Services Agency the necessary authority to allow them to obtain property, including stolen cars about to be exported from Canada, in order to determine whether they are stolen and to allow the relevant police agency to recover them. I think this is a huge step forward.

Mr. Chair, my government is committed to taking the necessary steps to combat property crime, especially auto theft, and this legislation will be a strong measure to help law enforcement and prosecutors deal with criminals who commit auto theft or traffic in property obtained by crime.

• (1650)

Canadians want to see this legislation passed, and I look forward to working collaboratively to ensure its speedy passage into law.

Thank you, Mr. Chair.

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

We're going to start with Mr. Murphy. I'm going to suggest that we go with five-minute questions, given the fact that we only have 40 minutes left.

Mr. Murphy, five minutes.

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

Mr. Minister, thank you for being here.

We had a few kicks at this subject in the last Parliament. I'm just trying to summarize. The way I understand it, we had Bill C-53 and Bill C-64 in previous parliaments. This bill, Bill C-26, attempts to combine those aspects of Bill C-53, which dealt with auto theft and trafficking, and Bill C-64, which dealt with the vehicle identification number issue. As I get it, this bill modernizes, really, section 183 of the Criminal Code by allowing the interception of private communications, or electronic surveillance, to be added as a tool for the police with respect to the proposed section 333.1, which is the object here. Of course, in the last go-round we had witnesses from various municipalities, the insurance bureau, and police forces, who were all in favour of it. There was general acceptance of the principles behind the bill.

I'm more or less trying to clean up and understand what this bill is, what it adds to the other two bills I mentioned, and maybe ask tiny questions not about the innocent obliterator of a VIN. There is a common law offence of colour of right, or whatever it is, that allows the mistaken or honest body parts person to have obliterated part or all of a VIN. It was more specific in the previous legislation and it's not as specific here. Maybe I could get something from you, Minister, that this is protected. Clearly, no one wants to get people into the net who might have a valid excuse for obliterating part of a VIN.

The follow-up question is, since we're dealing with chop shops as related to organized crime, many parts themselves have identification numbers on them. Why not have the act apply to parts of cars? The VIN is just in one place, as far as I know—it's not really my background. It's on one place near the windshield. If it's throughout the vehicle, that's an answer in itself, I think. I think I read somewhere that it's not everywhere, but it's on certain parts, and it's not clear from the act that it applies to all parts of the vehicle.

• (1655)

**Hon. Rob Nicholson:** You've covered quite a bit of ground there, Mr. Murphy. You're quite correct, this puts together a couple of bills that have been before previous parliaments, and it also includes some of the provisions from a private member's bill. Andrew Scheer's private member's bill, you might remember, creates a specific, stand-alone offence for theft of an automobile.

With respect to VIN tampering, there are provisions in the proposed section...it's "without lawful excuse". "Every person commits an offence who, without lawful excuse, wholly or partially alters"—that is the offence. For the purposes of the vehicle identification number, it means any number or mark that is used for the purpose of distinguishing it from other motor vehicles. I think it covers that as well. It's comprehensive, and from the feedback we have received on this so far, I can tell you it's been very well received.

**Mr. Brian Murphy:** There's just the other element that is maintained in this act, which is that the hybrid nature of this offence gives some discretion to prosecutors to decide the severity of the evidence with respect to the offence. As I say, the auto repair industry is not without its own problems with respect to compliance on all issues, let's just put it that way. What this is targeted at, Mr. Minister, is organized crime and chop shops and the high-end stuff. It's not, I hope, destined to get other people into the net who aren't part of those organizations.

**Hon. Rob Nicholson:** What we're trying to respond to, for the most part, in this bill is to update the Criminal Code to catch everybody who gets involved with these operations. It's limited now to people who are in possession, for instance, of stolen goods. Well, how many people are actually in possession of it? You get these chop shops and it's a large operation. What we want to do is capture everyone. So it's a little bit like the bill on identity theft. We're modernizing the Criminal Code to make sure it captures all the activity.

As you quite correctly pointed out, this activity is undertaken by gangs, organized crime. It's becoming a huge issue, and we have to make sure that the laws are up to date in this country to respond to it. We have to do that.

**The Chair:** Monsieur Ménard, you have five minutes.

[Translation]

**Mr. Réal Ménard (Hochelaga, BQ):** I shall ask a question and then I will let my colleague ask another one. I shall be brief so that we can both contribute.

Would you have statistics that you could give our Committee? As a matter of fact, a distinction should be made between joy riding which is quite often organized by groups of people for entertainment purposes—which is, of course, also reprehensible—and car theft within the context of organized crime.

I also wish to get statistics on that subject. My colleague will ask his question and the Minister might answer after that.

**Mr. Marc Lemay (Abitibi—Témiscamingue, BQ):** I have a simple question, Mr. Minister. It deals with the section of the bill amending section 333.1 of the Criminal Code. Let us suppose that a young offender 16- or 17-years old has been convicted after being prosecuted by indictment, however, after having reached the age of 18, he commits a third offence which is also prosecuted by indictment. Would the mandatory penalty apply to that 18-year old, to that adult who just attained the age of 18?

[English]

**Hon. Rob Nicholson:** It has to be three offences under the Criminal Code. Again, with respect to children or teenagers, it's the

Youth Criminal Justice Act. But it has to be three convictions under this. So I think your answer is no.

I perhaps didn't quite get what your question was, but you have to have three separate convictions, and they have to proceed then on the third one by indictment, which goes back to actually something Monsieur Ménard had to say.

If the person is joyriding, if they're convicted once, twice, it's up to the crown attorney then, at that point, to determine the seriousness of this. It's discretion, and as you also pointed out, throughout this you'll see that these are hybrid offences. They can proceed by summary conviction or indictment. It depends on the circumstances and facts of each particular case. But the discretion is there, so I think it's an appropriate balance.

• (1700)

[Translation]

**Mr. Réal Ménard:** Do we any statistics on this, Mr. Chair?

[English]

**Ms. Paula Clarke (Counsel, Criminal Law Policy Section, Department of Justice):** The previous two convictions would not apply to joyriding. That's a separate offence under the Criminal Code. So it would have to be three convictions under the new offence of motor vehicle theft.

[Translation]

**Mr. Réal Ménard:** Could we get statistics concerning different types of thefts? Some thefts are committed by car theft rings associated with organized crime while others are committed by young people. I am told that in Winnipeg this is quite common.

I think having this aggregated data on this two types of theft would be very helpful.

[English]

**Hon. Rob Nicholson:** My understanding is that, of the number I gave you, which was somewhere between 150,000 and 180,000, about 20% of it is directly involved with organized crime. Those are the statistics we've been given.

Concerning your own province of Quebec, Monsieur Ménard, you may be interested to find that the lowest recovery rate in the country happens to be in Quebec, in terms of a car getting stolen. That is why law enforcement agencies were quite interested in Montreal and other places. We are giving the powers now to the Canada Border Services agents to try to intercept these cars and car parts coming in and out of the country. They looked quite favourably on that.

**The Chair:** Thank you.

We'll move on to Mr. Comartin for five minutes.

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

Welcome, Mr. Minister.

In Bill C-53, in the last Parliament, you had put tampering with the VIN after section 377, and now you've moved it to follow section 353. Is there any reason for that, other than the fact that section 353 already addresses some issues around cars, while section 377 was about damaging or altering other documents?

**Mr. William Bartlett (Senior Counsel, Criminal Law Policy Section, Department of Justice):** Mr. Comartin, when we looked at it again, it was just felt that it was simply a more appropriate place in the code in terms of the kinds of related offences. There are no substantive changes.

**Hon. Rob Nicholson:** There's nothing substantive to it at all.

**Mr. Joe Comartin:** I wasn't quite sure what you said, Mr. Minister. Are you proposing a further amendment?

**Hon. Rob Nicholson:** Yes.

**Mr. Joe Comartin:** And that would be to proposed subsection 333.1(2)?

**Hon. Rob Nicholson:** It's a specific offence with respect to auto theft. It wouldn't matter whether the first two convictions were indictable or summary convictions, but on the third one it would be at the option of the crown attorney whether to proceed by indictment or by summary conviction. If he or she proceeds by summary conviction, the mandatory six-month penalty does not apply.

**Mr. Joe Comartin:** I understood that, but what I'm asking is whether it is subsection 333.1(2).

**Hon. Rob Nicholson:** Yes, it is.

**Mr. Joe Comartin:** So you'll be amending that paragraph?

**Hon. Rob Nicholson:** Yes, we will.

**Mr. Joe Comartin:** That was just really to clarify the language, so that it's only....

I have one final question. With regard to giving this authority over to the CBSA, there has been feedback to me that no accompanying dollars are going with it to the public safety department. There's some clear sense that there will obviously be additional responsibilities given, and an additional need for resources. Are you aware if anything has been budgeted for that?

**Hon. Rob Nicholson:** I don't speak on behalf of the public safety minister, but my understanding is that the capacity and the resources are there and will be there.

**Mr. Joe Comartin:** I'll remain skeptical on that last answer, Mr. Chair, but those are all my questions. Thank you.

**The Chair:** Thank you.

We'll move on to Mr. Norlock. You have five minutes.

**Mr. Rick Norlock (Northumberland—Quinte West, CPC):** Thank you, Mr. Minister, for coming.

I was just given a news article that I think brings to light why we need to bring in this type of legislation. Just last night, four people were injured after a stolen SUV ran a red light and slammed into a TTC bus shelter in downtown Toronto. Just before this occurred, there was another accident involving this stolen vehicle—it wasn't an accident; it was a collision, not an accident. People were injured. Police officers in Toronto use bicycles on patrol, so two police officers on bicycles attempted to stop the SUV, and you can imagine the kinds of life-threatening injuries that would occur there. Those who think property crime in and of itself does not incur the probability and possibility of bodily injury need to refresh their memory with the newscast that they will probably see tonight.

You may wish to comment on this also: in addition to that, the Insurance Bureau of Canada estimates that auto theft costs us all more than a billion dollars each year. That's taking into account health care, the injuries sustained, court time, policing costs, and legal out-of-pocket costs, and for those people unfortunate enough to have their vehicles stolen, there are deductibles, so there's a double whammy: their insurance costs go up, and there are deductibles.

The other thing I'd like you to comment on, Mr. Minister, is something you spoke about I think on a couple of occasions today, which is that a lot of auto theft is directly related to organized crime and the fact that high-end automobiles are put in containers, put in our ports, and sent overseas.

Could you comment on those two items?

● (1705)

**Hon. Rob Nicholson:** You've hit the nail on the head, Mr. Norlock, about the problem. I hear it wherever I go in the country. I heard quite a bit of it in western Canada, for instance, when I visited a number of the cities out there. Auto theft is high on the list of the challenges they face.

Interestingly enough, there have been some innovative approaches in Winnipeg and other communities to try to intercept or break up the activity that has become a major problem for them. We're working hand in hand with them, and those jurisdictions that have found this to be a particular problem have been most welcoming of this.

Dave Chomiak, Attorney General of Manitoba, pointed out just how archaic some of the provisions are in the Criminal Code. He says there's a separate provision for stealing a cow, but there is nothing about stealing a car. As members of the justice committee—and as an ex officio member of that committee, and I thank you for that—we have the responsibility of continuously making sure our laws are up to date, so again I think it will be welcomed.

With respect to organized crime, they're telling me that the Canada Border Services agents didn't have authority unless they believed it was a prohibited good. Well, a car in a container is not a prohibited good, so these things were moving in and out of the country. The situation was very problematic, so as you heard in my opening comments, I made specific reference.

Again, it's not strictly justice-related; everything to do with the Canada Border Services Agency is with the public safety minister, but I think it had to go hand in hand with this particular legislation so that the people at our borders have the ability to try to break up this kind of activity. As was the case with identity theft, it's a more complete addressing of what has become a challenge in this country, and I've have had basically nothing but positive feedback.

**Mr. Rick Norlock:** Thank you.

**The Chair:** Mr. Dosanjh, you have five minutes.

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

I understand that clause 1 of this bill adds to the list in section 183 of the Criminal Code certain offences that are related to auto theft for electronic interception.

**Hon. Rob Nicholson:** Yes, it adds new offences.

**Hon. Ujjal Dosanjh:** Yes, and I appreciate that. I think that's a very good thing.

I have a larger related question. You remember our friend Wally Oppal, who unfortunately lost the election. He had asked when he came here for improvements to the electronic lawful access. I know you said to us earlier, in one of your previous appearances, that you don't talk about what may happen five weeks from now—

• (1710)

**Hon. Rob Nicholson:** It was five days from now.

**Hon. Ujjal Dosanjh:** —but maybe you might want to tell us what might happen next week. Are you planning to enhance the lawful access, as sought by Mr. Oppal and others across the country?

**Hon. Rob Nicholson:** I look at all these issues very carefully and I welcome comments and inputs from my fellow attorneys general across Canada.

As an example, you mentioned Mr. Oppal. One of the things he was looking forward to and wanted to see was a change in the credit for time served, and we have delivered on that. We may disagree on a lot of things, but I think people will agree that the government has moved at a very steady clip on changes to the criminal justice system and public safety. We are basically moving to protect victims and law-abiding Canadians. We've had a pretty busy agenda.

I don't close the door to anything, but the subject we have before us today is auto theft. I appreciate all input from you, from Wally Oppal, and from attorneys general across this country, and I look forward to more advice and input.

**Hon. Ujjal Dosanjh:** Thank you.

**The Chair:** We're going to Mr. Ménard for five minutes.

[Translation]

**Mr. Réal Ménard:** I think that we should reassure the Minister: I believe that all parties are supporting the bill. The Minister has said that he hopes that all bills will be passed diligently and quickly and I am under the impression that it should not be too much of a problem with this one.

Our researchers and yourself have raised the issue of car theft. You said that only 11% of car thefts are resolved and that in my own province, the situation is even more problematic.

[English]

**Hon. Rob Nicholson:** No, I don't think I said that, Mr. Ménard. No, I'm sorry.

[Translation]

**Mr. Réal Ménard:** The statistics furnished by the Library of Parliament reveal that only 11% of car thefts reported to police led to the identification of the offender. I think that you said earlier that in my own province this ratio was even lower than the average. I am referring to solving car theft cases.

To what would you attribute this low rate of identifying the perpetrators of car thefts? Has the Department studied this question?

[English]

**Hon. Rob Nicholson:** We can provide you with whatever statistics we have, and we do have them with respect to auto theft and solving rates and all that. That's part of our problem, Monsieur

Ménard; the law is out of date. You try to prosecute people for possession of the stolen property, but when you break up a chop shop, how many people are actually possessing it? You have them dismantling these cars, changing the vehicle identification numbers, and shipping them outside of the country. It's very difficult.

Again, this was brought home to me on several occasions. I've been in the province of Quebec, and they've pointed this out to me and said, "Please do something about this." So again, I think if you check with law enforcement agencies and people on this, you'll find they'll very much welcome this.

You're welcome to any statistics we have in terms of solving this, and they're quite startling.

[Translation]

**Mr. Réal Ménard:** Can my colleague continue on the matter related to young offenders? Would he have just a minute to do so?

**The Chair:** Yes.

**Mr. Marc Lemay:** Please allow me, Mr. Minister, to repeat my question.

I saw Mr. Bartlett raise his eyebrows as I did. If a young offender is prosecuted under the Criminal Code because he committed a criminal offence, he could be prosecuted by indictment. One thing concerns me. Even when we deal with young offenders—and God knows that most car thefts are committed by young people—very often the Crown proceeds by indictment even when they appear before a youth tribunal.

I repeat my question. Would the mandatory penalty also apply when, in the case of a young person turning 18, this person is convicted for a third offence?

[English]

**Hon. Rob Nicholson:** The answer is no.

[Translation]

**Mr. Marc Lemay:** That's fine. It's clear now.

[English]

**Hon. Rob Nicholson:** I appreciate that the Criminal Code applies when you're dealing with young people, but their conviction is under the Youth Criminal Justice Act. That's something separate and different.

So in the case you're talking about, if a young person gets convicted on five different occasions, for instance, of auto theft, that still doesn't qualify for what we're talking about here today with a third offence. You see, when the individual turns 18, in a sense they start over again.

• (1715)

[Translation]

**Mr. Marc Lemay:** That is what I thought, but I wanted to make sure.

[English]

**Hon. Rob Nicholson:** But hopefully they don't. Hopefully, in my example, the guy who has stolen five cars has decided this is not a good way to keep on going. So that's what it is.

**The Chair:** Mr. Rathgeber, you have five minutes.

**Mr. Brent Rathgeber (Edmonton—St. Albert, CPC):** Thank you, Mr. Chair.

And thank you, Mr. Minister, and your officials for your attendance here today.

I'd certainly like to commend the Department of Justice and you, Mr. Minister, for all of the hard work you've done with respect to safe streets and safe communities. You've had a busy legislative session, as has the committee.

As you know, the committee has undertaken to study organized crime, and we've travelled to Vancouver. Based on Mr. Ménard's motion, we are studying the prospect of identifying certain organized criminal enterprises and naming them, and the possibility of therefore not making the crown go through the step of having to prove they are performing a criminal activity in order to get convictions. So I commend you. We're working hard to try to take the bite out of organized crime.

What we heard when we were in Vancouver and what we continue to hear from police and from other experts is that we need to take the enterprise out of the enterprise. We need to take the profit motive out of organized crime if we're going to get to the bottom of it.

I forget which one of my colleagues asked the question, but in your answer you referred to the fact that there is a separate offence for theft of a cow but not for theft of an automobile. Of course we have offences for theft over and under \$5,000 currently. I want to know how specifically that this offence, theft of an automobile—and I understand there will be increased sentences—will help law enforcement in their continued struggle against organized crime.

**Hon. Rob Nicholson:** Well, you touched on one way. First of all, the penalties will be greater if you're charged under the section concerning the theft of an automobile. That's one part of it. But you're also providing the crown attorney with the information they need in order to know who they're dealing with. If it's just theft of a general nature, they're not quite sure what they're up against. What they have told me in a number of Canadian cities that I have visited is that the people who are in the business of repeatedly stealing cars are a major problem. They threaten the communities. Quite apart from the property damage is the possibility that you might be killed by one of these individuals or you might be an innocent bystander.

We want the crown to have the information at their fingertips so they know who and what it is they're dealing with. I think this is appropriate, and I think it sends out a proper message that if you have an individual, an adult, who is repeatedly stealing cars and getting convicted of that, that the option then is open for the crown to proceed by indictment on third and subsequent convictions and get this person off the street and break up this criminal behaviour. I think it's appropriate.

Again, in answer to an earlier question, we have combined the elements of Andrew Scheer's separate auto theft bill. We've put that

in with the government legislation that did not get passed in previous parliaments. So it's one complete package, and I'm urging this committee to move forward on this quickly and to get this reported to the House and get it passed.

**Mr. Brent Rathgeber:** Thank you, Mr. Minister. I'm happy to see that the Bloc Québécois is in favour, and I suspect the NDP is. So I too look forward to rapid progress on this bill through the House.

**The Chair:** We do have a little bit of time for additional questions. Monsieur Petit had one question. Does anybody on this side? No.

We'll hear from Monsieur Petit, and then we'll wind it up.

[Translation]

**Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC):** Good afternoon, Mr. Minister.

You referred to the province of Quebec where there were particular issues. About a month or a month and a half ago, there were raids by the police in chop shops where entire cars were dismantled. It was difficult to prosecute because all vehicles were disassembled. Parts were even sold to legal auto shops.

You brought an amendment targeting criminals who steal automobiles, disassemble them and remove all form of identification. In the past, it was almost impossible to pursue such offences in the courts because the law failed to be as clear as your proposed bill. Even if the law existed in the past, this bill is much more precise and signifies an important change.

● (1720)

[English]

**Hon. Rob Nicholson:** Monsieur Petit, thank you very much for your question on this.

I view this bill as just updating the Criminal Code, just bringing it into the 21st century. The situation is how many people are possessing the stolen goods? This is one of the main vehicles to get at these people. Are you possessing stolen goods? Well, you might have 30 people involved with this operation. How many people are possessing it? They say, "Oh, try to pin it on that guy." Then he says, "Well, it wasn't me, it was the guy farther down the line. It was the guy outside—he possessed it." It's all very difficult.

All police agencies have been telling me the same thing, that it's very difficult under existing laws to sort of break up these operations. So what we have done and what previous bills have done to try to get this is to get all the activity, so you get everybody all the way along that has been participating in this organized crime, this gang-related activity, and this is why we have this part of it. Again, I don't have direct responsibility for Canada Border Services Agency, but giving them the ability to get involved with this, to break up this activity is just what we need.



This is the challenge we have, Mr. Chairman, and I've said this before. We have a Criminal Code in this country that was compiled in 1892. As I say to people, it's not as though it was brand new in 1892. They were compiling various statutes. Some of the sections I've talked about on another bill—on prize fighting I think—came from the 1700s. So the challenge we have is to try to make these laws fit what's happening today. We have changes in technology. We have people who are becoming sophisticated in this, and again, that's the challenge we all have—to try to meet the needs of law-abiding Canadians, and this is what we are trying to do with this bill and indeed all the bills we have before Parliament.

**The Chair:** Thank you, Minister, Mr. Bartlett, and Ms. Clarke for attending.

I have a suggestion for the committee. Typically we would have dealt with committee business already and worked through our calendar. I think we're going to be out of time. The one suggestion I would make is this. We couldn't do our impaired driving report today as we had scheduled to do, so we need to find another spot to plug that in. I've noticed in our discussion around this table on Bill C-26 that there appears to be a general consensus on the bill. We had scheduled two more hours of witnesses. We have had requests from two witnesses to attend. One is the Integrated Municipal-Provincial Auto-Crime Team, and the second is the Ontario Sewer and Watermain Construction Association. Mr. Comartin suggested Juristat, so we're going to be following up on that, and then the government has suggested the Insurance Bureau of Canada. That makes four witnesses. We could probably accommodate them in one hour, which allows us to move clause-by-clause forward and stick our impaired driving report in where clause-by-clause was.

Is that something you would support?

[*Translation*]

**Mr. Réal Ménard:** What date are you referring to?

[*English*]

**The Chair:** On the 8th we're doing Bill C-26 and Bill C-268. So on Bill C-26, we could actually dispose of the four witnesses we've requested.

[*Translation*]

**Mr. Réal Ménard:** Next Monday?

[*English*]

**The Chair:** Yes.

We have the criminal organization meeting on the 9th, which we've scheduled as an extra meeting. Then on the 10th we were going to have further witnesses on auto theft, but it seems to me that we can dispose of them all in that first hour, so then we can deal with clause-by-clause, which leaves us an extra one-hour time slot to deal with the impaired driving study.

Is that okay?

**Some hon. members:** Agreed.

• (1725)

[*Translation*]

**Mr. Réal Ménard:** All right.

[*English*]

**The Chair:** All right.

We'll move forward on that basis.

I have circulated the steering committee notes to you. Could you review those by the next meeting so that we can approve those?

The other thing I wanted to mention was that we may not get an opportunity to deal with the supplementary estimates, given the fact that we may have one or two more bills, plus we're still dealing with the Hells Angels study, and we're dealing with Bill C-232 as well, which is the one on the Supreme Court Act. I just want you to be aware of that.

If you feel that the supplementary estimates are of great importance, let me know and we'll have to schedule them in somewhere. We may have to move something else around.

Monsieur Ménard.

[*Translation*]

**Mr. Réal Ménard:** Mr. Chair, has it been decided with our leaders if the Anti-terrorism Act and the Sexual Offenders Act will be referred to our Committee?

[*English*]

**The Chair:** No, I received wrong information. I'm told that the Anti-terrorism Act is not going to be coming to this committee, so we don't have to worry about that.

[*Translation*]

**Mr. Réal Ménard:** And for sexual offenders? Will it be referred to this Committee?

[*English*]

**The Chair:** No, that would be public safety.

I haven't heard yet whether that other bill—I think it's Bill C-31—which is sort of an omnibus bill, is going to come to this committee or to a special committee, a legislative committee. That I don't know yet, so we'll have to deal with that once we know for sure.

Are there any other questions?

**Some hon. members:** No.

The meeting is adjourned.





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