



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Justice and Human Rights

JUST • NUMBER 012 • 1st SESSION • 41st PARLIAMENT

EVIDENCE

Thursday, November 17, 2011

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Chair

Mr. Dave MacKenzie

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•(0845)

[English]

The Chair (Mr. Dave MacKenzie (Oxford, CPC)): We'll call the meeting to order. This is meeting number 12 of the Standing Committee on Justice and Human Rights, dealing with clause-by-clause of Bill C-10.

We had gotten to clause 7, Mr. Goguen.

Mr. Robert Goguen (Moncton—Riverview—Dieppe, CPC): If it please the chair, I have a motion to make. My motion would be:

That, if the committee has not commenced the clause by clause consideration of Bill C-10 by 11:59 p.m. on November 17, 2011, that the Chair put all and every question necessary to dispose of this stage of the Bill forthwith and successively, without further debate, and then the Chair be ordered to report the Bill back to the House on or before November 18, 2011; and that the Chair limit debate on each clause to a maximum of 5 minutes per party per clause before the clause comes to a vote.

The Chair: Mr. Harris

Mr. Jack Harris (St. John's East, NDP): I'm speaking to the motion. Is that all right?

The Chair: Yes.

Mr. Jack Harris: I'm shocked. I'm shocked that the government would seek to take a bill, a piece of legislation, that has over 200 clauses dealing with nine separate pieces of legislation that have been a matter of public debate across this country.... We know some of these bills were considered before, and some were considered at committee, but only some.

I'm wondering what kind of agenda we have here. Are we trying to shut down discussion in this country about matters of great public importance, matters that have engaged the provinces, community groups, police organizations, victims groups—people from all walks of life?

I myself have between 12,000 and 15,000 e-mails and letters. I'm sure other members have received significant input. There's a great deal of public interest in this.

We had a concern the other day, 15 minutes into the meeting, that this was going to be a filibuster. There's no evidence of any filibuster here. We're talking about legislation that concerns people, that changes the course of criminal justice in Canada. We've had experts come to talk to us about the difficulties they see in the legislation, the fact that the legislation will in their view turn the clock backwards on what we're doing in this country compared to other countries.

Specific individual sections of this bill have been the subject of reasoned learned comment by experts, such as law professors who

have spent 20 and 30 years engaged in this process, whose views are quoted by the Supreme Court of Canada. And you're saying we're not going to consider this; we're not going to do this except for today, that today is the only day there is going to be consideration of this legislation? I think that is absolutely ridiculous. I mean, talk about putting the “mock” into democracy by having a bill of this magnitude, this degree of public interest and public debate, dealt with in two sessions.

We had one session the other day. We made some progress. I suspect if we had had another hour we would have made considerable progress. That's the nature of legislation. The role we play as legislators is to look at and examine these bills to try to improve them.

We heard Mr. Cotler the other day, another experienced legislator, a law professor, who has studied this legislation. He came up with a number—seven or eight—of well thought out and considered amendments for discussion. While they weren't accepted, they were put forth, and they were put forth for a reason. They were put forth because they deserved consideration and there were arguments to be made in favour of them.

The next section of the bill is on the child exploitation cases, and my suspicion is that's going to pass very quickly. I have a motion, which I believe will be accepted, to take all of those clauses and pass them at once. Then we would move on to other ones.

Why does the government feel it has to bring down the hammer of procedural closure in committee on a piece of legislation of this great import and complexity? That's something that ought to be considered as well. There's a great deal of complexity to some of these provisions: the corrections provisions, the provisions with respect to parole. These provisions are very complex. The provisions with respect to aspects of the Controlled Drugs and Substances Act are very technical; some of them need detailed consideration.

I suspect that the orders are from on high to the members of the committee opposite to shut down debate on this. And for what reason? Why today? What's wrong with next week? What's wrong with next Tuesday? What's wrong with next Thursday? Is there some other plan that the government has in mind, that we should shut down the entire debate, prorogue the House, and get out of here because the government doesn't seem to be getting a good response from its point of view?

•(0850)

Is this the agenda?

It's a mystery, and it should be a mystery to the Canadian public, as to why this government feels that because it has a majority of seats in the House, the so-called strong mandate with 39% of the popular vote, they then have the right to ram through legislation without due consideration.

It's irresponsible, frankly, absolutely grossly irresponsible for a government to treat the legislature in this way, to ignore the numerous representations to this committee to consider aspects of this legislation. To come in here with this motion on the second day of the hearing of this committee is absolutely unfathomable. I don't even know if there's a precedent. I don't remember when we've had a government do this kind of thing with a massive piece of legislation like this: to abhor debate, to refuse to consider public discussion, to refuse to take seriously the representations we receive from other governments.

On Tuesday during the committee an e-mail was sent to all members of the committee from the Minister of Justice of Quebec, following up on his suggestions as to how the bill could be improved and some of the concerns he had on behalf of his government and the people of Quebec. We're now being told there's not going to be sufficient time to give that due consideration, unless it's done today between now and twelve o'clock, without any notice. I'm not even sure if it's in order, Mr. Chair, to suggest without notice that we have a deadline of midnight tonight.

Frankly, I find it shocking that we were here at 8:45 in the morning, we have a meeting that's set for two hours, and the government, without any notice to anybody, not only the members of this committee but to all those in the public who have an interest in the course of this legislation, in the course of criminal justice in Canada, in the state of our correctional system and correctional services, in how people are going to be treated and whether they will go to jail and for how long, thinks that somehow or other, because they won an election in May and received a majority of 12 or 15 seats, they have the right to come in here and ram this legislation through without due consideration.

That's irresponsible, it's undemocratic, and it's contrary to the traditions of Parliament. This is an outrage, Mr. Chair, and I would urge members opposite to think very seriously before they proceed with this particular approach. I think it's wrong, it's unprecedented in my view, and it's something the Canadian public does not want their parliamentarians to be doing.

They're prepared to accept the fact—and we've always been prepared to accept—that this is a majority government. We understand. We weren't born yesterday. But a majority government is not a licence to ignore the democratic process, to ram things down the people's throats. A majority government is not a licence to stifle discussion and stifle debate and stifle a comment because you don't happen to agree with it.

This is a reasoned process. We're not engaging in rhetoric here. We had Mr. Cotler put forth legal arguments and legal references in a sincere attempt to improve the legislation. It wasn't a rhetorical flight trying to seek political points or anything like that. This was all about doing our jobs as legislators and making sure that due consideration is given to important legislation that changes the course of criminal justice in Canada.

● (0855)

To suggest that you have the right to do that because you have a majority is contrary to democracy. It's not what Canadians expect of their Parliament, and it's not what Canadians expect of parliamentarians who they elect to represent them in Ottawa.

Members of the Conservative Party aren't the only ones who were elected on May 2. There were 103 New Democrats elected on May 2. There were 34 Liberals elected on May 2. All of these people were elected by the people of Canada to come to this House and to these committees to air the views of those they are elected to represent.

It's not a game of numbers. It's not to say that we have more than you, so we can do whatever we want, whenever we want, and we're prepared to do that. If that's what democracy is about, then I think Canadians have backed the wrong horse here. If they've chosen a government—a group of people—whose attitude toward democracy is that they have the numbers and they're going to do exactly what they want, regardless of what anybody thinks, then I think Canadians would wish they had their time back on May 2, because that's not what Canadians want in their government.

I've never seen any survey yet, I've never seen any poll yet, that suggests Canadians want to have a government with a hammer, a government that says, "We acknowledge we have a majority, and we can do exactly what we want, claim a strong mandate for it, and run roughshod over democracy and democratic principles and reasoned discussion about legislation." That's what's happening here. We're having a government run roughshod over the whole notion of parliamentary democracy.

I think it's wrong, and we're going to oppose it, and we're going to continue to oppose it.

The Chair: Thank you, Mr. Harris.

Mr. Jean.

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Thank you, Mr. Chair.

Very quickly, I understand what Mr. Harris is saying, but the reality is that we have about 15 hours, which is, in essence, eight to nine meetings of straight time to get this done.

He asks why, and I bluntly have to say, after hearing witnesses' and victims' testimonies, that they want this done, and they've wanted it done for a period of time.

We've gone through six clauses in two hours so far, or thereabouts, and not even substantive clauses. Frankly, these bills and most of the clauses contained within them have been debated for years, in essence, Mr. Chair. We have had many parliamentarians deal with these acts in the past. I'm certain we've had the departments dealing with these matters for thousands of hours. These issues have been dealt with time and time again.

Even Mr. Cotler mentioned that he tried to put forward a bill in 2003 or 2002, which we're now dealing with today, eight years later. We want to get this done, and we're prepared to work at it today, as Conservatives, to get it done, and we're asking for his cooperation to get it done. Let's get at it. We have some time now. We're here to sit down and deal with this matter. Let's deal with the substantive motions. Let's deal with it and do what the people of Canada wanted us to do on May 2. We put our policy platform out there, we put it in front of the people, and they elected a majority mandate.

We're prepared to work at it. We're not pulling the hammer down. We have until midnight tonight. Let's get it done. Canadians want it done, and even if we get it done today, it's still going to take months to get through the Senate and to get royal assent. Canadians have been clear, and victims have been clear, that they want these bills put forward and passed into law.

So although I understand what Mr. Harris is saying, by the time we go through the leadership race of the NDP, we'll have a whole new cast of characters on the other side. We want to get this done. We have 15 hours today, which in essence is eight or nine meetings. Let's get it done, Mr. Harris. Let's do it. Let's deal with the substantive nature of these clauses.

• (0900)

The Chair: Thank you.

Ms. Boivin.

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Thank you, Mr. Chairman.

There will not be a serious in-depth analysis of the bill. As Mr. Harris said, the work that's been done, at least on this side of the table, was intended to improve the bill. No one is claiming it's perfect. Indeed, any legal scholar will tell you that nothing in this world is perfect. Even if we adopt this bill with the intelligent amendments that have been proposed by both the members of the official opposition and other members on this side of the table, and the members of the government, we can never completely guarantee that the bill is iron-clad and will never be challenged in the courts.

To my mind, a bill that comprises 208 clauses certainly merits serious clause-by-clause consideration, and not just a single day's examination. If the Conservatives promised to have some bills passed by a set time, that's their problem, that's their promise. That doesn't mean that all of Canadian society should suffer as a result.

Some voices will not be heard. Some amendments have been proposed, but one entire province will not be heard. The Minister of Justice appeared before the committee, which is an entirely exceptional event. I'm convinced that he wasn't all that happy about coming here, since the various levels of government don't like to interfere in the affairs of other levels of government. The minister said it, loud and clear, that some aspects of this bill are inconsistent with the whole way my province, Quebec, handles things, including the Young Offenders Act.

These are not major amendments, but we'll have to clear them at the rate of the high-speed train that we still don't have between Quebec City and Windsor. It's absolutely extraordinary.

There are nevertheless so many clauses that we're in favour of. I could list them all. It's true that, in a single day, we studied only six or seven clauses. One day may seem long to those who are listening to us, but it's not, because it actually consists of only two hours. Examination of some clauses should go a little faster. It should be recalled that we were examining the Combating Terrorism Act, which is extremely technical. Different amendments were proposed to improve the bill. For example, when we look at the act respecting sexual crimes against children, you'll see that we'll adopt the clauses quickly. Dozens and dozens of clauses would thus be adopted very quickly, without any sort of amendment.

The Conservatives want to make sure there's as little time as possible for debate over the weak points of their bill, which will not serve the ends for which it was designed. The Conservatives have quite simply decided to speed up a process that is already very fast. The committee sometimes heard five, six or seven witnesses who each had five minutes, after which the members had five minutes to question them. This could not be more ridiculous, and it's unworthy of a so-called democratic country. It's outrageous. There is no expression strong enough to say what I feel as a legal expert and lawyer who takes her role as a legislator seriously.

The claim is that we're going to consider and examine the bill in the light of the testimonies we've received. In that case, we might as well say that we wasted the public's money by summoning witnesses here. Seriously, I don't think there's one word of what these people said that is going to change anything. There are even groups that the Conservatives were priding themselves on, that approved certain parts but not others. We could actually have demonstrated, by looking at the amendments, that in the end the Conservatives' way of thinking is not unanimous within the party.

As Mr. Harris said, this party, which was elected with the votes of 39% of the population, actually, is trying to ram down our throats a bill containing 208 clauses. This is absolutely crass indecency. Certainly it's the government that will bear the blame when its law is challenged left right and centre. The Crown attorneys and all the members of the Canadian Bar say that this bill poses serious problems. You seem to think that we'll have the time, in the coming hours, to do a serious examination. Personally, I take issue with this process. I think this is absolutely horrible. Still I'm not surprised by a government that has already imposed six gag orders on the House pertaining to substantial bills, such as budgets and other substantive files.

• (0905)

This government says it believes in freedom of expression. But it absolutely doesn't believe in freedom of debate. It quite simply tries to short-circuit the work that the population has asked its members to do.

As Jack Harris said, 103 New Democrats were elected last May 11. Members other than those of the Conservative Party were elected. Nevertheless, the government has decided to silence these voices. It's dreadfully sad. This is certainly a dark day for democracy in Canada.

[*English*]

The Chair: Thank you, Madame Boivin.

Madame Borg.

[*Translation*]

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): I'm astonished by the fact that this government has decided to draft a bill 100 pages long, nine bills in one, but that it doesn't even want to assume responsibility for going through it properly. We're not the ones who decided to put all that together, it's you. Some thought should have been given to it. Of course there are going to be lots of amendments proposed, because it contains 100 pages.

It's not that we wanted to stretch out the time or spend hundreds of hours on it. We are quite simply complying with the legislative process. It's the time it takes to get through a 100-page bill. I'm surprised that this government doesn't understand that you need a lot more time to get through a 100-page bill than to get through a 20-page bill. As far as I'm concerned, it's just simple arithmetic.

When we were elected to the House, we assumed responsibility for making sound legislation. We're responsible for making sure the best bills are drafted and passed; it's our responsibility to the Canadian population. Right now, we're not even complying with the legislative process, we don't even want to hear the amendments that would improve this bill and ensure that our streets are really made safer. But that's what we want.

We're completely in favour of certain parts of this bill. Moreover we tried to have certain parts of the bill adopted quickly in the House, and you completely rejected this idea. I think that some parts of this bill could have been adopted, since we were all completely in favour. But you were opposed to this initiative. In my opinion, that's completely unacceptable.

We've heard a lot of witnesses. We have spent money for them to come here so that we could hear what they had to say. I wish to point out that, even among the witnesses summoned by the government, no one said, except for one or two people, that the bill was perfect as is. It's arrogance to think that something can be drafted perfectly straight off. It doesn't happen, because we're not perfect; we're human beings.

We should listen to what these witnesses are telling us, the voices of the Canadian people, the experts and individuals who will be directly affected by this bill. You are not even prepared to do so. It's completely unacceptable. It's a lack of respect for the legislative process. Why do we have a legislative process if we don't respect it? The legislative process exists for a reason: so that we can examine this bill and be assured we've done all we can to make our streets safe and for the population to be truly secure. But that's not what we're doing now. We claim everything is fine. I repeat that this is arrogance.

We are 308 members. We cannot talk on behalf of everyone without having heard the people. If we're not ready to do that, why are we here? This isn't what the people asked us to do. The people elected us to listen to them. Why do we invite witnesses if we don't listen to them? I ask the question, because sincerely I don't see the use of spending money to have people appear before the committee. Some of the witnesses were victims. It was very hard for these people to testify, because they had to recall some unpleasant memories. By adopting this bill as quickly as possible, it's as if they

were being told that their testimonies didn't count. That's not our responsibility, that's not the reason why we're here. We're here to listen to them.

You say you want to have this bill passed within the first 100 days of your mandate. This is a promise you've made. I'm not telling you that you shouldn't keep your promises, but you have to think before you make them. It's totally unacceptable not to spend time on a bill on the pretext that the deadline for its adoption is approaching. Just because you made a promise? I don't think this is a promise that you should have made.

This bill will have major repercussions for many people. Some provinces, like Quebec, have completely rejected the bill. An entire province wishes to make amendments to the bill, but we're not listening to it, because we won't even have a chance to table these amendments. Quebec doesn't want this bill and it's not the only one, moreover, in this situation. Ontario is also rejecting the bill. If the provinces are obliged to accept and respect this bill, they should at least be able to propose a couple of amendments. That's all we're asking for, but you want to adopt the bill without even giving it any thought.

● (0910)

I repeat that nobody has said the bill is perfect. As the representative of a population of 150,000 people, I don't claim to know what is best for these people. They must be heard. That's part of the democratic process. It's a matter of listening to people, consulting the experts, meeting the individuals affected and hearing about any problems we can foresee. In all honesty, we can't think of everything; we're only human beings.

We have to work together, without arrogance, without claiming to know it all, without claiming that everything is fine and there aren't any problems, without rushing things on the pretext that the deadline is approaching. Otherwise this is a complete lack of respect for the legislative process.

We were elected to Parliament to ensure that the best possible bills are passed. That's our duty. But this motion does not allow us to do our duty. You're saying it's perfect, there aren't any problems, you can pass the bill, when absolutely no one says it's perfect. You have to admit it.

Thank you.

[*English*]

The Chair: Thank you, Ms. Borg.

Mr. Jacob.

[*Translation*]

Mr. Pierre Jacob (Brome—Missisquoi, NDP): I too am very shocked by the government's intention to speed up the process of passing Bill C-10. You rejected all the amendments, all the changes proposed on this side of the table. Quebec and all of Canada will be penalized by this unilateral decision on your part.

We've seen it, Bill C-10 will deprive us of lasting protection, in addition to lifting the prohibition against identifying too large a number of youth. The effect of this will be stigmatize this group.

Furthermore, regarding the YCJA, Quebec's experience was rejected with a sweep of the hand. It has been noted, however, in Quebec and elsewhere in the country, that there is less crime among young offenders. The imposition of minimum punishments is inconsistent with the principle of differential treatment for young offenders, which is currently producing good results.

For all these reasons, I'm shocked. On my side of the table, we believe in prevention and rehabilitation. We also believe in social reintegration, because sooner or later young and not-so-young offenders return to society. Let's not forget the cost, borne by the provinces, which will rise tremendously.

For all these reasons, I'm very shocked by the government's intention to speed up the process of passing this bill, without examining all the amendments that might improve it.

Thank you.

• (0915)

[English]

The Chair: Thank you, Mr. Jacob.

Mr. Cotler.

Hon. Irwin Cotler (Mount Royal, Lib.): Thank you, Mr. Chairman.

Mr. Chairman, when we look at this omnibus crime bill legislation, it is not only one bill, it is nine bills. Each of these bills effects a transformative impact on our criminal justice system. Each of these bills warrants the appropriate study for that which will have a transformative impact on our justice system. It's not only the criminal justice system. This will relate to our whole framework as a parliamentary democracy and as a constitutional democracy.

The government has already introduced time allocation in the introduction of the bill in the House and limited debate in the House to two days. One of the premises, it appears, at the time for purposes of time allocation in the House is that we would be going to clause-by-clause consideration, so we would have the time in committee to do that which was not allowed us in the House. So now what we have is a hijacking of democracy in the committee to go along with what took place in the House.

The government seems to believe, and they believe this in good faith—I'm not questioning their good faith—that if you have legislation whose title is the Safe Streets and Communities Act, that speaks for itself. As we say, *res ipsa loquitur*. The title speaks for itself. No more discussion needs to be had. You say this is Safe Streets and Communities and therefore let's pass it, because the title validates everything and we don't need any discussion or debate. And if any question is raised beyond this, the answer is, well, we have a mandate from the people in order to pass this Safe Streets and Communities Act. We have a mandate to protect the streets and communities in this nation.

Mr. Chairman, every government at every time has a mandate to protect safe streets and communities. Every government has not only a mandate, it has a constitutional responsibility to protect its citizens. When we were in government, Mr. Chairman, I also spoke of the need to protect safe streets and safe communities because it was a constitutional responsibility to do so. I would never have suggested

that simply because legislation was introduced with that title, that validates it in and of itself. I would never presume to say we have a mandate from the people to do what we want.

I'm sorry, Mr. Chairman, the last time I looked, this country was still a parliamentary democracy; this country was still a constitutional democracy. I want to say that what is being done today is a black day for parliamentary democracy. What is being done today is a shameful day for constitutional democracy. I'm surprised that the members opposite would ask us to be accomplices. They want to do this, but to ask us to be accomplices in this hijacking of democracy.... We are here to represent the constituents who elected us. My constituents did not elect me to come here and be an accomplice to the hijacking of this process.

We were elected to exercise constitutional oversight, Mr. Chairman. That is part of our constitutional responsibility. This is not simply a matter of a couple of amendments to a bill and then say, okay, let's go ahead. This goes to the heart and soul of what not only a parliamentary democracy is all about but what a constitutional democracy is all about. This goes to the heart and soul of what we as parliamentarians have an obligation to do and to discharge on behalf of our constituents. You are saying to me today that I have to short-circuit my discussion with my constituents simply because the government wants to go ahead and short-circuit this constitutional and parliamentary process.

What about the new members who have been elected and who are sitting here for the first time? They never debated this bill before. They never had an opportunity to engage in this bill before. They never had an opportunity to consult with their constituents before. When it is said, as we have heard, well, these bills have been debated before, let me just now go as a case study to what happened Tuesday.

• (0920)

We had an important bill on Tuesday. When I say that this legislation is transformative legislation, the bill on Tuesday was giving victims of terror a civil remedy against their terrorist perpetrators. Mr. Chairman, this was transformative legislation. For the first time in the history of this country we were going to amend the State Immunity Act in order to give victims a voice, something the members opposite organized their representations around, and I share that with them. Victims of terror should be given a voice.

We were also going to be holding state sponsors of terror accountable for the first time. Mr. Chairman, this was transformative legislation, as I say: giving victims a voice, holding terrorists accountable for the first time, and amending the State Immunity Act. We have an anomalous situation, Mr. Chairman, which happily this legislation was going to correct. That anomalous situation was that historically foreign states could only be held accountable if damages were caused by reason of a breach of contract.

We had a commercial exception, Mr. Chairman, but we didn't have an exception if victims suffered loss of life and injury by reason of terrorist attacks. So the legislation was put forward to correct that anomaly—to correct that anomaly in almost constitutional terms, to correct that anomaly in human terms.

Mr. Chairman, members opposite sat here on Tuesday to support that legislation in principle. We didn't oppose the legislation. We didn't filibuster the legislation. We came here to say here are some amendments to improve the legislation that you are tabling in Parliament. This is legislation that we are supporting for the same reasons you have put this legislation forth, but we want to make it more effective. We want to ensure that victims will have a more effective voice. We want to ensure that terrorists will be held effectively accountable. We want to ensure that the amendments to the State Immunity Act will act in such a way that we will at the end of the day give the victims a voice that they seek and that they deserve and hold the terrorist states and their proxies accountable in the way our parliamentary and constitutional democracy should be doing. That's why we supported the legislation.

All we did was table amendments to make the legislation proposed by the government, which we supported, more effective. What happens? Before we could even conclude that, Mr. Chairman—and we would have been concluding that in short order this morning and we would have been on the way to have enacted a transformative piece of legislation—we have the process hijacked, so that we can't go ahead with regard to that bill properly, and we have the rest of the process hijacked.

Mr. Chairman, if you look at the nine bills here, you have, I would say, eleven transformative impacts. I'm not talking about specific amendments that are warranted. I'm talking about the overall nature of the reform that is being proposed with regard to this legislation.

Let me go to one thing: this legislation introduces in the course of its nine bills initiatives that may arguably be in breach of the Canadian Charter of Rights and Freedoms.

We have a responsibility, parliamentarians of every party, to ensure, because we are now, since 1982, a constitutional democracy, Mr. Chairman.... We're not just a parliamentary democracy; we are a constitutional democracy. We have an obligation that begins with the Minister of Justice, but continues with each of us as parliamentarians, to ensure that any proposed legislative initiative comports with the Canadian Charter of Rights and Freedoms.

We have heard witnesses testify before this committee, Mr. Chairman, that there are provisions in different pieces of this legislation that arguably breach the Canadian Charter of Rights and Freedoms. I'm not going to prejudge whether they do or they don't. I happen to believe that some of them arguably do, but the point is, it warranted discussion and debate in this chamber.

Surely the members opposite would want to ensure that legislation they are proposing comports with the Canadian Charter of Rights and Freedoms. Surely they would want to ensure that we as parliamentarians discharge our constitutional responsibility for the oversight of that legislation to ensure that it comports with the Canadian Charter of Rights and Freedoms.

• (0925)

Mr. Chairman, I don't want to find myself going into report stage saying, hey, wait a minute, what about all those provisions with regard to the Canadian Charter of Rights and Freedoms that we should have discussed, that we should have debated, and for which we should have been able to put amendments forth? I don't want to

have to go back to my constituents and have them say to me, "What were you doing up there? Did you not care about the Canadian Charter of Rights and Freedoms? You, who taught it for 35 years, how can you go to Parliament and say it doesn't make a difference any more, as if it never happened? We don't have to discuss it. We're simply a parliamentary democracy, we're not a constitutional democracy any more. The Canadian Charter of Rights and Freedoms was never enacted in 1982." That's effectively what we'll be doing, Mr. Chairman, if we go ahead and short-circuit this process.

I can go on. Another transformative impact is on the whole question of federal-provincial relations. Mr. Chairman, the government always spoke about an open federalism, about a covenantal federalism, that we were going to cooperate with the provinces. Mr. Chairman, we have the spectacle of the Minister of Justice of Quebec not only seeking still to put forward amendments with regard, in particular—

Mr. Brian Jean: A point of order, Mr. Chair.

I'm questioning the sincerity, Mr. Chair. We've spent 40 minutes on this, hearing the same argument five times. We have 15 hours to get this done. Let's get it done. Let's deal with the substantive motion that all of them have said.... We have the opportunity to do so, instead of wasting time on this, Mr. Chair. If they're sincere about it, let's do it.

Hon. Irwin Cotler: Mr. Chairman, I never questioned the integrity or the intention of the member opposite or any of the other members here. Certainly this thing should not descend into whether they're questioning our sincerity or integrity in this debate. I'll pass over it, because what we're talking about here is so serious that we should not be engaged in this kind of facile questioning of a person's integrity or sincerity. I would be in breach of my constitutional responsibilities as a parliamentarian if I didn't address these things.

I'm not repeating anything. I started to say something that I could not have said on Tuesday because it was after we met that the Minister of Justice and the Attorney General of Quebec said he was proposing a series of amendments with respect to the Youth Justice Act, which we have not yet gotten to and for which a number of us have already tendered amendments. My whole point is that what he was saying was not only about amendments with regard to the Youth Justice Act, which in and of themselves deserve debate. What he was saying is that he has not been able to have his voice heard, that he made these recommendations months ago, and that he has been seeking to discuss these matters with the Minister of Justice. So far, that has not come to pass.

More important, Mr. Chairman, when we say we've discussed these things before, yes, we have, and yes, there were amendments proposed, and yes, those amendments were adopted in previous committee hearings, but in fact they do not find expression in the bill now coming before us. What does that say about the discussion that preceded this? On the one hand, yes, we discussed this bill before, but on the other hand, we don't have to do anything about that which we discussed before. We don't even have to incorporate or relate to any of those amendments. That's shocking.

To return to the question that we were debating on Tuesday, that is transformative legislation, which we support. That is transformative legislation that we want to see enacted into law. But we want to see the most effective legislation enacted into law, as the government should want to have for their purposes, which I share on this legislation. I don't for a moment question their sincerity with regard to the enactment of that piece of legislation. But as I said, Mr. Chairman, there are other transformative impacts that we will not have an opportunity to discuss.

For example, there is the federal-provincial component, which only arose again after we met on Tuesday. At this point, Justice Minister Jean-Marc Fournier will not be able to have his voice heard. Open federalism will not be expressed.

There is also the question of cost. We don't know the cost of this legislation. We need to understand and have a better appreciation of it. This is important, because we're talking about the spending power. We're talking about the public purse. We have a constitutional responsibility as parliamentarians to be able to address the issue of cost. As a result of this legislation, costs are being imposed on the provinces that may cause them to contract services. We will not be giving this the appropriate discussion.

Let me mention another thematic aspect that is transformative in the legislation and that we will not have an opportunity to discuss. One can say one is in favour of this legislation. But there is a thematic approach in the nine bills. It gives the executive the exercise of power that it did not have before.

I don't want to belabour this point. I'll refer to case studies. One is the legislation we discussed on Tuesday. We lost the notion with regard to whether the government should alone have the executive discretion to designate the governments on the terrorist list. I happen to think this is a mistake. The government feels it wants to go ahead. Victor Comras, who was a witness in previous discussions, says not to go there. We did that. We lost that. That's fine. I'm just making the point about executive discretion. This comes up with regard to the transfer of offenders. This legislation will imbue the Minister of Public Security with discretion that he would not otherwise have had.

● (0930)

I respect the Minister of Public Security. I believe he's a responsible person. I don't believe we should be putting into legislation that we will imbue whoever the Minister of Public Security is with that kind of power. This is, after all, a parliamentary democracy, and we need to keep that power with Parliament and with the people.

That's the other transformative impact of this legislation. This legislation transforms the roles and responsibilities of the respective actors in the criminal justice process. It transforms the role of the judiciary, because the nature of the sentencing reforms dramatically transforms not only the nature and role of the judiciary but also sentencing principles. Some witnesses have said it sets us back 100 years. I'm not going to make the statement as to whether it does or doesn't, Mr. Chairman. I'm saying we don't have the opportunity to debate the whole spectrum of sentencing reform. Those are serious reforms. They deserve discussion.

As to the role of the judiciary, whether it be eliminating conditional sentences or eliminating judicial discretion, that's serious, Mr. Chairman. That requires discussion and debate, whether we talk about the whole question of the role of the prosecutor, the role of defence counsel, the role of witness testimony, all the actors in the criminal process.... Mr. Chairman, we're saying here that we don't care about the witness testimony that we heard about these things and we're not going to allow for any more discussion in respect of that witness testimony? We're just going to go ahead and hijack the process?

What kind of respect, Mr. Chairman, does that show for all the witnesses who appeared before us, on either side? I was pleased to hear the testimony of witnesses brought forward by the government. Yesterday evening, I discussed this with a group here in Ottawa, and I said that having witness testimony was a valuable process. I thought we didn't have enough time for it. Even that was short-circuited, with five minutes per witness. But, okay, we agreed to that, so we did it.

But to go ahead now and not allow the appropriate debate and the appropriate discussion on each—on each, I repeat, Mr. Chairman—of the nine bills, each of which has a transformative impact on our criminal justice system.... Mr. Chairman, we're not talking about one omnibus Safe Streets and Communities Act, which by its title validates everything, or about the mantra of a mandate that says “we can do anything”. We are talking about—and I close, Mr. Chairman—our role in a parliamentary democracy and in a constitutional democracy. We're talking about our role as parliamentarians. We're talking about our responsibilities to our constituents. We're talking about our responsibilities for constitutional oversight.

Mr. Chairman, I don't like to use the words that I did when I began, and I don't like to have to close with them, but I have to somehow convey the sense of urgency, and, indeed, I would say, the sense of hurt I feel about this type of legislation. Given the importance—the historical importance—of these nine bills, given the transformative impact they will have on our criminal justice system, to hijack the discussion and the debate makes this, I regret to say, a black day for a parliamentary democracy and a shameful day for a constitutional democracy.

● (0935)

The Chair: Thank you, Mr. Cotler.

Mr. Harris.

Mr. Jack Harris: Thank you, Chair.

I appreciate the words of Mr. Cotler, the former Attorney General of Canada. He was a law professor for over 30 years and is someone who takes his responsibilities seriously, and he understands the constitutional and parliamentary system under which we operate. He gave what I think is a very erudite critique of what's happening here today.

We have serious responsibilities as members of Parliament to deal with these nine pieces of legislation. Mr. Cotler used the word “transformative”, in the sense that they bring about substantial changes in the nature of the criminal justice system and in the nature of remedies for terrorism, for example. It's not enough to say that this was talked about for some time, for some years. We now have legislation that's here for the first time.

For the first time, victims of terrorism will have a remedy in civil law, and it's important to get it right. We spent Tuesday doing that. Anyone who took the time to watch—and people are watching this now—our hearing on Tuesday can have nothing but understanding for what the parliamentary process is about when you're at clause-by-clause consideration of legislation.

We talked about each law. We had proposed amendments. There was discussion about it, and eventually it came to a vote. We got just about through that piece of legislation. I thought it was a very respectful process on all sides to have representations made, to hear the arguments, and to listen to thoughtful expressions of opinion on one side or the other. At the end of the day, with a few more votes—I think there are one or two proposed amendments—we will have passed the Justice for Victims of Terrorism Act in this hearing.

What comes next is the child sexual offences part. I made it clear last Tuesday that this is something we proposed in the House—to actually separate it out of this bill, have it dealt with separately, and passed immediately. We believe it shouldn't have to wait for the responsible process of clause-by-clause consideration, which is perhaps going to take a longer time, maybe three or four meetings, and that it could move more quickly. It could get to the committee, be dealt with separately, and be sent off to the Senate. We believe other aspects of this legislation may take time in the Senate. We have no control over what's going to happen there. But I think we have a responsibility in this committee to give it due consideration.

Mr. Jean says if you believe we should get at it, well, let's get at it; turn on your watch, roll up your sleeves, and we're here until midnight.

Well, that's not the way the process works. We have a schedule of meetings for this committee. We meet on Tuesday and Thursday; we meet for two hours at a time. There are gaps in between for consideration of matters, for consultation with people, like the Government of Quebec, which has proposed amendments and made suggestions, and others who have an interest in amendments to this legislation. That's part of the process, too.

Other people have other obligations. People are on other committees that start at 11 o'clock this morning. People are in question period. People have other obligations. We can't just shut down the life of everybody in Parliament and say, “Well, we have between now and midnight”, and all of a sudden, with no notice whatsoever, we're expected to deal with nine pieces of legislation in a responsible manner. That's just not realistic. It's not realistic.

That's why when someone says this is a hijacking of democracy, it literally is, because democracy is a process. It's not just perfunctory. It's not just, “You propose a motion and we vote it down, you propose a motion and we vote it down, you propose an amendment

and we vote it down because we have the numbers.” There has to be an opportunity for reasoned discussion.

● (0940)

I don't expect every amendment being proposed to receive due consideration. But we have people here, on both sides of this committee, who have a tremendous amount of experience. We have three or four lawyers on each side. We have people engaged in this process who are familiar with the nature of criminal law and have something to say. They have the ability to listen to reason and to respond to suggestions that make sense. Canadians, frankly, expect us to do this in a reasonable manner, not just to say that we're going to have a marathon session now because people decided they didn't want to have debate carry on.

Mr. Cotler said this, and it sounded reasonable at the time. In the House of Commons, the minister or the government House leader gets up and says he wants to limit debate, that there is no need to have this debate in the House of Commons because they are just talking about the principle of the bill and aren't getting anywhere. They want it to go to committee, where the reasoned discussion can take place, where the opportunity to study the bill clause by clause can happen.

We only started this on Tuesday. We've only given two hours of consideration to this hundred-page piece of legislation that deals with nine separate bills, nine separate pieces of federal legislation. It deals with corrections. It deals with terrorism and setting up for the first time legislation on civil remedies. It deals with child sexual offences that are of great concern to a lot of people in this country. We want to see some changes made, and we support those changes. There are changes to the Controlled Drugs and Substances Act that are very controversial in this country because of what their effect might be. We've heard representations in general on what the consequences of those changes would be. But we haven't looked at each clause one at a time, which is our obligation.

I don't know if anybody had any real estimate of how much time this was going to take, but we do know that we're here, as of Monday, for a five-week session, between now and the middle of December. I don't think we need to take up all of that time to deal with this clause-by-clause legislation, not at all. I think we'll probably be through it in three or four meetings, depending on how the time goes and how cooperative people might be or how much debate there might be on particular issues. I think once some of the issues are settled, we'll see where it's going. But there has to be an opportunity for that to take place over a reasonable period of time.

To try to jam it all into one day is, frankly, a method of stifling proper discussion about important matters of state that affect people's livelihoods, that affect people's freedom, that affect how long they're going to be incarcerated, that affect the enormous costs being projected for what might be imposed on the provinces.

When this was debated in the House, we had responses from the government such as, “We give the provinces transfers, and it's up to them to decide what their priorities are.” Well, what does that mean? That means that if this law goes through and there are consequences for a province that mean it's going to cost them an extra \$100 million to incarcerate people, that \$100 million will come from something else. It will come from education. It will come from health care. It will come from preventative programs that make streets safer, because provinces have obligations and programs and jurisdiction to engage in preventative programs as well.

All of these consequences are serious consequences of this legislation that have to have an opportunity to be discussed in the context of the particular pieces of legislation themselves. That's not something you jam into a day, saying, “Let's see how tired we can make people. Let's see how frustrated we can get members of this committee. Let's see how we can make them sweat and how we wear them down to show how tough we are. We're going to sit here all day and all night. If you really want to work, roll up your sleeves and work.” Well, that's nonsense.

We were elected for a four-year term—all of us for a four-year term. It's all very well to say you have priorities. We understand that. That's why we're here.

● (0945)

We're here talking about this bill today because it's the priority of government, and we recognize that the government has the right to determine the order in which legislation comes forward and the emphasis they want to place on it. They have the right to do that, and we fully accept that. What they don't have the right to do, in our constitutional and parliamentary democracy, is to ignore the process, a reasonable process that allows proper time for consideration of all these matters.

You're asking for cooperation. We're asking for cooperation as well. The kind of cooperation that's required here is the cooperation that says we're going to give due consideration to this. We're going to do it in accordance with the process that's set out, in accordance with the schedule of the committee. There's no urgency here. There's no national crisis that has to be resolved between now and midnight tonight. This is just one stage of legislation, but a very important one, and perhaps the most important one. Perhaps it's even the most important one that we, as individual legislators, have a right and an obligation and a duty to participate in.

We have debates on principle in the House whereby you set forth your overall approach, your challenges to hold the government to account on issues that come up. But when you're into the nitty-gritty...and, yes, we have expert witnesses from the Department of Justice who have studied this and put forth amendments, and they're here to help us through this process now, but that's their role. Their role is to do that on the instructions, by the way, of the Minister of Justice. So we're getting here what the Minister of Justice has instructed be put before the committee, and we have an opportunity to discuss it, to potentially amend it, and to approve it.

As Mr. Cotler said earlier, and he's been around legislatures a long time—I spent 16 years in another legislature, three or four in this one, and I've never seen a piece of legislation yet that couldn't benefit from some improvement or some change. We regularly used

to have a bill in the other legislature I was in to fix errors and corrections in legislation, and it went on and on. The reason it was there was that the legislation hadn't been given proper consideration in the first place. I think they called it An Act to Remove Anomalies and Errors in the Statute Law, and that's because the legislation didn't get proper study the first time around.

Our job here is to give this proper study and not to say we're going to have a marathon session now, with no notice to anybody whose schedules have presumably already been made for the day in terms of what they're going to do, where they have to be and appointments they've made, commitments they've made to people and commitments to their duties in the House and in other committees. We're going to say no, we're going to shut all that down now, and either you pass it all between now and 10:45 and we carry on, or we arrange to be available all day until one minute to midnight tonight.

That's what's being suggested here as some sort of practical, realistic, reasonable way of dealing with nine pieces of legislation, each of them significant in themselves, with detailed provisions set forth, which we've given considerable study to. Even this process has been very rapid. We had a constituency week, when all members of the House are expected to return to their constituencies and do the kind of work they do in their constituencies. We had meetings with constituents, planned events that we were to attend in association with Remembrance Day. That was the week in which all the amendments were expected to be put forward. Nobody was here. Everybody had gone to their constituency, but our amendments were wanted. I thought that was pretty unreasonable too.

● (0950)

We managed, over the period of time up to Tuesday, to produce our amendments and consider them, to have them both to legislative drafting and be translated into both official languages, and to do that job. That work was done in a very short period of time. So don't let anyone get the impression that the opposition is not cooperating in moving this legislation forward as quickly as is reasonably possible, consistent with our duties and obligations as members of Parliament and as legislators to give due consideration to legislation.

Again, all I have to do is look back to what happened on Tuesday. Legislation that had never been given clause-by-clause consideration in the House before, had never been the subject of scrutiny, never been a part of Canadian legislation in the past—no such thing existed as a civil tort and a civil remedy for people who are victims of terror... We heard from witnesses about it, we heard suggestions as to how it could be improved, we were doing our job. The fact that it took a whole meeting on Tuesday is totally appropriate. With a few more moments of discussion, perhaps 10 or 15 minutes, that particular piece of legislation would be finished at second reading.

That's the way this legislation is supposed to be dealt with. If we had started today with further consideration of this legislation, by the end of the meeting this morning we would have made considerable further progress. Instead, we've got the government making a brand-new issue: "No, we're not going to talk about the legislation, we're not going to talk about clause-by-clause today; we're going to talk about process here now. We're going to talk about the fact that we want you to cooperate in refusing to follow through on a committee clause-by-clause study in a reasonable manner. We want to talk about our desire to have this done today—not only our desire, but our willingness to use our majority on this committee to insist that it happen today."

If that's what you want to talk about, that's what we're talking about. We think your approach is absolutely contrary to the notions of democracy, to why we were elected, what we are here for, how we are supposed to do our job, and what Canadians expect of people they elect to Parliament. The people in this country who have taken such an interest in this legislation are not doing it because they think it's a great idea to write letters to members of Parliament. They're not doing it because they want to spend their time worrying about what's going to happen to our society, what's going to happen to our provincial government responsibilities, and what's going to happen to children who end up being incarcerated to the point that their future is destroyed unnecessarily.

What's going to happen to people who may run afoul of the law as a child or as a young adult of 18, 19, or 20, and there's no opportunity anymore for a pardon—none? We're going to have something called record suspension. Let me tell you, as someone who practised law for 30 years, that if you talk to the ordinary person in the street about what that means and if they know anything about the law, they probably think it means a suspended sentence. They won't recognize it as a process whereby the police, the RCMP, do an investigation on your rehabilitation since you committed this crime, and after you've served your sentence, if you had a custodial sentence, after you've paid your debt for that particular crime, you can actually apply to the parole board and seek a pardon, and the word "pardon" actually means something.

• (0955)

A young man who committed a crime at age 19 can now turn around at 25 and say, "Well, I made a mistake. I did something wrong and I paid the price, but I got a pardon for that. I can hold my head up and say I'm now recognized, because this board, this independent body with the police force, they've looked into my character and my rehabilitation efforts and they've said I should be pardoned for this." You should not go around for the rest of your life with the burden of a criminal record hanging over your head, interfering with your employment, interfering with your ability to travel, interfering with your ability to get on with your life and to make something of yourself because you did not get a pardon. I think that means something; that means something to Canadians. But for some reason this legislation says no, we're going to change that.

As Mr. Cotler said, these are the kinds of transformative matters in this legislation that we're now being told—or asked to support—we should deal with all in one day. All of this in one day. Why? No reason. There's no urgency here to deal with this today. You know, we could have dealt with a good chunk of it today. We could deal

with another good chunk of it next Tuesday, and possibly the rest of it next Thursday. What's the hurry? Where are we going? You know we're here.

You know, the people of Canada have elected us to be members of Parliament and to serve every day, to sit in the House every day that the calendar provides for us. We have a pretty long calendar. You know we're here for five weeks. This is the first of five weeks. This is important legislation. When we finish this, what are we going to do? What are we going to do next Tuesday? We could have given further consideration to this legislation, but the government decided they didn't want this to happen. They wanted it all to happen last Thursday. People might have had other things they had scheduled, other things they were scheduled to do, other things that time—their time—was already committed to, without any notice to change the whole way of doing things. What for? The only reason is to stifle debate, discussion, and proper consideration, and I think the people of Canada are being very ill-served—very ill-served—by this approach. I hope that members opposite—we always live in hope in this business—will reconsider their view on this, will reconsider ramming this through, and give this legislation the opportunity to be considered in an orderly fashion, the way it should be. Now that's something that we as parliamentarians are elected to do.

I've touched on the issue of pardon because one of the big debates that this legislation gives rise to is which approach can be more successful, the punitive approach or the approach that promotes prevention and rehabilitation. The pardon is one of them. The ability to obtain a pardon is one of those matters that actually supports rehabilitation. It holds out the prospect of a pardon to someone who has already committed a crime, is being subject to whatever penalties the courts impose, and has to pay the price. But it can also be held out as a carrot for rehabilitation, redemption in the form of a pardon. Well, that's something that is worthy of debate. It's worthy of debate and consideration, not to be rammed into a one-day marathon session.

• (1000)

I'd like to hear those arguments as to why it's better to say we're going to remove the possibility of redemption. I'd like to hear what a pardon, and the notion of a pardon and the word "pardon", and everything that goes with that, means to an individual who's the subject of criminal proceedings as a young person, or as someone who commits an offence once in their life. Why? Who thought it was better to say we're not going to use that word anymore, because it's better to make criminals less likely to want to rehabilitate themselves, go on the straight and narrow, reform their lives, and change their behaviour? To have a system that recognizes when somebody has taken their life in hand and gone down a better path, and reward them for it and prevent them from having to have a noose, an albatross, around their neck for the rest of their life in the form of a criminal record.... I want to hear the arguments that suggest it's a good idea to remove that. That's something significant and transformative.

This legislation has had such an effect on society. Organizations like the Barreau du Québec...the Canadian Bar Association came before us with a 90-plus-page brief detailing their concerns about this legislation. The Canadian Bar Association is not made up of defence lawyers; it's made up of all sorts of lawyers. The criminal justice section is made up of defence counsel and crown prosecutors. They work together to examine legislation and comment on it in a very helpful way. Over the years they have made a very positive contribution to the consideration of legislation by parliamentary committees such as this.

I've noticed a very disturbing point of view being expressed in the House, and sometimes here, that somehow a lawyer who defends a person charged with an offence is advocating for criminals. Those of us who have been to law school and practise law know full well that the criminal justice system is designed to ensure that those who have committed crimes are punished in accordance with the law. But the key point here is "in accordance with the law". How do you have the rule of law operate if you don't have criminal lawyers ensuring that we only punish people in accordance with the rule of law? That's our system. But to hear representatives of government somehow or other attack those who represent people and enforce the rule of law in our society—that's an attack on the rule of law itself, and it's very dangerous.

When people from the Canadian Bar Association come to us representing both sides, they want to make sure the law is effective and achieves the object it's supposed to achieve. If you call a piece of legislation the Safe Streets and Communities Act, I think people are entitled to test those provisions of the law and offer their opinions as to whether or not this provision will lead to safer streets and safer communities.

There is a very considerable body of opinion and reasoned response, by those who know and have seen what's happened in other countries and have analyzed and studied these matters, to suggest that many provisions of this bill—not all, obviously, because we are looking at it piece by piece—could well lead to more crime, more victims, less safe communities, and less safe streets. We are entitled, required, and have a duty to examine these one by one; to consider these clause by clause in a manner that's in keeping with the way Parliament is set out, with committees that meet twice a week for two hours at a time over a period of time.

●(1005)

If there were a crisis.... We meet on weekends sometimes. The House met on the weekend back in June to deal with a matter that was considered of urgent public importance. We kept going. We sat at night. We sat around the clock one particular night. We don't mind doing that. That's not a problem. We'll do that if urgency requires it, but we don't have an urgent situation here. We have a piece of legislation that's up for consideration and that has to go through this process. When it's through this process, it goes back to report stage in the House of Commons, and then it goes to the Senate for consideration. It's a process over which we have no control. We have no control in this House.

But we must do our own duty and give this proper consideration here in the House of Commons, here in this committee, not in a marathon session that's going to start now, end at midnight, and, I

don't know, maybe break for question period. Maybe they won't. Maybe the committee members will say, "No, no, we're going to keep going. If you leave, we'll just run through the rest of it while you're gone to question period." Is that what's going to happen here today? Is that what we're asked to cooperate with? Is that what we're asked to collaborate with—a process that is so undemocratic as to be insulting?

We come here at 8:45 and the first thing we get is a motion saying we're going to deal with this and it's all going to be dealt with by 11:59 tonight, and that's all. That's what we're debating.

So what are we going to do? Are we going to sit here now until 11:30, take off our jackets, bring in food, and nobody will move, because if we go out the door you'll ram the rest of it through...? We have question period scheduled. People have those other committees that are meeting at 11 o'clock, probably in this room. I don't know. Maybe we're in this room because it was already planned that nobody else was going to be here at 11 o'clock. I don't know.

But it seems to me that the government is choosing to ignore the desire of the people of Canada to have a full debate on this. We've had people calling us and wanting to know when this particular clause would be coming up, when this would be happening, when the amendments to the Youth Criminal Justice Act, which is the last part of the bill, would be happening. Oh, I don't know, maybe next week, we were saying, on Tuesday or Thursday. Oh no, no, all of a sudden, without any notice, they're going to be dealt with sometime between now and midnight...I don't know when.

The people of Quebec have heard that their government wants to see amendments brought forward. This is going to happen some time today, not when we get to that which we would have expected to get to maybe on Tuesday. This is going to be dealt with sometime between now and midnight.

That's unreasonable, Mr. Chairman. It's unreasonable for this committee to be expected to deal with this in a short period of time. This is not a 10-clause piece of legislation, aimed at one particular thing, that someone is trying to delay; there is no one trying to delay this. That's not the purpose of this consideration. The purpose of this consideration is to study it. We saw on Monday the fact that it took one meeting, and I heard people say at the end that we'd only dealt with seven clauses. Well, we dealt with seven clauses of a piece of legislation that has never before been considered by the House of Commons or by a committee. It's a piece of legislation that is a brand-new entry into a field of international civil claims that we've not had before. We had representations from groups concerned about the rights and the opportunity for victims of terrorism to participate in a challenge to those who committed terrorist acts, organizations that have sponsored them, and countries that have sponsored them. It's a very new field.

•(1010)

We had significant, serious amendments being proposed, which we dealt with in the course of the meeting. We don't measure progress by the number of clauses. We should be measuring progress by whether or not we gave due consideration to a piece of legislation that has been brought forward for the first time in Canadian history—and we gave it two hours of consideration. That's a measure of progress. That's something I think Canadians would not begrudge members of Parliament—spending two hours talking in a detailed clause-by-clause manner about something that has to do with what will be the law of the land, something that will give rights to people, something that the courts will be expected to interpret and implement and follow, and something because of which, if we don't have it right, somebody could spend enormous amounts of money to go through a court process only to find that the legislation is inadequate to meet what it is they're trying to do. Is that what we want?

I'm not suggesting that the people who drafted this legislation on behalf of the government don't know what they're doing. Clearly, they're hired to do their work because they have expertise. But they don't have all the expertise, and having it is not their job. Their job is to put forth draft legislation for consideration by this committee. If this committee wants to make changes to it and to follow a different path... It's the job and the right and the duty of members of this committee to put whatever amendments it wishes to an amended piece of legislation that goes back to Parliament. That's the legislative process.

To have the expertise of a person such as Mr. Cotler, who is a world-renowned expert on issues of human rights and who has spent 30-plus years as a law professor, and to put forth amendments for consideration, I think are blessings, if I may use that word, for our committee. We have Mr. Rathgeber over there, another professional lawyer who has experience and who is a thoughtful individual and who can consider these pieces of legislation. And there are others who are here to try to do a job.

We may disagree, but we have the benefit of the knowledge, experience, and wisdom of the members of this committee who bring forth these amendments, and they deserve due consideration. I'm not suggesting they didn't get that on Tuesday, by the way. I didn't think the process on Tuesday was disrespectful of Mr. Cotler. Don't get me wrong. But I think the process was something that we as committee members have an obligation to bring to this table and to bring forth for due consideration, and we have to make those arguments. If they didn't succeed in the end, then they didn't succeed for reasons of policy, or because the government members did not accept them, or they had their minds already made up as to what approach they were going to take.

Perhaps they've made some decision that they are not going to accept any amendments because they are very happy with the bill the way it is. That's their right at the end of the day, because there's a majority here. It's also our duty to put forth amendments that we think make the bill better, make it more in conformity with what the public would want, make it conform more to what our notions of justice are, make it more in conformity with making it better, or make it something that is more acceptable to the House. That's the theory of moving amendments. I move an amendment to legislation in the hope that it will be more acceptable to the House, or perhaps

acceptable to more members of the House so we have a greater degree of consensus. That's often the purpose of amendments.

We don't want necessarily a polarized House of Commons where one side is all this way and the other side is all that way. We came here to make Parliament work.

•(1015)

I think that's a phrase you may have heard over the last year from our former leader and from our party: we want Parliament to work.

Well, one of the ways that Parliament works is by people working together on a committee in a collegial and professional manner to consider legislation that's before us. That's what we did on Tuesday. But now, right off the mark on Thursday, after two hours of consideration of a complex piece of legislation, we have legislation and they say, "No, we don't want to make Parliament work; we don't want to be collegial and professional about this." They say, "Okay, we've had enough of this. What we want is this legislation passed today in this committee." That's what they said: "We'll stay here all day. If you want to stay here all day, that's fine, stay here all day, but we want this bill today. And if you don't cooperate with us, at 11:59 tonight it's going to be considered passed. That's what we're saying. We'll basically shut down this process, based on some whim or other that determines that you're not prepared to get involved in debate."

Maybe you don't want the prolonged discussion about this because what we have to say will get greater coverage. Maybe you don't want Canadians to actually know that there are reasonable people who, when they look at the detail of this legislation, have very sensible arguments. And people are going to say, "Well, that makes a lot of sense, but I've been listening to the government and they say this is all about safer streets. But what's being said here is that this is not going to lead to that. What Mr. Harris is saying or what Mr. Cotler is saying or Mr. Jacob is saying makes a lot of sense"—based on the experience of this particular jurisdiction, or based on the opinion of this expert who spent decades studying this matter, that this is the wrong direction to be going in.

Is it that you don't want people to hear that? Are you afraid people might hear that? Your opinions, your point of view, can't stand the light of day. Is that the problem?

Ms. Françoise Boivin: It sounds like it.

Mr. Jack Harris: That's what I think.

I don't mind people having different points of view. You can make whatever arguments you like. If you're convincing, if you think you're right and the majority of people agree with you, then why would you be afraid to engage in a process that looks at the detail and airs those arguments?

You know, Canadians aren't served by a quick quip in question period as the only form of public debate. It's a part of the process, yes, but if we're going to be reduced to a democracy that only allows this type of show—the theatrics that occur in 35-second snippets of question and answer in question period—and the kind of detailed debate that takes place here is not going to be allowed, and we're only going to allow the 35-second quips and questions and retorts, which is somewhat artificial.... It's necessary and important because it is a part of holding the government to account. But the real nitty gritty and meat of parliamentary activity goes on in places like this.

This is televised. Anybody in Canada who wants to watch this is able to do so. They're hearing what I'm saying. They might think I'm blathering on and speaking nonsense; that's their right. I'm exposing myself to that particular type of opinion. Maybe I'll receive an e-mail from someone telling me that I should stop talking.

Voices: Oh, oh!

Mr. Jack Harris: Someone from across the way wants to know my e-mail address.

What I'm saying is that we have an opportunity in this meeting, and the meetings we're supposed to have next Tuesday and Thursday, to allow Canadians to hear each and every discussion about clauses in this bill on which there are strong opinions. If the government had confidence in its position, it would be quite happy to allow this debate to take place in the fashion that was set up, in terms of our regular meetings that we've been elected to attend. The process of Parliament provides for standing committees such as this one on justice and human rights so that what I say can be heard. If I quote some expert, it can be weighed by people. Some could say that it makes a lot of sense and ask why the government is not accepting that.

Is that what it's afraid of, that somebody will say something sensible and make some logical, persuasive argument, and it'll be seen to be ignoring it? Ignoring what's said on the other side and not even making counter arguments—that happens sometimes. But if there are counter arguments, I'd like to hear them. I'm open to persuasion, too. I think government members should be open to persuasion as well. Canadians have a right for that process to take place in the open and in the manner in which it's expected to be brought forward.

We have these 100 clauses and 50 or 60 amendments to go through—I haven't seen all the numbers here. They'll take some time to consider. Many of them are similar. We're not going to have 55 debates if there are that many amendments that are similar. But there's a process here that we hope and expect parliamentarians to follow.

What we're hearing from the other side, through this approach, is no debate unless it's going to be all in one day, with no opportunity for due consideration. Are you asking Canadians to shut down their lives and spend the rest of the day watching TV? I'm assuming we'd be broadcast all day. I don't know; maybe only certain blocks are available. This committee is now being broadcast until 10:45. I don't know what happens after that. They may be broadcasting some other committee.

• (1020)

Is that the idea? That we're going shut down public access to this committee's hearing by keeping this going until midnight? Is that another way of limiting the public's knowledge of what goes on in their Parliament that they elected in May, expecting to have their voices heard? And not just the voices of the majority of seats with a minority of voters, not just those voices. We don't have an elected dictatorship in Canada; we have a constitutional democracy, a parliamentary democracy, where all the voices of those elected are entitled to be heard and where all are entitled to participate in the

process. Instead, what this government wants to do is ignore that and say, "Just because we're elected we can do exactly what we want."

Well, that's not the Canadian notion of democracy that we believe in, that our party believes in. We believe that members of Parliament are here to work together to make things better and to have a genuine argument about how best to do that. We are here to have a genuine argument and not just to hear, "We're here, here's how we're going to do it, we want this legislation passed, and we want it passed today." That's what we're hearing: "Not only do we want this legislation passed, we want it passed today, this day, today, between now and 11:59 tonight." They're saying that before November 17 is out, "We want this legislation out of this committee because we think this legislation is right and we're not prepared to hear anybody talk about it after midnight tonight, that's it, done deal, we're done, we're out of here."

"We've had an opportunity for this to be out there in the public", they're saying, "and we're not prepared to consider it for another day." That's what we're being told here: "We're bringing down the hammer." It comes under nice little euphemisms like "time allocation". They say, "We just want to organize the schedule so that the time is allocated and used properly." Well, that's a euphemism for shoving it down the throats of Canadians, stifling consideration and debate, and stifling the public's ability to even understand the details of something.

This is complicated. I'm not saying it's simple; it's complicated. But if you have an opportunity.... This is the problem. People say, well, we had witnesses come, brought by the government. They were very sincere witnesses and I'm glad we had to hear from them, but they said things like, "We support some aspects of this bill." They didn't say, "We support every single piece of it."

Also, frankly, I don't expect someone who comes forward as a victim of crime, whose child has been murdered, to come here and do a legal analysis of a 100-page piece of legislation. That's not their job. They come here to say, "I'm a victim of crime and I'm concerned that we don't take crime seriously enough in Canada and I support stronger sentences." That's a legitimate matter that our committee has to consider.

But when they say they support "some aspects" of this legislation, that's not a *carte blanche*; that's not a statement saying that they've had victims who want this legislation passed. Well, we understand what that means; it doesn't mean that someone who comes forward with a point of view, who is concerned about victims' rights and has legitimate complaints about the remedies for victims, the support for victims, and who says the treatment of victims in the criminal process is inadequate...we understand that, and there need to be improvements made in that.

This bill doesn't make those improvements, frankly. This only deals with one aspect of it, which is, in some cases, the tougher sentences and access to parole hearings. I think we support a lot of that.

But because a witness has said they support some aspects of the bill, that doesn't mean they're saying "pass this today". It doesn't mean they're saying not to consider the other aspects that you have expert witnesses on. It doesn't mean they're saying not to consider the aspect of someone saying in the case of Quebec that their 30 years of experience and work in the youth criminal justice field teaches them the following as to what works and what doesn't, or not to consider the aspect of what they know in their experience that is going to make our streets safer, reduce crime, and prevent young people who may run afoul of the law in their early years from becoming criminals. It doesn't mean they're saying not to consider the aspect of someone saying, "Here's the benefit of our knowledge, our experience, and our jurisdiction, and we want to offer that to you."

● (1025)

The people who came here as victims didn't say, "We don't want you to consider that." They didn't say, "We don't want you to look at the details of this legislation. We don't want you to consider what really works to prevent crime." They didn't say that at all. I didn't hear one of them say that.

They came here in all sincerity with a great deal of personal angst and emotion to tell us they believed some improvements needed to be made in the criminal justice system. They like the idea of being more engaged in the parole process and of having greater knowledge of where offenders are in the system and when they are getting out and where they're going to be and all of that, and of participating in parole hearings and not being abused by some—which has happened in some cases where people scheduled parole hearings and then cancelled them, and that sort of thing. We listened to all of that. And their feelings and views will be reflected in the discussion that will take place on that particular aspect of the bill.

I think they're entitled to watch these hearings and to see to what extent members of this committee were listening to their concerns. They're also entitled to recognize that this committee is considering other aspects of the bill, other matters about which there may be disagreements among members of this committee but which in the view of some will lead to a safer community for them, a safer feeling in their home and less worry about the proliferation of criminal activity.

You know, people need to help. Part of this process is helping people to understand that there is no black and white. There's a mantra going about that the government wants to be tough on crime and the opposition doesn't, that somehow or other there's only one group of people who want safe communities and who want less crime and that the opposition, what, wants more crime? Does anybody actually believe that? Yet that's what we hear. If you take it at face value, that's what we hear.

The exact opposite is true. As Mr. Cotler just said, it's the constitutional responsibility of the Government of Canada to engage in policies and practices that make our streets safer. There can be honest disagreements about that. There can be honest disagreements about that without one side being vilified as coddling criminals or advocating for criminals. But that's what we hear.

The Canadian public deserves to hear this debate, deserves to hear clause-by-clause consideration, deserves to hear the arguments as to

why some of the provisions of this bill, which impose particular types of punishments or sentences, treat young offenders in a particular way. The public deserves to hear why there are arguments that say this is going to lead to more criminality; this is going to lead to more dangerous people; this is going to lead to less rehabilitation; this is going to lead to less safety.

They deserve to hear that the money that's going to be spent on corrections and on incarcerating people in this manner could have been spent on preventing more crime and on saving the lives and futures of young people, for example, who might otherwise end up incarcerated for long periods of time, or who might fall victim to circumstances due to conditions in prison, or to mental health problems, or to the whole gamut of conditions that led to the loss of life for Ashley Smith, for example, who went to jail at age 14 for throwing crab apples at a postal worker and never got out. She died at 19 in prison. She never got out.

● (1030)

Is that a regime that we think doesn't need improvement? Is that a regime that we think is a model? And should we incarcerate more young people? We're hearing reports all the time about the number of people in prison, whether young people or others, whose major problem is a mental illness. That's their problem. That's why they're in prison. That's why they can't cope with society. That's why they run afoul of the law. And they don't have adequate treatment either inside or outside of prison or a correctional institution. These are some of the problems that underlie the issues we're talking about here.

We need a more health-based response to the mentally ill in place of incarceration. It's one thing to say that someone is fit to stand trial, but it's quite another thing to say that they're mentally whole, that they don't have mental health problems that ought to be dealt with that aren't being dealt with. We have a long way to go to make our communities safer, on the one hand, but also to make it safer for people who are mentally ill, by giving them the right treatment options and the right services and the right response to their needs, whether they start off as young people with mental illness or are people in later stages of life. These are all of the things that we actually need to deal with if we're going to properly consider this legislation and we're going to have a proper debate.

We're going to have an opportunity for the public to see that this debate is meaningful, that it's not just some process where the one side wants justice and the other side wants injustice or something different. There is a legitimate debate about how best to achieve a safer community. How do we do it? Do we do it by locking up more people? Well, that's one way. One of the answers you hear from members of the government is that at least those particular individuals won't be able to commit a crime outside if they're inside. Well, that's true. How long are they going to be inside? When they get out, are they going to be more or less likely to reoffend?

What have we seen in the experience of other countries, in other jurisdictions? Our neighbour to the south, who we look up to in some respects, has a dismal record of enhancing safety by locking people up. That's not what happened in the United States. It's been said many times that if locking people up led to a safer society, the United States would be the most crime-free and safest society in the world. In fact, the murder rate in the United States is through the roof. Even the most right wing of Republicans and states in the United States who believed in this philosophy for a long time are now seeing that it doesn't work. All they've done is managed to impoverish their treasuries to the point where in a number of states—and I saw a list of them the other day—there's more spent on incarceration in prisons than there is on education. Imagine, you have a state in the United States that spends more on locking people up than it does on educating its children and young people.

They're saying to themselves, what are we doing here? This is not working. This is not leading to safer communities. This is leading to bleeding the treasury, to preventing us from carrying out our responsibility to look after our citizens, and it's not giving them a chance to learn enough and to get enough education to participate in society. Instead, we're waiting for them to commit crimes so we can lock them up. Then we're spending all our money keeping them in prison.

•(1035)

That's the extreme. I'm not saying we're leaping immediately to that particular point of view. Let's be reasonable and honest here. It's time we had that debate, after what we've seen in the United States, in states like Texas and others. They say they have to change this approach and look at rehabilitation, for example, when it comes to drug offenders and not incarceration as a principal means of dealing with this.

We've got a situation where the United States of America, in many of its states, is looking at going the other way. We're talking here about replicating that failure, by going in a direction that many believe is wrong and that we believe is wrong. Rather than replicate the failure of that policy in the United States at a great, enormous, and unknown public expense, we might instead learn from that country's experience.

That's the purpose of these discussions here today and next Tuesday and Thursday. They are supposed to be open, regularly scheduled discussions that the public can participate in—by viewing, by sending e-mails if they wish, and by responding to what people are saying—and play a role in a participatory democracy that we talk about from time to time. That's why we have regular meetings; that's why we don't jam everything into one day.

We should be here this morning.... By now, we probably would have been halfway through this legislation. But no, no, the government wants to change the channel: "Let's change the channel here. Let's not talk about this legislation. Let's talk about how we ram legislation through and say, 'Well, we're only going to allow this to be considered for one day', and anything that has to be said, or could be said, about the 200 clauses in the bill"—I think there are 200.

•(1040)

Ms. Kerry-Lynne D. Findlay (Delta—Richmond East, CPC): There are 208.

Mr. Jack Harris: There are 208 clauses in the bill. Anything that needs to be said about any of those has to be said today. We've gotten to clause 7 so far, and I'm sure we'll hear speeches opposite saying there are 207 and we've only gotten to 7.

We've had four hours of opportunity. If we came in here this morning and rolled up our sleeves and started working on the bill, I'd say we'd be at 100 by now. That's my guess. I'd say we'd be halfway through by now. Mr. Cotler, I'm sure, had some interesting comments to make about his two amendments to clause 8, after which they would be voted on. Clause 8 would be voted on, and then we'd be into sexual assault. I think the actual title of it is...I just want to make sure I get this right. We're talking about offences against children. With regard to that section, I have a proposal—which, by the way, I think I've signalled several times—where we would take clauses 10 to 38, with the exception of clause 34, which is about something else, and we would pass them in one vote, with one debate, if necessary. There is probably not even a need for debate. Then we would be at clause 40. We would then be looking at another piece of legislation.

There is no attempt here to prolong unduly the consideration of this legislation. We had consideration on Tuesday of brand-new legislation that has never before been considered by a Parliament of Canada. It's been talked and thought about but never before been considered in a form that's about to be brought into law. And suggestions have been made to improve it, which we debated, considered, and voted on, on Tuesday. I don't think there is anything wrong with that process. Some people opposite were impatient. That's fine. You can be impatient if you wish, but that's no excuse to come in here today and change the channel and say, "No, we don't really want to talk about the bill. We want to talk about the fact that we want this passed today. We're going to hijack the whole process. We're going to bring in extraordinary measures before a committee of this House to create some crisis that doesn't exist and is unnecessary, and to make sure that the Canadian public doesn't get another day of hearing about people complaining about Bill C-10."

That's what the object of this is. By Friday, it's all over. The news story is that it's past second reading, and now there will be no more news stories about what somebody said about Bill C-10. There will be no more news stories about what the Government of Quebec wants. There will be no more news stories about the dissension between the government and provinces over the cost of this legislation because it's not before Parliament. It's gone off to some other place, so it will be kept out of the news cycle. This is what this is all about. It's like finding a hole and burying it. It's like finding a hole and burying public discussion, public interest, and public concern: "Let's get beyond that immediately. We'll claim that we're just following through on the strong mandate that Canadians gave us to get tough on crime"—

• (1045)

The Chair: I have to interrupt you just for a moment. We are at 10:45. Is it the will of the committee to continue to sit?

Some hon. members: Yes.

Mr. Brian Jean: The coffee is out and I'm getting a little sleepy. I was wondering if we could have more coffee.

The Chair: We need to have a vote. It has to be the majority of the committee that exhibits the will to continue the meeting. Those in favour of continuing? Those opposed?

[*Translation*]

Ms. Charmaine Borg: Could we have a roll call, please?

[*English*]

Mr. Brian Jean: You already called the vote, Mr. Chair.

The Chair: Sure. The clerk will do that.

(Motion agreed to [See *Minutes of Proceedings*])

The Chair: The majority are in favour of continuing the meeting.

We will suspend for 10 minutes, however, for a personal break for everyone and for those who wish to recharge their cups.

• _____ (Pause) _____

•

• (1120)

The Chair: We'll call the committee back.

I just want to make sure that everybody understands that the chair can tell time, but there were some requests that we suspend a little longer than the 10 minutes for some discussions. I would hope those discussions have been fruitful and maybe we can move along.

A name that I still have on the list is Mr. Harris, because he hadn't completed.

Mr. Jack Harris: No, Mr. Chair, I hadn't completed, and I was contemplating whether I would be able to complete between now and 11:59 this evening, because what's happened here is the whole nature of this debate has changed from a proper consideration of this legislation to a motion now before us to limit debate, not only to having the matters passed today, but to have only five minutes per party on each clause of the bill.

There are many, many important matters in this bill that have a requirement for consideration. For example, there are the amend-

ments that we are proposing, that have been proposed by us at the request of the Government of Quebec, whereby they're talking about having a change to the definition of how youth criminal justice is considered, the long-term protection of the public being the important consideration. But that's only worthy of five minutes of discussion. The effort made by a province, based on their understanding of what the proper approach is, is only worthy of five minutes' consideration before this committee. We find that totally abhorrent.

The other proposal from the Government of Quebec, which we have moved and put before the committee, to offer an opportunity for provinces to defer publication of young people's names or deal with an age limit of below 14, that very important aspect of youth criminal justice.... We've had witnesses, not only the Attorney General of Quebec, but also other witnesses, experts in criminal justice, criminology, and youth criminal law who have suggested it is abhorrent and detrimental to youth criminal justice. That's only worthy of five minutes of discussion on a clause-by-clause basis.

That's what this motion is doing. We are not satisfied. We are not satisfied that a proper airing for all of these matters can take place today with this motion of closure. That can't happen. The people of Quebec deserve more, deserve better consideration from the Government of Canada and its representatives here on this committee.

This is the kind of legislation we have before us. This is the kind of effect this motion before this committee today has. The Government of Canada is prepared to give short shrift to the considerations of the Province of Quebec—short shrift, five minutes. Five minutes, that's it, despite the efforts of the Government of Quebec to have some influence on the course of this Youth Criminal Justice Act, based on their considerable experience and their successful experience in pursuing an approach to youth criminal justice that should be a model for the rest of Canada, not something that is going to be interfered with and set back.

• (1125)

This motion is saying no, not only will we deal with this today, but we'll only allow it to be discussed for fifteen minutes, five minutes for each party: five minutes for the NDP, five minutes for the government members, and five minutes for the Liberal Party. That's what this motion says. Fifteen minutes is all the consideration Quebec deserves before this committee for coming here in good faith, with respect, and seeking cooperation in a federation that's supposed to respect the people of Quebec. We recognized a year ago that the Québécois are a nation within Canada. What do we have? We have fifteen minutes of time on something that they consider extremely important in terms of youth criminal justice in Quebec.

We should in fact be hearing from them again and asking what else we can learn from them that would help make our youth criminal justice system better. Let's have their advice on other aspects of this. We know they only had five minutes to talk to the committee, and now we're going to give 15 minutes for consideration of their proposed amendments. It's just not good enough and we can't accept that.

Now, I've been asked by Mr. Cotler if I would give him a chance to say a few words because he has to go to another committee. It's a committee that I was supposed to be at too, mind you, but I'm going to stay here because I want to stay here and talk about this some more. But that's what's happening now. Everybody's schedule is beholden to the majority sitting on the other side, who all of a sudden have provoked a crisis about the passage of a piece of legislation that we have scheduled meetings next week to talk about—and today. We could have been talking about the bill instead of talking about this issue. I want to get back to that shortly. I did want to give Mr. Cotler an opportunity to say a few words before he goes.

I'll stop here for now, Mr. Chair, and ask to be put back on the list.

The Chair: Thank you, Mr. Harris. You'll be added to the bottom of the list.

Mr. Cotler.

Hon. Irwin Cotler: Thank you, Mr. Chairman.

The government has a four-year mandate. I'm using the mandate now not in respect of the specific legislation or in the manner in which it has been used. But it has a four-year mandate. It's a majority government. At the end of the day, the government, because of that majority, can enact whatever legislation they want.

I was much encouraged by the words of the Prime Minister immediately after the government secured a majority. He said he intended to govern in a cooperative way with the opposition, to work together in the best interest of Canadians. I took those words seriously then, and I seek to take them just as seriously now.

I'm not saying that we should be debating this bill for the next four years. I'm not even saying we should be debating it for the next year. All I am saying is that the nine bills taken together, as well as each of them considered singly, deserve a fair hearing. All I am saying is that they deserve an informed consideration, including such contributions as may be made by the learned officials from the Department of Justice who stand ready to share with us their expertise on various provisions in this legislation. I happen to have had the benefit of working with these officials, so I know of their expertise and I know they can make a contribution to our deliberations if the time is given for that approach.

When I said that at the end of the day the government has a mandate and can do whatever it wants, I did not mean at the end of the present day. That would never have crossed my mind. I can understand that at the end of the day, to speak metaphorically, the government will be able to enact whatever they want. But I would assume that, given the Prime Minister's statement and the whole nature of precedent and principle and committee and the like, we would be entitled to an informed and responsive hearing.

Earlier, I gave some examples of the transformative nature of each of the bills. I have to say that I commend the government for having introduced transformative, historic legislation with regard to giving victims of terror a civil remedy. We did not take all that much time in proposing amendments to improve the legislation. We did not want to reject it, only to improve and refine it.

I'm using this as an example of why we have things here that warrant further consideration. Let me give you some other things that time did not permit. I would invite the members opposite to rethink the need for more time in the light of the transformative nature of this bill. Let me begin with something that I haven't yet mentioned. Before this legislation was tabled, we already had a serious problem of overcrowding in the prisons. The data is there. I don't want to overburden this discussion by referring to it. Some of it was referenced in the testimony. We know that some provincial prisons already are at a 200% capacity.

This raises serious constitutional and policy considerations. On the constitutional side, the Supreme Court of the United States has said that 137.5% capacity brings us to the point of cruel and unusual punishment. Before this legislation was tabled, we had a 200% capacity. We run the risk of having more crime within prisons, and having it by reason of this legislation. This would be the opposite of what the members for the government seek. And I take their objectives in good faith.

I'm only saying that this issue of overcrowding raises a constitutional question of cruel and unusual punishment. That's what I meant when I said earlier that there are Charter issues that have to be addressed, issues that cannot simply be whisked away by assurances of a time allocation and dismissals of previous considerations.

● (1130)

I might add that since we met on Tuesday.... And I'm using only one example. Yesterday in *The Globe and Mail* there was a whole issue on the question of overcrowding, on the specific phenomenon of segregated facilities and the kind of abuse that takes place, and certain recommendations in that regard.

This brings me to my second concern, Mr. Chairman. My colleague Mr. Harris has spoken to it. It's the whole question of the corrections process. I'll make one point. We heard a lot of testimony on why it is important to keep the principle of least restrictive alternatives involved in corrections management. This goes to a constitutional principle with respect to least restrictive means, proportionality, and the like. I don't want to belabour this point. All I'm saying is that this is a second consideration. It is the corrections consideration, which again brings up issues of constitutional consideration and policy consideration.

This leads me to a third. Mr. Harris has mentioned this, but I want to mention it in another connection, and that is the Quebec Youth Criminal Justice Act. There are specific provisions with respect to amendments that have been proposed, warranting consideration in the matter of certain procedures regarding repeal of publication bans and the like. I'm not going to go into it now. I just want to say that we are discussing that legislation against a far larger transformative concern. In other words, we are discussing the Quebec model, which is effectively, as the Minister of Justice himself said, a prevention model versus a punitive model, a rehabilitative model versus an incarcerative model. As he put it, in the words in which he used at the time, *une solution durable*, a permanent solution, as distinct from a temporary solution, which may appear to be a quick fix but may be harmful down the road.

Why the testimony of the Quebec Minister of Justice, who has since proffered other amendments, is important, and why the other testimony we heard from Quebec is important is because of the evidence. The evidence is that Quebec has the lowest recidivism rate in the country. The evidence is that youth justice crime in the Quebec model has been going down, while youth justice crime elsewhere has been going up. That warrants consideration with regard to Canada as a whole, Mr. Chairman.

I'll close on this point by saying, as the Quebec Minister of Justice said, that just the issue of publication of a youth offender's name can lead to the important concern re: stigmatization and the problems that involves.

This leads me to the fourth consideration. Mr. Chairman, we've not had a chance...I've not even heard this mentioned. Frankly, the only reason I have it is that a letter was sent to you that was copied to me and all the members of this committee. I'm referring to a letter from the Privacy Commissioner of Canada that was dated November 10 and recently received by me and other members. She writes that she wants to provide the members of this committee with her views on some of the privacy implications. Again, I'm talking about transformative themes and transformative issues, privacy implications stemming from Bill C-10. And then she says—and this is an important point—

While clearly acknowledging the valid objectives of the amendments proposed...

Here's a person who is saying she acknowledges this legislation has valid objectives.

Then she goes on to say:

...I wish to highlight the cumulative effect that some of the legal changes...

— i.e. in the bill as a whole—

could have on privacy rights for many Canadians.

Then she says:

We offer below for your consideration what we view as some of the more significant privacy issues raised in three parts of Bill C-10, and provide some suggestions as to how these issues might be addressed.

Mr. Chairman, I've read this letter. I suspect all of us have had a chance certainly to see it, and I hope maybe to look at it. I have to say that I reread it last night. It's a very serious letter. It runs to six pages. It gives three case studies of the privacy implications involving all Canadians. This alone, Mr. Chair, would take more than five minutes to read, let alone have an informed discussion

about it from someone who shares the objectives of Bill C-10 as a whole.

I'm going to do this very quickly. She talks about several privacy concerns in three parts of Bill C-10. I'll mention two of them quickly and close on this point.

● (1135)

She says, "Part 4 of Bill C-10"—and I'm referring to that because I have just been talking about that legislation—"raises two main potential privacy issues: (i) changes to procedures on publication bans and (ii) additional record-keeping requirements set out in the *Youth Criminal Justice Act*..." Then she goes on to document and detail these. I won't go into that, Mr. Chairman.

Then she goes to part 3; I'm now on page 4 of her letter. Very quickly, she says, part 3 of Bill C-10, Corrections and Conditional Release Act amendments:

...raises three particular privacy issues: (i) the release of expanded offender information to victims; (ii) new provisions for the electronic monitoring of offenders; and (iii) new powers to search vehicles on penitentiary property.

Again, Mr. Chairman, I'm not going into the merits of it. I'm not going to detail it. I'm only saying that this document as a whole raises some very serious privacy concerns with respect to Canadians.

We, as parliamentarians, I think have a responsibility to address this in a responsible and responsive way such that it can have a fair hearing. I'm not saying it must be an unending hearing; I'm saying "a fair hearing", so we can address the concerns that the Privacy Commissioner of Canada has brought to our attention.

This, as I said, is yet another thematic consideration: the transformative impact of Bill C-10 on privacy concerns. At the end of the day it may be that we say we don't believe the privacy concerns raised by the Privacy Commissioner have merit; at the end of our discussion, people may say that. But I'm saying they at least deserve to have that hearing, and we at least deserve to discuss it.

This brings me now to a fifth thematic concern, and it relates to something that went on in the House. Mr. Chairman, we had a full-day debate on a national suicide prevention strategy, and at the end of the day all parties in the House concurred with the need to have a national suicide prevention strategy. You may say, why are you bringing that up with respect to the bill? I'm bringing that up, Mr. Chairman, because at the time we debated it in the House that day it became clear that 90% of the people who commit suicide have some sort of mental illness or disability.

What we saw from the testimony we got from Monsieur Trudell and others is that the issues of mental health considerations are underrepresented in the bill. In other words, since so many offenders in prison have mental health concerns or considerations, we, as parliamentarians—and we heard the testimony of Monsieur Trudell and others—have a responsibility to address whether this bill could be improved by including more consideration for those who have mental health concerns.

That is part of an overall prevention strategy that may lead to less crime, less cost, less incarceration, and better rehabilitation, and at the end of the day, everyone, particularly the Canadian public on whose behalf we are here, will be better off.

Let me go into a related thing, a sixth consideration. We had a professor, Irvin Waller, who came before us. He proposed that there be a crime reduction board. He said even if you pass this legislation and even if you pass it in the present form, may I recommend that you establish this instrumentality for a national crime reduction board. The whole series of objectives and indicators, which I won't go into, were placed before us.

Mr. Chairman, one of my amendments is to in fact propose that, but I'm saying it deserves more than five minutes of consideration. It deserves to have a responsive hearing because it would be a significant and important initiative that will in my view reduce crime because it's proven itself.

The objective of this legislation is to bring about safe streets and communities. I believe this crime reduction board proposal by Professor Waller will help to bring about safe streets and communities, but we need to give it a fair hearing in this House. We will not be able to do so in this manner of the time allocation.

• (1140)

Then we have the whole question of mandatory minimums. I've spoken elsewhere on this issue. My own position on this is well known. I think the evidence is clear on this—not only in the Canadian jurisdiction but in other jurisdictions, which I and others have examined, in the United States, in South Africa, etc.—that mandatory minimums do not serve as a deterrent. I'm not going to go into that now other than to make one other point.

The real problem with mandatory minimums is that they have a disproportionate and prejudicial impact on the most vulnerable in our society, and in particular on aboriginal people. We have a situation now where, for example, 34% of women in prison are aboriginal, a shocking datum. I'm not talking about the statistics, but in human terms, about the human costs, the social cost, and the like.

Why am I saying that, Mr. Chair? After we met on Tuesday, the United States Sentencing Commission released its report. We never had a chance to consider it here because it wasn't even released. The *New York Times*, whatever you think of the *New York Times*, wrote an editorial on it as well. In other words, it's one of the most significant evidentiary releases and reports that we've had in years. It's an enormous amount of evidence of relevance to our deliberations. What concerns me, Mr. Chairman, is that we will never even address it. We will go and look at a bill with proposals for mandatory minimums and we will not be able to incorporate by reference and in our discussions one of the most important reports that has come out from any jurisdiction in years from the U.S. Sentencing Commission on the issue of mandatory minimums, let alone our own evidence, which we have yet to properly address in the context of the amendments.

What I'm saying, Mr. Chairman, is that this is another transformative impact. I'm not talking about five or six plants of marijuana. I'm not going there. I'm talking about the overall transformative impact of both introducing new mandatory minimums and enhancing existing mandatory minimums. What impact does this have with respect to the principles of sentencing, criminal justice reform, impacts on vulnerable people, the disproportionate impact on aboriginal people? And how can the U.S. Sentencing

Commission report help us in this regard to achieve the objectives of what the government is seeking?

This brings me now to the last point to which I wish to make reference, and that is the question of the victim's voice. I respect the government in its ongoing concern for the rights of victims. I think it's to be commended with respect to the need to protect the rights of victims. I believe the witness testimony we heard from governmental witnesses shows the importance also of listening to victims' voices.

But I want to say, Mr. Chairman, that when I go through this legislation, I do not see what I would like to see with respect to the protection of the victims. I do not see what I would like to see with regard to victims' voices. In fact, Mr. Chairman, I found, in the hundreds of pages of this legislation, only a few provisions that in fact would enhance the rights of victims in the corrections and parole system.

Maybe they caught my eye, Mr. Chairman, because frankly these provisions, which are important provisions, which I support, are provisions that I introduced as Minister of Justice in 2005. I'd like to think I would support the same provisions I introduced in 2005. When I was defeated, they never came to pass.

There are important provisions here in the area of corrections and parole with regard to the rights of victims. But that's almost the only voice being given to victims. There is now the other historical voice that now will be given to victims with regard to those who will now have for the first time, as I mentioned, a civil remedy as victims of terror against their terrorist perpetrators. But for the most part, we don't have enough protections with regard to victims in this legislation.

The provisions to toughen sentencing for sex offenders will be welcomed by most. But some of the reforms in this bill will toughen the sentences for low-risk offenders with low rates of recidivism. They won't make children safer. They'll cost five times more than what is being invested, for example, in the Child Advocacy Centres that support abused children.

I refer to a recent op-ed piece in the *National Post* by one of the witnesses, Steve Sullivan, who talked about how omnibus crime bills ignore the true victims. He may not have had an opportunity to fully share his testimony. I know he sent it in to one of the other honourable members. I'm talking here only in terms of the rights of victims.

• (1145)

Mr. Chairman, when I look at this bill, taken as a whole, and when I look at the procedure being recommended today with respect to how we should address it, I want to invite the government, the members opposite, to reconsider and revisit their proposal. Let us go back, and, as we were going to do, let us do it in a responsible way and engage in a clause-by-clause approach.

We almost finished, Mr. Chairman, with that historic piece of legislation for giving civil remedies to victims of terror. Whether or not they adopted the amendments to the legislation I proposed, it still is worthy of being enacted for the transformative and historical principle it establishes. We needed to amend the sovereign immunity act. We needed to remove the immunity of foreign states and terrorist perpetrators. All that is important. I think the amendments would have improved it, but I think the importance of the legislation also speaks for itself. And we got close, in one sitting, to considering all of the amendments.

I do not see why we could not give the same responsive hearing to the other pieces of legislation. That's all I'm asking for, and I think that's all we, here on this side, are asking for. Just let us have a responsible, responsive, fair hearing so that, through us, those constituents we represent, and the Canadian people as a whole, on whose behalf we seek to speak, can have their voices find expression here.

That's what being a parliamentarian is all about, Mr. Chairman. We are, in effect, ombudsmen for the constituencies we represent. We are ombudspople for the Canadian public as a whole. This has nothing to do with parties. This has everything to do with our mandate, our constitutional responsibilities as trustees of the public: our responsibility for oversight of the legislation; our responsibility with respect to the exercise of spending power; our responsibility to give expression to some of the witness and expert testimony we've heard; our responsibility to hear the expertise Department of Justice officials who are sitting with us today can share with us; and our responsibility to give those constituents, from all sides, who we invited to come here as witnesses to give their recommendations, a voice in the consideration of this legislation.

I say all this, Mr. Chairman, because, really, if we go ahead and engage not only in the time allocation we did in the House and consider all of this in two days.... That has passed. If we go ahead now and short-circuit this legislative process, that, regrettably, in its effect—I don't want to impute it to intent—will be an abuse of the parliamentary process, and an abuse of what we now have, which is a constitutional democracy. And it will, regrettably, be a dark day for parliamentary democracy and a dark day for our constitutional democracy.

I'll close by saying that as a Quebecker, and after listening to Minister Fournier, not only two days ago but before that, if you take this *projet de loi*, taken as a whole, I believe.... What I want to share now is why I think it deserves the utmost consideration.

• (1150)

[Translation]

It's because this bill will result in an increase in crime, a weakening of justice, an increase in costs, a reduction in the chances of rehabilitation for offenders and less protection for victims.

[English]

That which is so important is running through this legislation.

At the end of the day, Mr. Chairman, regrettably, with all the good faith involved, with all the well-intentioned approach of the members opposite, if we pass the bill in its present form, if we

pass all nine bills in this present form, the concerns that can be alleviated by way of amendment....

I've just brought in the Privacy Commissioner for her expertise regarding the privacy concerns as one case study and the U.S. Sentencing Commission as another case study of things we need to address. If we do not correct this legislation, we will have the exact opposite of what we see. We will have more crime and less justice, at greater cost, with less rehabilitation of the offender and less protection of the victim. I don't think that is what any of us seek.

I would hope that we would give this legislation, the nine pieces of legislation, the hearing it warrants so that we can offer the necessary amendments that we believe deserve the discussion warranted to improve the bill, Mr. Chairman, for all Canadians, whom we represent here today.

Thank you, Mr. Chairman.

• (1155)

The Chair: Thank you, Mr. Cotler.

Mr. Jacob.

[Translation]

Mr. Pierre Jacob: Thank you, Mr. Chairman.

I would like to make the point that, because of the limit being imposed on the debate on Bill C-10, a complex omnibus bill that is in effect nine bills in one, this is a dark day for democracy, for the Parliament of Canada. It's also a dark day for the Canadian Constitution, the Canadian Charter of Rights and Freedoms and the Quebec Charter of Human Rights and Freedoms, as well as for the criminal justice system of Quebec and Canada.

Like my colleagues, I believe we were elected to represent our fellow citizens and to closely scrutinize this legislation, clause by clause, in order to improve it in the interests of the entire population, including victims. With a better bill, everyone stands to win.

The only connection Bill C-10, the Safe Streets and Communities Act, has with safety is its name. In fact, it's a short-sighted view of safety. We've heard from numerous expert witnesses that victims will not be winners in the end. There will be no winners. It will simply be a process aimed to mislead.

We have not only an obligation to make our best effort but also an obligation to produce results that will improve the quality of life of all our fellow citizens, for the benefit of victims and the entire population. We must work together and practise a different form of politics.

The system proposed under Bill C-10, which we cannot address clause by clause, will continue to be ineffectual and will cost the provinces and victims dearly.

We are not learning from our experience, in Quebec for example, with the Youth Criminal Justice Act. What we need is differential treatment based on prevention, rehabilitation and reintegration. This bill is more likely to have the opposite effect: it will create unsafe streets and communities, and everyone will be a loser in the end.

Thank you, Mr. Chairman.

[English]

The Chair: Thank you.

Ms. Borg.

[Translation]

Ms. Charmaine Borg: Thank you, Mr. Chairman.

What is happening here is our judicial system is being reshaped. It's being completely overhauled. The United States has already moved in this direction and has told us it was the wrong move to make. So, firstly, I don't understand why we're going ahead with this without giving serious consideration to how this bill can be improved.

As we've said several times, we're in favour of certain parts of the bill because they're logical. We have already shown our support for these parts. So why not adopt them quickly? However, we have also pointed to other parts that present real problems. This is not only our opinion, it's the opinion of experts across the country, the opinion of the provinces, the Association du Barreau du Québec and the Canadian Bar Association. They've all said there were problems.

Why can't we decide, as adults and parliamentarians, that we're going to take the necessary time to consider the problematic parts of the bill and rapidly adopt those parts we approve? We made this proposal to the House of Commons but it wasn't even put to a vote, because of the Conservatives' tactics. In my opinion, that's problematic.

We must tell ourselves that with a major overhaul of this nature, we're taking some elements of the law backwards, particularly as regards youth justice in Quebec. We're not even giving ourselves the time required to reassess the situation. I consider that a big problem.

As for the minor changes, we could maybe review those a bit more quickly. We're not going to go to extremes. On the other hand, we must take the time to study the significant changes proposed by this 100-page bill, and that's understandable.

I'm a new MP in this House, but I understand it's not unrealistic for a committee to spend sometimes two months considering a bill. We have in front of us nine bills that will have a major impact on the Canadian public. And we say we're going to study this bill today and today is our deadline? Why? We have four years. The government is no longer in a minority position, I fully understand that. So why do we have to adopt this bill immediately?

I don't understand why we're being told we have to do this now because we have no other choice. We do have other choices. We have until December 16 before our committee breaks; we have the winter and the spring of this session; we have next year.

I'm not saying we want to take two years to adopt this bill. I'm simply asking that we be given the time to study it and propose amendments. All the witnesses have said it's not perfect. A lot of improvements can be made to this bill and they must be made.

Giving us until 11:59 p.m. contravenes our right, as the Opposition, to make amendments. Making amendments is one of the few things we can do with this majority government, which dictates the entire progress of committee work. It's the only thing we can do to improve this bill, because that's our mission. We were

elected for that. There are 102 MPs here to submit proposals and amendments, and the government won't let us do it. I'm sorry, but that's not democratic.

Personally, I wonder what example we're setting for Canada. Today, in this room, I was accompanied by students. Unfortunately, they had to leave because we'll be here until midnight. However, I want to set a good example for them, future leaders of our country and people who want to get involved in politics. I want to show them that we can effect change.

When I visit my riding, people tell me that they elected me to change things and to practise a different kind of politics, because things aren't working in Ottawa. That's because they didn't think things were working, before May 2. Do you honestly think they will now believe our Parliament is working? No, they're disheartened.

We're basically telling people not to go out and vote, because that doesn't even work anymore. We can't even propose amendments when we sit on a committee. What is this situation? What's this all about? It's totally illogical.

• (1200)

This bill affects me personally, because there are three federal penitentiaries in my riding. About 800 employees work in these prisons. I've been to meet them and toured the prisons, and I know how it is. We're just lucky we don't yet have double bunking in cells. And I can tell you that there is a fear of double bunking, because it makes for an unhealthy and dangerous work environment. We should first assess this situation. We heard the testimony of representatives of the correctional officers' union. They said the same thing. They are in favour of certain aspects of the bill, but they fear their workplace could become more dangerous.

Furthermore, there will have to be a certain period of adjustment. Sure, we say we can build more prisons, but that will be 10 years down the road. In the meantime, people will have to deal with workplaces that could become more dangerous as a result of this bill, which will put more people behind bars.

Where are the programs, and what about the prospect of people being released from prison and reintegrating into society? This bill takes that away from them. No new funding is being allocated to these programs. There's nothing. I've been told by correctional officers that there wasn't sufficient access to these programs. We're going to put more people in jail, but as far as I can see there is absolutely nothing in this bill that will facilitate access to these programs. Also, people who are released from prison after serving their sentence and paying their debt to society will find it harder to obtain a pardon. It will now be a record suspension. We have to consider these things. We can't say the bill is perfect; it isn't. Certain aspects are acceptable, but we have to take the time to examine those that aren't.

My colleague Mr. Cotler raised the issue of newly elected MPs. You've said several times that the committee has already studied this bill, and so on, but I, as a new member, haven't had an opportunity to voice my opinion on this subject. As for the amendments, I spoke on several occasions with the witnesses. In any event, the new members must be given a chance to be heard. We were elected to express new viewpoints. We must have the opportunity to propose amendments, otherwise there was no point in us being elected.

I dread the thought of returning to my riding and telling the correctional officers that we had only one day to deal with the amendments, that being during the meeting today, Thursday - end of story. I dread the thought of letting down the criminal lawyers who came to tell us that judicial discretion must be maintained. I dread the thought of going back to my riding and having to report that we had only two days to submit amendments and that we were given until 11:59 p.m. tonight to do so. I also dread the thought of returning to my province, Quebec, and once again having to say that we were given a deadline of 11:59 p.m. tonight.

It was established that Quebec had the lowest youth crime rate, but now we're telling this province to turn back the clock. We're telling Quebec that we won't even consider its amendments. I'm apprehensive for all the people of Quebec. I don't relish the thought of returning to my province and having to tell them that. I can assure you they won't be pleased.

We're in the process of turning back the clock, not only on democracy, as I've witnessed today, but also on our judicial system. That's what you're saying to Quebec. As Mr. Fournier put it when he testified, if we look at the scientific facts, the expert reports and the cases in point, it's clear that the system in Quebec worked. So why are countering this? It makes absolutely no sense.

As regards pardons, people who have a family, who want to reintegrate into society, go back to work, maybe work abroad, can no longer obtain a criminal record suspension. There is no longer any room for them in society. We're forcing them back into a life of crime. I think that's totally ridiculous. We should focus on rehabilitation and programs. We should reach out to people and prevent crime.

• (1205)

In my riding, some organizations, like Uniatox, seek out young people who risk entering a life of crime. They seek them out, even though they don't get any money from the federal government. This is how we can really make our streets safe: by working on prevention. But this bill doesn't do it. We should be taking these facts into account, but unfortunately we don't have the time.

I also want to emphasize the notion of debate. We are elected to the House of Commons to debate issues, to talk about them and work together in order to make changes. A debate is the sharing of ideas among different parties and different people. Nevertheless, every time we try to debate, to exchange ideas, such as the amendments we want to propose, you completely reject debate. You interrupt it if we don't say what you want like to hear.

That's not the way a debate works. You have to listen. You have to be open. Personally, I don't see any openness.

Our role as the opposition is to give our opinion on what you're doing. Our responsibility is to force the government to account for its actions. How are we supposed to do that when every time we try to stand up, to express an idea, to debate a bill, the debate is interrupted? As an elected member of the House, I have a hard time understanding that, a really hard time. It's our responsibility as the official opposition to act like this.

We also have to discuss the problems that this bill is going to give rise to. I've already talked about double bunking, but we also have to think about mental health. It has to be understood that, according to the reports presented, we have to work on this aspect, particularly among women. Actually, some 50% of women in the prison system suffer from mental health problems. How are we going to solve these problems? We have to talk about them.

However, interrupting the debate prevents us from playing our role as parliamentarians. I don't understand why that happens. We have a four-year term in the House. We know that it will last four years, because it's a majority government. So why did you feel the need to interrupt the debate at 11:59 p.m.? I'm beside myself. I really don't understand the need to have presented this motion today.

Thank you.

• (1210)

[English]

The Chair: Thank you, Ms. Borg.

Mr. Harris.

Mr. Jack Harris: Thank you, Chair.

We've been hearing this morning about the concerns that arise from this government's approach to shut down debate and discussion, to limit the debate to five minutes on individual clauses of the bill.

It is important for the public to know what a clause of the bill might be, because if you're saying we'll only be allowed to talk for five minutes about a particular clause of the bill, that means.... For example, clause 39, which deals with the Controlled Drugs and Substances Act, has a whole series of provisions in it that provide for minimum punishments in the case of trafficking.

Now, trafficking sounds terrible, and is terrible, if we're talking about the wholesale trafficking of drugs. We have organized crime engaged in this. We have a terrible problem in this country, and in other countries, with Mafia-style operations, and everything that goes with that. But when you take that legislation that's there and start looking at the definition of "trafficking", the definition of "trafficking" is not organized crime engaged in large-scale, high-profile.... The definition of "trafficking" includes things such as the sharing of a marijuana cigarette by some kid or some young person, passing it from one to the other, or giving your friend one of these marijuana cigarettes. It is treated as trafficking. It fulfills the definition of "trafficking".

Then you start putting that into the context of the new legislation, which produces minimum mandatory sentences that never existed before for trafficking, a minimum mandatory sentence of one year in certain circumstances, if:

(A) the person committed the offence for the benefit of, at the direction of or in association with a criminal organization, as defined

That is defined also by two or three people who are working together for a criminal purpose, so any dealer would be caught by that. But the people who are going to be actually caught and given this one-year sentence are the lowest level of people engaged in, I will say, the marijuana trade, because that's the one that gets the most attention, but perhaps it's not the most dangerous. It is all included in this because it refers to the substances in schedule 1 or schedule 2. Schedule 2 has now been put into schedule 1, so all illegal drugs are considered the same for this purpose. And the net is being broadened to the point where the lowest level of offences are included with the highest level of offences, the least dangerous offences with the most dangerous offences and substances, and everything is treated alike.

The evidence that we received from people who understand how this trade works is that this is going to benefit organized crime. It is going to benefit the higher levels of organized crime and it is going to pick up the so-called small fish.

Then we move to the second part about the minimum punishment of two years if the offence of trafficking is committed in or near a school or on or near school grounds. And then the kicker:

in or near any other public place usually frequented by persons under the age of 18 years,

Well, what does that mean? Streets? Public places? Parks? Cemeteries? War memorials? Beaches? We're talking here about a minimum sentence that applies virtually anywhere.

We have five minutes to discuss that today, according to this motion. We're not really going to be given a chance to ask the following. How is this wording actually going to be interpreted by the courts? Is it possible for the courts to interpret this? Are we causing a whole whack of trouble for our court system, for our judges to try to deal with this, and for our prosecutors to try to deal with this? Does this meet any test of certainty? Or is it so vague as to be meaningless?

●(1215)

This is the kind of discussion that should be taking place at this stage of debate on this bill. We have these experts here, and maybe they can tell us what legal opinions have been developed in relation to these matters. Can they do that in five minutes? I don't think so. It's too complicated for that. You could barely read through the clause.

"Clause" sounds like a little phrase, but the clause is actually a page long and deals with these complex matters. It is very precise and technical but has enormous consequences for individuals and for our court system, and may cause, if this gets passed, a whole series of court challenges and cases and appeals.

It's not a simple matter of whether a law is good or bad. The question is whether the law is effective. Does it do what it's intended to do? Will it have the effect of making our streets any safer? Will it in fact deter criminals from criminal activity, or will it have other unintended consequences? What's the collateral damage going to be for legislation of this nature, which is going to have effects in different circumstances?

We've had people come and testify who have some knowledge of how drugs are used in this country. I'm thinking particularly of marijuana, because that's something that gets a lot of attention since we have people able to grow their own sometimes. We have provisions here making that a significant offence, again, if we interpret trafficking in a certain way. Someone who grows a few marijuana plants in their back garden or some place and gives them away is trafficking. Now, if someone wants to say that is trafficking and that's an offence and that person should go to jail for a year, if that's the approach, then we have to ask ourselves whether that makes sense. Is that a way to somehow make our society safer? And what would that do? If you make that even harder to do, then do you open the door to other drugs that people might seek out, which are easier to hide, harder to detect, more dangerous, and more uncertain, drugs that are being used by people who have no idea what's in them?

We have to have a sensible approach towards these things. You can't just say, "Well, it's trafficking, and they're drugs, and therefore A plus B equals C, and there are criminals who should be thrown in jail as a result of that."

We have this body of opinion that seems, at least on the one hand, to say that we want to be tough on crime. But then we have experts who say that studies and statistics and experience indicate that tough-on-crime policies don't work, that they waste money, and that they often make crime worse.

We have expert evidence of people saying that longer sentences, fuller jails, and tougher treatment of young people don't lead to safer communities, make it harder to achieve rehabilitation, and lead to more crime and more victims. Is that a debate that should take place in five minutes on a particular provision of this legislation? I don't think people think that's reasonable.

●(1220)

I think Canadian citizens expect their legislators to give more thought, debate, and consideration to these provisions, and try to come to some reasonable legislation that will actually protect the public, instead of putting on ideological blinders and saying we're tough on crime and that's going to make our streets safer. If it's not going to have that effect, then we shouldn't be doing it. That's just one clause that needs to have more than five minutes of attention if we're going to consider how to improve this legislation—make it better and more sensible.

That brings me to the whole question of minimum sentences. We have a judicial system in Canada that is not perfect, but that's why we have courts of appeal. We appoint judges and we pay them very well. They have legal training and they're given responsibility for the administration of justice. They have been given responsibility for trying crimes and determining sentences—determining appropriate sentences in particular cases. Now this government is saying we're going to throw that out in a large number of circumstances. We're saying that regardless of the individual circumstances of the offender himself, or the individual circumstances of a particular crime, we're going to say to these highly paid, intelligent, experienced judges that they shall not determine the sentence. That will be laid down in the Criminal Code.

Those of us who have practised law for a long time know many judges. We know many judges who have been doing this work in the courts for their careers. Frankly, they find that this type of legislation of minimum sentences...it is not an insult to them, in the sense that... they take their role seriously; their job is to implement the law.

The Chair: If I can just interrupt you for a minute, I've let the conversation or debate carry on a great deal, but much of what you're doing is debating the bill, not the motion. I think we should stick to the motion.

Mr. Jack Harris: We're very happy to stick to the motion. The motion is whether or not we should allow this type of debate. I wanted to give some examples of the issues that are at large here, to emphasize and underscore the point that this is clause-by-clause consideration of a very complex bill. I pointed to one example on the issue of clause 39 to talk about how a substantive debate on that for a clause-by-clause consideration is not something that can be dealt with easily in a period of five minutes, particularly when we have sitting before us the experts in the justice department who played a role in developing this legislation. They are here to be consulted by members of Parliament on this legislation and to answer some of the questions that we would expect to be answered in an objective fashion about the consequences of legislation—why this particularly wording was chosen, how they have any satisfaction that the interpretation that would be placed on this by the courts is meaningful in any way, and, as was pointed out by another speaker earlier, what degree of satisfaction they have that some of these provisions can actually meet the test of the Canadian Charter of Rights and Freedoms.

We have grave concerns about what can amount to arbitrary sentencing when a minimum mandatory sentence is imposed on everybody who happens to fall into the particular category of having been convicted of a particular crime, without any opportunity for the judge to consider exceptional circumstances that may relate to the individual or to the offence itself. The experience of the courts has been that there are an awful lot of individuals who run afoul of the law by virtue of either being in the wrong place at the wrong time or having diminished responsibility for one reason or another.

We've heard discussion this morning about mental health and the concerns we have for that. Those of us who are lawyers know that there is a defence of no criminal responsibility if the person is so affected by a mental disease that they don't appreciate the nature and quality of their act. You can't convict somebody of a crime if they didn't know what they were doing, literally. If they didn't have the mental capacity to know whether it was wrong, then that person is not convicted. The way it works is they are found not guilty by reason of insanity.

Then there are also very many others who don't meet that test, but yet the reason they find themselves before the courts does have to do with some diminished capacity that could be caused by a mental illness, or could be caused by an intellectual deficiency, perhaps, or by some other disease.

●(1225)

The Chair: Mr. Harris, back to the motion, please.

Mr. Jack Harris: To be able to discuss these factors in a meaningful way during a debate on clause-by-clause considerations is impossible to do in five minutes. That's what this motion is seeking to impose on this committee, and it is failing to allow reasonable consideration of these factors in order to do the bill.

We have a responsibility here and we have an opportunity here to continue a reasonable process. We were supposed to meet today for two hours. We have a meeting scheduled for next Tuesday for two hours. We have a meeting scheduled for next Thursday for two hours. We have a series of amendments that are here that can be discussed reasonably and be debated one way or the other.

If this were next Thursday, if this were a week from today and we had only gotten to clause 10 and it was apparent that we were never going to get finished and there didn't seem to be any effort to make any progress on the legislation, if those were the circumstances we were in and this motion was before us to try to obtain some reasonable period of time for consideration of the bill, well, then it would be understandable. I think Canadians would understand that you can't drag things out forever and not have a discussion on the merits and not get to the substance of the bill, and you can't hold up things indefinitely.

But we're not talking about that, Mr. Chairman. We're talking about a situation where we spent two hours on Monday discussing something that was for the first time before Parliament in a reasonable and meaningful way and almost got through it.

Today, if we had used our first meeting to talk about the next clauses of the bill, I'm pretty certain that we'd no longer be dealing with clauses 10 to 38, because they would have been dealt with. They would have been dealt with because there are no amendments before us regarding the child sexual offences, or there would have been a motion before any amendments came forward to deal with those clauses as a group and I think it would have been accepted.

Of course, clauses 32 to 34, for some reason known only to the drafters, ended up being inserted in the middle of that child sexual offences part, but that would have been dealt with separately. My guess is that we'd have gone beyond that whole provision and that we'd be either in the middle of or certainly would have gotten to the Controlled Drugs and Substances Act and be able to talk about the merits or otherwise of some of the provisions I was just referring to, clause 39 being the first one.

There's a whole series of references in the Controlled Drugs and Substances Act amendments that we feel need some discussion, and we'd probably be there now or we'd be partway through that before this was out.

Then we'd have next Tuesday. Well, if it looks like this thing is dragging on forever, then we could hear from the other side as to what consideration ought to be given to the provisions of this act in terms of time allocation. But to start today, and to put everybody in the situation that you put us in now, saying that today is the only day available for debate on clause-by-clause and we're not going to move to this debate or debate any clause-by-clause unless this motion is accepted is asking us to participate in and agree to a process that says we're not going to get proper consideration for this legislation. You're asking us to do that. You're insisting that we do that or else you're refusing to have any clause-by-clause consideration.

● (1230)

This is the all-or-nothing approach that the government has taken here, the all-or-nothing approach that either you do it our way today or we're not going to do it at all. That's the proposition in this motion before this committee: "Either we get our way by having this bill passed today, out of this committee, or we're not prepared to consider any amendments." We're not going to consider the amendments that have been proposed already, before Tuesday—not the amendments proposed by the Province of Quebec, the reasonable amendments to the Youth Criminal Justice Act, and not a consideration of efforts by Professor Nick Bala, who came before us to argue that some of the provisions here are going to have negative long-term consequences on the youth criminal justice system in Canada. We're not going to consider those; we're not going to talk about those.

We're not even going to talk about government amendments, of which there's a handful that the government itself has proposed. We're not going to talk about them. We're not going to talk about any amendments unless the committee agrees to pass a motion to only have consideration on this day between now and 11:59 tonight. If we won't agree to that, if we won't let that pass, we're not going to have any consideration on clause-by-clause. That's what we've got here.

We had a simple proposition put forth by Mr. Goguen, as soon as the committee opened, to say that clause-by-clause shall only continue until 11:59 tonight. At that time all motions will be deemed to have been put and the bill will be reported tomorrow to the House of Commons. And any clause shall only have five minutes of debate per party. That's what we're debating right now, whether we'll have clause-by-clause only today or, unless the motion is withdrawn.... If the motion was withdrawn, we could start clause-by-clause. I suppose they could keep going. They could use their majority to keep going, but they're not doing that.

They've got a motion that actually imposes a deadline and limits debate. They didn't come here this morning, start going through clause-by-clause, and let us go, and then at 10:45 move a motion to continue and see if there were enough people available, who didn't have other commitments, to work on this bill. They didn't do that. They didn't even wait to see what level of progress might have been made during committee this morning. They came in with the hammer and said, "No, no, we're not going to consider clause-by-clause unless you pass this motion first. We're not going to move to clause 8 unless this motion is considered first, and if it's not accepted, we're not going to have clause-by-clause."

We're objecting to that, Mr. Chairman. We're objecting to that on behalf of all of those who elected us to do a job in Parliament that

involves giving due consideration to legislation, giving it the consideration it deserves.

We've heard it said in the House—I don't know if you heard it said here—that these pieces of legislation were before Parliament before. Some of them were. Some of them actually went to committee. Some of them were amended in committee in the last Parliament.

When I look down the row here, on this side of the committee, there are at least three people who weren't in that Parliament and who weren't part of that.

● (1235)

The fact of the matter is that amendments were passed to some of these bills, the nine bills, when they were before committee in the past. These are amendments that don't show up in the bills we have before us. Essentially those arguments that were made and accepted by this committee in the last Parliament have to be made again, have to be brought forward and argued. But the government is saying, "No, we're not prepared to have enough time to do that. We're only prepared to do whatever can be done today and only have five minutes for each clause."

When you bring an important piece of legislation to the House of Commons and you invoke closure in the House of Commons, or time allocation, as it is now called, you invoke closure in the House of Commons because you want this to get to committee for a proper discussion. Then you go to the committee and you say whatever discussion you're going to have has to take place today, and it can only be five minutes for each party on each clause. That's what's going on here. It doesn't matter that we've got a majority government. The majority government is a recognition that there's an opportunity for the majority party—

● (1240)

Mr. Brian Jean: A point of order, Mr. Chair.

The Chair: Yes.

Mr. Brian Jean: With respect, I've heard the same argument at least ten times and none of the ten times is in relation to the motion. They're in relation to the act.

I'd rather move on to the next speaker, if possible, so that we can hear something substantive in relation to the motion itself, if possible.

The Chair: To the motion.

Mr. Jack Harris: I'm happy to speak to the motion if I have a copy. I'll actually read it out, because I think the motion is important to read out so that people know exactly what it is we're talking about. I had a copy earlier, but I don't.... I think I may have given it to somebody when we were having discussions.

Mr. Brian Jean: Here's a copy.

Mr. Jack Harris: The motion reads as follows:

That, if the committee has not completed the clause by clause consideration of Bill C-10 by 11:59 p.m. on November 17, that the Chair put all and every question necessary to dispose of this stage of the Bill forthwith and successively, without further debate, and then the Chair be ordered to report the Bill back to the House on or before November 18, 2011; and that the Chair limit debate on each clause to a maximum of 5 minutes per party per clause before the clause comes to a vote.

Mr. Brian Jean: I'll second the motion, Mr. Chair.

Mr. Jack Harris: That's the motion that was put forth as soon as we opened our hearing this morning.

It effectively says that the job we undertook on Tuesday morning in a two-hour meeting, with a scheduled two-hour meeting today and other scheduled meetings next week, on Tuesday and Thursday, in a session of Parliament that just began a couple of weeks ago.... It says that this bill, which is composed of nine pieces of legislation, shall only be considered today and that it's going back to the House tomorrow in whatever form it is at 11:59 p.m. tonight. Debate on each clause is limited to a maximum of five minutes per party, per clause, before a vote is held.

That's the situation we find ourselves in, and that's the situation we oppose, because clause-by-clause consideration can't reasonably be considered to be completed effectively and given justice in that time.

Mr. Chair, I don't know if there's a will in the committee here, but we've been considering this now, and question period is coming up in a while. Is it reasonable to suggest that we suspend now and come back at 3:30 to allow people to go to question period and prepare for question period?

Mr. Brian Jean: Mr. Chairman, I understand we have one more speaker on the list. Could we at least hear from that speaker before we have any motion to suspend?

The Chair: We do have some names on the list.

The other part is that it is the will of the committee when you wish to suspend. There is food being brought in at one o'clock.

Mr. Jack Harris: I'm happy to continue. I was responding to what I thought might have been a suggestion.

Do you have someone else on the list?

The Chair: We would be prepared to suspend at one o'clock for 20 minutes.

Mr. Jack Harris: For 20 minutes?

Mr. Sean Casey (Charlottetown, Lib.): Mr. Chair, I'm one of the speakers on the list and I have absolutely no problem with the suggestion from Mr. Harris.

Mr. Jack Harris: Did you have another speaker on the list there now?

•(1245)

The Chair: Mr. Casey, are you still on the list, or do you want your name off the list?

Mr. Sean Casey: I'm still on the list, but if it is the will of the committee to suspend until 3:30, I'm quite prepared to speak at 3:30.

The Chair: Madame Borg.

[Translation]

Ms. Charmaine Borg: I think I'm also on the list. If it's the will of the committee to come back at 3:30 p.m., I can wait too.

[English]

The Chair: I don't sense that there's a will of the committee to suspend until 3:30.

Mr. Jack Harris: I'll defer to the next speaker, Mr. Chair, to allow some discussion to take place.

The Chair: Mr. Casey, you are now next.

Mr. Sean Casey: Thank you, Mr. Chairman.

I'm sitting in for Professor Irwin Cotler, and while I'm sitting in his chair I won't pretend for one second that I am able to fill his shoes.

Thank you for allowing me to be here to speak to this motion. I bring 17 years of the practice of law in Prince Edward Island. The firm I was with, Stewart McKelvey, did all of the narcotics prosecutions for the Queens County area of Prince Edward Island. In the early part of my legal career I did some prosecutions, as well as a limited number of criminal defence cases. In a small community you generally take what comes in the door until you develop a bit of expertise in another area. That's what I bring to the debate.

I understand that what is under debate here today is a procedural matter that has been brought forward by the government members to limit the amount of time committee members are allowed to consider the clause-by-clause of this massive bill. I share the concerns of my colleague Mr. Harris, and I understand that Mr. Cotler has also spoken to this.

It strikes me that a bill as complex as this, with the ramifications it will have on our society, on our aboriginal community, and on the coffers of our provincial governments—I would suggest on our very fabric as a nation—is one that really shouldn't be jammed through.

My time at the bar of Prince Edward Island has told me that any time you get into any sort of a detailed analysis of any clause of any statute—if you have three lawyers, you have four opinions. To suggest that a piece of legislation with the ramifications this one has for our society can be done justice in a five-minute analysis is implausible. So I join Mr. Harris and Mr. Cotler in their opposition to this motion.

I had an occasion in the last month to meet with the representatives of the crown counsel association of Canada. There are actually parts of the bill that they like, but there are parts that cause them grave concern. They told me there seems to be lots of money for the police and the prisons, but in between we have a system that's stressed to the breaking point.

If that's the state of the justice system in Canada now and we are bringing in a piece of legislation...it appears that we're on a fast train to bringing in a piece of legislation that will further burden the justice system between the police and the prisons, and I would suggest in the prisons as well. It's absolutely irresponsible of us as legislators not to give this its due.

•(1250)

With regard to the concerns raised by the prosecutors in this country, it strikes me that it's better to go slow and get it right. We owe that to our constituents and the people involved in the justice system.

This is an enormously complex and lengthy piece of legislation. It amends nine acts. It has over 150 clauses. The examination of each clause in isolation requires discussion and requires one to think about how that clause affects others. Five minutes simply doesn't do it.

You've heard, and we've heard in debate on this bill, that we are experiencing a declining crime rate. Yet, in the face of that declining crime rate, we seem to be in a great rush to jam through tough-on-crime legislation. If ever there was a time to take it slow and ask all the questions, to understand all of the nuances, to look at how clauses relate one to the other, and to look at the impact that each clause will have on our aboriginal communities, the justice system, and on the vulnerable members of our society, that time is now. It strikes me that this is the type of legislation that ought to command our closest attention.

There has been plenty of debate on the legislation in predecessor parliaments and predecessor bills. That's a justification for the fact that the Conservative majority wants to impose a five-minute limit on each clause. Well, I am one of the rookies. I am one half of the Liberal class of 2011 right here. I have an interest in this. My constituents have an interest in this. My professional colleagues have an interest in this. I want to fully participate. I think I'm entitled to, and I think they are entitled to have me do so. I speak to you from the perspective of a rookie. To my mind, it's unfair. It's not right. They deserve better, and I deserve better. This is a complex, involved, impactful, expensive piece of legislation and we have to give it its due. With the greatest of respect, you owe new parliamentarians like me that courtesy. I owe that respect to my constituents and to my professional colleagues. That's why I'm here. I would hope and expect that the partisan blinders would come off long enough for everyone to appreciate that.

I've received some correspondence in the last few days from some of my professional colleagues back in Prince Edward Island who are involved with the Canadian Bar Association. As you must be abundantly aware, the Canadian Bar Association has some serious concerns about this legislation. I expect that we have many people in the room who are members of the Canadian Bar Association—they represent over 37,000 lawyers. These are people who work with the law every single day.

• (1255)

They have concerns with the pace being set here. They have umpteen concerns. The document that was sent to me most recently has ten reasons to oppose Bill C-10. It strikes me, and I know we have members of the legal bar in the room on both sides of the table, how do you face your colleagues and say we're shutting down debate on this?

Your colleagues, the people you worked with, the people you spent time with in the courtroom or in the boardroom or in your law firms, have concerns. They want those concerns aired. To jam this through...well, I ask the question: when you go back to your ridings, when you go back to Fort McMurray and the other areas in which you practise, can you look your colleagues in the eye and say to them—

Mr. Brian Jean: I can.

Mr. Sean Casey: —yes, we've overhauled the criminal justice system and we got her done within 100 days, and we made darned sure that when we went through the thing clause by clause, nobody had a chance to talk about it for more than five minutes? Is that a source of pride?

This bill will result in new prisons, mandatory incarcerations for minor, non-violent offenders. It will justify the poor treatment of inmates. It will repeat an experience that has been shown to have failed in Texas and California. Pretty big stuff.

New prisons are going to be a significant demand on our coffers. But what I'm concerned about more than the new federal prisons is the impact on an already overstressed provincial system. Given that we haven't seen price tags—we haven't seen a price tag for how this is going to affect the provincial penal system—I know myself, in my little province of Prince Edward Island, and I fully expect that it's much more pronounced in yours, that the provincial government, the prosecutors who try these cases, are concerned about the impact of this bill. You need, I need, we as legislators need, time to hear from them. We need time to weigh their advice. We need time to incorporate it into whatever sensible changes there should be. We're cheating ourselves of that opportunity by putting this through at the pace you want.

If we really want to address criminal behaviour in this country, if we really want to do what you profess to want to do, which is to put victims first, we need to be addressing child poverty, we need to be providing services for the mentally ill, we need to be diverting young offenders from the adult—

The Chair: Mr. Casey, I think we need to stay on the topic of the motion.

• (1300)

Mr. Brian Jean: Relevance, Mr. Chair.

Mr. Sean Casey: Fair enough. I'm new here. I'm doing my best.

Mr. Brian Jean: You're doing a good job.

Mr. Sean Casey: Thank you, Mr. Jean. Thank you, Mr. Chair, for bringing me back on topic.

It strikes me that members of the governing party have been pounding the law and order drum, certainly during the campaign, and in fairness for many, many years.

I want you to consider this. Now, this is one of the ten criticisms levelled by the Canadian Bar Association.

Mr. Brian Jean: Mr. Chair, I'm sorry, I meant relevance to the motion. We're on the motion that is before the committee and they haven't talked about the motion. We're not on the bill. We're not on clause 10 and we're not on the CBA. The motion is to time limit debate and to get it done today, so that we're done in about 15 hours—I guess about 13 now because two or three have been taken up with the filibuster by the NDP and the Liberals.

The Chair: I would ask you to stay on the motion itself, Mr. Casey.

Mr. Sean Casey: Yes.

I believe what I was trying to say was directly relevant to the motion.

Here's what the Canadian Bar Association has to say about the tactics that are being employed—

The Chair: Just one second. One of the problems with the motion being distributed is it's only in one language. It is being translated and will be distributed.

Go ahead.

Mr. Sean Casey: As I indicated, the Canadian Bar Association has ten reasons to oppose Bill C-10, but the one that's directly relevant to this motion and the one that I wanted to share with you is entitled "Rush job":

Instead of receiving a thorough review, Bill C-10 is being rushed through Parliament purely to meet the "100-day passage" promise from the last election. Expert witnesses attempting to comment on over 150 pages of legislation in committee hearings are cut off mid-sentence after just five minutes.

That's the organization that represents 37,000 lawyers in this country and that's one of their ten critiques of how this legislation is being handled. I feel that's absolutely directly relevant to the motion.

Another of their critiques that I feel is directly relevant to the motion is item number four. This is number four of the ten reasons to oppose Bill C-10, from the Canadian Bar Association. The title of this reason to oppose is "No proper inspection". The Canadian Bar Association states in this document:

Contrary to government claims, some parts of Bill C-10 have received no previous study by parliamentary committee. Other sections have been studied before and were changed—but, in Bill C-10, they're back in their original form.

Not my words; this is the voice of the Canadian Bar Association, the voice of lawyers in this country, the voice of the people who, as their stock in trade, interpret statutes and apply them to everyday situations every day in this country. The Canadian Bar Association has very serious concerns about a rush job and about no proper inspection. Shouldn't we?

Colleagues, I believe we are doing a disservice to the Canadian electorate, to our responsibility as parliamentarians, to the members of the bar in this country, some of our former colleagues, by the tack we've taken.

Mr. Chairman, I'm going to wrap up there. I thank you for your patience and for the opportunity to address the committee on this matter.

•(1305)

The Chair: Thank you, Mr. Casey.

Ms. Borg.

[*Translation*]

Ms. Charmaine Borg: Thank you, Mr. Chairman. Don't worry, I will stick to the motion. However, I'm going to concentrate on the fact that the motion limits debate, the exchange of opinions and any changes that might be made to this bill.

I have in my hands some 20 or 30 scholarly articles. They are written by all the people who are opposed to the provisions that will be implemented.

[*English*]

Mr. Brian Jean: I have a point of clarification.

I heard from the witness, and I'm not sure if it's a problem with translation or not, that she's going to speak in favour of the motion? Is that—

[*Translation*]

Ms. Charmaine Borg: No. I said I would talk about the motion.

Mr. Brian Jean: Thank you.

[*English*]

I'm sorry. I heard the same translation.

[*Translation*]

Ms. Charmaine Borg: I'm talking about the motion.

[*English*]

Okay, just so we're clear here.

A voice: Come on over!

[*Translation*]

Ms. Charmaine Borg: No, thank you.

As I was saying, I have in my hands some 30 scholarly articles written by experts in criminology and sociology who are opposed to the provisions that this bill is designed to implement. I think it's interesting because all these articles are opposed to minimum punishments. I am certain that, if all these people were here with us, today...

[*English*]

The Chair: Ms. Borg, to the motion. That's to the bill.

[*Translation*]

Ms. Charmaine Borg: I'm talking about the motion, Mr. Chairman.

[*English*]

Mr. Merv Tweed (Brandon—Souris, CPC): Well, watch it.

[*Translation*]

Ms. Charmaine Borg: If these people were here today, they would say that it's important to suggest some amendments. I am talking about the importance of suggesting amendments to this bill. As it now stands, this bill proposes provisions to which the majority of people are opposed.

[*English*]

The Chair: That's still about amending the bill. What we're talking about is the motion.

Ms. Charmaine Borg: Yes, but the motion, in its essence, is trying to limit the amount of amendments. Am I wrong?

Some hon. members: No.

The Chair: No.

Ms. Charmaine Borg: If you're putting a time restriction on the amendments, then by logical deduction you're limiting the amount of amendments you can bring, or the discussion of the amendments.

The Chair: Through the chair, please.

Ms. Findlay, on a point of order.

Ms. Kerry-Lynne D. Findlay: The motion is to have a time allocated to discuss clause-by-clause. In other words, we want to get to the merits of the legislation. We're waiting to get to the merits of the legislation. We want to go through it clause by clause. As long as we continue to debate this motion, we cannot get to that discussion. We are not limiting that discussion.

The Chair: That's clear to me.

[*Translation*]

Ms. Charmaine Borg: By limiting discussions in the clause-by-clause consideration, we're limiting debate about the amendments. It's clear, to my mind, and I don't understand your argument. If we have only five minutes to discuss each clause, we will have less time to discuss any amendments we'd like to make to each clause. I'm sorry, but I don't understand your reasoning. Though I'm certain I understand the essence of the motion. If you want to clarify things, you can do so, but otherwise, that's what I understand.

[*English*]

The Chair: I'm sorry?

Ms. Charmaine Borg: I don't really understand why we're debating if I think my perception of this motion is okay or not. I think I should more—

The Chair: Because what we're debating is the motion itself. We will debate the clause-by-clause if and when this motion passes. Failing that, what we're debating is the motion itself, which is—

Ms. Charmaine Borg: But I am debating the motion, because to me this motion is limiting the amount of debate we can have on the amendments that we wish to bring.

The Chair: You can talk about that.

Ms. Charmaine Borg: Let me talk about that, please, because that's what I want to talk about, and that's what I've always been talking about.

By limiting the amendments, the debate on the amendments, we're limiting the voices of these academics, we're limiting the voices of the people who came here to testify. That's what we're doing. Whether you guys want to accept that or not, that's the reality of this motion right here.

The Chair: Put your comments through the chair, please, so that it's not personal. It's not personal.

[*Translation*]

Ms. Charmaine Borg: I'm going to continue stating my arguments for you.

You are limiting the debate on the amendments by setting 11:59 tonight as the cut-off for debate pertaining to clause-by-clause consideration. By limiting this debate about the amendments, we are silencing the voices of six researchers. François Chagnon, for example, says in an article on criminology that appeared in the fall of 2001 that minimum punishments don't work. In an article by Mr. Gardner, written just one month ago, he says that we are not holding enough discussions and that we have to listen to the experts in criminology. This is important. If we limit debate on the amendments, how can we claim to have held proper discussions and listened to these experts? As far as I'm concerned, it's not logical at all.

All these researchers, notably Marian and Katherine Rossiter, come to the same conclusion. I have in my possession 30 articles. These people who have appeared as witnesses will never be heard because we can't speak for more than five minutes on each of the articles. How long does it take to read an amendment? Depending on the length of the amendment, I'd say it takes about one minute. There you have it, one minute just to read the amendment. Then maybe there's time for one person to speak. That's not a discussion of ideas.

In fact, it doesn't even allow us to present our arguments. All these researchers, sociologists and criminologists say the same thing. I invite you to read them if you're not convinced. But we can't put their opinions forward and present our arguments because we can't have more than five minutes for discussion. To my mind, this simply isn't enough; it's ridiculous. I can read some amendments that contain four provisions and that's going to take me five minutes. I don't see any debate here. Even if you want to oppose the amendment, you won't have the time to do that either. I don't see how we can be productive in this way.

I think that the amendments are an opportunity to express the opinion of those who have written these articles and who all reached the same conclusion: minimum punishments don't work, they don't contribute in any way to reducing the recidivism rate in Canada. The United States tried it, and we can see from that that we're headed in the wrong direction. By limiting the debates on these amendments, we don't get to hear the voices of all those who came to give their testimony. They had only five minutes to do so and we didn't have enough time for any debate either.

Here the debate is being limited in intellectual, scholarly, professional and even personal terms, within this House and this legislature, in this place that is supposed to have a wealth of debates and to offer solutions, conclusions and even hope to people. But we can't do it because we're limited to five minutes and because, for one reason or another, everything has to be said by 11:59 tonight.

Mr. Chairman, I'd like to know about the government's plans. There must be something planned. I haven't the slightest idea why we couldn't carry on this discussion next Tuesday or Thursday, or even next week or the one after. There are still five weeks till the end of the session; so we've got lots of time. We can even start over again next year. I don't understand why we have to limit ourselves and act in such a way that the voices of all these experts who have studied the issue cannot be heard.

• (1310)

It must be admitted that we don't have the time to do this sort of research. We represent a lot of people and we're swamped with work. There are 308 of us, but we can't gather everyone's opinion. With these amendments, these people were able to express their opinion about this government, which doesn't even seem to read this sort of article because it wants to limit any debate involving evidence.

For us, it's completely ridiculous to say to this population, these experts and these researchers who have studied these issues for 10 years, that after so many years of dedication we're not even willing to take more than five minutes to hear the amendments they have to propose. I invite you to read these articles, since we can consult them all day until 11:59 p.m.

Perhaps you'll understand the importance of listening to these voices. If we don't do so, we aren't taking our responsibilities seriously. These are Canadians and Americans who have studied the system. So we should begin by listening to these voices. If these people are proposing amendments, it's because they are having a hard time with this bill as it stands. They realize that it's not perfect. I also encourage you to say what isn't perfect. We need more than five minutes to debate the amendments, otherwise how can we come to a conclusion?

We don't have more than five minutes to discuss them. Members from three parties sit on this committee. Let's say we take one minute to read an amendment and you take another minute to oppose it, does the third party have time to say what it thinks? I don't think so, and this does not create openness.

This is the question I ask myself. Do we really have the time to study that? There are five members on this side of the room. We should all have an opportunity to talk more than one minute. In fact, one minute doesn't give me enough time to express myself, or to express the opinion of all those who are familiar with the issue. There are a lot of people who know about this issue and who are against this bill.

Once again, I want to emphasize that the NDP members tried repeatedly to have certain aspects of this bill of which they are in favour adopted, but you didn't even give us the chance to put our motion to a vote in the House of Commons. That would have been a way to extend the time devoted here, in committee, to clause-by-clause consideration. Some parts of the bill would already have been passed if we had been able to split it up. But you were completely against this way of doing things.

•(1315)

[English]

The Chair: Something has been brought to my attention. For anyone in the audience, you are not allowed to take photographs of the committee, and you're not allowed to post the motion. The members have not seen the motion yet; it's improper to post that motion on the Internet.

An hon. member: Online?

The Chair: I'm sorry, I used the wrong term. Anyway, it's just precautionary.

[Translation]

Ms. Charmaine Borg: So I can continue.

[English]

The Chair: Thank you. Carry on.

[Translation]

Ms. Charmaine Borg: Some people wanted to proceed quickly. Mr. Harris said repeatedly that it was his intention to adopt certain aspects of this bill more quickly. So why can't we discuss this possibility instead of imposing five-minute time limits on us? I repeat, it's not enough.

I repeat, this bill is over 100 pages long and has 150 clauses. You don't have to be a genius to understand that more time is going to be required to study it. We're not being unreasonable. It's simply logical, in my opinion. Of course there will be a lot of amendments to be made, because this bill is going to change the direction taken by our judicial system. There will be real repercussions on people's lives. If we can't study the true impacts of this bill and take the time needed to re-evaluate it, I think we can't take our responsibilities as elected members of this House seriously.

That is my conclusion, Mr. Chairman. Thank you.

[English]

The Chair: Thank you, Ms. Borg.

I have three more names on the list.

My understanding from the clerk was that we anticipated there would be food delivered at one o'clock. The anticipation hasn't been fulfilled, so we will carry on. If the food shows up shortly, then we can perhaps take a break and return after question period.

Mr. Jacob, you're on the list.

•(1320)

[Translation]

Mr. Pierre Jacob: Like my colleagues, I think that it is not appropriate to put the bill to the vote before November 18, by limiting debate on the amendments to five minutes today, Thursday, November 17, until 11:59 p.m. At school I learned that from the clash of ideas were born new positive solutions. This means that it's from talking and discussing that we are going to move the debate forward and find quality solutions that will meet everyone's needs, including those of victims and the population.

In five minutes, we can't discuss what the experts say. Ms. Borg's riding has three penitentiaries; mine has one. The experts have confirmed that prison is not a panacea and that the construction of mega prisons is not the solution.

In five minutes, we can't express our point of view, demonstrate how prison will become the university of crime and will not be good for the victims, since the long-term crime rate will rise, as will the recidivism rate. In five minutes, we can't say that this won't be good for detainees, when there will be heavier caseloads, over-population and lack of privacy. This is going to create tensions. There's little hope for the detainees in such prisons, because they have very little access to rehabilitation and social reintegration programs.

In five minutes' discussion, we won't be able to talk either about the budgets of the provinces concerned, even those that were in favour of the bill, who have already asked the government how this whole system, which is going to increase the provinces' budgets, is going to be managed.

[English]

Mr. Brian Jean: Mr. Chair, on a point of order, there is no relevance here to the motion. We're not talking about the bill; we're talking about the motion that was moved today, and we're discussing that motion. We are not talking about the bill and we're not talking about any of the information that this colleague of mine brought forward in the last speech.

Could he remain centred on the motion, Mr. Chair, and speak relevant to that, please?

[Translation]

Mr. Pierre Jacob: I don't have the motion in front of me. One day, it will be translated into French. In the meantime, I stress that I am not in favour of limiting debate to five minutes per clause. With all the experts, the people present on this side of the table who have some ideas to put forward to enrich the debate, we cannot allow ourselves in five minutes to debate, advance and improve this bill, which is very complex since it amends nine acts. In five minutes, we cannot advance the debate.

To conclude, I will say that this does not correspond to our role as elected representatives. As parliamentarians, we have a duty to debate and advance files, whether in the House or in committee. I too was elected recently, but I noticed that, in the House, we were allowed 30 seconds for each oral question and 60 seconds for each statement by a member. Here, in committee, I expected there would be a little more time to debate the issues.

So I will continue through the day to oppose this determination to limit to five minutes per clause the debate on the amendments, that is, until 11:59 p.m.

[*English*]

The Chair: Thank you, Mr. Jacob.

Mr. Harris.

Mr. Jack Harris: Thank you, Chair.

The Chair: I'll just interrupt you for one second. They are bringing the food in. Once it's out, people may wish to wander over and pick up something to eat. We'll suspend just at question period.

• (1325)

Mr. Jack Harris: So I'm going to eat and talk at the same time, and at 1:50 we'll go to question period?

The Chair: It depends on how long you talk.

Mr. Jack Harris: Mr. Chairman, we're here debating what is effectively a closure motion, or time allocation, which has become a bit of a theme since we've been back, since May 2.

May 2 seems to be a date at which the Conservatives decided they have the right to bully their way through Parliament. Since the election, time allocation has been invoked nine times by this government. We only sat in June for two or three weeks. It was used twice then, and time allocation has been used seven times since we came back in September. Seven different bills have been affected by time allocation, six of them since September.

We came back on September 20, we sat for two weeks, then we had a week's break, came back for another three weeks, and then we had another constituency week, and now we're back for four weeks with lots of opportunity to deal with this in a reasonable manner as reasonable, professional parliamentarians on a committee that is supposed to be dealing with justice and human rights, some of the most important values of our society—so valuable and important that they're covered in the Canadian Charter of Rights and Freedoms. Much of the Canadian Charter of Rights and Freedoms is about ensuring the rule of law and the protection of citizens and human rights through the constitutional method.

Our committee is called the Standing Committee on Justice and Human Rights. We're now having imposed on us—or there is sought to be imposed on us—time allocation on a bill in order to prevent proper discussion and consideration, not of one but of nine bills that have been put into a pot and called the Safer Streets and Communities Act. We can and do have legitimate disagreements about this legislation. We feel that these legitimate differences should be aired and discussed. Reasonable amendments are being put forward, and whether they're accepted or not, they're presented in a bona fide attempt to make the bill more acceptable to the Canadian public and more acceptable to Parliament.

It doesn't make any sense to think that the only people who have any wisdom about how the criminal law ought to be amended happen to come from one side of the House. Yet we have the Conservatives saying they don't want debate on this to take place on more than one day.

On seven of the last 24 sitting days—seven times—time allocation has been brought in the House of Commons. It's a bit of a serial problem for this government to think that now that we're in a majority Parliament.... I guess they're giving some substance to the cynicism we see out there. We see it from the media from time to time, and we see it in the general public: "Well, you guys can't do anything in opposition, because you're outnumbered."

Mr. Brian Jean: Mr. Chair, on a point of order, I want to state for the record—and I have a proposal that might be acceptable to Mr. Harris and the NDP and the Liberals.... But Mr. Chair, I would like to point out that we have had not just one committee meeting today, because the first one we had ended at 10:45, nor two committee meetings today, but as of now, we have had almost three committee meetings, or the total time of three committee meetings.

Mr. Harris said earlier that we could have it done within one or two meetings. Well, we've already had two and a half meetings, in essence, in which they have filibustered a motion that was just trying to exercise some opportunity to have this dealt with today, because Canadians and victims have asked for it.

I would propose this motion, Mr. Chair. It's a friendly amendment to the motion: that we double the time—and the Conservative government would be prepared to double the time—to 10 minutes. I personally will forego any other discussion during the time, but if Mr. Harris were prepared to accept this, the motion would not read five minutes, Mr. Chair, but would read 10 minutes.

If that were to be accepted, the government would be in favour of it.

• (1330)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): On the same point of order, Mr. Chair.

The Chair: The clerk tells me we have a little problem.

Mr. Brian Jean: The problem can be amended. I understand what the problem is, and I'll remove it as a friendly amendment—because that would solve the problem—and make it an amendment.

The reality is that we are here today, and we can vote on the issue, and we can move a new motion if necessary. If Mr. Harris was prepared to accept the fact that the government is prepared to double the amount of time we've set aside for time limitation, that would give his party the opportunity on every single clause to deal with it on that basis. Certainly, Mr. Chair, I would suggest that since we've already been here for two and a half meetings, five hours, it would be reasonable in the circumstances, because we only have 10 hours left, which of course, Mr. Chair, is another six meetings.

Mr. Kevin Lamoureux: To the same point.

The Chair: We need to clear the floor first. You spoke on a point of order. We can't accept a motion in your point of order. We'll rule your—

Mr. Jack Harris: He raised a point of order. During his point of order he talked about something else. Someone has asked to comment on the point of order, and I think in order for that to happen—I'm speaking. I still have the floor, not him. He's raised a point of order, and I think we need to deal with the point of order.

The Chair: That's what I was getting to, Mr. Harris, if you'd just....

I was at that point, where Mr. Harris had the floor. Your point of order was noted, but Mr. Harris can continue on. I don't know where Mr. Lamoureux was with his point of order.

Mr. Kevin Lamoureux: Actually, it wasn't a new point of order; it was more to reflect on the point of order itself, Mr. Chairperson.

I can understand the sensitivity the government may have in terms of the motion they have provided, but I think the government needs to recognize that whenever you take an action—and this is a motion—in which there is going to be a great reaction to it....

This is a very lengthy bill. It's a very controversial bill. Not all political parties agree on this particular bill. When you want to put in limitations—and that's what this motion is doing in the severest of ways, it's putting in limitations, and—

The Chair: Mr. Lamoureux, you're debating the whole issue. You're on the list to debate the motion, so I think we should do that.

Mr. Kevin Lamoureux: Let's wait, and we'll just say he does not have a point of order.

The Chair: Fair enough.

Mr. Kevin Lamoureux: Okay.

The Chair: Let's move on.

Mr. Harris.

Mr. Jack Harris: Thank you, Chair.

To the point of order, it's not a point of order; it's an opportunity to make an interjection merely to suggest that the time allocation motion continue with a slight modification. As to his suggestion, I guess the point of order really was that we've had two and a half meetings this morning.

We haven't had two and a half meetings this morning. We came here to do a clause-by-clause study of this bill, and the clause-by-clause study of the bill was shut down by the government. They said "No, we're not prepared to do a clause-by-clause study of this bill today unless these limitations are placed on it. This committee is not going to consider clause-by-clause unless it's under our terms." This committee can't consider clause-by-clause of this bill. It can't study it properly. It can only study it in one day, under conditions of time allocation per clause, whether it's five minutes or ten minutes. That's what the motion was.

That's why we've had no clause-by-clause study today. We haven't had two meetings. We had one meeting that started at 8:45, and at a quarter to ten there was a motion to continue, to not adjourn. That can go on forever, I suppose. There's no magic about 11:59. If this committee is not going to adjourn at one o'clock or two o'clock or twelve o'clock, 11:59 means nothing. There's nothing that says this

committee meeting is even over at 11:59 tonight, unless we agree with this motion, or this motion passes somehow or other.

We're having one meeting, and the meeting so far is based on the fact that this government doesn't want to have clause-by-clause study of this legislation unless they're in charge, unless it's all done today.

I know there is going to be some spin put on this by the government. I fully expect that: "The opposition won't let this clause-by-clause study proceed." Wrong. The opposition wants to have clause-by-clause study. We came here this morning to engage in clause-by-clause study. Instead we were faced with a motion, right off the top, that says clause-by-clause study must finish by 11:30 tonight, and that's the only condition under which it's going to start.

So we can't start clause-by-clause. In fact, when we start talking about clauses the chair rules us out of order. Right, Mr. Chair?

He's nodding his head, and that's what he's been doing. When I start talking about a clause and a problem with a particular clause and why it can't be discussed in a time-allocated period of five minutes...or the suggestion now is they might want to change that to ten minutes. That doesn't stop the fact that we came here this morning to do a clause-by-clause study of a bill, which the government is not prepared to engage in unless we accept their bullying tactics.

That's what we got here today. There will only be clause-by-clause consideration of this legislation if it only happens today and never again and if this bill goes back to the House tomorrow. There are nine separate pieces of legislation, some of which have never received the kind of attention that this committee should be giving them. That's what's happening here today. We haven't had two and a half meetings. We've been here since 8:45, I'll grant you that. The reason we are still here now is because the government is refusing to proceed with clause-by-clause study of the bill. They're refusing to do it.

We came here at 8:45. I was ready to listen to the next amendment. Mr. Cotler had a proposal on clause 8. He didn't get to make it. Why? Because before anybody got a chance, one of the government members, Mr. Goguen, put forth a motion saying we must have clause-by-clause study completed by 11:59 tonight—if it's not, it's going to be finished anyway—and imposing on all of our lives, and not only that, imposing on the people of Canada a limitation of consideration in hearing what people have to say about this legislation, in hearing what the officials who are here from the Department of Justice have to say about this in terms of the questions we have to ask, in terms of the motions we're proposing, in terms of amendments in dealing with what the Quebec government has quite rightly put forward as significant concerns.

● (1335)

There are amendments in my name to give effect to the suggestions of the Government of Quebec. They wrote us a letter after the committee meeting on Tuesday. This is not a rush job. What are we dealing with here? We're dealing with serious national issues that have significant consequences for the future of criminal law in Canada and for the costs in the hundreds of millions, perhaps billions, of dollars that are going to be imposed on the provinces and territories. These consequences have to be discussed.

We've heard from people. Yes, we've heard witnesses and there's a public debate. But there's a public debate that this government wants to shut down. They're saying we should move on. They've got the control. They've got the power. They want to move on to something else because this debate is not doing them any good. They don't like being criticized by other governments for not doing a proper job of consultation. They know the Attorney General from Quebec—

• (1340)

Mr. Brian Jean: Chair, a point of order.

Relevance? It has nothing to do with the motion, sir.

Mr. Jack Harris: It has everything to do with the motion. We had the Minister of Justice of Quebec come here last week and say he hadn't been consulted, or hadn't been listened to or responded to by this government when he wanted to give the Government of Canada the benefit of the experience and success of their government in the Province of Quebec under the youth justice provisions, and how they felt they had succeeded in reducing youth crime and reducing recidivism and making sure that young people who may have come.... He was passionate in his understanding of the factors that lead to people coming before the courts, the young people who don't have the same advantages as people like us.

More and longer prison sentences mean more school dropouts, more unemployment, more divorces, more family dislocations, more addictions—all those negative consequences that we see coming from people who aren't in a position to be rehabilitated and end up before the courts. All of these things were presented to us by Mr. Fournier. He said he wanted to talk to the Government of Canada, but he didn't get a response. He came here to the committee.

We have a letter from him with some suggested amendments, and by the way, he's indicated in his letter that he also has more suggestions that weren't able to be presented on Tuesday. His letter says they have other proposed amendments with respect to adult sentencing. We're not going to hear them if this motion passes and we limit the debate to today; the Quebec Attorney General is being told by this government that they're not going to wait to hear from him. They're not going to wait to hear from the people of Quebec or hear from their government. They're going to pass all this today and report it back to the House tomorrow. That's what this motion says.

Mr. Brian Jean: On a point of order, I thought we had heard from all our witnesses so far and we're in clause-by-clause now. We've heard from all the witnesses who were going to testify on this bill, unless there are specifics for the department. I don't know what he is talking about. We've already heard from the Government of Quebec. We've heard from other provinces that want this bill to go ahead as is.

I would ask you to be relevant in relation to the motion as well.

Mr. Chair, I know you're offering a lot of latitude here, but the truth is it does not have anything to do with the motion in front of us today.

Mr. Jack Harris: If you want to make a ruling, Mr. Chair, you can.

The Chair: Fair enough. We did hear from a number of witnesses and we're not going back to hearing witnesses.

Mr. Jack Harris: No, we're not going back to hear witnesses, but we did have—

The Chair: Speak to the motion.

Mr. Jack Harris: The committee received a letter. The chair has a copy of it. The clerk has a copy of it. All the members of the committee have a copy of it, and it comes from the Minister of Justice of Quebec. In that letter he suggests some amendments be considered. They're there. Two in my name come directly from that letter. We had them drafted by the legislative draftspersons, and they're before the committee now.

The Chair: We'll deal with them when we get to the clause-by-clause.

Mr. Jack Harris: We'll deal with them when we get to them, but what we're being told is that we'll only deal with them if we're going to pass a motion that says all will be dealt with today between now and 11:59 p.m. That's what this government is saying.

In that same letter, by the way, it says they have other proposals with respect to adult sentencing that they will forward to us. Well, I haven't seen them yet. Maybe others have, but we can't consider them today if we haven't seen them.

So what this motion is doing, in addition to time allocation, which in and of itself is an attack on democracy—as I said earlier, we're putting the “mock” into democracy, or this government is—is also saying to the Province of Quebec that we're not even going to listen to their proposed amendment. We're not going to consider it, we're not going to allow it to be heard and debated, and we're not going to let the people of Canada who might be watching this on television even know what proposals they have. We're going to change the channel here by tomorrow, because this is going to be reported tomorrow. The government is going to get up in the House and say it has got this far and it is moving its agenda forward, despite the objections of the opposition, who really only want to help criminals. That kind of nonsense—that's what we've heard in the past, and we're likely to hear it again.

But we're here today saying no, we want to see the amendments debated properly, under proper consideration, given the time it takes to do that. We want to have a full opportunity to do that, to consider these amendments, to consider what suggestions might be forthcoming again, from the Province of Quebec as well, and to have a proper and fulsome debate and consideration, and to ask questions of our expert witnesses, whose time we've taken up by having them sit here listening to this for the last three or four hours, perhaps unnecessarily. It's five hours, I'm told. Yes, this is getting on to five hours now. It's five hours since the government decided we will not move to clause-by-clause consideration of the bill unless there's a motion passed to limit that to consideration only today, between now and midnight tonight.

I don't know what the magic of 11:59 is. They must think the chair is a miracle worker, that all of a sudden you can pass a whole bunch of motions between 11:59 and 12 o'clock. I don't know. You're supposed to put all questions serially or severally, or something, according to the motion. It doesn't seem to make sense to me, but the clear intention—

●(1345)

Mr. Brian Jean: On a point of order, I agree with Mr. Harris. I think it's time for democracy to rule and I think we should have a vote on this motion, because that's what democracy is about. It's about votes. We have votes here and we have people to vote here, so I'm prepared to agree with Mr. Harris. Let's have democracy speak and let's have an opportunity to do that.

If he wants democracy, here's an opportunity. Let's vote on the motion.

Mr. Jack Harris: That's not a point of order, Mr. Chairman.

One of the things that we're seeing here.... Democracy depends on rules, and the rules of this committee, and all committees, are that if a motion is put, the motion can be debated, and we're debating it.

What the government wants to do is use a hammer. They want to use a hammer that's going to force—and that's why they brought it at 8:45 this morning. They didn't wait and say, "We're not making very much progress here, so let's have some time allocation", or "We're making some progress, let's finish it by next week, and we have two more meetings to go." They didn't say that. They didn't say, "This is getting bogged down." We did have complaints the other day: well, we've been here two hours and we only have six clauses done. That was just the complaint the other day.

Even in the face of statements made by me very clearly on Tuesday that we would go from clause 10 to clause 39—with the exception of one in the middle—immediately, and have them all passed at once.... In the face of that and in the full knowledge by the other side that things were going to start moving, that the sexual offences against children's law would be passed in a flash, just as we offered to do in the House of Commons last week when I brought up a motion.

And let me tell you what happened to that. Talk about moving things quickly for the sake of having legislation passed. I brought a motion in the House, debated that motion to suggest that we should sever out the provisions related to child sexual offences from the rest of the bill, have it dealt with separately, and send it for consideration right away. Do you know what the response was from the government? The response was, oh, this is a frivolous motion. That was the response from the government.

We brought forward a serious motion to try to give full consideration, immediate consideration, in the interest of children's safety in this country to pass that part of the legislation that we believed was not controversial, that wasn't going to bog down this committee, that wasn't going to cause the concerns that other parts of this bill have, that it could be passed and sent to the Senate, where we didn't expect that there would be a delay there either, so that it would be passed almost immediately. What happened? No, that's just a frivolous motion from the opposition. That's just a frivolous motion designed to delay consideration of some other bill, some other bill, by the way, that hadn't even been before the House when my motion was presented and put on the order paper.

That's the kind of attitude we're getting here. They're not taking seriously their responsibilities as government, and they're trying to suggest—and I'm sure we'll hear it in question period—that we're delaying things. Is that what's happening? Are we delaying this?

●(1350)

Mr. Merv Tweed: No.

Mr. Jack Harris: Or do we have the government saying, "No, we're not going to go to the clause-by-clause unless you agree to time allocation, unless you agree to see that passed." Well, we're not willing to do that.

I see, Mr. Chairman, that the time is 1:50 p.m. Are we going to break now?

The Chair: We will suspend now for question period. Return to this room at 3:30 p.m.

● _____ (Pause) _____
●

●(1530)

The Chair: It's now 3:32. I said we'd be back at 3:30, so the chair again is a little bit late on the time.

I think we've been about five and a quarter hours. I would hope we would consider that we've had a lot of discussion on the motion, and hopefully we can move on and get to the substantive part of the meeting. But being what it is, I think, Mr. Lamoureux, you have the floor, and I would ask that you keep your comments to the motion.

Mr. Kevin Lamoureux: Sure. You bet.

Thank you, Mr. Chairperson. I did want to be able to contribute to—

The Chair: I'm sorry. I thought Mr. Harris had finished. He's corrected me; he wasn't finished.

Mr. Jack Harris: No. Thank you.

I was distracted by someone speaking to me while we were doing this. I apologize, Mr. Chair.

No, I was in mid-flight, but I noticed the time at ten to two, and I hadn't had an opportunity to partake of the food.

We have had a small break during question period, an opportunity to reflect on some of these things and also an opportunity to review some aspects of this question that I think are important to recount.

The chair has suggested from time to time that we should stick to the topic, so I will certainly endeavour to do that. The topic is, of course, the government's decision to forego having a reasoned debate on this in an orderly manner and to proceed to clause-by-clause consideration, unless they first pass the motion saying that it all has to be passed today. This is clearly a closure motion, or time allocation.

This is not new to Parliament. It happens from time to time. Sometimes, I suppose, it may be necessary, after prolonged debate on a matter that has gone on for days and days and when it appears that nobody is willing to cooperate. But when it happens at this stage of the debate, parliamentarians get upset about it. It's not surprising.

For example, I'll give you a quotation on the whole issue. I'm quoting from Hansard of November 27, 2001:

For the government to bring in closure and time allocation is wrong. It sends out the wrong message to the people of Canada. It tells the people of Canada that the government is afraid of debate, afraid of discussion and afraid of publicly justifying the steps it has taken.

I agree with that statement, Mr. Chairman. I want you to know the source. It was not Stephen Harper, in this particular one; no, this is Vic Toews, the Minister of Public Safety, the one who attacks lawyers for having careers as defence lawyers. I know he didn't include Mr. Jean in that attack; he was attacking specifically the House leader for the official opposition.

That's what Vic Toews said on November 27, 2001, the current Minister of Public Safety. It wasn't the only time he expressed his concern about the use of closure. The next day he said—this is very colourful language, so folks at home, be aware that this is potentially violent talk here—:

Mr. Speaker, yesterday the Prime Minister of Canada swung an axe across the throat of parliament. While committee members had an opportunity to speak to Bill C-36, members of all parties in parliament lost the ability to express the concerns of Canadians. If the bill was the right thing to do, why did the Prime Minister do the wrong thing by invoking closure?

That is similar to the kinds of argument I was making this morning, Mr. Chairman, that the opportunity for Canadians to have their voices expressed to the members of Parliament, after we're hearing representations through this committee, and allowing the debate to take place.... If the bill is the right thing to do, why is there not an opportunity for people to debate this, have the discussion, and have the requirement that it somehow publicly justifies the steps they are taking?

That's what Mr. Toews said when he was in opposition, and I think the comments deserve thought today.

We have another quotation from that era, from Stockwell Day, another former public safety minister:

A columnist wrote something interesting today. He wrote that in his view the decision to invoke closure on the bill represented in some ways the death of the true meaning of parliament. Parliament is the ability to gather together as elected representatives to talk, discuss, debate and hopefully do things that can enrich the lives and in this case the safety and security of Canadians. The federal Liberal government has failed Canadians.

If you just switch the word "Liberal" to "Conservative", Mr. Chair, in this context that statement has an important message to the government and to the people of Canada.

• (1535)

There's a whole series of them, Mr. Chair. I think Mr. Jean has asked for a quote from Stephen Harper, the Prime Minister. I have one here from December of 2002. He said:

We have closure today precisely because there is no deadline and there are no plans. Instead of having deadlines, plans, and goals, we must insist on moving forward because the government is simply increasingly embarrassed by the state of the debate and it needs to move on.

Well, you know, this government seems pretty embarrassed by the fact that we had the Province of Quebec here again today, as they were last week, saying that the Government of Canada is not being very cooperative, is not listening to them, is not responding to their request to have some influence on the state of the Young Offenders Act last week, and this week they're also asking for cooperation with respect to public safety and they're not getting it.

This is what we're having here. It must be an embarrassment to this government, and it's the only justification that I can see for invoking closure. We're doing this; we're not waiting until after people have exhausted themselves and each other by debating. We're doing it after two hours of consideration of the bill, and the government is now saying we're not going to discuss this bill any further. We're not going to discuss clause-by-clause any further unless it's under the conditions of a closure motion that says we'll only discuss it today—a bill with 207 clauses, only six or seven of which have been dealt with.

We have a schedule, Mr. Chair. We have members of Parliament with significant obligations that they've made, in some cases, months and months in advance for action, for things that they've committed themselves to do with constituents, or in Parliament, or in their various roles on committees. This is something that has been sprung on parliamentarians without any basic consideration of people's schedules and times and other work that they have to do. We all know as parliamentarians—the public doesn't always understand that and it's understandable that they wouldn't—what busy and committed lives we lead and how many demands there are on our time.

And yet without any consultation, without any discussion about possible ways of cooperating—none, zero, nada—nobody came to me or any other member of this committee and told us they were hoping to have a little cooperation in terms of how we can move this bill forward and how long do you think it's going to take. No. At 8:45 this morning we had this laid upon us, a provocative motion, with no warning and no notice. Since then, there have been some discussions, but not before the hammer came down, not before the Prime Minister's office instructed somebody to come and bring a motion here to shut this place down, shut this bill down today, shut down debate, so we can have it back in the House tomorrow. They've had enough of this. They've had enough of this debate about this bill. They've had enough bad press. If they can limit it by time, at least, maybe the damage will be less.

They're getting so much bad press day after day. Ordinary Canadians are speaking out, and so are members of the Canadian bar associations, and experts and law professors, people who know what they're talking about even. The government fears that the most: people who are opinion leaders in our communities and in our universities and in our provincial bars and our provincial governments, governments who know from their own experience what works and what doesn't. They're embarrassing the government, because the government is operating based on some sort of ideological plan and not based on evidence.

From time to time we hear governments saying public policy should come from an evidence-based consideration of the facts and reality. Well, we have just the opposite here.

• (1540)

All of the experts, all of the people with expertise in the sense of having studied the issue for dozens of years, having written papers on the issue, having examined the facts—some of them even have PhDs from the best universities in the world—are here talking about what works and what doesn't. And this is embarrassing the government, because it's totally at odds with what the government plans to do. So they don't want the debate to continue.

The Chair: Just a minute.

Mr. Stephen Woodworth (Kitchener Centre, CPC): I have a point of order. The member has been going on and on about evidence. That surely would be relevant once the opposition allows us to get to consideration of clause-by-clause. But at the moment, the matter under consideration is the motion. Clearly, reciting the evidence is not relevant to the motion. I would be grateful if you could remind the member to stick to the matter at hand.

The Chair: Thank you, Mr. Woodworth. I think I mentioned that earlier. It's only fair that we stick to the motion.

Mr. Jack Harris: I agree, Mr. Chair, and perhaps I need to explain to the member why I mentioned the fact that we have evidence from very reputable and experienced and intelligent people with expertise.

This is relevant because it is that kind of debate, that kind of public discussion, that this motion is established to shut down. They want this all over today. They want to wake up tomorrow morning and say thanks that this is over. They want to be able to thank their lucky stars that these people will no longer have a voice, that they won't be recognized in the media, that there won't be news stories about them, because the debate has been shut down and that is yesterday's news: "That was yesterday's news. We had that debate yesterday. We've moved on now. We have the clause-by-clause. We're going back into the House for report stage." And there is no more talk about the gruesome details of the bill that experts have told us will lead to more crime, more victims, more recidivism. That's what they want to avoid; they want to avoid that discussion.

It is relevant. I beg the forgiveness of the chair if I wasn't making it clear why I was bringing this up. I wasn't doing it to recite that evidence. I think that evidence was called here, and those who paid attention heard it.

The debate about the clause-by-clause is about where that evidence will be brought forward to speak to particular clauses that we have been asked by these experts not to pass, or to modify or change; that debate would include that evidence. But what we've been told by this motion is that we're not prepared to talk about clause-by-clause at all, unless it all happens today and nothing happens tomorrow, and that we're going to sit here all day long until midnight tonight and do it that way.

We haven't even received any indication whatsoever that the government is prepared to accept any of these amendments. What the government wants is to go through the motions here today and limit it to one day: you folks can move your motions, and we'll vote them down, and then it will be all over at midnight and it will be in the House tomorrow—end of story. Let's move on; we won, you lost.

That's the story they want to bray about and brag about tomorrow, and they want us to agree with it. They want us to go along with that.

There are lots of quotations about closure, and we're here again doing the same thing.

There was a time, and the time seems to be when they were in opposition, that the Conservatives had a very different attitude toward closure. Here's Peter MacKay, the current Minister of National Defence, who said in 2004:

It is the principle behind the use of the closure motion that really leads us to the point of saying there is no way, it is absolutely impossible, that we could support what the government has done. In less than one calendar week the government has already invoked a closure motion to use the guillotine, to bring down the curtain on meaningful debate in the House of Commons on a number of bills.

Well, we've had that, Mr. Chairman. We've had seven bills on which closure has been invoked since 20 September.

Mr. MacKay continued:

The procedure the government is using to go about doing this is not uncommon. The speed with which the government has acted in this fashion in bringing about closure is a true signal as to how the Prime Minister and the government are going to treat the so-called democratic deficit that the Prime Minister has had a revelation on in discovering that a democratic deficit exists in the country.

Well, you know, if there was a democratic deficit then, Mr. Chairman, what we are witnessing now is a democratic recession or depression, or something far worse than a deficit. What we're experiencing now is a failure of democracy, when nine bills can be cobbled together into one and presented to the House, with closure invoked on second reading in order to get it to committee for a fulsome discussion.

• (1545)

A fulsome discussion is what's expected to take place in committee. We have an opportunity supposedly in committee for a full and detailed debate on a clause-by-clause study of the bill. Well, we're not being given an opportunity to do that if this motion is accepted. We're being asked to accept a motion that says that at midnight tonight it's all over. We're being asked to accept that one day's debate is going to be considered sufficient.

Mr. Chair, we've got a lot of concerns about this legislation, and there ought to be not a failure of democracy, there ought to be an opportunity for full debate.

It doesn't have to be done today. Can people get that into their heads? There's no magic about November 17. I didn't think there was any magic about it at 8:44 this morning, but all of a sudden at 8:45 Mr. Goguen decided this is what he wanted to make the debate for the day. All of a sudden, November 17 was the most important day in his calendar and he wanted to make it the most important day in everybody's calendar on the committee, that we should be so enamoured with the day of November 17 that we should spend from 8:45 a.m. to 11:59 p.m. passing this bill in committee when for some time we've had a committee meeting scheduled for today for two hours, another one on Tuesday for two hours, and another one next Thursday for two hours.

I mean, we're reasonable folks over here, you know. If we'd had a debate today at our regular meeting for two hours and made some significant progress, and on Monday we had a conversation or a conference call or a little discussion saying, "What about we finish this up on Thursday? Is that possible? Can we do that? What kind of cooperation do we need to make that happen?"... I feel pretty confident that members on this side of the House would say, "Yes, we have a number of very important points to make here. We'd like to have a fulsome debate on them." We could think about what they were and talk back and forth, and we could make it clear that we're very anxious to ensure that proper debate takes place on this particular matter and that particular matter and certain other matters.

We do have nine bills, let's face it, and reasonable people—reasonable people—can find a way to ensure that the parliamentary process continues, that the role of the government is recognized, but that the role of the opposition is also recognized in dealing with matters at second reading. That's what we want to see happen. That comes under the rubric of making Parliament work.

If we're not here to make Parliament work....

Maybe we're back in the days of Parliament before this government was elected, when making Parliament dysfunctional was the order of the day, when the Conservatives, in opposition, wrote manuals on how to disrupt committees, or when they were first in power and they wanted to disrupt committees to be able to prove that Parliament wasn't working. They were the ones who were ensuring that it didn't work. They were the ones who wrote manuals to pass out to committee members and said, let's go to committees and make them dysfunctional, make sure they don't work, so that we'll have an excuse to call an election, contrary to the fixed election laws. I don't know if people remember that. I wasn't in Parliament at the time. I was at the other end of the country in a different legislature, but we heard all about it, making Parliament not work.

● (1550)

Is that what we have here today? "Let's ignore Parliament. Now we're government again and this time we've got a majority." Instead of saying, "You know, we can relax, we have a majority, we have four years, we have a job to do and we're going to do it and we're going to work through the parliamentary process, we're going to work with the other parties, we're going to try to persuade them of the rightness of our cause, and we're not going to delay forever, but we have a process to go through, here's our legislation, we're going to defend it, and we're quite happy to defend it, and we'll defend it in Parliament in principle at second reading, and we'll defend it in committee at clause-by-clause study, and we won't be insisting on rushing things through in one day...."

As I said, when they were in opposition, and I think it's important to know...you should be careful what you say in opposition, because one day you might be in government and sometimes your statements come back to haunt you. The current Minister of Immigration, Jason Kenney, said in 2002:

Mr. Speaker, I am pleased to rise I suppose on the bill. I am displeased that the bill represents the 75th time that the government has invoked closure or time allocation since it came to power in 1993, abusing that very significant power to limit and shut down debate in this place more than any other government in Canadian history.

Well, I think that record is being challenged.

This is parliament. Parliament is derived from the French word "parler" which means to speak. It is the place where the representatives of the common people speak to issues that affect the common good. For the government to, for the 75th time, prohibit members from speaking on behalf of their constituents and to the national interest on matters of grave concern, such as the budget implementation bill, is yet more unfortunate evidence of the government's growing arrogance and contempt for our conventions of parliamentary democracy.

Now there's a mouthful, Mr. Chair, "growing arrogance and contempt for our conventions of parliamentary democracy". What are those conventions? They include an opportunity for a detailed study of a bill clause by clause in committee. That's what committees are for. You don't have the whole House deal with that.

You could almost understand that it sounded rational. I'm sure the public is saying, well, okay, they're limiting debate in the House on principle; it's a complicated bill and people don't necessarily get all the nuances of it in parliamentary debate in the House and speakers only have 20 minutes to speak and 10 minutes for questions and comments, and the bill is so long and complicated, so you only can touch the high points. The government says, look, we're invoking closure because we think this bill should go to committee as soon as possible and get the kind of detailed study this bill needs. So we did that and here we are.

One thing was to hear witnesses, and we heard them—it was a bit rushed and people didn't get to speak very long, but that was what we agreed to—and we heard from quite a number of witnesses, but now we're down to the detailed study. We're now to the clause-by-clause, where the rubber hits the road when it comes to legislation.

The general statement that this is a bill about safer streets and communities...that's sort of what you'd call motherhood, because every justice bill is about that. Every government believes in that and every opposition party believes in having safer streets and communities, so there's no disagreement about that.

Where the disagreement comes is where the rubber hits the road, where the clauses that are put forth in this bill, where the changes that are being made to our criminal law, to our Youth Criminal Justice Act, to the Controlled Drugs and Substances Act Canada, to the State Immunity Act, to the other legislation that's affected by the nine bills that are incorporated here, that's where we need to have respect for the conventions of parliamentary democracy.

As Jason Kenney said in 2002, to "prohibit members from speaking on behalf of their constituents and to the national interest on matters of grave concern is yet more unfortunate evidence of the government's growing evidence and contempt for our conventions of parliamentary democracy." Well, it seems to me that it is growing.

● (1555)

We had a manual for disruption of committees a few years ago by this same party in power.

● (1600)

The Chair: I have to interrupt you. With all due respect, I was here then. I don't think the manual existed as you're describing it. I think it would be good, if you have the manual, that you present it—

Mr. Jack Harris: I don't have a copy of the manual, but that reminds me—

The Chair: I don't think it existed.

Mr. Jack Harris:—that I should seek one out. It certainly existed in the minds of committee members.

The Chair: Of some of the opposition.

Mr. Jack Harris: Maybe it was a set of instructions that weren't actually bound into a manual. But I take your point. I have to confess that I don't have a copy of this manual. It was widely circulated—

The Chair: I don't think you should quote from it, if you don't have it.

Mr. Jack Harris: I'm not quoting from it, because I don't have it, and I didn't quote from it. But it was a set of ideas—let's call it that, a set of ideas—whether they were put in manual form or whether they were electronically communicated or verbally. As you say, I wasn't here.

Mr. Stephen Woodworth: On a point of order, Mr. Chair, I wonder whether the member is referring to the kinds of tactics that include filibustering all day to prevent a vote on a motion. Is that what he's referring to?

The Chair: With all due respect, I don't think the manual existed. It certainly was talked about in some circles, but I don't think there was a factual manual. I would just ask, if Mr. Harris is going to quote from it, that he present it to the committee.

Mr. Jack Harris: If someone produces a copy for me, I'd be very happy to quote from it and table it. I don't have one in my possession.

But this is called a filibuster to prevent the vote.... What we're trying to do here is avoid this government's desire to shut down debate on a very important piece of legislation. When Jason Kenney was talking in March 2002 about contempt for the conventions of parliamentary democracy, he was talking about a budget implementation bill. We're here talking about something equally if not more important, because it involves the liberty of citizens, of Canadians, or as they used to say in the old days, the "liberty of the subject". I think that was when—

Ms. Kerry-Lynne D. Findlay: You're dating yourself with that one.

Some hon. members: Oh, oh!

Mr. Jack Harris: Ms. Findlay says I'm dating myself, but I think that she as a lawyer knows that this appears in—

Ms. Kerry-Lynne D. Findlay: But I remember it.

Mr. Jack Harris:—a lot of case law and legal theory. That's why I started off with "the liberty of Canadian citizens", who used to be called the "subjects"—subjects of the king, I think. It's really olden days stuff.

But the liberty of Canadian citizens is a matter of fundamental importance and a matter of grave concern, as Mr. Kenney said in 2002.

There are a lot of other examples I could quote here; I have several pages of them. But they're all to the same point, and that is that a government.... I think there are understandings. For example, we can understand a minority government being a bit nervous and a bit shaky and always worrying about managing the press on a day-to-day basis. We saw that in the last Parliament and we've seen it in

other minority Parliaments. It's understandable from a common sense point of view.

But when you go into an election and come back with a majority, I would expect this to be an interesting Parliament, because the government is there and they have their agenda. The government is ultimately going to get their way, but we expect that the traditions of Parliament will be more readily...that we won't see the same kinds of sharp tactics, we won't see the on-the-edge types of procedures or strategies that were the hallmark of the last Parliament—used, I have to say, to good effect by the government.

But you don't have to do this anymore. It's not that you had to do it then, but you don't have to do it. You have, as Mr. Cotler said earlier, a four-year mandate—not that this should take four years; it shouldn't take one year. But it shouldn't take one day either.

Mr. Cotler's not here right now. I know we're not supposed to comment on that, but Mr. Cotler had other obligations. So what are you saying, that the government doesn't think that Mr. Cotler, who is a member of this committee, should be able to be here and debate these issues and present motions that he crafted himself, and present amendments? Is that the message, that only people who happen to be available today on short notice—the no notice that was given this morning that we're going to do this all day today until midnight tonight...? Isn't there an opportunity for some reasonable discussion here about when we should or could do this? That's the kind of cooperation and respect for Parliament that we had hoped to see.

• (1605)

Mr. Brian Jean: I want to raise a point for clarification, Mr. Chair.

I don't think there's any limit on the filibuster the NDP can run. They can run it until midnight, if they want, or they can run it until Christmastime, but I don't think there's any limit on it. We've been here for six or seven hours now; that would be three committee meetings. I'm sure we could have gotten through many clauses by now. But if there's no limit on how long the NDP can continue to filibuster this, certainly they can keep going until Christmas.

An hon. member: Then we'll see Santa Claus, not a clause-by-clause.

Mr. Jack Harris: Do I detect a challenge from Mr. Jean?

Mr. Brian Jean: No, but you can filibuster forever.

The Chair: I wouldn't give Mr. Harris.... The rest of you can sub in and out, but there's a little problem with the chair.

Mr. Jack Harris: Yes, the chair can't.... Well, that's why you have the vice-chair, I suppose.

The Chair: Unless you want to.... You're the vice-chair.

Mr. Jack Harris: I'm the vice-chair. I can't actively—

Some hon. members: Oh, oh!

Mr. Brian Jean: We don't mind.

Mr. Jack Harris: I shouldn't let you discover any new tactics here, so we'll stay away from that part.

Mr. Robert Goguen: You get their votes.

Mr. Jack Harris: It could slow down the filibuster, if that's what it is.

It's not a filibuster, though; it's an opportunity, an attempt, to make room for a discussion about these clauses.

Mr. Jean's point is interesting, though. What he's saying is that the government is prepared to spend from now till Christmas talking about whether we should shut off debate on this, but not prepared to spend two days next week, two meetings or three meetings, to go through clause-by-clause.

Why is that? Do you want to bully your way through this process? Do you want to limit debate about the clauses? That's what's happening. You come in here this morning ready to do clause-by-clause, ready with your amendments all lined up as a member of this committee, and as others are—and there are some government amendments too—and instead of going into that process we have a government motion, the effect of which is to say there is no clause-by-clause discussion unless we have a motion passed that says it's all over by midnight.

Now, that's unreasonable. If you have the time to sit here between now and Christmas, as Mr. Jean suggests, then surely you have the time to sit down and agree on some orderly method of getting through clause-by-clause, instead of insisting upon this bully tactic of saying that it's only going to happen one day, and that is going to be today, and it's going to be all day all the time. We broke for question period, but other than that we're here. And if this motion passes, we're only here until midnight, but then it's all over.

Now, what is wrong with some sort of understanding that we can do so much today and we can do so much on Tuesday and finish it off on Thursday—or finish it off on Tuesday, for that matter? Why does it have to be your way or the highway—or no way? That's what we were presented with this morning: it's going to be our way or it's going to be no way; it's going to be our way or we're going to be here till Christmas.

Mr. Jean is the one who brings up being here till Christmas. It sounds to me like either a threat or a challenge. Neither one of them is particularly helpful, but this does send a signal to me that if people have the time, the only choice is how we spend it. That's the only choice: how do we spend that time? Do we spend it having this argument about whether the government is being outrageous in trying to stifle debate, or do we spend it actually having the debate, without the hammer or without the axe at the throat of Parliament, as Vic Toews put it in 2001?

Is that the condition under which this government wants to deal with legislation? Is that the condition under which we are to have public discussion about grave matters of public safety, public security, the liberty of Canadians, and whether they should go to jail or for how long, under what circumstances, and what rules should apply to them under the Corrections Act? These are important matters of state that deserve consideration, not with the guillotine hanging over our heads, but in a reasonable manner, such that professional politicians who are elected to do a job for Canadians can sit and consider these things.

But we're being stonewalled here by a group of people who want to stifle debate, who don't want Canadians to hear the detail about this, outside of a timeframe chosen by them at the last minute, without any notice to Canadians or to members of the committee—

without even the courtesy of a phone call to say, “We're trying to make this work. We have a bit of a timetable here. Can you be reasonable? Are you prepared to deal with this in two or three or four or five meetings?”—or however many meetings, but “Let's talk about it.” We didn't hear any of that. What we had was a motion, a motion not based on compromise or making Parliament work or respecting the conventions of parliamentary democracy; in fact, it shows contempt for them. That's why we're here today debating this.

• (1610)

We're here because the government does not want to debate the clause-by-clause consideration except under conditions of its own choosing, which include having the hammer to ensure that debate does not go on beyond today—and for no reason. There is no reason that has been given, not one. Not one has been given as to why this motion has any necessity in public policy, or in time, or in anything.

There's no reason whatsoever, no justification—not even a claim of justification. It's just, here's the motion. Here is the motion, here is the way we insist this be done. And the level of arrogance is such that they don't even think they have to justify it. They haven't said one word as to why this bill must be passed today, why there is something wrong with having only two hours of one regular committee meeting and why we can't continue—and couldn't have continued today—with an orderly, responsible, professional discussion of the other aspects of the bill.

And yes, if by the end of Tuesday of next week we were on clause 10 instead of somewhere three-quarters of the way through the bill, in the absence of discussions as to how fast we would move, if someone were to say we want to wrap this up by Thursday at the end of the committee meeting and ask whether we can agree on that, assuming that progress was being made and that there was an opportunity for adequate debate, there could be a reasonable agreement on that proposal.

What's the timetable here? I've never heard any timetable, aside from the 100 days. Well, 100 days is a long time away; Parliament hasn't been open that long. We've been moving expeditiously with this legislation. Mr. Chair, you've done a very good job of keeping things on track, and we haven't had meetings going over. We haven't been sitting late or had to put extra meetings on to hear the witnesses. We've been very cooperative in agreeing on scheduling of witnesses and have had cooperation there and have made agreements, and things worked out. We didn't hear from everybody we wanted to hear from, but there are an awful lot of people out there who wanted to be heard. We managed to hear as many as we could in what was considered to be, in all the circumstances, a reasonable period of time.

I don't know why that stopped. Did somebody do something on Tuesday that they didn't like? I didn't see anything happen on Tuesday that should have caused any concern. We haven't been told that a brand-new section of the act that has never before been discussed.... We had interesting and useful discussion about possible amendments that weren't accepted. Some of them should have been, and we supported some of them. Time will tell whether the amendments that were being proposed were ones that could have solved problems before they started. We'll find out, if the bill stays the way it is now.

Considerable progress could have been made by the end of the regular meeting today, and—who knows?—if someone had proposed that we have a second meeting today, and if committee members were available for a second meeting today, or if people were given notice asking about a second meeting on Tuesday of next week, so that we'll have extra time to move forward, because the government is anxious to get this back to the House and off to the Senate....

We didn't hear anything like that. Those are the kinds of reasonable moves that would have been made.... That's how Parliament works, in my experience. I'm not the most experienced parliamentarian in the world. I was first elected in July 1987, though, so I was here for the 33rd Parliament, the majority government of Brian Mulroney. I was here then.

I may be dating myself again, Ms. Findlay.

But I was here then and I was in another parliament for five general assemblies of the Newfoundland and Labrador legislature, so I have some parliamentary experience. In addition, I've been here since October of 2008. If you add all of that up together, I'm probably closing in on 20 years of actual parliamentary work.

● (1615)

I've seen lots of different governments in that period of time—most of them majority governments, of those I've been around—and you do have cooperation. You have government agendas. I understand how majority governments work; I'm just surprised that this one doesn't seem to fit the mould.

I'm trying to remember another example of a majority government that thought it necessary to deal with this type of legislation in such a fashion. We can all get into hyperbole, and maybe an axe at the throat of Parliament was a bit of hyperbole on the part of Vic Toews, but I think I prefer Jason Kenney's line about arrogance and contempt for the conventions of parliamentary democracy. I think that's something your government ought to watch.

People want parliamentarians they can respect. They want to know that when they elect people to Parliament, they are here to make Parliament work; that legitimate people from all over this country—and they have a voice too.... Some of them voted for this government, some of them didn't.

When I'm getting e-mails and letters from lawyers across the country saying that there are very grave concerns about this bill and what it might do, I have an obligation to bring those concerns forward. When we get the Canadian Bar Association coming forward with a very thoughtful and extensive analysis of the bill, from prosecutors and from defence counsel—those who work every

day with the criminal law, with the Criminal Code, with the drug control acts and the narcotic control act, with all of our corrections people—when we hear the corrections ombudsman, Howard Sapers, talk about his concerns; when we hear law professors who have studied corrections for many years come with their concerns about changes being proposed that are out of sync with the Supreme Court of Canada decisions on best practices and least restrictive measures as a standard to be used in corrections to ensure that the people who are incarcerated are treated properly in accordance with the Charter of Rights and Freedoms and with a separation between the sentencing powers of the court and the obligation of a penal institution to act in a particular manner and not be part of the sentencing process or have any role in sentencing, but to play their own role....

When these serious matters are brought forward, I think Canadians expect their parliamentarians to be prepared to contemplate and carry out sensible discussion and debate about them—not forever, but not in a marathon called on no notice to people who have busy lives and have obligations to their constituents and to their parliamentary duties and other obligations within parliamentary business; that's not reasonable. Some people think that Canadians don't pay attention to what goes on here. Perhaps some people hope that Canadians don't pay attention to what goes on here. But I think they do, and I think they know. They can see and they can sense arrogance. They can sense contempt for a parliamentary process when they are aware of things such as what is happening today.

● (1620)

When they say they have nine different pieces of legislation being supposedly considered clause by clause, and the only way the government is prepared to do it is if there is a motion accepted that it all be done in one day by people who weren't even advised.... On Tuesday, I didn't hear anyone say, "By the way, on Thursday bring your pyjamas, because we're going to be here all night. Bring your toothbrush. Make sure you pack a lunch, because we're starting at 8:45 and we're going to be here until midnight." Nobody said that on Tuesday—not that I would have welcomed it on Tuesday any more than I did today.

But what kind of common sense, what kind of plain, ordinary courtesy is that? "Is that how parliamentarians treat each other?", Canadians are asking. "Is that what you get, if you run for Parliament, if you put yourself on the line and say, 'I want to be a parliamentarian because that's a noble calling?'" It's a noble calling to represent your people in Parliament, to be able to express your voice in the Parliament of your nation. You come here and then you're not even given the common courtesy of someone saying, we'd like to have this move a little faster; would you like to discuss some ways we can do that? No, that's not what we had.

I was saying before you came in, Madame Boivin, that when you run for Parliament—I know you missed it, so I'll say it again—you expect at least.... There are a lot of idealistic people out there who say, “I might run for Parliament. I'm going to be part of the very important professional group of people who are working for the benefit of Canadians and trying to improve their lives.” If they were told that you could show up at 8:45 one morning expecting to do clause-by-clause on a bill you had prepared for and would find that nobody had even told you that, by the way, we're going to bring a motion to say that you're here until midnight now, and I hope you brought your toothbrush, because this is going to be a long day and you have had no notice of it—the common courtesies of life apparently don't even apply to parliamentarians—I think Canadians would be disgusted at that.

The complexities of the bill are one thing. We were hoping to give them an opportunity to hear about why we oppose certain pieces of legislation, or even why the government supports them. But instead, we're being told that this is not what's going to happen.

It's all very well to say that we've been here long enough now to have done some of this work. Perhaps—and I say this because we've been cooperative to date, and I don't see why we would stop—if someone had come forward and said, “Let's find a way of having an extra meeting or two”, or “We want full and fair debate and discussion about this, but we're also anxious about the calendar and we'd surely like to get this back into the House by a certain date”, we could be flexible and discuss this and negotiate and do the decent thing. My experience has been that cooperation can be found. That's something I would expect to have happen in a parliamentary democracy that respected the parliamentary traditions. I don't know why it is that we have to have this debate here today.

By the way, Mr. James Moore, another of your colleagues in the House and the heritage minister, said back in 2002:

Mr. Speaker, here we go again. This is a very important public policy question that is very complex and we have the arrogance of the government in invoking closure again. When we look at the Liberal Party on arrogance it is like looking at the Grand Canyon. It is this big fact of nature that we cannot help but stare at.

That's colourful language, but I would substitute for “Liberal Party” here “Conservative Party” and invite you to consider whether or not you yourselves have adopted the approach that you criticized while you were in opposition.

● (1625)

Looking at the Grand Canyon was like looking at the Liberal Party? Well, what are we looking at here? We're looking at a government that invoked closure after two hours of debate at clause-by-clause, and not only in the sense of saying that we're going to be finished this by next Thursday but that we're going to be finishing it by midnight tonight, when the meeting was only scheduled for two hours. Not only are we going to invoke closure, we're going to have an enforced sitting of the committee for 15 hours.

Is that right?

It's 15 hours and 15 minutes.

When you show up at 8:45 for a two-hour meeting, you're here for a 15-hour and 15-minute meeting, by the way, and forget these other

plans that you had for the day, or go if you want, but we'll just pass the bill when you're gone.

That's the message we received here this morning at 8:45 without any notice, without any discussion, without any consultation, without any by-your-leave. We just got the hammer, or in the colourful but rather violent language of the Minister of Public Safety, the axe on the throat of Parliament. That's what we received here this morning at 8:45, and that's why we're talking about it now. It's provocative, a provocative move by a government that doesn't have to do it.

Get over yourselves. You're a majority. You know you have a majority for four years.

Reasoned debate is what Parliament is supposed to be about. If you have any confidence in your point of view, if you have any confidence in your provisions, surely you would welcome the opportunity to explain each provision one by one and defend it one by one, particularly in the face of the kind of criticism we've heard from experts who have testified before us.

If Professor Nick Bala comes and says “I think it's a bad idea do this” and explains why, surely somebody opposite could say, “We've listened to what Professor Bala has said”, with his 25 years of experience as a law professor and as an expert on child, youth, and family law, a person who's been quoted by the Supreme Court of Canada on many occasions, “We've heard what he said, but we have —”

Mr. Stephen Woodworth: I have a point of order. The reason I object when the member opposite starts reciting evidence and putting his spin on it is that I am constrained not to reply, not to tell him what I think of the witness's evidence, because that would not be relevant to the matter at hand.

When the member opposite continues to disregard the rules of parliamentary debate and stray from the relevant issue at hand, he rather puts his opponents at a disadvantage, because they want—at least in my case—to comply with the rules.

So I would be grateful, Mr. Chair, if you would bring this member to heel and get him to comply with the rules of debate and speak in terms that are relevant to the motion, rather than review the evidence with his interpretation, which I'm not able to respond to.

● (1630)

The Chair: That's fair enough.

I started this session by saying that we should speak to the motion and be relevant to it, and I think I've given you lots of long leash, Mr. Harris. I think that dealing with the motion, as opposed to the evidence we have heard in committee, is appropriate.

Mr. Jack Harris: Thank you, Mr. Chair. I will say, though, to the point of order, that I know it is only a metaphor, but I don't like to be told that I am somehow perhaps an animal, a dog that needs to be brought to heel, given your own phrase. I know it's only a metaphor, Mr. Chair—

Mr. Stephen Woodworth: It's an apt metaphor, if the member continues to stray.

Mr. Jack Harris: So this is what it comes to: we need ad hominem arguments, because the other ones, which are directed at the issue at hand, don't seem to find favour because they obviously reach a sore point.

When I talk about the evidence we heard, what I'm talking about is that if the government were so confident that its opinion and its proposals were the right ones, then you would think they would welcome an opportunity to respond to the suggestions of Professor Bala, for example.

Don't think, Mr. Chair, with all due respect—and I'm trying to keep on point, and I've been, as I say, trying to keep on point for some 20 years in parliaments, and I have a little experience in how the relevancy rule works, so forgive me if it might take a little time to get around to showing how it is relevant....

The relevance clearly is that when expert evidence such as we have heard is brought forward, surely the government would want to say why it is that they disagree with such an eminent person and show either who their expert is or say why, even though he has expertise, they disagree. That's the kind of debate that I think we expect to see happen. And that's why we're objecting to the government's apparent desire not to have debate beyond the confines of the clock of November 17, with no notice to anybody about this event.

We have a very difficult problem before us. We have a government that is arrogant about its role and doesn't seem to be able to get it: that having a majority means never having to worry about being tossed out by a surprise vote in the House of Commons.

You have a majority. You can relax; you can spend a couple of days debating matters that you seem very convinced of; you can listen to reasoned opposition and offer your own point of view. That's all we would expect from a government. We don't expect you to adopt every one of our amendments. We'd like you to, but we don't expect you to.

We expect you to listen to them with respect. We expect you to consider them seriously, and we would hope that you would adopt some of them that are either improvements to the bill because you haven't thought of those things or because you are willing to consider new ideas. That's not a bad thing. Oppositions have good ideas; they're not just the bailiwick of government. We would expect that some of them would be considered. Some of them might be modified. Some of the arguments might actually get you to change your mind.

That's what we would hope to have happen: that a mature, responsible, reasonable government would be willing to accept that type of debate. But this government doesn't even want to have it happen, let alone show a willingness to be flexible about possibly improving the legislation.

That's why we're debating this now and that's why we are forced to continue to do it.

Thank you.

•(1635)

The Chair: Thank you, Mr. Harris.

Mr. Jacob, you're signed in now.

But Mr. Cotler has returned, and he's the permanent member. He came in and asked that his name be added to the list.

You would be out, then, Mr. Lamoureux. And I think your staff had you sign back in.

Mr. Kevin Lamoureux: So am I not signed in currently?

The Chair: You're signed in now, but if you want to be put on the list, you go to the end, because Mr. Cotler, the permanent member, came in and sat down.

Mr. Kevin Lamoureux: On a point of order, then, Mr. Chair, unfortunately Mr. Cotler had hoped that he would have the opportunity to add some input on the issue. Once he realized that the former member was going to continue—we didn't expect him to go quite an hour—he had to leave.

I haven't left my seat. I realize the technicality, but I'm wondering whether there would be leave of the committee to allow—

The Chair: I'm sorry. If he hadn't come in, sir, you would have been next on the list, but he came in. I think your staff member has rightly signed you back in.

Mr. Kevin Lamoureux: Okay. So I'm at what place on the list now?

The Chair: There are three before you: Ms. Borg, Mr. Jacob, and Ms. Boivin.

Mr. Kevin Lamoureux: Okay.

Ms. Françoise Boivin: Actually, we are so democratic on this side that we have no problem with changing the order, so you can let—

The Chair: You can't change the order, but if you want to take your names off the list, that's your choice.

Ms. Françoise Boivin: That's good. I will take my name off.

The Chair: Okay.

Mr. Kevin Lamoureux: Thank you.

I thank the New Democratic members for allowing me to address the committee at this point.

Mr. Chairperson, I've had the opportunity to observe for the last little while the proceedings that have taken place here. I've had the opportunity to be able to get a sense in terms of what is actually taking place, and it would be nice to see it resolved in some fashion or another.

I recognize at the beginning that filibuster is a tactic. I've seen it used by all political parties at different levels. It usually occurs when there is something happening that just isn't quite right. I would suggest to you, Mr. Chairperson, that there are some very serious issues before us today.

I was very disappointed in the sense that I believe Mr. Cotler, the Liberal Party critic, was quite eager to continue today in going on with the clause-by-clause. I know that from the discussions, as he keeps our caucus quite up to date on what's taking place on this very important bill, and it has been an important bill and has been talked about a great deal.

It is a bill that has had a lot of issues surrounding it, but we have talked a great deal about it within our caucus, and we feel there is a need to ensure that there would be a thorough discussion once it got to the clause-by-clause portion of committee. I would have expected that Mr. Cotler would have been afforded the opportunity, as the Liberal Party critic, to be able to go through each clause and to assess them for what they are.

Before I get into the actual motion that has been suggested, I know that there has been some sensitivity in terms of the issue of relevancy in debating the motion, Mr. Chair—

The Chair: It is the motion we're debating and that's—

Mr. Kevin Lamoureux: That's the reason I will go with what the motion actually says. The motion in essence is saying that the debate on clause-by-clause will end tonight. If this motion were to pass, the bill itself will have passed through the clause-by-clause debate. The government, in its wisdom, has made that decision. Mr. Chairperson, it's put very restrictive limitations on how long a person can actually talk on a clause or put forward questions or ideas, or even the potential of amendments.

It's interesting, the government is suggesting that no matter what the clause is, it all warrants the same amount of time. I would suggest to you that some clauses in the bill would likely pass relatively quickly. Other clauses would not.

I want to make reference to one witness who highlighted that particular point. I think it's worth reading what this witness said, Mr. Chairperson. This was by Ms. Kathy Vandergrift. It's noteworthy that she was the chair of the board of directors of the Canadian Coalition for the Rights of Children, a fairly significant stakeholder, I would suggest to you, Mr. Chairperson. No doubt you'll find that many stakeholders out there, prior to making presentations, may have had the opportunity to consult with a wide variety of people—other stakeholders, lay people, individuals they're in contact with on a day-in, day-out basis. In her presentation, there's one part that I want to read. It states that:

We would like to offer the following suggestions based on the Convention on the Rights of the Child, which Canada ratified in 1991. First of all, we express support for improved protection of children from sexual exploitation in part 2. Secondly, we suggest that you remove part 4 from the omnibus bill and take no further action on it until all members of Parliament are fully informed about the ways in which these changes fulfill or violate Canada's obligations under the Convention on the Rights of the Child.

I would suggest to you, Mr. Chairperson, that this particular presenter is saying that in this bill there are some clauses that deserve passage. If you follow her recommendation on part 4, some clauses are going to be a lot more controversial. So if you really think about it, to apply one rule would have an impact on both types of clauses—one that needs to have healthy debate, and I would suggest to you warrants healthy debate. We should not be taking actions to limit that debate. That's really what this motion actually does, Mr. Chairperson. It does limit debate. Contrast that to, as I said, some motions that require very little debate.

So I do have a problem with that, Mr. Chairperson. You always have to put things into perspective. Bill C-10 is indeed a unique bill. The process that has led us to this point has been most interesting. There have been many variations of this bill in the past. They have been brought into one bill, the bill we have before us now. This bill

itself has in excess of over 100 clauses. If you take a look at the bill, it's very comprehensive and has an impact on a number of pieces of legislation. I cannot imagine how this bill could actually pass out of committee in a few hours, if in fact you go clause by clause.

We have a system wherein we like to think there's a sense of respect, where we try to accommodate.

• (1640)

Our critic would have been told, for example, that we're continuing with the clause-by-clause this morning, and at the beginning he had anticipated that it would be a two-hour type of meeting, that there would be a lot of dialogue, and then eventually the bill would pass, even though there wasn't that much notice. To be told that everything that you have done or any other appointments that you may have today have to be pushed to the side because the government has made the decision that it wants this bill to pass today...a couple of things come to my mind when I hear that, Mr. Chairperson.

First and foremost, where did that instruction come from? Where did it originate? That's one concern I would have. The other concern I would have is in regard to the whole idea of the sense of fairness to our critics. We have to respect that critics, members of Parliament, and ministers all have agendas and obligations they have to meet. You'll find quite often—more often than not—that they will bend, that they will try to fit their agenda to accommodate committees, because we recognize how important our committee hearings are; we recognize how important it is to continue to have dialogue and to be constructive wherever we can in terms of trying to make change.

So it would have been advisable for the government to have entered into some discussion as to what their intent was when we came into committee first thing this morning. I think it was a huge mistake for the government not to have done that. It's a simple courtesy that could have very easily been extended and would have allowed for, whether it's the Liberal critic or the NDP critic, the opportunity to be able to discuss it amongst their caucuses and see if in fact this is something that is doable. And if it's not, then allow the critics and the appropriate members, or possibly the House leaders, to sit down.

Filibusters often will happen because of the inability of ministers, critics, House leaders, even to a certain degree party whips, to reach an agreement. I've had, as I say, the opportunity, like my colleague from the New Democratic Party, to have come from a provincial legislature. I was there for over 18 years. It was always in opposition, unfortunately, but the point is that I do have some experience in terms of how a House operates. I've had the opportunity to be a House leader for many of those years. I understand why it's so important...if you want to have an effective, efficient system, a system that works, you have to have negotiations. There have to be discussions. If those negotiations are not taking place, you are setting yourself up for failure. And you will fail. Even with a majority government, you will fail.

I can recall when another majority government felt that they could do whatever they wanted, and attempted to walk over the opposition. At the end of the day, they were not able to pass a series of bills, Mr. Chairman, and it's because they did not work with the opposition in order to be able to try to get some things done.

So what happens now is that we have a committee, and inside the committee a motion that has been brought down. I don't think any member from the Conservative Party who has actually attended the committee so far today had anything to do with the creation of this particular idea to bring down this motion. I would suggest to you, Mr. Chairperson, that this particular motion came from either the minister or, I would suggest to you, from the PMO.

● (1645)

I believe this is something in which there's this new-found belief that they are the majority and the opposition had better respect it, and if they don't respect it, who cares, they're getting what they want.

They've made the decision that they're going to push Bill C-10 through the system as quickly as possible, and they have not respected the needs and the desires of members of Parliament on the opposition benches. Instead, they believe they have the mandate to do what they're actually doing, Mr. Chairperson.

I suspect it might be some pent-up resentment towards opposition parties from the years of being in a minority situation. If the office of the Prime Minister would seriously look at the consequences of what they're asking members of this committee to do.... I would suggest to you that it was a bad idea. If in fact there would have been any sort of gesture of good faith, or goodwill, to work with opposition critics, we wouldn't be going through what we're going through right now, Mr. Chairperson.

At the end of the day, I believe that it is important to do this. Because you see, Mr. Chairperson, if you don't do things of this nature and you allow the government, whether it's in committee or it's in the House, to walk over opposition members and their rights to be able to speak and address issues, it will get worse. That's the reason why...here we are, we're not even six months, seven months, into this majority government, and look at the types of actions we have seen. If the opposition does not say stop, let's look at what the government is attempting to do, and start to say that it's just not right and take a position, our rights will continue to be walked on. That's the way I see this issue.

I see this issue as the government having this new-found mentality that they're a majority government and they don't care what the opposition has to say on legislation or the budget, and they have a right to bring in motions of this nature. And they have majorities on every committee, so they'll instruct their members to move, in this case, this particular motion, which limits the ability for a clause-by-clause debate.

Mr. Chair, I think it's a fine line. I was inside the chamber and my colleague from the New Democrats made reference to Bill C-10 once it was in second reading. Remember Bill C-10 at second reading? There was a time allocation also moved on the bill. Well, I'm not a prophet, but I suspect that the government will likely move time allocation once it gets back, Mr. Chairperson.

Why? Well, because in their mind, they can do it. They have the majority. They don't really care. A good example, Mr. Chairperson, is a motion that was introduced just the other day in the House, where the government moved to adjourn debate and force the vote, and there wasn't even one other member of the opposition allowed to speak on the motion. That's in essence what we're getting into here.

We're talking about the ability for members of Parliament to be able to go through a process that's fair, that allows them to be able to ask the questions they want to ask, and that allows them to bring forward amendments that they believe are necessary, Mr. Chairperson. I think the government would do so much better if it would just acknowledge the need to withdraw their motion in hopes that we could get on to the clause-by-clause.

● (1650)

That's the best thing the government could do today. If it withdrew the motion right now, we would go right into the clause-by-clause discussions, and if it means we're here Tuesday and Thursday...I don't think there's any intention by anyone to see this bill go past Thursday. I don't think so. I don't know that 100%, but let's at least allow the clause-by-clause to go without restrictions.

This way, on those clauses of great substance, the opposition is afforded the opportunity to make the amendments it needs to make and it is afforded the opportunity to debate.

I get this feeling, Mr. Chairperson, that I'm going to get other opportunities to speak, so I'll just leave it at that for now, as I will listen to others. I have to go to another room, but I will listen to be able to contribute, if in fact it continues on this particular motion.

I would suggest that we not pass this motion. I look to other members of the committee to try to ensure that this motion does not pass. I hope to be able to continue on the debate on the motion as the evening goes on, or ideally, hopefully, the government will see the wisdom of withdrawing the motion so that we can get on to the debate and questions and answers on the clause-by-clause. And in due course—the government shouldn't fear—the bill will in fact pass, Mr. Chairman, out of committee. Hopefully calmer heads will prevail.

I will continue my remarks a little later in the evening. Thank you.

● (1655)

The Chair: Thank you, Mr. Lamoureux.

Madame Boivin.

[*Translation*]

Ms. Françoise Boivin: Thank you, Mr. Chairman.

I had started to talk a bit about that this morning. Since then, a lot has happened. I had to slip out, my apologies. So I had to miss some very interesting comments by my colleagues here in this room, since I had to take part in a meeting of the Standing Committee on Public Safety and National Security.

Since my election last May 2, the government has regularly said in the House that we elected a strong, stable, majority government. However, I have never seen a government act so much as though it were weak and on the verge of falling. We have a law that requires that elections be held every four years. So there's no immediate danger for the government. However, it acts as though it was terrified at the thought of hearing arguments from the opposition party because they're not like its own.

This morning, when I was attending the meeting of the Standing Committee on Public Safety and National Security, I listened to members of the Canadian Association of Chiefs of Police, who had come to express their views on the abolition of the Canadian Firearms Registry. They clearly said to parliamentarians in general, and the government in particular, that we cannot on the one hand listen to them when they appear before the Standing Committee on Justice and Human Rights and, on the other, not listen to them when they appear before the Standing Committee on Public Safety and National Security. They have the feeling that what they're saying in one place is true for the government and what they say elsewhere suddenly doesn't make any sense in the eyes and ears of this same government.

We've heard so many things, so many witnesses, but I'd still like to hear more. Even though the process imposed by our Conservative colleagues has limited the number of witnesses and also the duration of the hearings, I was nevertheless a bit optimistic on Tuesday when I saw how the committee, including the Conservatives, was working extremely seriously on the clause-by-clause consideration. I also felt confident because the experts from the Department of Justice had come to help the clause-by-clause consideration, in case we had technical or other questions.

It has often been said, but I'm not sure that my Conservative colleagues quite get it: there are actually nine bills included in this single omnibus bill. Each of these bills is an area of specialization in itself. I don't know many people who do law pertaining to young offenders and who are also experts in law pertaining to international terrorism, for instance. These are different areas of expertise, each of which has a broad scope. The legal experts around the table — there are some in all the parties — know how much a word, or perhaps a poor translation, can change everything.

Furthermore, the Minister of Justice of Quebec presented, on November 15, a letter addressed to the Chairman of our committee to draw attention to three amendments. These amendments were not at all dramatic. In fact, the government party and the parties of the opposition may not agree on the concept of long-term protection of the public, but it would have been worth the trouble to have this debate during clause-by-clause consideration of this omnibus bill. For example, they wanted to replace the verb "encourage" with the verb "promote." Sometimes it's interesting to have the time to take advantage of the skills of our experts, who were here and who must listen to us with great interest and great enthusiasm.

• (1700)

So I was reasonably optimistic last Tuesday, even though I would have liked to hear more from the witnesses and have more time than I was given to ask them questions and sometimes even force them to get right to the bottom of their way of looking at things, regardless of their position. Everyone's ultimate aim should be to have the best bill possible. When the committee reports on it and sends it back to the House for its next reading, it should go beyond simply saying that we are, for example, seven conservatives and that, on behalf of those seven members, we accept, adopt or reject the amendments or clauses.

I get the impression that it's just plain and simple pure mathematics. Even though this is a bill that is so fundamental, that

affects so many areas of expertise, that will have direct consequences on the lives of all Canadians, in terms of the judicial system, diplomacy, young offenders or even political relations between the Quebec nation and the federal Parliament, for example.

Before coming back here, I took part in a program. I was listening to representatives of the opposition in Quebec talk about urgency, in light of the forced decision towards which our committee is heading, that is, the acceleration of the process of the clause-by-clause consideration of the bill. However, on November 15, we received a letter from the Minister of Justice. It seems to me that decency, if we're talking about open federalism — and I have always heard the Prime Minister talk about open federalism — would have been at least to give some attention to these proposals. We could have taken some time, for instance, over the young offenders amendment, since it is designed to make sure that can rely on it before starting to publish the names of young offenders. These are only some examples, but all that is part of the process. We're creating something useless whereas the members of the committee were doing a serious job.

Regardless of the Conservative promise during the election campaign, no time limit was set for this committee. When our work began, no one said that the committee had to complete clause-by-clause consideration by a given date.

This was, however, announced to the Standing Committee on Public Safety and National Security in the case of the Canadian Firearms Registry. It was announced that there was a target date, the number of witnesses was set and we knew when we were beginning clause-by-clause consideration. This enables the parties attending, the parliamentarians who want to do a serious job, to prepare themselves accordingly.

Here, the decision came out of the blue, brutally, this morning when we were preparing to continue this serious work, unless this decision was dictated somewhere else. Still, if my colleagues are honest for two seconds, they will admit, like me, that serious work has nevertheless taken place.

Of course, there were the clauses on terrorism, the law that deals with various aspects of terrorism and the victims of terrorist acts. We had in Mr. Cotler someone who has been studying this issue for a long time and who tried to share with the committee his great expertise on the issue to make the bill even better by demonstrating greater caution so as to avoid challenges.

Dear colleagues, you who are listening attentively to this speech, know that I had a labour law practice mainly concerned with the negotiation of collective agreements. I always told people that my dream, in each of the files, was to make sure that my clients, be it management, which I represented more often, or the union, would need me as infrequently as possible, once my work was done. Why? Because that meant that we had done our work as creators and designers of clauses in their collective agreements. If we did our work properly, achieving the goals set and drafting the whole thing in comprehensible language, we ran less risk of having to appear before tribunals for grievances and so on.

●(1705)

It's the same concept here. We end up having to swallow our frustration as the official opposition, which gets to spend so little time questioning witnesses. I admit that this is what I miss the most in this exercise. Time limits were imposed on us and we heard witnesses who were cut off right in mid-sentence, because their five minutes was up. This doesn't make it possible to seek the truth, the reality, and to question them so as to bring out their contradictions or their convictions.

This bill includes a lot of technical aspects and terms that are not necessarily familiar to the large majority of people around the table, because this is not a language they are accustomed to using.

I think that, in all decency, when we stand in the House to vote for or against the bill in its final stage, we should feel that this exercise has been completed as knowledgeably as possible. This was the objective I had in mind when we started. I'm going to vote knowing full well what I'm doing. I am comfortable voting as I will. However, I can't confirm to the people of Gatineau, who gave me 62% of the vote, that the committee will be able, with this exercise, to vote knowledgeably or that it is convinced it is offering the Canadian population a bill that will resolve problems. Rather I have the impression that, with this way of preventing us from hearing what the parties may have had to tell us, we are going to give the population a bill that is going to cause even more problems, by bypassing democracy.

I think this is a funny coincidence. It's even kind of special to note that the Minister of Justice of Quebec wrote to the chairman of our committee on November 15 and that, the morning of November 17, a motion was passed to ensure that our analysis would end, even though we'd only got to clause 6 or 7, and that, by following the order, there was a good chance we wouldn't get to any questions that the government might feel uncomfortable dealing with.

As I heard while I was being interviewed, this is the message Quebec got: even though we had the minister come here to appear before our committee, he didn't get the time he needed to express his views. He thought our approach was a bit strange — I'm putting words in his mouth, but one thing is certain, he was a bit surprised by the process. Because at the National Assembly they have a bit more respect for the witnesses that come to appear before their parliamentary committees. They actually have a chance to express their views. Here, we pay to have a witness come — expenses are approved to bring him here — but we only let him talk for five minutes. I'm really looking forward to seeing the next budgets submitted by some of the Conservative committee chairmen.

The Minister of Justice of Quebec comes here and takes the time, with his experts, to provide not 150, but three amendments, including one to replace the verb "encourage" by the verb "promote." In my opinion, we wouldn't have needed 200 hours of debate to determine whether that was useful or to find a way to enable at least some youth courts to protect the identity of youths who maybe don't deserve to have their criminal offences made known forever or to be branded as criminals for the rest of their days. This could be very injurious and very harmful, especially in view of the absolutely phenomenal success rate on this issue in Quebec.

●(1710)

I don't claim to be Quebec's spokesperson, but you should know that the word is that this is an insult. It is certainly an insult that is harmful to relations between the provinces and the federal government. If that's how people with whom we want to work on building an open federalism are treated, I wouldn't want to see how people we don't want to work with were treated.

The Minister of Public Security of Quebec said so this morning. He was asked, in committee, whether he thought there was still a chance to prevent the abolition of the firearms registry and its data. Being the great diplomat that he is, but not knowing perhaps what was going on here, at the Standing Committee on Justice and Human Rights, he said he was still hopeful. I found him to be very optimistic, considering the past and what we've been seeing now for some time within the various committees, and not just this one.

It was quite a surprise this morning. Not only that, it should have been our chance to get down to work and consider all the amendments proposed. From the documents conveyed by the clerk, I could see that, after clause 9, we could have gone directly to a vote on clauses 10 to 33 since there have been no requests for amendments to them. Then, for clause 34, a few amendments were suggested. After that, we could have dealt with clauses 35 to 38, and so on for the entire bill.

Some will say that all this time we're taking today could be used to wind up work on this bill. But that's not the point. At 8:30 a.m., before we even felt there would be some attempt at obstruction, our Conservative colleagues presented the motion, probably saying to themselves, that the first two hours spent on this bill would be two hours of systematic obstruction. I protest if this is the message they wanted to send us this morning. We've been told today that Mr. Cotler, a member of the Canadian Parliament and a former Minister of Justice, a leader in human rights, submitted his amendments with a view to obstructing. We're accused of submitting our amendments with a view to being obstructionist. But these are amendments that we believe are good and on which we'll express our views, on which we'll vote for or against, and the majority will carry the vote. I would like to find a way to convince you of the merits of some of the amendments we've proposed for some clauses. To my mind, they would achieve the same ends you are seeking and they would be expressed a little better.

There's sometimes something to be gained from having two pairs of eyes look at a text. Sometimes it's good to have people look at it who haven't had their noses stuck on the pages. They can spot small mistakes, like when the Government of Quebec suggested changing one word: from "encourage" to "promote." As it is, it's obvious we're having the rug pulled out from under our feet and democracy is being hindered.

Of course, this is a majority government. Still, as I'll keep repeating, it is a majority government thanks to our first-past-the-post parliamentary system. In my case, I feel comfortable because I represent 62% of the population in my riding. If I were in the shoes of those Conservatives who won a majority with 39% of the votes, I'd sometimes be embarrassed to claim I'd been elected by such a large majority. Some, who pride themselves on statistics, which really are not all that flattering to them, may be less easily embarrassed than I am. In any case, the government should at least agree that democracy must be allowed to work freely.

This isn't the first time this has happened. According to figures I've received from the New Democratic Party research team, this exercise, which consists of proposing a closure motion, has already occurred nine times, Mr. Chairman, and seven times since our return in the fall. To anyone who's listening, I say shame on the majority Conservative government, which should not be afraid of the results of democratic votes on clauses.

• (1715)

Everyone's asking what the rush is. On Tuesday I'd started talking to you about an article. The Barreau du Québec as a whole is opposed to bill C-10. I want this to be clear: it's not the entire bill C-10 that is problematic, but some parts of it which, let it be said in passing, have never been examined by the committee before. It seems to me that this is yet another reason why we should consider it seriously. We are members of the Standing Committee on Justice and Human Rights. This isn't some ramshackle committee that adopts any old thing, saying to itself that the judges... Furthermore, we know that the Conservatives don't think very much of them and want to strip them of certain powers regarding the imposition of punishments. Regardless, we should at least make sure that we won't have to appear in court all the time.

Bodies as serious as the Canadian Bar Association and the Barreau du Québec, legal experts on all sides, whether Crown prosecutors, defence counsel, university professors or anyone else taking an interest in justice in this fine country, are telling us to pay attention and are suggesting some amendments to us. Where do you think we get our amendments? Do you think we got up one morning and they fell to us from the sky? Our amendments are based on certain problems raised by certain experts and on the experience of certain provinces. You may find it amusing to describe my province as being soft on crime, but with all due respect, it's still the province with not only the lowest crime rate, but also the lowest rate of recidivism. We don't have any lessons to be learned from anyone in this regard. On the contrary, it might be worth listening to what these people have to say to us and listening to them for a bit more than exactly five minutes, including questions. This exercise is so short-circuited. It is not worthy of this arena.

I mentioned this at the meeting of the other committee and I'm going to say it again: I am privileged to have with me today a young lady, a young student from McGill University. I'm not talking about my colleague, the member, who does her university credit, but another young woman who may walk in her footsteps. Her name is Chloe Silvestreet and she has had the misfortune of visiting Canada's Parliament today.

[English]

Well, shame on us parliamentarians.

[Translation]

Actually, I am extremely embarrassed to see that she has come to spend her day in Parliament as part of the program Women in Parliament for one of the greatest moments of perversion of democracy I've ever had to witness. I thought I'd finished seeing the government forcing people back to work, withdrawing the right to strike and the right to lock-out by imposing collective agreements. I thought I'd seen it all in June, but no, far from it. This poor Chloe, who has come today to shadow me throughout my workday, finds out that she will be with me until 11:59 p.m. at least. Well done!

Still, that's not the issue, because the time doesn't matter. The content is what counts. This is not edifying. This is the side that this Parliament chooses to show its taxpayers, its electors and its citizens. We're showing that, when the government is tired of debating or that it doesn't want any debates, it simply takes off. What's next? Are we going to prorogue Parliament when we've had enough of defending ourselves, when we get tired? It's so tiring, isn't it, to have people who don't think like us? It's very tiresome.

• (1720)

[English]

Ms. Kerry-Lynne D. Findlay: I have a point of order.

We're getting way off topic here. We've gone from everything—

Ms. Françoise Boivin: I'm directly on the motion, colleague. I'm not even getting into deep content.

Ms. Kerry-Lynne D. Findlay: We're hearing about students from McGill. I also had a student from McGill shadowing me today. This is the work of women in the House. It is the work we are here to do, whether we are men or women, and this is part of it.

We're hearing about collective agreements. Let's stick to the motion, please.

Ms. Françoise Boivin: I will address her point of order, because I think it's totally out of order for one reason and one reason only. When you talk about something and you are talking about a process that has been decided by the government

[Translation]

by means of the motion presented by Mr. Goguen this morning, we are certainly entitled to give some examples that apply to this same sort of situation. What I am not doing, and which would be so tempting and much more pleasant, is dealing with the content of the bill.

Still, I have so much to say about the process. Talking about people from McGill University who are here, who are shadowing us and seeing this process at work, is certainly entirely relevant. I want to talk to you about the people in Gatineau who have written me all day to say that this is horrible. My colleague cannot even object to that by invoking the Rules.

[English]

The Chair: On the motion, I listened to a good part of your debate. But the debate is on the motion, and I was a little concerned when you talked about all the other ancillary things. So let's keep to the motion.

Ms. Françoise Boivin: What is the motion, Mr. Chair? The motion is about finishing debate at 11:59. It's removing the right to discuss, amend, and debate. So anything that touches those concepts is about the motion we are discussing. I don't know if somebody talked about it today, because I had to step out to talk about another big file from the Conservatives that is also being rushed in, namely, the gun registry. But I remember a certain Prime Minister who went against all these types of motions. I will get out of this room at some time in the near future—before my death, I hope. I want to do something more pleasurable. But I will always wonder how the Prime Minister in 1996 could dismiss this same type of motion as undemocratic.

[Translation]

This is a weapon used by a government that was so afraid of listening to the opposition. I can't wait to hear the explanations they're going to give us, from the other side.

If Mr. Goguen had made this sort of motion two weeks from now, it might have been different. A little earlier today, my colleague Mr. Harris mentioned that there were five weeks left until the holiday recess. So there remained a certain number of days, Tuesdays and Thursdays, to discuss the amendments being considered. So, in the four weeks remaining to us, including today, it would surely have been possible for the committee to complete its clause-by-clause consideration of bill C-10.

But no, that's not what we did. What did we do at the first opportunity? We didn't even take the time to hold two, three or four sessions. If we'd held three or four sessions and seen that we were still only on clause 8, I might have understood. I can understand what Mr. Jean said Tuesday. I admit having been a little concerned at one point, given the way things were going. But sometimes we have to get to the bottom of these issues.

Afterwards, as I said earlier, long series of clauses could have been adopted without any proposals to amend them. You can see, like me, from the documents tabled by the clerk. They could have been quickly put to a vote. We might not have voted in favour of these clauses, but we could have quickly held votes on them.

But no, they didn't even wait until the official opposition and the third party were caught red-handed being obstructionist, by taking their time and exaggerating. Only two hours were spent studying a bill as complex as this one on the victims of terrorist acts.

The proposed amendments to this bill were, in large part, submitted by the second party of the opposition. I don't think that anyone on this committee will say that our colleague from Mount Royal is inclined to exaggerate or be obstructionist at every opportunity. I don't think at all that that was the *raison d'être* for Mr. Cotler's submissions. Nor was it the *raison d'être* of our amendment proposals. We wanted to make the bill on the victims of terrorist acts a surer thing so that it wouldn't be challenged in the courts and so that it would achieve the ends sought. In short, as one

of my colleagues said so well on Tuesday, our amendments are designed to help the government have a better bill. It would have been interesting to hear what the experts then present around the table had to say on the matter.

At the earliest opportunity, what happened? We were faced with this motion, without the official opposition or another party in opposition even having voluntarily caused any delays. When I see that, I can't get over it. As a lawyer, I'm accustomed to establishing a conclusion based on the facts before me. My conclusion is the sole logical conclusion that comes to mind: the representatives of government, whether they're doing it of their own accord or are being urged to do so by their leader, do not want to hear any more arguments.

The meetings with the witnesses were rushed and then aborted so quickly that no one in the public could fully understand everything said in this connection. However that may be, if clause-by-clause consideration takes place as it did on Tuesday, we see some obvious weakness in some of the clauses. These weaknesses would have appeared quite clearly to intelligent people, which includes all the people around this table.

• (1725)

I doubt there is anyone on the Conservative side who worked on developing bill C-10 who is not familiar with the clauses in it. As I said earlier, it contains 208 clauses. There are clauses for which we could have found, all of us working together, what was wrong, in both French and English. Through discussion, we could have considerably improved this bill.

Obviously that would have been difficult, in view of the time allocated to us. No doubt these two sides of the House would certainly not have agreed on certain aspects of the bill, for example, regarding the Young Offenders Act, or young delinquents. That's fine, I accept that; that's democracy. It will allow us to ask voters in four years about which vision they prefer. It will be up to them to choose. When they've seen that it's possible to elect a majority government with only 39% of the vote, perhaps the 41% or so of the people who didn't turn out to vote will realize that their words and their votes count, as we liked telling them.

Parliamentarians are being deprived of their privileges. Perhaps it's not a question of privilege within the strict meaning of the term. Actually, I could complain that, in my riding, there are still placards on which the former MP is still displayed as such, but I don't. But it seems to me that this is even more frustrating. To tell the truth, it's not frustrating, but it hurts me a lot. I'm not the one affected. It's those who are brought to court who will be affected by this bill C-10, which won't have been thoroughly considered. If my colleagues demonstrated some intellectual honesty, they could not say that all the bills included in bill C-10 have been sufficiently considered so that, when the vote is taken, we could claim that we are voting knowledgeably and we could ensure Canadian citizens that we did our job as legislators.

The people from the Barreau du Québec said they were hesitant about some parts of bill C-10, be it the imposition of minimal punishments or other things. At the same time, they are in favour of other parts. In the end, what's important, as was written in the November issue of the *Journal du Barreau du Québec*, is that it isn't necessary to adopt this reform at this speed. Everyone says there's no rush. But we're being forced to rush. I think this is unfortunate, and I apologize to all Canadians, especially the people of Gatineau who elected me. I say to them that, unfortunately, it would seem they should remove the word "democracy" from their vocabulary for the next four years when they talk about the Canadian Parliament. This isn't the first time I've told my fellow citizens that MPs are being interrupted, and not allowed to express themselves and put forth their points of view.

Thank you, Mr. Chairman. That's all I have to say for now. I feel that I'm going to get warmed up again in no time.

• (1730)

[English]

The Chair: Thank you.

Ms. Françoise Boivin: I'm sure you were fascinated.

The Chair: I truly was. It was very interesting.

Mr. Harris, you're next on the list.

Mr. Jack Harris: Thank you, Chair.

As much as I've been enjoying this debate today, I have a proposal. There have been some discussions between the parties as to how we should proceed, along the lines that I was talking about a little earlier, the kind of interparliamentary cooperation that we would like to have. In that spirit, we've come up with something, and I'm going to put the wording here. I just want to ensure that if I get something wrong, it will be corrected.

It would in effect be an amendment to the existing motion, but instead of moving it as an amendment, I would propose that we adjourn today until Tuesday, November 22—I believe that is the date—at 8:45 a.m., whereupon we will sit until 2 p.m. to consider the amendments. We will then recommence at 3:30 p.m. and continue until midnight or an earlier adjournment. The adjournment would require all three parties to agree that we would again resume on Wednesday, the 23rd, if necessary, at 3:30 p.m., until 11:59 p.m., by which time we would complete the legislation.

Mr. Goguen's motion would then be:

That, if the committee has not completed the clause by clause consideration of Bill C-10 by 11:59 p.m. on November 23, 2011, that the Chair put all and every question necessary to dispose of this stage of the Bill forthwith and successively, without further debate, and then the Chair be ordered to report the Bill back to the House on or before November 24, 2011; and that the Chair limit debate on each clause to a maximum of 10 minutes per party per clause before the clause comes to a vote.

That time allocation would not apply to clauses that involve mandatory minimum sentences. I've identified them so far as clauses 34, 39, 40, 41, 42, and 43.

The other caveat at the end is that we would anticipate that in operating through this, even though we have a time allocation of 10 minutes, we would obviously not be using 10 minutes on each and every clause. In good faith, we would anticipate some flexibility

there because of that. That, in our view, represents a reasonable approach to moving forward on this so that all parties have an opportunity to bring forward their amendments and have a proper discussion.

If that's acceptable and if I've worded that correctly, then I would ask that it be adopted by the committee.

• (1735)

Mr. Robert Goguen: Would it be possible to have it written out?

Mr. Jack Harris: There will be a transcript of it. Is there some question you have...? I can spell out the times again.

Mr. Robert Goguen: Yes. I think we are covering two meetings. Is that correct? Tuesday and Wednesday?

Mr. Jack Harris: We're talking about a Tuesday meeting and a Wednesday meeting. The Tuesday meeting is 8:45 a.m. to 2 p.m., or I guess 10 a.m. until 2 p.m.

Mr. Robert Goguen: Until question period, that is.

Mr. Jack Harris: It is until question period, and then 3:30 p.m. until midnight, or sooner, if we want to adjourn sooner and come back the next day. It depends on progress. We're talking about good faith here. I think given the discussions that we've had, there appears to be an interest in good faith going forward.

It will be two days, Tuesday and Wednesday of next week, starting at 8:45 until we decide to finish, and Wednesday, from 3:30 until midnight, if necessary. It may not be necessary. Once given the opportunity to debate, we may obviously not feel like we have to use up every ounce of time available. We want to be able to make our points. We have a framework that I think is reasonable in which to do that. I don't know if there's any detail that needs explanation.

Do you have a nuance, to that, Mr. Jean?

Mr. Brian Jean: I was just going to mention that it seems reasonable that things would at least be consistent with being finished by Wednesday night. But there would be several more hours to deal with it if necessary. Certainly I think that all parties, from my perspective, could agree to this. It seems like a reasonable compromise.

The Chair: Thank you.

I would just say, from the chair's perspective, that it is very difficult to have your flexible times in there. I guess the chair would just say to you that it will be very difficult. If you don't use up your time now, I don't know how you will expect it to be chaired later. So just don't fight with the chair when it comes.

Mr. Jack Harris: This is, I guess, a direction to the chair, unfortunately. Maybe you could remind people when the 10 minutes are up.

The Chair: I'll do that.

Mr. Jack Harris: If it turns out to be a problem, then I guess we can attempt to deal with it by consensus.

The Chair: Fair enough. That was just an interjection.

Mr. Cotler.

Hon. Irwin Cotler: Thank you, Mr. Chairman.

I think in you we have a fair-minded chair. I think we can rely on your good faith, as you have demonstrated it thus far. And we can operate, I would hope, in a general spirit of good faith and do serious work on Tuesday and Wednesday.

I won't deny that I might have wished for a longer time, but this is a compromise. And I hope that we will be able to seriously consider the amendments with a view to improving the legislation.

The Chair: Thank you.

Mr. Jack Harris: Having said that, shall I make a motion for adjournment? Does someone else need to call it?

The Chair: The clerk has indicated that if everybody understands the amendment to the original motion, as proposed and read by Mr. Harris today, we can vote on the amendment now.

(Amendment agreed to)

(Motion as amended agreed to)

• (1740)

Mr. Jack Harris: Can we adjourn?

The Chair: I was just going to do that. But I would like to thank the good folks who have spent all day and part of this evening here. We appreciate it. The interpreters have done a great job today. I'd also thank the staff at this table.

The meeting is adjourned.

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