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# **Standing Committee on Justice and Human Rights**

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**EVIDENCE**

**Thursday, December 8, 2011**

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**Chair**

**Mr. Dave MacKenzie**



## Standing Committee on Justice and Human Rights

Thursday, December 8, 2011

•(0845)

[English]

**The Chair (Mr. Dave MacKenzie (Oxford, CPC)):** We will call this meeting to order.

This is meeting number 17. Today, pursuant to Standing Order 106(4), we have a meeting requested by four members of the committee to discuss their request to undertake a study of Bill C-290, an act to amend the Criminal Code, sports betting.

Mr. Harris, sir.

**Mr. Jack Harris (St. John's East, NDP):** Thank you, Chair.

This was referred to the committee in the early part of November, and we haven't had a chance to discuss it. Given the uncertainty of what meetings we would or would not have, we thought it best to bring it forward and schedule a hearing.

My understanding from the mover of the bill, Mr. Comartin, who's observing today—although as a member of Parliament he's certainly entitled to sit at our bench, but I know he's modest—is that we'd like to get it on the agenda. I believe it's agreed our hearing will be fairly short, involving Mr. Comartin and one witness from the Ontario Gaming Association. I believe there was a possibility that the Department of Justice or some agency of government would want to have a witness as well. I'm hoping we can deal with this before we rise at Christmastime.

The letter was merely to ensure that it was on today's agenda, and to ask that there be a meeting. There is some rule about five days, but I think we can be collegial about that. Hopefully we can have a meeting to deal with that bill and see where it goes from there.

**The Chair:** It's my understanding, Mr. Harris, that this meeting is held within those five days. It is now for us to discuss how to go forward.

**Mr. Jack Harris:** We can set it for next March, for example.

**The Chair:** It's whatever the committee decides.

**Mr. Jack Harris:** This is the meeting to set the meeting, I guess.

**The Chair:** That's right.

Mr. Goguen.

**Mr. Robert Goguen (Moncton—Riverview—Dieppe, CPC):** I know this is somewhat unusual; this is mostly used as procedure when we're not sitting. We haven't forgotten Mr. Comartin's bill, but in essence we're at the same position we were when we last met: we're still in discussions with the provinces. Until we've firmed up what they want to do, we can't tell which witnesses—if any—we'd

have to call. Once we've ascertained that, it may be very quick, as Mr. Harris has suggested.

But for the time being, it's our suggestion—I'd make that motion—that we set it aside until such time as we studied the organized crime bill, which we've committed some amount of time to. Mr. Comartin was there, and I think he'd probably be in agreement with that.

As for setting it in March, why set it in March? It will probably be much quicker than that. Once we have the provinces' positions and we know where we stand with witnesses, as Mr. Harris has suggested, it shouldn't take that much time.

Sorry, it was the organized crime study, not the bill.

•(0850)

**The Chair:** Mr. Harris.

**Mr. Jack Harris:** I hear you, Mr. Goguen. But the initial thought here was that.... The bill itself, as one can see from looking at it, is not extremely complex.

The question doesn't seem to be whether or not this ought to be repealed. I guess the question is for the provinces and others, to see what the implications of it are in terms of implementation. My understanding from the speeches was that both sides of the House were in agreement on this.

I'm just wondering how the delay would advance the cause here if the legislation itself, as opposed to the implementation, and what the other consequences would be in terms of government organizations.... But that's not necessarily a matter for this committee in any event.

I'm wondering why there is a delay for the consultation.

**The Chair:** I have another speaker on the list.

Mr. Jean.

**Mr. Brian Jean (Fort McMurray—Athabasca, CPC):** I'd be more than happy to defer to the parliamentary secretary.

**The Chair:** Okay.

Mr. Goguen.

**Mr. Robert Goguen:** It really has to do with discussions in regard to Finance; that's something they will explore. They haven't determined the positions of the provinces nor the issue they want to canvass.

Of course, we've been accused of rushing things through. We talked about initial thought—we're still thinking about it in that regard from the Finance perspective. We're sort of in hold right now.

**The Chair:** Mr. Jean.

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

I just want to point out a couple of things. The first is that we set records. This government, in relation to signing the Building Canada fund with the provinces, is the fastest ever in the history of our country to sign with provinces in relation to infrastructure investment.

We have open federalism, and I think the parliamentary secretary is correct; we have a shared jurisdictional issue with the provinces right now in regard to this. And it's shared jurisdiction as a result of the federal government giving away some of that jurisdiction, but to proceed without having unanimity with the provinces seems to me to be a slap in the face for open federalism.

What can be said in this committee is obviously public if that bill goes ahead, and I think it would be much better to talk to the provinces and deal with it on the basis of good negotiation and a mutual understanding on how we're going to proceed. Of course, it's up to the will of the committee.

I would like to say as well, though, that organized crime has been I think three years in front of the committee, or a good two, anyway. How long has this study been going on, Mr. Clerk?

**The Clerk of the Committee (Mr. Jean-François Pagé):** It's over two.

**Mr. Brian Jean:** It's over two years.

I know that Mr. Comartin and I have talked very briefly about a proposal in regard to the organized crime study. I will say that I have done tremendous research, as have many in this committee, in relation to some options that have been proposed regarding the organized crime study, and how we can proceed on it and maybe bring in some more witnesses. That's a situation where we can save tens of millions of dollars over a period of time of some years.

I think we owe it to the citizens of this country to keep them safe. We've done a great job on Bill C-10, and I would commend all the members of this committee on that. But I think we can proceed on that study and deal with it on that basis, until we have an agreement with the provinces.

**The Chair:** Mr. Harris.

**Mr. Jack Harris:** I hear you when it comes to working with the provinces on this and other issues, although I don't know if unanimity is necessarily a requirement in a matter such as this, which merely lifts from the Criminal Code the prohibition against betting on individual sports.

Given the legislative process of the committee's study of this bill, I don't think we're going to be coming back to the government recommending yea or nay on this. I guess it could be yea or nay, but my understanding is that this is an acceptable proposal. And if it's a matter of delaying the actual implementation of the bill until the provinces agree, or there's a modicum of agreement with the provinces on this, surely that can be done at a later stage.

I'm just wondering why the delay here in this committee of this. Obviously the organized crime thing—we're not opposed to completing that study, but it's not an either/or thing. Initially the idea was that this might take an hour in this committee and then be passed back to the House at report stage, so I don't think that rationale for not dealing with it holds up. I'd like to see it dealt with before we rise at Christmas.

● (0855)

**The Chair:** Mr. Goguen.

**Mr. Robert Goguen:** Mr. Chair, I don't think we're running afoul of the procedure here. We do have 60 days from when the bill was put forth, and we're certainly well within that.

My motion would be that we not examine the bill at this time and that we proceed to finalize the study on organized crime, and thereafter we'll examine Bill C-290 within the course of the allotted timeframe.

That would be my motion.

**The Chair:** Is there any discussion on the motion?

Mr. Jean.

**Mr. Brian Jean:** I have just a friendly amendment to the motion. I don't even know if it's necessary to have a motion, but certainly I would support the parliamentary secretary.

I just say this to Mr. Harris: we have a great relationship with the provinces right now. We have a great relationship in relation to the gas tax money, in relation to the infrastructure money, and especially in regard to Quebec, where most of his members are—the NDP members.

I just think it would be absolutely a lack of judgment to proceed with a bill that is, in essence, in shared jurisdiction with the provinces without consulting with them fully and talking to them. The provinces have some jurisdiction in relation to this, and we want to make sure that they do not feel like their noses are out of joint.

Frankly, I agree with the parliamentary secretary. Let's deal with organized crime. Let's deal with the other things before us, and maybe if we have the opportunity in the near future, after discussions have taken place, we can move this matter forward. I would suggest that the committee could certainly have the flexibility to do that, and if that's the case, then we can proceed and get it done.

**The Chair:** I didn't see any friendly amendment in your discussion, but...

**An hon. member:** The comments are well taken.

**Mr. Brian Jean:** I just want to have it for the record that of course if the parliamentary secretary wants to proceed with this bill halfway through the organized crime study or whatever, that would be fine with the committee. I'm certain it would.

**The Chair:** You've heard the motion. Those in favour?

(Motion agreed to)

**The Chair:** Now we need to take a short break while we go in camera to discuss the organized crime report.

[*Proceedings continue in camera*]







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