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Thursday, May 27, 2010

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Chair

Mr. Ed Fast

Standing Committee on Justice and Human Rights

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• (1200)

[English]

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

This is meeting 19 of the Standing Committee on Justice and Human Rights. For the record, today is Thursday, May 27, 2010.

Just as a note to all of you, our steering committee met yesterday. I've asked the clerk to circulate the minutes of that meeting. As today's regular meeting has been abridged due to the address of the President of Mexico, we'll set aside some time at our next meeting to review the steering committee notes. I think it's important that we spend a bit of time discussing the items we talked about at steering committee, but we definitely won't get a chance to do that today.

You have before you the agenda for today. We have with us our Minister of Justice and Attorney General for Canada, the Honourable Rob Nicholson. Minister Nicholson is here to help us with our review of the main estimates, which I believe are due to be returned to the House on May 31. Accompanying the minister is the Deputy Minister, Mr. Myles Kirvan. Welcome to both of you.

Once again, to everyone in the room, please turn off your cellphones and BlackBerrys, or set them to vibrate so that we won't have any interference. If you do get phone calls, please take them outside of the room.

Minister, you have 10 minutes to make your opening remarks. Then we'll go to questions.

Hon. Rob Nicholson (Minister of Justice): Thank you very much, Mr. Chairman.

It's a pleasure, as always, to be here before the standing committee on justice and legal affairs. I'm pleased to be here with Myles Kirvan. This is the first opportunity to be before the committee with the new Deputy Minister. I'm very pleased and honoured to be with him.

Mr. Chairman, the Department of Justice has the responsibility of supporting the finest justice system in the world and making it as fair, accessible, and efficient as possible. The employees of the department have helped our government fulfill its commitment to tackle crime and protect Canadians through their invaluable advice and their tremendous efforts. I greatly appreciate their support and reliability, and on behalf of the government I would like to thank them all for their hard work.

The Department of Justice plays the unique role of legal adviser to the government through developing policy and drafting and

reforming laws. Its employees also interact with the justice system and its many players, including other levels of government, professional associations, and a wide range of non-governmental organizations, from the community level to the national arena.

Mr. Chairman, our government continues to move forward with its tough on crime agenda to ensure that our communities are safe places for people to live, raise their families, and do business. As stated in the recent Speech from the Throne:

The law must protect everyone, and those who commit crimes must be held to account. Canadians want a justice system that delivers justice.

[Translation]

Since we came to power, our government has made a strong commitment to protect families and communities everywhere in Canada. We have chosen a balanced approach. It is based on prevention, enforcement and rehabilitation. But we have to do more.

[English]

Along with further protecting all Canadians, our government is also committed to responding to the needs of victims of crime, ensuring their voices are heard and their concerns are taken seriously within the justice system.

As I mentioned in my last appearance before this committee, our government has introduced an important piece of legislation, known as Sébastien's Law, to make the protection of society a primary goal of our youth criminal justice system. It would also give Canadians greater confidence that violent and repeat young offenders will be held accountable. It would simplify the rules to keep these offenders off the streets, and would require the courts to consider publishing the name of a violent young offender in individual circumstances when necessary to protect society.

Mr. Chairman, our government has reintroduced several pieces of legislation over the past couple of months, including measures to crack down on white-collar crime and fraud and increase justice for victims. Bill C-21 will amend the Criminal Code to provide tougher sentences for the criminals responsible, specifically a two-year mandatory jail term for fraud over \$1 million, with a maximum term of 14 years in prison.

Because drugs are the currency of organized crime and gangs, we have also reintroduced legislation to amend the Controlled Drugs and Substances Act. This bill would impose mandatory sentences on drug producers and traffickers, specifically targeting the criminal enterprise of gangs and other violent criminal organizations.

Having this legislation passed would better protect communities and send a very clear message: if you produce and traffic drugs, if you run a grow op or a meth lab in residential neighbourhoods, if you threaten the safety of Canada's youth, you will serve jail time. Canadians should not be asked to tolerate criminal activity that attempts to flourish at the expense of law-abiding Canadians and those vulnerable to the lure of drugs.

We also take extremely seriously the many instances of child sexual exploitation facilitated by the Internet. The creation and distribution of child pornography are appalling crimes in which children are brutally victimized over and over again. The World Wide Web provides new and easier means for offenders to make, view, and distribute child pornography. This has significantly increased not only the availability and the volume of child pornography but also the level of violence perpetrated against children.

Our government recently proposed a mandatory reporting regime across Canada that will require suppliers of Internet services to report information about Internet child pornography. This will strengthen our ability to protect our children from sexual predators and help police rescue these young victims and prosecute the criminals responsible.

Mr. Chairman, our government has also shown its concern for the families of murder victims. We are acting to end faint-hope reviews to underscore the fact that murderers must serve serious time for the most serious crime. The victims of these horrendous crimes should not be made to feel that the life of their loved one didn't count. We need to spare the families of murder victims the anguish of attending repeated early-parole eligibility hearings and having to relive their losses over and over again.

Knowing what victims of crime have faced, our government has made a long-standing commitment to respond to their needs. In 2007 we committed \$52 million over four years to the departments of justice and public safety. These funds go to support a number of programs and services to help the federal government and the provinces and territories respond to a variety of needs of victims of crime. They also provide victims with the resources to attend parole hearings and to seek help if they experience crime while abroad.

• (1205)

In addition, we have committed more than \$6.6 million over two years, including expanded programming under the federal victims strategy, the details of which I will soon be providing.

I would draw particular attention, Mr. Chairman, to the victims of crime initiative. Among other things, it helps provide crown witness coordinators in the north, where rates of victimization are high. The \$5 million for this initiative expired at the end of the last fiscal year, so although these funds did not appear in the main estimates they have in fact been part of the supplementary estimates that were tabled this week.

Our government is committed to supporting victims, and we will continue to do so. I'm proud of the role my department has played in ensuring that victims of crime have a voice in Canada's justice system. The perspectives and stories of victims of crime provide invaluable insight and inspiration in our common efforts to ensure the integrity of our justice system.

Mr. Chairman, over the last year our government has continued to make progress toward the goal of protecting with all the resources at its command. In the year ahead the Department of Justice will continue to support our government's efforts as efficiently and effectively as possible, both on its own and in collaboration with other federal departments and agencies, partners from the provinces, territories, and non-governmental organizations.

To conclude, Mr. Chairman, I would like to once again express my appreciation to you and to your committee members for this opportunity.

• (1210)

[Translation]

As you know, the Department of Justice plays a leading role in meeting the needs of Canadians, women and men.

[English]

As you know, the department is instrumental in meeting the needs of Canadians. We will continue to do so. I will do my utmost to ensure that the funds that are approved in the estimates will continue to be spent wisely in the service of Canadians.

Thank you. I look forward to any questions that you might have.

The Chair: Thank you, Minister.

We will go to questions. First of all, we have Ms. Mendes for seven minutes.

Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.): Thank you very much, Mr. Chairman.

Thank you, Minister, for being here with us today.

I would like to start by commending one aspect of the estimates.

An hon. member: Don't get carried away.

Hon. Rob Nicholson: You don't have to confine yourself to one; just keep it going.

Voices: Oh, oh!

Mrs. Alexandra Mendes: Well, it's the only one I can actually find myself in support of, which is the contributions under the access to both official languages. I think the department is making a true effort in increasing that budget, and I commend you for that.

Unfortunately, I find it worrisome that all transfer payments budgeted to the youth justice fund are status quo. There's not a single cent of increase in these programs. Considering that we are undergoing a study on Bill C-4, I would like to have your comments on this. Why aren't we finding any increase in funding for youth justice programs, particularly the rehabilitation ones? We did hear from New Brunswick's Attorney General that one of their very successful programs has been cut.

I'd like your comments on this, please.

Hon. Rob Nicholson: Again, the program that I think you're mentioning, of several hundred thousand... It certainly is open to the province, indeed any province. As you know, among other things, there have been continuous increases to the Canada social transfer. Certainly any province that wants to get involved with any funding for youth programs is certainly welcome to do that.

I can tell you that under the youth justice fund, money has been set aside for that. As well, we're certainly doing our part in the youth justice intensive rehabilitation, custody, and supervision program. It's not just on the funding side that we are doing that. As you know, with Sébastien's Law before Parliament right now we are taking other steps to better protect young people, better protect Canadians, sometimes better protecting young people against activities they get involved with themselves. As you know—and your colleague, Mr. Regan, knows—with respect to the Nunn report, that sometimes you get a small group of out-of-control individuals who are not only a threat to the public, yes, but they're also a threat to themselves. We're addressing that on a number of levels.

As you will know, in the estimates there's \$11 million for the intensive rehabilitation, custody, and supervision program under the Youth Criminal Justice Act.

So all these steps are in the right direction.

Mrs. Alexandra Mendes: But there's no increase; they are status quo in relation to last year. That's my question.

Hon. Rob Nicholson: They're consistent with the announcements that we have made, and the money is in the program, and—

Mrs. Alexandra Mendes: And know that the provinces have been asking for a little more support on these initiatives. They are finding it difficult to continue without federal support. If Sébastien's Law goes ahead as planned, it will increase their costs in administering the youth justice act.

How are we going to provide provinces with the support to actually do the work they need to do to not only provide rehabilitation but to prevent youth crime?

• (1215)

Hon. Rob Nicholson: I guess I would ask them to look at programs such as the national anti-drug strategy, the guns, gangs and drugs priority, and the youth justice anti-drug strategy component.

Again, I've worked well with provincial counterparts and non-governmental organizations. We certainly want to do our part. For the most part, the administration of justice is not within the federal sphere, but we've been very supportive.

We've made sure that this money and these different programs have been laid out. We want to be as accommodating and helpful as

possible. Over and above these specific initiatives, the Canada social transfer has been increasing every single year. It will increase this year.

We certainly welcome any initiatives from the provinces that want to become further involved with this. I have no criticism of them in that sense. They're obviously very involved in working with young people, as we are at the federal level.

Mrs. Alexandra Mendes: But we know that the social transfers are mostly for the health needs of provinces that are very—

Hon. Rob Nicholson: Again, they're the priorities of the provinces, so of course I don't get into that, but since you've raised the matter, I've said that's certainly one of the options for the provinces.

Mrs. Alexandra Mendes: It is one of the options. But it worries me that the budget for the youth justice services is status quo.

We see an increase, an enormous one, and I'd like you to explain this. Well, it's actually new funding for the families fund. What is this going to be about? Is this for families of victims, or...?

Hon. Rob Nicholson: It covers a wide range of activities, certainly the cooperation of federal enforcement agencies with respect to family court orders in terms of support, that sort of thing. It's again modernizing the facilities and working with our provincial counterparts.

So yes, you're quite correct, supporting families and family needs across this country is a priority of the government.

Mrs. Alexandra Mendes: But it contrasts with the reduction in the victims of crime initiative. I mean, we go from—

Hon. Rob Nicholson: There are no reductions, Madam Mendes. If you check the estimates, you'll see—I hope you'll pass this on to your colleague Mr. Holland, who made this point—the money is there, the \$5 million that he underlined.

Again, there are two parts to this. You have the main estimates and the supplementary estimates. Every single cent is there. In addition, in the Speech from the Throne—I outlined that in my comments here—I have additional moneys for victims in this country.

If you check the two of them—I'll ask any outside independent auditor to have a look at this—the money is there. Any suggestion that the money we committed to victims is not there is completely wrong. I want to make that as clear as I possibly can.

I'm asking you, Mr. Chairman, if you want to have anyone outside looking at this.

At some point in time, I hope Mr. Holland will come forward and say, "I'm sorry, we got it wrong", to suggest that we are giving any less money to victims of crime in this country.

Mrs. Alexandra Mendes: Why do the main estimates in 2009-10 state \$7,958,000, and this year \$5,250,000? There is a difference of \$2 million here. We're talking about the main estimates, not the supplementary estimates.

Hon. Rob Nicholson: Well, all I'm saying to you is that...and again, I didn't invent the budgetary process in this country. It's been around for a long time. But every single cent that we have committed to victims is there. In addition, in the Speech from the Throne, we outlined an additional commitment of \$6.6 million, which I mentioned in my opening comments. It's all there. I appreciate that it's spread out over the main estimates and the supplementary estimates, but it is all there.

The Chair: Thank you.

We're going to move on to Monsieur Ménard for seven minutes.

[Translation]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Minister, let's look at page 3 of the estimates. Let's look at the grants, particularly at the grants for the Victims of Crime Initiative. I see in the last year's budget, you had \$850,000; this year, we have \$500,000. Why do you reduce this budget, if helping victims is so important for you?

[English]

Hon. Rob Nicholson: We don't just hold ourselves out to help victims, Monsieur Ménard, we are helping victims. It's a priority for this government.

They're having a look at this. I will repeat what I've already indicated to your Liberal colleague: the money is there, between the main estimates and the supplementary estimates. Every cent that I announced several years ago for this is there. In addition—and I will come out with the details in the near future—within the Speech from the Throne, there is an additional \$6.6 million that is victim-related.

• (1220)

[Translation]

Mr. Serge Ménard: I understand that you say that the money is there. I see that there is some, but there is less.

Now, if I go to the next page—

[English]

Hon. Rob Nicholson: No, no, there's not less. There's not less, Monsieur Ménard.

[Translation]

Mr. Serge Ménard: Come on! Do you say this is not true?

[English]

Hon. Rob Nicholson: In any case, that's fine. I'll let him make the point. That's fine.

[Translation]

Mr. Serge Ménard: On the next page, it talks about grants to the Victims of Crime Initiative. I see that last year, you spent

\$7,958,000, in fact almost \$8 million. This year, this amount is \$5,250,000.

How do you explain this reduction of \$2 million for the contributions to the Victims of Crime Initiative?

[English]

Hon. Rob Nicholson: At the risk of repeating myself, I'm pleased to say that we are supportive of victims in this country. Over the last three years we've committed \$52 million. That money is in place. I appreciate that it is spread out among the various budgetary items in the main estimates, but I can assure you, Monsieur Ménard—and I know Canadians will believe me—that we are not only making victims a priority of this government, but we are also putting more money into supporting victims than has ever gone towards victims. All the money that's committed is there, and, in addition, there will be more money because the Speech from the Throne indicated another \$6.6 million to support victims.

[Translation]

Mr. Serge Ménard: I can assure you that we are all in favour of helping victims.

You have yourself spoken about Bill C-16 which you have entitled "Ending House Arrest for Property and Other Serious Crimes by Serious and Violent Offenders Act". I think you will agree with me when I say that if we released violent and dangerous offenders, that could put the security of our community at risk.

But section 742.1 of the Criminal Code states that these kinds of punishments may be served at home. It provides: "If ...the court...is satisfied that the service in the community would not endanger the safety of the community..." and adds a number of other conditions that must be met before the court may allow these people to serve their sentence in the community.

Would you admit that the title you gave to Bill C-16 presupposes that judges do not respect the first condition set by the Criminal Code that allows them to give sentences that must be served in the community?

[English]

Hon. Rob Nicholson: You may not like the title of it, Monsieur Ménard, and that's certainly your privilege, but an act ending conditional sentences for property and other serious crimes—again, "and other serious crimes"—conveys the message that we want to convey. We actually weaken people's confidence in the criminal justice system if people who commit serious crimes are sent home to their homes afterwards. This has a very bad effect. It has a very bad effect on the community and on people's confidence in our criminal justice system.

That's not the bill that you have before you here today, but I'm very interested and pleased about your interest in it, because this is a step in the right direction. As I've said—and I'm borrowing the quote from my colleague Vic Toews—people lose confidence if somebody sets fire to your house and they get to go home to theirs afterwards. That's a problem for many people in this country.

We strike the right balance and hit the right notes on that one by restricting conditional sentencing. It doesn't eliminate it, if that's where you're going with your questioning; in appropriate circumstances, there is a role for conditional sentencing or, as it is usually referred to *en anglais*, "house arrest", but for the most serious offences—and we've enumerated those very clearly in the legislation—conditional sentencing or house arrest is not available.

[Translation]

Mr. Serge Ménard: I fully understand the message you want to send and I think it is a propaganda message. I also think it is a message that tries to mislead the population and have it think that, even though there is a law, under those sections, judges release violent and dangerous offenders.

How do you expect the regular citizen that reads that kind of thing not to think that, if we have to pass a law that will put an end to house arrest for serious and violent offenders, it is because judges are actually releasing violent and dangerous offenders? If they do, they go against the law.

I find this particularly insulting for judges, much more so than all the nonsense you talk about the bilingualism of the most important judges in the country.

• (1225)

[English]

Hon. Rob Nicholson: Well, Monsieur Ménard, I'm actually quite astounded that you said they're being led down the wrong path. We're very clear. What we're saying is...and if judges do this today, then it certainly isn't an issue, but we want to be as clear as possible: offences punishable by a maximum of 14 years or life will not be eligible for conditional sentencing; offences prosecuted by indictment and punishable by a maximum of 10 years that result in bodily harm; people involved with the import, export, trafficking, and production of drugs; people involved in the use of weapons; serious property and violent crimes punishable by 10 years and prosecuted by indictment; things like criminal harassment, trafficking in persons—that's a subject your party knows well in terms of the legislation that was before Parliament that you did not support, but that's another story.

I'm just telling you, we're making it very clear—

[Translation]

Mr. Serge Ménard: You don't listen to what I am saying, Minister. You know full well—

Hon. Rob Nicholson: Mr. Ménard, a moment please.

[English]

Listen, we're making it very clear exactly what...and that's our responsibility as legislators. We're not in the business of the administration of justice on a daily basis. Of course we leave that to the judiciary. But we have an obligation—an obligation—to set the parameters here, whether they be maximum sentences, minimum sentences... And giving guidelines to the courts, that is our responsibility. I'm very proud of and pleased with the job that we are doing on this.

[Translation]

Mr. Serge Ménard: You avoid answering my question, but I would like to get an answer.

[English]

The Chair: Thank you.

We'll move on to Mr. Comartin, for seven minutes.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): I wasn't going to ask this, but since both the Liberals and the Bloc have, where in the figures is the \$2.7 million for the victims of crime initiative? I'm looking at the blue book, and it says that in 2009-2010 it was \$7.9 million and in 2010-11 it's \$5.2 million.

You've said twice now, Mr. Minister, that it's there someplace. Could you just tell us where it is, the other \$2.7 million?

Mr. Myles Kirvan (Deputy Minister, Department of Justice): Mr. Chairman, in the supplementary estimates (A), there is funding for the federal victims of crime initiative and continuation of the policy centre for victim issues. There is a vote 1 amount of \$2,591,000, and then, in vote 5, the grants and contribution side of it, of \$2 million. That's one part of this. There are also other funds in other estimates, but that is the supplementary estimates (A) additional funding.

Mr. Joe Comartin: I don't have those with me. When would we have received those in our offices? How long have they been out?

Mr. Myles Kirvan: They were just tabled this week, I believe on Tuesday.

Hon. Rob Nicholson: That's why I'm here.

But I'll tell you what I'll do, Monsieur Ménard...or rather, Mr. Comartin—

Mr. Joe Comartin: That's okay, I don't mind being confused with Mr. Ménard. I have a great deal of respect for him.

Hon. Rob Nicholson: Really; well, I know you're very close. That's fair enough.

Mr. Joe Comartin: We are, in many ways.

The Chair: Mr. Comartin, I am advised by the clerk that they were e-mailed to us this week, the supplementary estimates (A). That's what you were referring to, is that right?

Mr. Joe Comartin: Thanks, Mr. Chair.

Hon. Rob Nicholson: I'll tell you what; I don't mind, because this is very important to me to refute, any suggestion that there is less money...because not only is there not less money, there's the money that's all in place plus the Speech from the Throne.

I'll send you a separate letter, via the clerk, and we'll set out exactly where in the estimates they are. I appreciate what you're saying; it can be a bit confusing with main estimates and three or four supplementary estimates.

Mr. Joe Comartin: I guess the obvious question, again challenging your credibility a bit on your victims of crime agenda, is why weren't they in the main estimates? Why wasn't the full amount in the main estimates?

Mr. Myles Kirvan: I don't know if I have the precise answer, but really, in terms of how the funding works, as programs come to an end and then they're renewed, sometimes there is sunseting and all the rest of it. You go through a process. As that approval comes through, it may come through after the main estimates as the program extends—aside from the regular A-base of the department—or it can come through supplementary estimates (A) or (B). And as the minister talked about earlier, in terms of other spending, some of that other spending would come later in the supply process.

Mr. Joe Comartin: I just have a little problem with that in the sense that this fund has been in existence for three years or four years.

Hon. Rob Nicholson: We started about—

Mr. Joe Comartin: 2005?

Hon. Rob Nicholson: —three years ago.

Mr. Joe Comartin: Okay.

At any rate, that was just a comment.

• (1230)

Hon. Rob Nicholson: The money is there, and I will provide a breakdown of exactly where it is.

Mr. Joe Comartin: Thank you, Minister, for that.

Mr. Minister, you just got me a letter in response to questions we asked you back on March 23. I just received it early yesterday. My question was with regard to the additional funding, if any, that was going to be required to just prosecute the Controlled Drugs and Substances Act. Your response to that was that there is going to be approximately \$33.5 million over five years, just for that one piece of legislation.

But then at the end of the paragraph, in response to that question, you say that the funding is held in “a frozen allotment”. I have to admit that I don't know what that means. Is it anywhere in the estimates? Is either the one-fifth, the \$33.5 million, in the estimates anywhere, or has it been budgeted somewhere?

Hon. Rob Nicholson: It's budgeted within the public prosecution service. I was responding inasmuch...even though it's not directly within the Department of Justice, you did ask the question, and so we did, and it's indicated that it's within there.

Mr. Kirvan, did you have an—

Mr. Joe Comartin: Deputy Minister, is that additional money or is it being taken out of some other line item?

Mr. Myles Kirvan: On the first part of the question, the bill is in the Senate. You have a frozen allotment until such time as it's through to be able to spend that money.

In terms of whether it's new money in the estimates, yes, it's new money.

Mr. Joe Comartin: Okay.

Mr. Myles Kirvan: As the minister said, it's the public prosecution service—just to be helpful.

Mr. Joe Comartin: Will it show up as a separate line item in public prosecution? The bill has to come back to the House again because of prorogation. Is it—

Hon. Rob Nicholson: Listen, I've got my hands full with the estimates of the Department of Justice. As to whether this is a separate line under public prosecution, my understanding is that it is, but again, we'll have a look at that.

Mr. Joe Comartin: Just to speed this up, Mr. Minister, perhaps your office can simply let us know when it shows up on a budget line.

Hon. Rob Nicholson: Yes, I have no problem with that.

A voice: It will show up in the estimates.

Mr. Joe Comartin: Okay.

Just to pursue this line, with regard to some of the other legislation that you've mentioned today and that's coming, but specifically with regard to Bill C-4 and Bill C-16, I guess it would be, has this type of an analysis been made as to whether there will be additional cost to the public prosecution office or to your department for the implementation of these new crime bills?

Hon. Rob Nicholson: It's fair to say the resources are in place. I mean, yes, we are getting more money this year. The budget of the Department of Justice has increased. But again, I have complete confidence that we have the resources to meet any additional needs, that this is part of our ongoing responsibilities to the public.

Again, many of these are prosecuted by provincial authorities, of course, and they're well aware of the direction we're taking.

Mr. Joe Comartin: I'm sorry, maybe I didn't make my question clear enough.

What I was asking was that when a bill is presented, and we'll use Bill C-4 as an example, is it customary for an analysis to be done as to how much it's going to cost your department for that bill to be implemented, assuming it's implemented in full?

Hon. Rob Nicholson: Again, Mr. Comartin, as I've answered on a number of occasions, it's very difficult to be precise on these to see, whether faint hope or any of these things, exactly what they cost. I get asked about this on a regular basis. We are in consultation with public prosecution in terms of what we are planning to do, and we get their assurances to move forward.

I raise these matters on a regular basis with my provincial counterparts to ensure that everybody is onside with these things, but it's very difficult. So to say there's a precise analysis on exactly how much something is going to cost, there isn't on these things, other than the fact that we know they take resources.

I'm pleased to see that the budget of the Department of Justice continues to increase, and we will maintain the services and we will respond to the needs of the future.

The Chair: Thank you.

Mr. Joe Comartin: One more question—

The Chair: You'll get a chance.

The clerk has just clarified that the supplementary estimates (A) are going out this afternoon. They have been received by her office. They'll be sent out this afternoon to each member.

Again, just to clarify our agreement, because the minister is only here for one hour, it was agreed by the committee that the government would not ask questions.

We're going to go to Mr. Regan for five minutes.

• (1235)

Hon. Geoff Regan (Halifax West, Lib.): Thank you, Mr. Chairman.

I'm delighted to hear that. Not being a regular member of the committee, I wasn't aware of it. That explains the hour thing; I was wondering why it was only an hour for the whole meeting.

Minister, thanks for being here today.

In your letter of May 25 to Mr. Fast, the chair of the committee, and responding to questions from members of the committee from a previous visit, I see that Mr. Ménard asked you to name the last criminology study or research report that you read.

I'm wondering why you couldn't have given a straight answer. What you said instead was, "I can advise that...we take a broad look at research work...that we hear from victims and victims groups". Obviously you've got your own ministerial staff, you've got a huge department that reads. People there obviously read all kinds of reports. But I think it was a fair question, and I think you could have said, well, I can't remember the last one I read, or I haven't read them, or whatever.

Hon. Rob Nicholson: I actually misunderstood what he said. I thought he was asking in terms of the department, what the department was doing, and so I answered in sort of a general way at the time.

Hon. Geoff Regan: But your letter, sir, says, in number 3—

Hon. Rob Nicholson: Exactly—as I was informed afterwards.

Hon. Geoff Regan: But your letter says, and you signed it, "Mr. Ménard asked me to name the last criminology study/research report I had read."

Hon. Rob Nicholson: That's right. Yes.

Hon. Geoff Regan: I would think that when you reviewed this letter before signing it, you would have said, wait a minute, this isn't the correct answer to what I was asked.

Hon. Rob Nicholson: Let me start again, Monsieur Regan.

When Monsieur Ménard asked the question, I misunderstood what he said at the time before the committee. I thought he was referring to what the Department of Justice was doing in terms of studies or having a look at that. I was informed later that he asked me what the

last thing was that I read, whether it was the *Queen's Quarterly*, the *McGill Law Journal*, or the various other studies that we were getting.

They told me afterwards that what he had said was specific to me, it wasn't specific to the department. So when we wrote the letter to Mr. Fast as chairman of this committee, we certainly clarified what it was and went back.

Again, I didn't understand the question at the time, and we made it very clear.

Hon. Geoff Regan: I can see why at the time, if you didn't understand, you would have talked about the department then or something, but I don't see why... I mean, a lay person reading this letter says to themselves, wait a minute, he's been asked one question and he answers another one in the letter on paper.

I still don't understand, but let's move on from that.

Could you tell us the percentage increase in your department's budget in this fiscal year versus the 2009-10 fiscal year?

Hon. Rob Nicholson: Yes, we have that for you. It's going from about \$689 million to about \$712 million this year, Mr. Regan.

Hon. Geoff Regan: You don't have the percentage of that increase at the moment.

Hon. Rob Nicholson: We can figure that out for you.

Hon. Geoff Regan: One of the other questions I'd like to ask about is the percentage increase in your 2009-10 budget as the result of supplementary estimates. What was the change in that from your original?

Hon. Rob Nicholson: We'll get that for you.

Hon. Geoff Regan: Okay.

Could you outline the top item that resulted in additional spending in the 2010-11 estimates?

Hon. Rob Nicholson: I'm sorry; again?

Hon. Geoff Regan: Could you outline the top items, the largest spending items, that resulted in additional spending in the 2010-11 estimates?

Hon. Rob Nicholson: Yes, we can do that for you. There is an increase for the support for the victims of crime; increases in cyber security; the investigative powers of the 21st century's refugee reform. Some of the increases are as a result of our collective agreements with our staff. All of these make up the major parts of the increases for this year.

Hon. Geoff Regan: Were there any major items that resulted in reductions in this year's estimates from the last year, and if so, could you tell us what key programs were affected?

• (1240)

Hon. Rob Nicholson: There are some. I can give you a list. A number of them are fairly small contributions, some to a number of national organizations that aren't making a request any more or have decided, for whatever reasons, not to pursue a particular program. We can supply those for you as well.

Hon. Geoff Regan: I'd appreciate that.

My colleague Mr. Bagnell has some questions, Mr. Chairman, if we have time.

The Chair: You have only 15 seconds left.

Hon. Geoff Regan: He has brilliant questions. I'm sure they'll be very short.

The Chair: We'll give you an extra 15 seconds next time around.

Monsieur Lemay, for five minutes.

[Translation]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Before I start, I would like to ask a question to the chair. If I understand correctly, we will study the supplementary estimates (A) and the minister will come back to explain the supplementary estimates for the year 2009-2010. Is that correct?

[English]

The Chair: If the committee requests that he returns on the supplementary estimates (A), yes.

[Translation]

Mr. Marc Lemay: Minister, I have in front of me documents that I have read with great care. I ask you to get them. It is the main estimates 2009-2010. It's a public document, it's written. On page 3, you can read that in 2009-2010, there is a grant of \$850,000 for the Victims of Crime Initiative. Is that correct?

[English]

Hon. Rob Nicholson: Yes, please...

That's correct.

[Translation]

Mr. Marc Lemay: Thank you.

We can read, right beside it, that for the 2010-2011 estimates, this amount is \$500,000. Those two budgets are therefore separate. Don't talk to me about the supplementary estimates, I just want to see that. What is the answer, yes or no?

[English]

Hon. Rob Nicholson: If you don't want me to come back with supplementary estimates... They have been tabled, but if you don't want to talk about them, that's fair enough.

[Translation]

Mr. Marc Lemay: Minister, we will be studying the supplementary estimates for 2009-2010, and not for 2010-2011, when you will come back before the committee.

[English]

Hon. Rob Nicholson: No, no, it's for 2010-11.

[Translation]

Mr. Marc Lemay: Therefore, when you come back, you will explain to us the difference of \$350,000 between the amount of \$850,000 and \$500,000.

[English]

Hon. Rob Nicholson: I'm prepared to explain it today, but if you don't want to hear about it, that's fine.

[Translation]

Mr. Marc Lemay: I ask you to keep that for later, because you will also answer this other question about the grants for the Victims of Crime Initiative. This is on the other page. You said it, not me. We can see that the amount for 2009-2010 is \$7,958,000 and that for 2010-2011, just beside it, it is \$5,250,000. There is a difference of \$2 million. Will that also come from the supplementary estimates?

[English]

Hon. Rob Nicholson: Yes, they've already been tabled, and they are in there.

[Translation]

Mr. Marc Lemay: Does it contain details? My question is the following. If we include what the supplementary estimates say, what would be the amount that would replace the amount of \$5,250,000 for 2010-2011?

[English]

Hon. Rob Nicholson: It should be that in addition to another \$2 million, as well as... Again, we will supply you with the supplementary estimates to make it as clear as possible.

[Translation]

Mr. Marc Lemay: Thank you.

Let's talk now about the Canadian Human Rights Commission. I don't need to have an answer to my question today, but I would like to have one. The Standing Committee on Aboriginal Affairs and Northern Development voted for the abolition of section 67 of the Indian Act, which was adopted by Parliament. The Canadian Human Rights Commission informs us that, because of this, it will receive several thousands of complaints dealing with human rights. I don't see in the estimates for 2010-2011, nor in the estimates for 2009-2010, any money to deal with those new complaints.

Will that also be included in the supplementary estimates?

● (1245)

[English]

Hon. Rob Nicholson: Yes. I don't take a role in the day-to-day operations of the Human Rights Commission, but I will certainly get back to you, Monsieur Lemay, on that point.

[Translation]

Mr. Marc Lemay: Perfect.

I have a similar question about the Canadian Human Rights Tribunal. The committee has been told that there already is a backlog of several hundred applications, because this will start in June 2011. I wanted to know if funding has already been provided for this increase.

[English]

Hon. Rob Nicholson: There are foreseen sums. Again, with respect to the tribunal here, I will provide you with the details.

[Translation]

Mr. Marc Lemay: Thank you.

[English]

The Chair: Thank you.

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

Mr. Marc Lemay: Plus 15 seconds.

Hon. Larry Bagnell (Yukon, Lib.): Thank you, Minister, for being here.

I'm wondering how much you have set aside for the Teslin aboriginal justice file. They've been promised by your officials that this would be concluded this year. As you know, we've talked before about it. It's been 10 years in the making.

Will they get their approvals before the House rises, and how much is in there to cover that?

Hon. Rob Nicholson: I'll provide you with any information I have on that. You're right, it's been quite some time. I've met with these individuals, and certainly progress has been made on this, as you know, but the cost implications of that are something I'll be glad to have a look at and get back to you on.

Hon. Larry Bagnell: Will you commit to get backing to me before the House rises on whether it's approved, or when it will be approved to go through the process, if you still have to go to Treasury Board?

Hon. Rob Nicholson: We'll provide you with any information we have, Mr. Bagnell.

Hon. Larry Bagnell: Thank you.

On the aboriginal justice strategy, as you know I've complimented you for continuing it, extending it a couple of years—

Hon. Rob Nicholson: I'm sorry, what was that: complimented?

Some hon. members: Oh, oh!

Hon. Larry Bagnell: I know it's a rare occasion—very rare.

Mr. Marc Lemay: You missed 15 seconds, Larry.

Hon. Larry Bagnell: But I've also asked you a number of times over the years to make it permanent. I mean, it's a permanent part of the justice system; it's like asking judges to apply every couple of years for their pay.

I'm wondering if you are planning to make the aboriginal justice strategy funding permanent.

Hon. Rob Nicholson: Well, the money is in place up until 2012. I'm not here to make any announcement on that, other than that this is one of the programs that impressed me right from the start when I became Minister of Justice a number of years ago. When I had the usual sort of briefings, background information, and a certain number of consultations on it, I couldn't help but be impressed by a program like this that I believe is getting results.

I appreciate it's been modified slightly over the years, but since its inception back in the early 1990s, I think, it has been something that works. It's sort of a hands-on approach. You're probably quite familiar with it. But it's certainly one that has had my support. I have supported ongoing funding for that. It's up until 2012. Whether it should be a permanent part of the justice thing, I appreciate any representations you want to make on that. But again, the funding is in place there for the next couple of years. Again, it's money well

spent. I think that's one of the things I want to emphasize. It works well.

Hon. Larry Bagnell: On those lines, then, I'm disappointed there's not an increase this year. You said you had certain staffing or inflation increases in the department, and obviously the justice strategy staff and people have, but the money is the exact same this year. So increased demand and—

Hon. Rob Nicholson: When we try to plan these things, we actually try to plan out a little bit in advance as to where the money is going to be and what's going to be available. Again, in terms of trying to budget that, if we start from scratch every year, or try to anticipate what the needs are, it becomes very difficult—

Hon. Larry Bagnell: You can add for inflation.

Hon. Rob Nicholson: Fair enough. I hear what you're saying.

Hon. Larry Bagnell: Okay.

Another question I've been pursuing with you for the last few years—and the credibility is beginning to wane—is on naming the chief justices of the three territories, to give them...change the name. As you know, your counterparts in the attorneys general, etc., who you said earlier today you work with so well, have been after you for a number of years to change this. The territorial governments, the judges in Canada, and everyone agrees with this. As we've discussed, it changes the appointment procedure, and the judges are all in agreement with that.

I know it's probably a PMO ultimate decision, but you and I have been after this for a number of years.

● (1250)

Hon. Rob Nicholson: Well, you were good enough to say that you had some questions about my credibility; I hesitate to ask what it must have been like under the previous administration, when you were a member of that government, and you didn't get a change then.

I hear what you have to say, Mr. Bagnell. I don't want to be saying the same things that your colleagues in the former government must have been telling you, but what I've indicated to you is that I appreciate representations on that, and when announcements are made, announcements are made on these things.

Hon. Larry Bagnell: So you think there will be an announcement: is that what you're suggesting?

Hon. Rob Nicholson: I never anticipate these things in advance—

Hon. Larry Bagnell: Never anticipate—

Hon. Rob Nicholson: I mean, generally, you know what happens to me, Mr. Bagnell, is that usually when I announce one piece of legislation, somebody says, well, what about something else? I say I never get into that; we'll take these things one step at a time.

The Chair: Your time is up, Mr. Bagnell.

What I'm going to do, because we have a couple of minutes left and we still have to do the votes on the estimates, is give a two-minute question to the Bloc and a two-minute question to Mr. Comartin.

[Translation]

You have two minutes.

Mr. Serge Ménard: Minister, our positions on those matters are diametrically opposed, but I still did my share to send criminals in prison and I succeeded well, which you should know.

You often repeat that you want to be tough on crime. We have an example to the south of our country, the United States, where politicians wanted to be tough on crime. The rate of incarceration by 100,000 population is now around 730. In Canada, this rate is around 116. Those are last year's statistics. The United States is the country that put more people in prison, taking into account its population, than any other country in the world. Almost a quarter of all inmates on Earth are in American prisons. Where did you get this idea that to be tough on crime would solve the crime problem? How far are you ready to go? The rate here is 116. When will you be satisfied, when will you think that we punish criminals enough? What figure would you accept: 500, 300, 400 or 600 persons per 100,000 population?

[English]

Hon. Rob Nicholson: Where did we get this idea? I'm going to tell you where we got it, Monsieur Ménard. We got this from talking with victims and from talking with victims' families about what they go through in terms of the suffering and the changes they want to see made in the criminal justice system.

We have been very forthcoming with Canadians. If you want to look at the pieces of legislation we've introduced, we've told Canadians that this is where we want to go. We want to move forward with getting rid of the faint hope clause. We want to get rid of two-for-one. We want to move forward.

The interesting thing about this, Monsieur Ménard, is that a number of the bills I have put forward simply update the Criminal Code from the 19th century, whether it's on identity theft... I was at the Senate just yesterday afternoon talking about auto theft. What we are doing is bringing the Criminal Code up to date so that it covers this type of criminal activity.

One of the things that has impressed me over the last 20 years—

[Translation]

Mr. Serge Ménard: Are you going to answer the last part of my question?

[English]

Hon. Rob Nicholson: —is that there is much more sophistication among the criminal element we are dealing with. Crime knows no borders anymore. We constantly have to keep updating the Criminal Code of this country, whether it be on drugs, whether it be on auto theft, whether it be on identity theft, or even, for instance, on protecting 14-year-olds and 15-year-olds. You don't have to tell me that maybe back in the 1800s people used to get married when they were 14. I don't have to know that. I do know that we'd better protect 14-year-olds and 15-year-olds today in the 21st century, and this is what this government has been all about.

I can tell you that if you spend time with the victims in this country, as I have when I've travelled across it, it comes through loud and clear: they want somebody in government, they want people in Ottawa—

The Chair: Thank you.

Hon. Rob Nicholson: —to stand up and put their needs first. And that's what we've been prepared to do.

The Chair: Mr. Comartin, you can have one very quick question.

[Translation]

Mr. Serge Ménard: No answer is also a kind of answer, and I understood yours very well.

[English]

The Chair: Go ahead, Mr. Comartin.

Mr. Joe Comartin: I just want to follow up on the point you made, Mr. Minister, about the difficulty of doing an assessment of how much the legislation is going to cost your department. How much reliance can we put on the figure of \$33.5 million? How accurate is it?

●(1255)

Hon. Rob Nicholson: Again, any time you try to make an estimate and gauge future behaviour it is very difficult. I know, for instance, that the department tells me on a regular basis about the cost to victims of crime. I was testifying on auto theft. It's \$1.2 billion. When you've already had the damage, when you've already had the suffering, and you've already had the theft, it's easier to put a figure on that, but it is much more difficult...

Again, I always ask what the cost is when people are not being detained and they continue to offend and they continue to create more victims.

So you're right. It's very difficult. You're right, we did put an estimate in there. Again, the department, working with Public Safety—again, I don't have direct control over these things—works very hard to try to come up with that as best they can.

Mr. Joe Comartin: With regard to the Teslin Tlingit agreement, are we going to finally get it signed this year?

Hon. Rob Nicholson: Again, these are continuing efforts I've made. I've met with representatives of that group. I've certainly encouraged...and again, any announcement that would be made would be made at the time that a new agreement would take place—

Mr. Joe Comartin: I guess the concern I have, Minister, just quickly...

I know that my time is just about up—

The Chair: It is up, actually.

Mr. Joe Comartin: —but what seems to be happening, Minister, is that your department is going over the same area. I'm not pointing the finger at you. Perhaps I should be saying this to the Deputy Minister. You're going over the same area that's been gone over by at least one other department, if not two, and you are raising the same issues.

The Chair: Unfortunately, there's no more time.

Mr. Joe Comartin: I'll just leave it as a comment. Don't give a response.

Hon. Rob Nicholson: They're doing their best, and I'm proud to be associated with them.

The Chair: Members, we have the usual votes that have to be undertaken for the main estimates. You have before you the list.

I'm proposing we do it with one omnibus vote, except for the last one. Are you okay with that?

Some hon. members: Agreed.

The Chair: Shall votes 1, 5, 10, 15, 20, 25, 30, 35, and 50, less the amount voted in interim supply, carry?

Mr. Joe Comartin: I want to be recorded as opposed.

The Chair: Do you mean a recorded vote?

Mr. Joe Comartin: No, I want to be recorded as opposed.

The Chair: Oh, all right.

Then we need a recorded vote.

The Clerk of the Committee (Ms. Miriam Burke): No, just show it as on division.

[*Translation*]

Mr. Joe Comartin: We are still against your estimates. Are these estimates?

[*English*]

The Chair: It's on the record. Do you want to do it on division?

Mr. Joe Comartin: If you want to show it on division, I'm satisfied with that.

The Chair: Okay, we'll do it on division.

JUSTICE

Department

Vote 1—Operating expenditures.....\$258,688,000

Vote 5—Grants and contributions.....\$386,880,000

Canadian Human Rights Commission

Vote 10—Program expenditures.....\$20,110,000

Canadian Human Rights Tribunal

Vote 15—Program expenditures.....\$4,116,000

Commissioner for Federal Judicial Affairs

Vote 20—Operating expenditures.....\$8,055,000

Vote 25—Canadian Judicial Council—Operating expenditures.....\$1,608,000

Courts Administration Service

Vote 30—Program expenditures.....\$53,333,000

Office of the Director of Public Prosecutions

Vote 35—Office of the Director of Public Prosecutions—Operating expenditures.....\$142,862,000

Supreme Court of Canada

Vote 50—Program expenditures.....\$21,632,000

(Votes 1, 5, 10, 15, 20, 25, 30, 35, and 50 agreed to on division)

The Chair: There's one more.

Shall the chair report votes 1, 5, 10, 15, 20, 25, 30, 35, and 50 under Justice, less the amount voted in interim supply, to the House?

(Motion agreed to on division)

The Chair: The meeting is adjourned.

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