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—
Chair

Mr. Art Hanger

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•(0910)

[*English*]

The Chair (Mr. Art Hanger (Calgary Northeast, CPC)): I call the Standing Committee on Justice and Human Rights to order with our continued deliberation on the clause-by-clause of Bill C-10.

We will pick up where we left off, which is at clause 14. Does everyone have their information in front of them?

(On clause 14)

The Chair: There's a government amendment and that government amendment is inadmissible. Simply, there's no need for an amendment. You just vote against the clause. It does indicate that it attempts to delete a clause.

On the amendment—?

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Are we now at the Liberal amendment?

The Chair: I am now on the government amendment on clause 14. If you're looking at your package, I think it's on page 4.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Are you looking for a challenge? If it's out of order, why are we dealing with it?

The Chair: It's inadmissible.

Mr. Derek Lee: Good, so we move on.

The Chair: Yes, we'll go on to vote on the clause.

Hon. Marlene Jennings: Excuse me, Chair, I have a point of order. There is a Liberal amendment. Initially, the amendment was our amendment 18, which has been labelled L-6 on page 5, and the corrections by the clerk and researchers have been to make that amendment to clause 14 of the bill.

The Chair: Ms. Jennings, that Liberal amendment is actually the next clause on the list, 14.1.

Mr. Comartin.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Are we voting on the government's amendment?

•(0915)

The Chair: No. It's inadmissible. We're voting on clause 14.

(Clause 14 negatived)

The Chair: The new clause 14.1—Ms. Jennings' amendment.

Hon. Marlene Jennings: I'll move a Liberal amendment, which is labelled as L-6 and found on page 5 of the group of amendments that the clerk has just passed out today. Essentially, these amendments

would reinforce the provisions of the Criminal Code that pertain to the firearm registry.

The Chair: This amendment actually seeks to amend section 117.07 of the Criminal Code, and we're actually dealing with subsection 117.01(3). For that reason, it's inadmissible, given the fact that it amends a statute that is not before the committee—or a section of that statute.

Hon. Marlene Jennings: I challenge the chair's ruling.

The Chair: Challenge of the chair.

The Clerk of the Committee (Ms. Diane Diotte): Is the chair's ruling sustained—?

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Before we move to the vote, may I ask a question, Mr. Chairman?

[*English*]

The Chair: What is the question, Monsieur Ménard?

[*Translation*]

Mr. Réal Ménard: Mr. Chairman, you essentially said it is inadmissible because it amends a section which is not part of the bill. Is that the rationale behind your decision?

[*English*]

The Chair: Yes.

Hon. Marlene Jennings: Point of order, Mr. Chair.

The Chair: This particular clause or section is not amending any part of the bill itself.

Hon. Marlene Jennings: I have a question before we proceed to the vote.

The Chair: Yes, Ms. Jennings.

Hon. Marlene Jennings: Given that the bill itself amends section 117, if I'm not mistaken, then any of the subsequent paragraphs or points under section 117—Am I completely in—?

The Chair: We're dealing with two completely different sections: section 117.01, which is in the bill, and your amendment deals with section 117.07, which is not noted in the bill at all, so it's not even part of the process. As a result, it's inadmissible.

That would apply to some others too. That's on page 654 of *House of Commons Procedure and Practice*.

•(0920)

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): On that, just so I understand, anything that by amendment becomes a new clause you're going to be ruling as not within the scope of the bill.

The Chair: Yes, that's right.

Ms. Jennings.

Hon. Marlene Jennings: Section 117 is comprised of section 117, section 117.01—It's viewed as a completely separate clause.

The Chair: Yes.

Hon. Marlene Jennings: Fine, thank you.

I still challenge.

(Ruling of the chair sustained: yeas 7; nays 4)

The Chair: Every day is a victory.

The clause is inadmissible.

New clause 14.2: Ms. Jennings.

Hon. Marlene Jennings: I will move clause 14.2. It's the same argument and the same ruling, I presume.

The Chair: The same argument and the same ruling, yes, as noted.

Hon. Marlene Jennings: Perhaps to accelerate things, may I ask if that would be the same ruling on Liberal amendments L-8 and L-9?

The Chair: L-8 and L-9.

Hon. Marlene Jennings: It would be the same ruling.

The Chair: Yes.

Hon. Marlene Jennings: So why don't I move all three at the same time, you rule that three of them are inadmissible, I challenge, we vote to sustain or not to sustain your ruling?

The Chair: Exactly.

Monsieur Petit.

[*Translation*]

Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC): Point of order, Mr. Chairman.

I understand how you operate and that you made a ruling which applies to all of the Liberal amendments, etc.

I think the decision is up to Ms. Jennings. From the start, we've been voting either in favour or opposed, but she has not said under which procedure it was admissible or inadmissible, if only for our purposes. I did not understand why.

Hon. Marlene Jennings: The chairman explained it well.

Mr. Daniel Petit: But you, you did not. I'd like it to be said, so I can understand.

Hon. Marlene Jennings: The chair explained that pursuant to procedures governing this committee, we cannot introduce amendments which would affect a section not already affected by the bill.

Mr. Daniel Petit: All right. And you are challenging this decision?

Hon. Marlene Jennings: Yes.

[*English*]

The Chair: Is there consent among committee members to proceed as Ms. Jennings outlined? We'll deal with these three amendments.

There is consent, and the chair's ruling is challenged.

(Ruling of the chair sustained: yeas 7; nays 4)

•(0925)

The Chair: Liberal amendments L-6, L-7, L-8, and L-9 are inadmissible.

On to clause 15. There is a Liberal amendment to clause 15. This amendment is actually noted as clause 15 in the bill.

Mr. Moore.

Mr. Rob Moore (Fundy Royal, CPC): Mr. Chair, I'm advised that clause 15 should be stood down because clause 9 has not been voted on yet.

The Chair: Ms. Besner.

Ms. Julie Besner (Counsel, Criminal Policy Section, Department of Justice): Yes. Clause 9 of the bill seeks to create the two new offences, the first being “break and enter to steal a firearm”, the second being “robbery to steal a firearm”. That clause has not been voted on yet, clause 9, to create the two new offences.

Clause 15 here references those two new offences in another part of the Criminal Code. So presumably the vote should take place first on clause 9, before the consequential amendment, so to speak, in clause 15, is voted on.

[*Translation*]

Mr. Réal Ménard: You are referring to wiretapping.

Ms. Julie Besner: Yes, under the new offences which would be created.

[*English*]

The Chair: We'll stand clause 15 down for now.

(Clause 15 allowed to stand)

The Chair: Clause 15.1 is a new clause and it reflects the NDP amendment.

Mr. Comartin.

Mr. Joe Comartin: I'm withdrawing that, Chair.

The Chair: Clause 15.1 is withdrawn.

(On clause 16)

The Chair: Clause 16, the government amendment G-7 on page 11 in your package.

As noted earlier, this amendment is inadmissible simply because it is intended to delete a clause.

(Clause 16 negated)

The Chair: On new clause 16.1, Mr. Comartin.

Mr. Joe Comartin: I'll be withdrawing that as well, Mr. Chair.

The Chair: New clause 16.1 is withdrawn.

(On clause 17)

The Chair: On clause 17, we have three amendments.

Mr. Petit, did you have a question?

[Translation]

Mr. Daniel Petit: I received the Liberal package this morning, and it is numbered in the same way as what I received a week ago. Just so I can follow, I would like to know whether you are referring to clause 16 of this morning or clause 16 from last week.

[English]

The Chair: Last week, but clause 16.1 is a new clause. It was initially an NDP amendment, but it's considered to be a new clause that was withdrawn.

On clause 17, there's a Liberal, an NDP, and a government amendment.

● (0930)

Hon. Marlene Jennings: If a proposed amendment that simply deletes the clause in the government bill or in the bill that we're currently examining is inadmissible, I would say that we simply have to vote against or defeat the original clause that the amendment seeks to delete. I would withdraw L-11.

The Chair: L-11 is withdrawn.

Amendment NDP-3, on page 14 of your package.

Mr. Joe Comartin: Mr. Chair, we're going to run into this for the next number of clauses, from clauses 17 through 24, where my amendments and those of the government are very similar. Actually, I like the government's wording more than mine. On each one of those, clauses 17, 18, 19, 20, 21, 22, 23, and 24, it occurs. In each case the wording is slightly different, but the government wording I think is more concise. In my own defence, that's what I thought I had told the drafter to do initially, but that aside, in those cases I would withdraw mine and support the government.

The Chair: NDP-3 is withdrawn.

We go to G-8, on page 15 of your package.

Yes, Ms. Jennings.

Hon. Marlene Jennings: I have a question on procedure.

It was my understanding that we dealt with amendments by the order in which they were tabled before the committee. It struck me that in the list we've been given, and subsequently, Liberal amendments dealing with clause 18—You have an NDP amendment dealing with clause 18 and a government amendment dealing with clause 18, but the Liberal amendments, which were tabled last, are being brought forth by the numbering here prior to the amendments by the NDP, which were tabled first, and prior to the amendments by the government, which were tabled second. The Liberal amendments came last.

May I ask why these amendments have been numbered and placed in the order where Liberal amendments are being dealt with first on each clause, when normally they would be dealt with last?

The Chair: We went through the process. Your amendment would have eliminated the clause and there would be no need to deal with the other amendments, and vice versa. Why deal with the other

amendments and then end up withdrawing the clause? You're defeating the clause.

Hon. Marlene Jennings: No. The explanation given was that if there's an amendment that seeks to delete a clause in the bill, it's superfluous because one only has to vote against the actual clause. However, prior to the Liberal amendments there were amendments tabled that seek to amend the original clauses. Therefore I suggest we deal with the Liberal amendment subsequent to dealing with the government and NDP amendments. We may decide to proceed with our amendment, depending on what the results of the votes are on the other amendments.

● (0935)

The Chair: The issue really is that if your amendment dealing with the clause defeats that clause, it's finished and there's no need to walk through the rest of the amendments. There's no hard and fast rule on the location of your amendment. I don't see how that's going to affect what we're doing here this morning.

Hon. Marlene Jennings: Then I am confused, because you made a ruling of inadmissibility based on the fact that the amendment simply sought to delete a clause, and one only had to defeat the actual clause to see it deleted.

The Chair: To move this matter along this morning, we'll put your amendment at the end.

Hon. Marlene Jennings: Thank you.

The Chair: The next one is amendment G-8 on page 15. After Ms. Jennings' intervention here, I assume we can't deal with these as a block. We will have to do each one separately.

Mr. Moore.

Mr. Rob Moore: This accomplishes the same goal—as Mr. Comartin mentioned—as the NDP amendment. It leaves in place the five-year minimum and seven-year escalating sentences, but eliminates the ten-year minimum sentence for a third offence. So for subsequent offences it would be seven years.

Once we deal with this, unless there's some problem in dealing with the rest as a block, I can't see why we can't deal with all of them together. Every one of our amendments does the same thing for each of those offences—takes away the ten-year minimum. If someone has a problem with that for one or two offences, we could deal with them on an offence-by-offence basis.

The Chair: The effort here, then, would be to apply the vote on this particular amendment, G-8, to amendments G-9 to G-15. Is there consensus and agreement?

Ms. Jennings, do you agree?

Hon. Marlene Jennings: First of all, yes, I'm in favour of dealing with the government amendments as a block, but I do have a question. Am I mistaken when my memory tells me that last week some Liberal amendments that sought to do the same thing were ruled out of order?

The Chair: That's right. You're not mistaken, but they didn't apply in the same fashion as the government amendment has, or the NDP amendment.

Hon. Marlene Jennings: The Liberal amendments sought to remove the escalator clauses. These government amendments seek to do the same thing. Therefore, by the logic of the ruling you gave last week, I would assume these government amendments are also out of order, because they seek to remove an escalator clause.

The Chair: Ms. Jennings, there is still an escalator. It's first and second offence, and there was no escalator in the Liberal amendments, if you recall.

Hon. Marlene Jennings: Thank you for that clarification, Mr. Chair.

The Chair: You're welcome.

Go ahead, Mr. Bagnell.

Hon. Larry Bagnell (Yukon, Lib.): For the record, I want to support what Ms. Jennings said. All we were doing was reducing the length of the sentences. They were reducing the length of the sentences, and there was no escalator.

The Chair: There was no escalator in your amendments.

We are on government amendment G-8. We are going to do amendments G-8 to G-15 as a block if we can.

• (0940)

Hon. Marlene Jennings: I have a question for clarification. Has the NDP withdrawn all its amendments?

The Chair: Yes, they have.

Hon. Marlene Jennings: Perfect.

Mr. Joe Comartin: I have one more, but on these sections I have withdrawn all of mine.

The Chair: You have another one coming up, but on these particular sections we will apply government amendments G-8 to G-15.

I now call the question.

(Amendments negatived)

The Chair: Amendments G-8 to G-15 are defeated.

Shall clause 17 carry?

Hon. Marlene Jennings: I am withdrawing the Liberal amendments that deal with the same clauses that amendments G-8 to G-15 concerned.

The Chair: Liberal amendments L-12 to L-18 are withdrawn.

(Clause 17 negatived)

The Chair: Clause 17 is defeated. Is there agreement to apply this vote now to clauses 18 to 24?

Some hon. members: Agreed.

Mr. Rob Moore: Mr. Chair, I'm just noting the Liberals voted against our amendment that would reduce the escalator from three, seven, and ten years to three and seven years, so obviously they feel it doesn't go far enough.

Is there unanimous consent, then, that for these clauses we adopt the Liberal platform and just double the mandatory minimum to eight years for all these offences? What the Liberals proposed was an

eight-year mandatory minimum for each of these offences, so does Ms. Jennings want to move that we just adopt their platform?

That's much further than we wanted to go. We have five, seven, and ten; they are proposing eight years across the board.

The Chair: It doesn't appear that the Liberals want to do that.

Hon. Marlene Jennings: Chair, we expressed ourselves through Bill C-82 and through the amendments we brought forth. I think our position is quite clear that we actually want to be smart on crime and have criminal provisions that are actually effective.

Mr. Rob Moore: I'm just wondering, if they're smart on crime now, what that makes the platform. Is it something less than smart, or more than smart, or—?

Hon. Marlene Jennings: You're cheap. You're being very cheap, *comme on dit en français*.

The Chair: Clauses 18 to 24 are defeated. We are now on clause 25.

Mr. Moore.

(On clause 25)

Mr. Rob Moore: Mr. Chair, I'm advised that clause 25 should be stood down for the same reason the previous one was stood down, because we haven't voted on clause 9 yet.

• (0945)

The Chair: Do you have any others that we will stand down?

Mr. Rob Moore: Well, maybe we can do it on a clause-by-clause basis.

There is clause 28 also, Chair.

(Clause 25 allowed to stand)

The Chair: We are on clause 26. We have Liberal amendment L-19.

(On clause 26)

Hon. Larry Bagnell: Mr. Chair, just before we go to that, with respect to the recent conversation by Mr. Moore, we would be happy to replace our amendments to increase mandatory minimums, which the opposition says are tougher on crime, if they would like to support the proposals we put forward to increase minimums.

The Chair: Well, that's not very clear. What are you referring to?

Hon. Larry Bagnell: We proposed earlier to increase the mandatory minimums on first offence—to double them, in fact—and the Conservatives at the time, because they didn't know what was going to happen to these other amendments, defeated them. But now, in light of the fact that the others have been defeated, they have an opportunity to be tougher on crime to increase minimums by supporting those amendments that we put forward.

The Chair: Mr. Moore, is that the eight years that you're suggesting, or—?

Mr. Rob Moore: No, they're talking about the non-use offences. I think you already ruled those out of order.

The Chair: Yes, they've been ruled out of order.

Mr. Rob Moore: They're talking about what was in their platform, saying they would double the mandatory minimum for serious firearms offences—

An hon. member: You should have voted to overrule the chair, if you wanted to be tough on crime. That's the story.

Hon. Marlene Jennings: Chair, the offer Mr. Moore made is out of order, according to the ruling you made on the Liberal amendments, which sought to double minimum mandatory penalties.

Mr. Moore is making an offer to double—actually, almost to triple in some cases—minimum mandatory sentences, but with no escalator. Therefore, his proposal is out of order, according to your previous ruling.

However, if Mr. Moore were prepared to challenge the chair's ruling on the Liberal amendments doubling minimum mandatory and to support those Liberal amendments, we would be more than happy to bring forth our amendments again and see Mr. Moore and his Conservative members on this committee challenge the chair's ruling.

We would certainly support the challenge of that ruling, because we already challenged it. But Mr. Moore and his colleagues sustained your ruling, Chair.

If Mr. Moore is now prepared to challenge your ruling, we would be prepared to propose our amendments to double the minimum mandatory sentences once again.

The Chair: There is no need for the chair to be challenged. All I would need is unanimous consent.

Hon. Marlene Jennings: Well, then, I seek unanimous consent to bring forth the Liberal amendments that doubled minimum mandatory sentences from one year to two years, and in other cases the other provisions.

The Chair: Mr. Ménard.

[*Translation*]

Mr. Réal Ménard: Mr. Chairman, setting aside the one-upmanship we are seeing here between Mr. Moore, taking pleasure in provoking Ms. Jennings, and Ms. Jennings not wanting to give in, I should like to point out that the rule here is that we introduce amendments which you then rule admissible or inadmissible. This morning, we are not discussing electoral platforms.

You decided some amendments were in order and others not. We voted on the amendments in accordance with our political views. I cannot understand why we would want to get back to amendments which were defeated so as to rediscuss them.

I suggest we continue our work. We should all take responsibility for tabling amendments which we consider to be in keeping with our ideological leanings. Any comments which would have us stray from that seem superfluous to me.

[*English*]

The Chair: Thank you, Mr. Ménard. I take that as meaning one member of the committee, at least, is not offering unanimous consent.

Mr. Moore, I think you had something you wanted to add.

Mr. Rob Moore: Thanks, Chair.

I'm not going to challenge your ruling. It's just to make clear the distinction that the Liberals' amendments deal with gutting this bill and turning it into their old Bill C-82. The amendments I'm talking about were not introduced by the Liberals, but I'm basing them on their platform, which was quite different from their position at committee.

But I'm not going to be giving my consent to introduce Bill C-82 into this bill, which is a good bill.

• (0950)

The Chair: Thank you, Mr. Moore.

Let's move on to clause 26, Liberal amendment 19.

Hon. Marlene Jennings: Mr. Chair, in light of your previous ruling, we would simply have to vote against and defeat clause 26. So I will withdraw Liberal-19.

The Chair: Mr. Moore.

Mr. Rob Moore: Clauses 26, 27, 29, and 30 are consequential and can be voted on together, because clauses 18 and 19 have been voted on. So these are consequential amendments.

I should have said that sooner.

The Chair: Clauses 26, 28, and 29?

Mr. Rob Moore: I'll let Julie explain that.

The Chair: Please.

Ms. Julie Besner: Sorry, but clauses 26, 27, 29, and 30 are all consequential amendments in order to change references to sections that were amended by clauses 18 and 29 of the bill or that have already been voted on. So the committee could consider voting on that bulk of clauses together as a whole.

The Chair: So the vote on clause 26 will apply to clauses 27, 29, and 30.

Ms. Julie Besner: Rather, the vote on clauses 18 and 19 will apply to clause 26.

The Chair: Clause 18 is done.

Ms. Julie Besner: Yes, I realize that.

I was trying to indicate that as a result of the amendments not having passed for those clauses, these remaining clauses are obsolete, so to speak, or now do not flow from—

The Chair: So we're at clause 26 and a vote on clause 26 could then be applied to clauses 27, 28, 29, and 30. Is that correct?

Mr. Joe Comartin: Mr. Chair, you don't need a vote. They are no longer relevant, as we've already voted down these sections, so these become—

At least my position is that we don't need a vote.

Could I suggest that the Liberals simply withdraw them?

The Chair: We'll vote on them as a package.

Hon. Marlene Jennings: Mr. Chair, the Liberals are withdrawing our amendments that pertained to those very same clauses, and I believe they are 26, 27, 29, and 30.

(Clauses 26, 27, 29, and 30 negated)

The Chair: Mr. Comartin.

Mr. Joe Comartin: I have an amendment, I believe, on clause 27, but I can't find it in the material that was handed out today.

The Chair: We just voted on clauses 26, 27, 29 and 30. The NDP amendment would result in a new clause, 28.1, but we're on clause 28 now and there are no amendments to clause 28.

Mr. Joe Comartin: I do have an amendment to clause 28.

The Chair: Your amendment is actually for a new clause 28.1, which will come up right after this.

Mr. Moore.

• (0955)

Mr. Rob Moore: Clause 28 should be stood down until we deal with clause 9.

The Chair: If the committee is in agreement, we'll stand down clause 28.

(Clause 28 allowed to stand)

The Chair: Now, to amendment NDP-11 for a new clause 28.1.

Mr. Joe Comartin: I'm withdrawing that, Mr. Chair.

(On clause 31)

The Chair: Clause 31 is a coming-into-force clause. We can deal with that later if there's consensus.

Some hon. members: Agreed.

(Clause 31 allowed to stand)

The Chair: We have one other Liberal amendment to deal with.

Hon. Marlene Jennings: I will withdraw amendment L-23, because it simply sought to do what Parliament does anyway, the re-numbering of a bill once a bill has completed clause-by-clause consideration.

(On clause 1)

The Chair: We'll start at the beginning again, committee, with clause 1.

There is a government amendment to clause 1, and the vote on this particular amendment will apply to G-2 and G-4.

Mr. Moore.

Mr. Rob Moore: The government is withdrawing amendment G-1 that applies to clause 1.

The Chair: Are you also withdrawing amendments G-2 and G-4?

Mr. Rob Moore: No, just G-1.

(Clause 1 negated)

(On clause 2)

The Chair: Government amendment G-2. Mr. Moore.

• (1000)

Mr. Rob Moore: I will let Julie explain that.

Ms. Julie Besner: The motion to amend clause 2 of the bill seeks to remove the third-level minimum penalty of five years that would apply on a third or subsequent offence. It also brings up proposed

paragraph 2(2)(c), which is currently placed elsewhere in the existing Criminal Code provision, so there is both a technical and a substantive amendment within that motion.

But on the substance, there remains a minimum penalty of one year on a first offence, and three years on a second or subsequent offence, which would be equivalent to the current law.

(Amendment negated) [See *Minutes of Proceedings*]

(Clause 2 negated)

(On clause 9)

The Chair: On clause 9, we have amendment G-4.

Mr. Ménard.

[*Translation*]

Mr. Réal Ménard: Mr. Chairman, does that mean we could vote on clauses 9, 15, 25 and 28 as a unit?

[*English*]

The Chair: We have to deal with amendment G-4 first, as it relates to clause 9. Then if there's a consensus with the committee, we can apply it.

(Amendment negated) [See *Minutes of Proceedings*]

The Chair: We are dealing with clause 9. This vote can be applied to clauses 15, 25, and 28 as well.

Is there agreement to apply the vote?

[*Translation*]

Mr. Réal Ménard: All right.

Some hon. members: All right.

[*English*]

The Chair: There is consensus.

Mr. Rob Moore: Can we have one minute, or perhaps thirty seconds?

The Chair: We will suspend for two minutes.

•

_____ (Pause) _____

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• (1005)

The Chair: I call the committee to order.

Monsieur Ménard.

[*Translation*]

Mr. Réal Ménard: There has been some confusion; perhaps we acted too hastily. If the government's purpose in tabling amendment G-4 is to introduce two new offences, robbery to steal a firearm and breaking and entering to steal a firearm, with no mandatory minimums, we would vote in favour of that.

I would call for the question to be asked once again, because there was this confusion. We agree with the idea of adding these two new offences to the Criminal Code, robbery to steal a firearm and breaking and entering to steal a firearm. If these offences do not involve mandatory minimum sentences, we are prepared to reconsider the vote.

•(1010)

[English]

The Chair: Thank you, Monsieur Ménard.

Ms. Jennings.

Hon. Marlene Jennings: On behalf of my Liberal colleagues, given the confusion over G-4 and clause 9, and I believe the subsequent clause 15 if I'm not mistaken, which also creates a new offence—

The Chair: We're just dealing with clause 9 for the time being.

Hon. Marlene Jennings: We would be prepared to have a recorded vote on G-4, which amends clause 9.

The Chair: Is there unanimous consent?

Some hon. members: Agreed.

(Amendment agreed to: yeas 11; nays 0)

(Clause 9 as amended agreed to)

The Chair: Was there some clarification needed for clause 2?

[Translation]

Ms. Julie Besner: Clause 2 deals with the offence of using a firearm while committing an indictable offence. It does not deal with the same thing as clause 9, which creates the two new offences under this bill—robbery to steal a firearm and breaking and entering to steal a firearm. Clauses 2 and 9 are not related and do not deal with the same thing.

Does that address your concerns?

Mr. Réal Ménard: I had not quite understood the link the chairman was making, other than that you wanted to make sure that our vote was sustained. We are not asking for our vote to be reconsidered, because we are not dealing with the two new offences here.

[English]

The Chair: It was my understanding that there was some concern with the opposition members and that they wanted to revisit clause 2. I may be mistaken.

Clause 15, clause 25, clause 28—

[Translation]

Mr. Réal Ménard: Mr. Chairman, to avoid all confusion, I would also like to have an explanation of the scope of these two new offences and the link between them. I understand there are mandatory minimum sentences.

[English]

The Chair: No, we just took them out; G-4 took out the minimums.

[Translation]

Mr. Réal Ménard: But clause 15, as it stood—

Ms. Julie Besner: Clause 15 of the bill—

Mr. Réal Ménard: —deals with wiretapping.

Ms. Julie Besner: That is correct. We're adding two new referrals to the two new offences created under the bill, in other words breaking and entering to steal a firearm and robbery to steal a

firearm. Clause 15 is not an offence as such. For all practical purposes, this is a consequential amendment to the creation of the new offences.

Mr. Réal Ménard: So, individuals may go before a justice of the peace to obtain a wiretapping warrant for these two offences.

Ms. Julie Besner: Yes. The same thing applies to clause 25 of the bill, regarding the aggravating factor of breaking and entering to steal a firearm and robbery to steal a firearm. If the robbery takes place in a dwelling house it is referred to as a home invasion. So, given that new offences are being created which target the stealing of firearms specifically, the amendment to clause 25 would serve as a reference to these new offences.

•(1015)

Mr. Réal Ménard: Very well. And what about clause 28?

Ms. Julie Besner: Clause 28 is similar, in and that it is also a consequential amendment. Here, we are dealing with breaking and entering. Section 662 of the Criminal Code provides that when there is insufficient evidence before the court to prove that a break and enter actually occurred in order to steal a firearm, a conviction can still be registered for the attempt to do so.

Under Bill C-10, a new offence is created, breaking and entering for the purposes of stealing a firearm. So, even if the Crown cannot prove that firearms were stolen, there may still be a conviction for breaking and entering for the purpose of stealing a firearm.

Mr. Réal Ménard: And, in all of that, we eliminated all references to mandatory minimum sentences.

Ms. Julie Besner: Yes.

Mr. Réal Ménard: The clause refers to aggravating factors; either wiretapping or breaking and entering.

Ms. Julie Besner: Yes. Mandatory minimum sentences are mentioned in the offences themselves, found under section 98 and proposed by clause 9 of the bill. These consequential amendments do not deal with mandatory minimum sentences.

[English]

These consequential amendments do not touch on the issue of minimum penalties. They're just references that are made to the new offence provisions created by the bill.

[Translation]

Mr. Réal Ménard: All right.

[English]

The Chair: Thank you, Monsieur Ménard.

Mr. Bagnell.

Hon. Larry Bagnell: For these new offences, there would not be mandatory minimums.

Ms. Julie Besner: That's correct. Clause 9 as amended does not provide a mandatory minimum penalty for those new offences that are created.

The Chair: We're on clause 15. The vote on clause 15 can be applied to clauses 25 and 28 if there's unanimous consent.

Some hon. members: Agreed.

The Chair: There is unanimous consent.

(Clauses 15, 25, and 28 agreed to)

The Chair: Clause 31 is the coming-into-force section.

(Clause 31 agreed to)

[*Translation*]

Mr. Réal Ménard: Section 31 provides that on the date established by order in council the four clauses which comprise this new bill will enter into force. Is that correct, Mr. Chairman?

[*English*]

The Chair: Yes.

[*Translation*]

Mr. Réal Ménard: We support this slim new package.

[*English*]

The Chair: Shall the preamble carry?

[*Translation*]

Mr. Réal Ménard: No. Unless the government is open to the idea of making some amendments to it.

[*English*]

Mr. Rob Moore: I guess we could entertain them, but I like the preamble the way it is, really. It seems perfect.

[*Translation*]

Mr. Réal Ménard: The parliamentary secretary will agree that this bill has been changed significantly. The preamble states:

whereas Canadians are entitled to live their lives in peace, freedom and security;

whereas acts of violence involving the use of firearms, including ones by street gangs, are increasingly threatening the safety of Canadians in their community;

whereas the Parliament of Canada is committed to taking the measures to protect Canadians from this threat while continuing to respect and promote the values reflected in, and the rights and freedoms guaranteed by, the Canadian Charter of Rights and Freedoms;

We can live with that, but we do have problems with what follows. It states:

and whereas these measures include legislation to impose higher minimum penalties [...]

If the government truly wants to have a preamble, because of its interpretive value, we are prepared to accept the first three points, which begin with the word “whereas”. What follows, however, is no longer relevant. Of course, with the consent of the Senate—All references to minimum penalties must be removed because the bill no longer has this configuration.

•(1020)

[*English*]

The Chair: Thank you, Mr. Ménard.

Mr. Lee.

Mr. Derek Lee: Mr. Chairman, the preamble isn't going to be a part of the final outcome here, in the sense that changes to the Criminal Code are going to sit in the Criminal Code without the preamble.

Most of the bill has not been passed.

In recent years, a preamble has been inserted almost solely for the purpose of being a charter lubricant, and while there may have been some charter issues on the edges with some of these proposed amendments to the Criminal Code, for the sections that have been passed, I can't see anybody saying there's a charter problem. So the charter lubrication objective isn't there.

I don't see the need for the preamble. In the present case, maintaining the preamble is perhaps an advertisement for what's not in the bill any more, and while the government members might think that's a good idea, I don't. So I would be opposed to adopting the preamble.

The Chair: Ms. Jennings.

[*Translation*]

Hon. Marlene Jennings: I too am not prepared to support the preamble. However, with the permission of the committee chair, I would like, for the third time, to give the government side the opportunity to re-submit the Liberal amendments which doubled the minimum sentences for several existing offences. That would therefore make it possible to increase monitoring minimum sentences for several criminal offences.

[*English*]

The Chair: We'll deal with the preamble where we're at right at the moment, Ms. Jennings.

Mr. Moore.

Mr. Rob Moore: Why don't we just vote on the preamble? I don't see the need to amend it.

(Preamble negatived)

The Chair: Shall the title carry?

[*Translation*]

Mr. Réal Ménard: Mr. Chairman, we can't adopt the title because it no longer reflects the bill itself.

[*English*]

Mr. Derek Lee: Could I propose an amendment, Mr. Chair?

The Chair: Would you like to speak to that, in reference to the title?

Mr. Rob Moore: No.

The Chair: Mr. Lee.

Mr. Derek Lee: Yes, I would propose an amendment to strike the words “minimum penalties for”, and all the words after the final bracket, so that it would read: “An Act to amend the Criminal Code (offences involving firearms)”.

Oh, there is no period, so we'll just delete the words “minimum penalties for” and the words “and to make a consequential amendment to another Act”.

•(1025)

Ms. Julie Besner: Just for clarification, the consequential amendment to the other act was to the Corrections and Conditional Release Act at clause 29, which was not carried.

Mr. Derek Lee: My proposed amendment would delete reference to the other act in title of the bill.

The Chair: What about the other provisions in clause 30—the DNA Identification Act, and the National Defence Act?

Ms. Julie Besner: I believe that clause was voted down.

The Chair: Okay.

Mr. Derek Lee: Can I clarify with the departmental official that no other acts are consequentially amended by the bill in its current state?

Ms. Julie Besner: That is correct.

The Chair: In reference to the title of Bill C-10, Mr. Lee's amendment would read: An Act to amend the Criminal Code (offences involving firearms)

(Amendment agreed to)

[*Translation*]

Mr. Réal Ménard: Fine.

[*English*]

The Chair: Shall the title as amended carry?

Some hon. members: Agreed.

The Chair: Mr. Bagnell.

Hon. Larry Bagnell: At the beginning of this Mr. Moore came in the spirit of cooperation, and once again we'd like you to hear Marlene Jennings' point. We're offering a chance to increase mandatory minimums. Except for the parliamentary secretary, Conservative members didn't get a chance to vote on that.

It's hard for me to do this, because I'm against them, but we offered to increase the mandatory minimums, although not as much as the Conservatives wanted. We understand that, but it's a minority government. Ms. Jennings wants to put that offer on the table again.

Hon. Marlene Jennings: I do.

Mr. Joe Comartin: On a point of order, Mr. Chair, we've been through it three times this morning. It's obvious that the Bloc and I are not going to give unanimous consent, in any event. Can we just move on? It's irrelevant at this point.

If you want to carry on negotiations, carry them on someplace else.

The Chair: There is no unanimous consent.

Shall the bill as amended carry?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

The Chair: Shall the committee order a reprint of the bill?

Some hon. members: Agreed.

• (1030)

The Chair: That concludes Bill C-10 clause-by-clause.

While the committee is present and we have the time, we will now deal with the ninth report of the subcommittee on agenda and procedure. Do you have a copy of that before you?

First on the agenda is that the vote concerning the motion of Mr. Ménard concerning some proposed amendments to the Criminal Code be postponed until after the adjournment period of March 2007.

[*Translation*]

Mr. Réal Ménard: Mr. Chairman, I would like to explain that, further to measures which involved me and which were taken by the minister's staff, and in a spirit of candid cooperation and solid friendship, I've understood that the government would like to have a bit more time in order to put their officials to work and assess the impact of my four proposals.

I in no way want the committee members to vote for these measures in a rush, without having all of the information. I have confidence that my motions are solid, because I prepared them in consultation with law enforcement organizations. Nevertheless, I would not feel good about rushing my colleagues and therefore I agree that the officials should have all the time that they need. We could vote on my motion when we get back after the March break. I am therefore maintaining my amendments in their entirety, along with those of Ms. Jennings.

Mr. Petit, I think that you suggested an amendment as well.

[*English*]

The Chair: Thank you, Mr. Ménard.

We'll just stand this one down until some time in March.

The next item at Thursday's meeting will be Mr. Rajotte's private member's bill, Bill C-299. Mr. Rajotte will be here along with departmental officials. We anticipate doing clause-by-clause on that day.

The third point here is Bill C-18, the DNA bill. It's anticipated that there will be four individuals or groups invited to appear on Tuesday, February 27, and that clause-by-clause study will take place on March 1, 2007. I believe the individuals will include an academic and those associated with the DNA data bank, the bar, and departments. Agreed?

Some hon. members: Agreed.

The Chair: Next is that the committee proceed to the study of the use of the provisions of Bill C-53 after the Easter recess in April 2007.

[*Translation*]

Mr. Réal Ménard: Mr. Chairman, if I may, I would like to provide some explanations.

[*English*]

The Chair: Monsieur Ménard.

[*Translation*]

Mr. Réal Ménard: Bill C-53 was adopted unanimously by the members from all parties in the House, during the final days of the Martin government. This was a bill that reversed the onus of proof for goods acquired by criminal organizations.

Further to consultations with various organizations, I discovered that, for all kinds of reasons that warrant an explanation, the bill does not appear to be very useful in its current format to law enforcement agencies. I think that it is incumbent upon us to find out why Bill C-53 has not been reviewed, even though it has not been around for very long in the life of the law enforcement agencies. This is not an urgent matter, but I do think that we should, before the summer adjournment, have a briefing session here in committee with the officials responsible for C-53.

• (1035)

[*English*]

The Chair: Ms. Jennings.

Hon. Marlene Jennings: I am aware that the government wishes to move in a prompt fashion on another bill on our agenda, which is Bill C-22. Do you wish for us to complete this discussion before we get to that point?

The Chair: I want to finish Monsieur Ménard's point first.

Hon. Marlene Jennings: Very good.

The Chair: Mr. Moore.

Mr. Rob Moore: I'm wondering if Mr. Ménard is open to having a session on Bill C-53 after the Easter recess in April, in addition to our usual meetings—a third meeting in one week.

[*Translation*]

Mr. Réal Ménard: Mr. Moore, you are being a real little toad! You know how the committee works. We had agreed to do that as part of our regular work. Nevertheless, I know that you have had a hard day today and that you are hurting inside because you have been severely reprimanded.

So, very exceptionally, and to further the salvation of my soul, I will grant this to you. But it is really because you are feeling badly, because I believe that that should be done as part of the committee work. Nevertheless, I do understand that this has been a difficult day for you. I will therefore give my consent, Mr. Chairman, for redemptive purposes, but this must not become a habit or precedent.

[*English*]

The Chair: Mr. Ménard, I don't believe there is any redemption for you.

Mr. Comartin.

[*Translation*]

Mr. Réal Ménard: I would like a vote on that, Mr. Chairman.

Some hon. members: Oh, oh!

[*English*]

Mr. Joe Comartin: You'd probably get unanimous support for that, Mr. Chair, at least from the rest of the committee, with the exception of Mr. Ménard.

The government has taken the position that there's going to be a special legislative committee on Bill C-35. They will be having meetings and will probably be starting at that time. So it's going to be very difficult for this committee to have additional meetings. Some of us will also be on that legislative committee.

The Chair: Bill C-35 is on reverse onus and bail.

Mr. Joe Comartin: For the committee's purposes, the legislative committee cannot meet at the same time as this justice committee.

The Chair: Mr. Moore.

Mr. Rob Moore: I think we could work our schedules around that for one additional meeting at some point. I'm interested in having a meeting, but there's a lot of work that this committee is doing. I don't think it would be a problem for one week.

The Chair: On Bill C-53 and Mr. Ménard's point, I think we can have further discussions at committee and bring it to a conclusion later. We'll do our best to work around it. I think Bill C-53 is finished now.

Ms. Jennings.

Hon. Marlene Jennings: It concerns in part

[*Translation*]

the motion dealing with the judicial appointment process that Mr. Ménard tabled.

I must say that we Liberals are completely in agreement with having the committee review the judicial appointment process. Nevertheless, we do have some concerns about the part of his motion that states:

That, as soon as the study of Bill C-18 is completed, the Committee devote three sessions to hearing witnesses who will inform the Committee of the consequences the government's proposed changes will have on the integrity of the legal system.

Other bills at second-reading-stage have been referred to the committee, such as Bill C-22, which pertains to the age of consent. We would prefer to continue the second-reading stage study. Once we have completed our study on Bill C-18, we will begin looking at Bill C-22.

Once again, we would have been receptive to the idea of striking a legislative committee to review Bill C-22, in order to allow the committee, for instance, to review the judicial appointment process. That would avoid a slowdown of the work we're doing in committee and allow us to comply with the objective, stated many times by the government, of reviewing the whole issue of the age of consent.

I am therefore wondering if the government could demonstrate some openness—first of all, we would need the consent of our colleagues from the two opposition parties, the Bloc and the NDP—to have Bill C-22 referred to a legislative committee rather than this committee.

• (1040)

[*English*]

The Chair: Mr. Moore.

[*Translation*]

Mr. Réal Ménard: On a point of order, Mr. Chairman.

I was under the impression that we would not be discussing my motion until tomorrow. I have no objection to debating it now, but I would point out that this is against the rules. I understand that we are agreeing to debate—

[English]

The Chair: We're not debating your motion, Mr. Ménard.

[Translation]

Mr. Réal Ménard: Yes, we are debating that—

[English]

The Chair: The issue Ms. Jennings brought up was to seek from the government a desire to have a legislative committee look at Bill C-22.

[Translation]

Mr. Réal Ménard: When you give me the floor, I will give my opinion on the matter.

[English]

The Chair: Go ahead, Mr. Moore.

Mr. Rob Moore: I think, Mr. Chair, that Bill C-22 has already been referred to this committee. Obviously I'm not prepared to answer that question at this point anyway, because that's a decision the House leaders make, but I would want members to bear in mind that Bill C-22 certainly falls within the purview of this committee, for one thing, and for another, we are already dealing with another justice bill in a legislative committee.

I know that would stretch some people extremely thin, because they'd possibly be on three committees. I would prefer that we deal with Bill C-22, which is a bill that was referred to this committee, as soon as possible.

The Chair: Yes, Mr. Moore, you're absolutely right.

Go ahead, Mr. Ménard.

[Translation]

Mr. Réal Ménard: Mr. Chairman, I would like to raise two points.

First of all, I understand that it is first and foremost the leaders of our respective parties that discuss the issue of legislative committees. However, I do understand, without having checked with my leader, that we are not very receptive to the idea of increasing the number of legislative committees, first of all because the same people will have to sit on them and also because there is no urgency requiring us to adopt the bills at the rate proposed by the government.

The government has already suggested that we establish a legislative committee to deal with reverse onus for extra-judicial inquiries. That is one thing.

Secondly, I am open to the idea that we should talk amongst ourselves. Ms. Jennings took me somewhat by surprise. This is a great side of her personality, this ability to come up with something new which makes her a somewhat unpredictable parliamentarian. However, I thought that the members from all of the parties wanted to study the issue of judicial selection, given the current roadblock.

You are aware, Ms. Jennings, as a legal expert, that there is a roadblock: the government is acting with arrogance that we cannot condone. So your friendship will be very useful to me as to the way that these events will unfold.

Mr. Chairman, we will discuss this matter on Thursday. But I feel it is essential that committee members be able to review the way that

judges are selected. I think that we have some work to do on that issue. Moreover, my colleague from the NDP has also indicated that he shares this same desire.

[English]

The Chair: Mr. Ménard, in fact that is exactly what's going to happen. You have served notice on the committee to deal with this particular point; it will be debated and discussed on Thursday, February 22. It shall be so.

Getting back to Bill C-22, I think there is a need...and my understanding is that many in the opposition want to see Bill C-22 hit the floor of this committee. I'm trusting there's going to be some consensus here to be able to deal with that quickly.

Go ahead, Mr. Lee.

• (1045)

Mr. Derek Lee: Speaking to the ninth report issue and our future agenda, the first point I've got to make is that when the House refers a bill to a committee, that bill has to have, at a minimum, at least some notional priority to other business.

I realize occasionally you get a little bit of a pinch point or a logjam, and there may be reasons to refer stuff out to a legislative committee. That has been done here on one occasion—for the second time, actually, in this Parliament—but the relative expertise in dealing with bills in this envelope is generally in this committee, and we ought to be making room.

I appreciate the efforts of Monsieur Ménard to offer business items and agenda items for us. As I look at this ninth report, I think three of the five items have been suggested by Monsieur Ménard. That's just wonderful, but the fact is that the government and the House have referred a whole bunch of other items to us, and I think we've got to work on those.

We've already done a side trip on another issue. We have to do that occasionally as a standing committee, but I want to see the age of consent bill get dealt with, Bill C-22. It's already been referred to us and it absolutely has to have priority over the issues of proceeds of crime or the appointment of judges. These are, of course, important public issues, but we have our work agenda established primarily by the House; we are a creature of the House. If we could find a way to wedge in a review of judges or proceeds of crime or other things, I'm happy to do that, but we absolutely have to get to the bills that have been referred to us. I would support any initiative that would get Bill C-22 in here right after Bill C-18, the DNA bill. Let's do our homework here, as the House wants us to.

The Chair: Thank you, Mr. Lee.

I certainly know this committee in general wants to deal with Bill C-22 as expeditiously as possible. The problem now is before all of us, because I see that there's a general desire to see Bill C-22 in front of the committee probably ahead of Mr. Ménard's motions, I would have to suggest.

At the same time, the matter may end up being settled with a vote to do that very thing. If that's what the committee wants the chair to do or if there's some other way of coming to an agreement, let's do it now.

Mr. Ménard.

[Translation]

Mr. Réal Ménard: I would like to ask the Speaker of the House and our procedural experts to clarify certain points.

I think that Mr. Lee inadvertently misled the committee members. The committee is totally independent with respect to the way that it organizes its work. Of course, a government bill is given priority, but it is the prerogative of the committee to organize its work. Neither Marleau and Montpetit nor jurisprudence states that it is impossible for a committee to spend time on something other than the bill that has been referred to it for study. And yet, I heard comments to the contrary on several occasions. I am surprised that this is coming from opposition colleagues.

I'm going to ask for legal advice from the Speaker of the House. We are the masters of our work. When procedural issues are raised with the Speaker of the House, he reminds us often about this principle.

To conclude, I would like to point out that we are not responsible for the government's legislative activism. We are not responsible for the fact that the government has chosen, for ideological reasons, to create a bottleneck here, in the committee. Some committees have yet to receive one piece of legislation since the government was elected, whereas we have had to review nine. Consequently, the Standing Committee on Justice will never have any time to do something other than review government bills.

The government cannot be hegemonic. We have to strike a balance, and we have found it. We took upon ourselves to examine Bill C-9 and C-10, we looked at section 25 of the Criminal Code and now we are about to examine Bill C-18. Nevertheless, in addition to studying the government bills, it is understandable that parliamentarians, be they members from the opposition, make recommendations. That is part of our job.

I am not going to accept this analysis and I am going to raise a question of privilege in the House in order to have the Speaker validate this position. We are the masters of our business, and nothing compels us to organize our business according to the sequence of bills submitted by the government.

You should know, Mr. Chairman, that when people talk about me in Montreal or on Parliament Hill, I am defined first and foremost as a reasonable man. I will always live up to this reputation.

[English]

The Chair: Mr. Ménard, you're absolutely right. This committee is the master of its own destiny, of its future.

If someone were to propose a motion to deal with Bill C-22 ahead of Mr. Ménard's motions, then we would vote on it.

It's that simple, right, Mr. Ménard? You said it.

• (1050)

[Translation]

Mr. Réal Ménard: I think that you are right, Mr. Chairman. You have clarified the matter to us with the wisdom that we would like to see on a regular basis.

[English]

The Chair: Ms. Jennings.

[Translation]

Hon. Marlene Jennings: Thank you, Mr. Chairman.

When I raised the issue of Bill C-22, it was not at all my intent to delay the review on the judicial appointment process suggested by Mr. Ménard in his motion. It was, in fact, because we felt that these two issues were equally important. The review of the appointment process was done by the government without any consultation.

This was, moreover, what prompted me to suggest to the Parliamentary Secretary to the Minister of Justice that the government consider referring Bill C-22 to a legislative committee, despite the fact that the House had referred it to the Standing Committee on Justice. I may be mistaken, but it seems to me that associate members of a standing committee can sit on legislative committees. So it isn't true that only the regular committee members can sit on it.

I would also like to correct a statement made by Mr. Moore to the effect that legislative committees are established further to an agreement or consensus amongst the parliamentary leaders. If that were the case, there would not have been the government motion before the House on Bill C-35, which is aimed at reversing the onus of proof in cases awaiting trial. The parliamentary leaders were not consulted: the government acted unilaterally.

If committee members feel that Bill C-22 is as important as we, the members of the opposition, feel it is, by agreeing to study the judicial appointment process which was done unilaterally by the government, I move that Mr. Moore go back to his minister, his parliamentary leader, and, if necessary, his Prime Minister, and suggest that the parliamentary leaders consult with one another during their meeting on Tuesday afternoon. A suggestion could be made that another motion be tabled in the House requesting that the House review its decision, namely, that it refer Bill C-22 to a legislative committee rather than the Standing Committee on Justice.

In my opinion, that would suit everybody. The government would ensure that Bill C-22 is examined without delay and all of the members of this committee would be able to review the judicial appointment process, which was reviewed by the government without any consultation.

[English]

The Chair: Thank you, Ms. Jennings. I don't think that's the government's intention, or they would not have sent it here.

Mr. Comartin.

Mr. Joe Comartin: I'll pass.

The Chair: Mr. Petit, quickly. We're running out of time.

[Translation]

Mr. Daniel Petit: Mr. Chairman, I agree with Mr. Lee's way of stating the problem, i.e. that we must set the priorities. We are dependent on Parliament, that basically consists of members elected by the people. The agenda and the priorities are set by Parliament.

Regarding this, I must say that I disagree with you, because Mr. Lee is right. Parliament sends us bills to study and decides the order in which the committee studies the bills.

A problem came up, and members of the Liberal Party are practically obsessed with the motion to study the appointment of judges. This means that tomorrow morning, as the committee is free, the agenda proposed by opposition members would be contrary to the will of Parliament. Therefore, tomorrow morning, members could decide that the motion on the appointment of judges is the priority. Consequently, instead of working on Bill C-22, we might have to work all the time because it is their agenda, their problem, and because they are obsessed with studying the appointment of judges, and we will have to follow suit.

I agree with Mr. Lee's proposal. The bills that are sent to us must be studied according to their merits and following the schedule set by Parliament, and not vice versa. Otherwise, I can simply close my books tomorrow morning and they can simply present their agenda. In such a case, there is no need for Parliament to sit, if they are the ones who decide here, in this committee, and if their decisions are contrary to the decisions made by Parliament. Therefore, I agree with Mr. Lee.

•(1055)

[English]

The Chair: Thank you, Mr. Petit.

Mr. Moore is next, and then I'll come to you, Mr. Thompson.

Mr. Rob Moore: That's fine, Chair.

I think Mr. Petit summed up my thought, which is that we should get on with moving the bills that have been put before us by the House.

The Chair: Thank you, Mr. Moore.

Mr. Thompson has a motion.

Mr. Myron Thompson (Wild Rose, CPC): I would move, Mr. Chairman, that Bill C-22 be moved forward immediately, ahead of the motion by Mr. Ménard. Let's get down to business. That's what we're here for, so let's get somewhere.

I don't know how it should be worded, but that's my motion.

[Translation]

Mr. Réal Ménard: Mr. Chairman, I have a point of order.

First, let me remind you that the committee rules require a 48-hour notice. Secondly, we cannot treat each other like this.

Every parliamentarian has the prerogative to table motions. If Mr. Petit has just realized that he belongs to a minority government, good for him, but we will work according to the wishes of the majority in this committee.

If the majority votes that we should study the appointment of judges, our colleagues from the party in power will have to accept it. I want to work in a cooperative spirit, but no one can stop the opposition from tabling motions, and we do not intend to stop the government from doing so.

[English]

The Chair: Mr. Ménard, what is on the floor of this committee is a schedule and a future agenda. Mr. Thompson's motion is in order.

Those in favour—?

[Translation]

Mr. Réal Ménard: Mr. Chairman, I have a point of order.

I want to understand your decision and I want to challenge it.

The steering committee has set a working agenda. If you find that Mr. Thompson's motion is in order, we will also vote—

[English]

The Chair: The steering committee has decided on everything up to the DNA bill, Bill C-18. There have been no specified times allotted for your motions, because times were going to be something that would be discussed. Now Bill C-22, even though it was discussed earlier at the steering committee, is on the floor here as well.

A motion has been put forward. We'll deal with the motion. There has been no decision on either of Mr. Ménard's motions that are on the agenda here as far as time is concerned.

[Translation]

Mr. Réal Ménard: No, Mr. Chairman. I sent a notice of motion that we will discuss tomorrow. Even before considering this motion, you are ready to receive a motion from my colleague Mr. Thompson and to set my motion aside. I think that this is a breach of the standing orders. We cannot accept it.

•(1100)

[English]

The Chair: Mr. Lee.

Mr. Derek Lee: Clearly there's not a really good consensus here on the future agenda. I think we need some more discussion. The ninth report as drafted is probably not ready to be adopted. As long as we know what we're going to do for the next two or three weeks

The Chair: Everything is adopted on there.

Mr. Derek Lee: Except for the last one.

I'm happy with that, and we can deal with the rest at steering committee.

The Chair: If that's the case, if that's the consensus within the committee here—

Mr. Thompson.

Mr. Myron Thompson: The steering committee has to be prepared to deal with this and to remember that we need to get at the bills that are sent down here for us to deal with. Our priority should be based on that.

I'll withdraw the motion for the time being, but I hope the steering committee will do a better job of considering those things.

The Chair: I thank you for the advice, Mr. Thompson.

This matter will be dealt with in the steering committee, and it will be dealt with on Thursday. I'm trusting that we can get a steering committee put together as quickly as possible.

Mr. Petit.

[*Translation*]

Mr. Daniel Petit: Mr. Chairman—

[*English*]

Mr. Joe Comartin: On a point of order, Mr. Chair, it's now one minute after eleven. We're infringing on the next set of meetings. That's contrary to the rules, and I call on you to adjourn this meeting at this time without any further discussion.

The Chair: The meeting is adjourned.

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