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—
Chair

Mr. Art Hanger

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• (0905)

[English]

The Chair (Mr. Art Hanger (Calgary Northeast, CPC)): I call to order the Standing Committee on Justice and Human Rights.

It being Tuesday, April 24, 2007, our agenda, as noted, is a review of the estimates 2007-08, under Justice, referred to this committee on February 27, 2007.

Appearing before the committee is the Honourable Rob Nicholson, Minister of Justice. We appreciate the time the minister has set aside for the estimates today. He will be with us for two hours.

From the justice department we have Mr. John Sims, Deputy Minister and Deputy Attorney General, and from the Office of the Director of Public Prosecutions, Mr. Brian Saunders, Acting Director of Public Prosecutions.

Thank you, Minister. The floor is yours.

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

I'm pleased to be back in front of you.

I'm pleased to see Mr. Rick Dykstra, one of my colleagues from the Niagara Peninsula and now a member of this committee. It's nice to see him here. I know of his dedication to justice issues, and I appreciate that.

Mr. Chairman, I've learned over the years that any time you get up to speak, if you're going to start recognizing people in a crowd, then you should have the names written down in advance so that you don't miss anyone. I missed someone yesterday. I was at the National Victims of Crime Awareness Week symposium in Ottawa, and when I got up to introduce the first federal ombudsman for victims of crime, I recognized my colleagues Stockwell Day, Dean Allison, and Laurie Hawn. I didn't see Ms. Jennings in the audience, and I apologize to her for that.

I actually noticed you, Ms. Jennings, as I was walking off the podium, when I saw you in the second or third row. That's not something I would do; I would certainly acknowledge all my colleagues in the House of Commons. In future, I'll revert to my usual procedure, which is to write down the names of the people I'm going to acknowledge—or not do it at all.

In any case, I'm glad to see you here, and I'm glad you were at the meeting yesterday.

[Translation]

It is a pleasure for me to meet with the members of the Standing Committee on Justice and Human Rights to discuss the main estimates for the Department of Justice.

[English]

And I'm pleased to have my colleagues joining me here today—and you have introduced them, Mr. Chairman.

You would know, Mr. Chairman, as well that not only am I Minister of Justice and Attorney General, but my portfolio also includes the Canadian Human Rights Commission and the Supreme Court of Canada.

The Minister of Justice, of course, is also responsible for the Office of the Director of Public Prosecutions, created last December by the Federal Accountability Act to enshrine in legislation the notion of prosecutorial independence.

I'll speak more about that in a moment, but first of all, I want to say that the work of the Department of Justice focuses on ensuring that Canada is a just and law-abiding society, with an accessible, efficient, and fair system of justice, providing high-quality legal services and counsel to the government and to client departments and agencies, and promoting respect for the rule of law.

Within this broad context, the department has a specific priority to develop legislation and policy that address crime more effectively and increase the confidence of Canadians in the judicial system. Ultimately this will promote safer communities for all Canadians and have a very real impact on their lives.

Mr. Chairman, I am pleased with the progress that our government has made on the priorities of Canadians, particularly in the realm of tackling crime. My predecessor, Minister Toews, was placed in charge of an ambitious legislative agenda. I have now taken on the challenge of that agenda and will continue to work diligently to guide the legislation through the House and of course will work with this committee.

One overarching priority has guided our government's work over the past 14 months, and that is safer communities for all Canadians. Part of that priority is tackling crime. From the beginning of our mandate, we have been committed to stronger laws that deal with gangs, guns, and drugs; ensuring serious consequences for serious crimes; and ensuring that our communities are safe from crime. That commitment has not wavered.

We also believe that Canada's justice system must adapt to the needs of the 21st century so that it can remain in step with changes in technology and an increasingly sophisticated population. In these endeavours, I've been working closely with my colleague, the Minister of Public Safety, Stockwell Day, to deliver on that promise to tackle crime.

We have introduced legislation on a number of fronts. For example, Bill C-35 proposes to shift the onus to the person accused of serious gun crimes to explain why they should not be denied bail. And Bill C-18 intends to strengthen our national DNA data bank and help our police forces identify the guilty and exonerate the innocent.

I am pleased to say that with the support of all parties in the House we brought into force Bill C-19, which creates new offences that target street racing specifically. These new offences recognize street racing for what it is, a reckless and dangerous act that too often kills. With our new legislation, people who treat our public streets as race tracks will be dealt with more seriously.

We also passed legislation, introduced by my colleague, the Minister of Finance, the Honourable Jim Flaherty, to strengthen the Proceeds of Crime (Money Laundering) and Terrorist Financing Act. These changes will help ensure that Canada continues to be a global leader in combatting organized crime and terrorist financing.

We are also committed to better meet the needs of victims of crime in areas where the federal government is responsible. Our government has listened and responded to victims of crime, giving them the respect they deserve. We have established the Office of the Federal Ombudsman for Victims of Crime. Just yesterday, I was pleased to name Steve Sullivan as the first federal ombudsman. This office will be an independent resource for victims who have concerns about areas for which the federal government is responsible, including the federal correction system. Mr. Sullivan will work at arm's length from the government so that victims will be more confident that their views are being heard.

● (0910)

We also recently provided \$52 million in funding over the next four years to boost programs, services, and funding for victims of crime, including: enhancing financial assistance to victims to travel to sentencing hearings to deliver victim impact statements, as well as to National Parole Board hearings; increasing funding for services in the north, where rates of victimization are much higher than in the rest of Canada; and providing limited emergency financial assistance for Canadians who become victims of serious violent crimes while abroad.

However, Mr. Chairman, the government also recognizes that it is equally important to prevent criminal behaviour before it has a chance to take root. We are addressing the root causes of crime by supporting community programs with effective social programs and sound economic policies.

In support of these goals, Budget 2007 commits \$64 million over the next two years to create a national anti-drug strategy. This investment builds on ongoing annual funding for current programs and initiatives. This government is determined to sever these links by implementing a coherent, comprehensive national strategy against drugs. Although some details of the strategy remain to be worked

out, I can say that it will focus on preventing drug use, treating drug addiction, and combatting drug production and distribution. Together, these three action plans will form an integrated, focused, and balanced approach to reducing the supply and demand for illicit drugs as well as the crime associated with them, leading to healthier individuals and safer communities. The strategy will address all illegal drugs, including marijuana, and will include a national awareness campaign aimed at young people.

To succeed over the long term, I believe we must educate young people about the real risks associated with drug use, such as the dangers to mental and physical health, potential legal consequences, and impacts on career and travel options. It will also spur communities into action and engage local leaders in preventing the harm caused by illegal drugs.

Our government is also providing \$20 million over two years to support community-based programs that provide youth at risk with positive opportunities and help them make good choices. And we will continue to work with the provinces, municipalities, police, and community leaders in areas threatened by gun and gang violence to support programs that reach out to young people.

We've also continued the drug treatment court program, which is an important initiative of the Department of Justice. In conjunction with Health Canada, my department has been instrumental in expanding the concept of drug treatment courts beyond the initial pilot program in Toronto to several communities across Canada. Our government supports the use of drug treatment courts because they help reduce criminal behaviour and drug use while holding offenders accountable for their actions.

We've also made changes to improve and strengthen the justice system. Last November, my predecessor implemented changes to the judicial advisory committees. These changes have broadened the base of stakeholders who will contribute to their discussion and assessment of competence and excellence required for federally appointed judges.

More specifically, we've included members of the law enforcement community, a community no less implicated in the administration of justice than lawyers and judges. These new members contribute another perspective on the competent and qualified individuals recommended to me for appointment to the bench. And we have moved expeditiously to fill vacancies in federal and provincial courts. To date, we have appointed 84 federal judges. I think this is an impressive record, given that the coming into force of Bill C-17 on December 14, 2006, provided federally appointed judges with new options for electing supernumerary status, which created even more vacancies. However, I must emphasize that we will not sacrifice the quality of our appointments in the interest of speed. These appointments will continue to be based on merit and legal excellence.

Additionally, in the interests of accountability we have created the Office of the Director of Public Prosecutions and have now begun the process of selecting a permanent director. Candidates will be assessed by a committee, with representation from each political party, the senior public service, and the legal profession. As Attorney General, I will make a choice from among three candidates, and that choice will be referred for approval to a committee of Parliament.

• (0915)

By establishing this office as an entity separate from the Department of Justice, our government has it made absolutely clear that criminal prosecutions are independent from political influence.

At this point, I must clear up two misconceptions.

First of all, this action does not suggest that the government believes federal prosecutors were unduly influenced in the past. As my predecessor Minister Toews has said:

We are not here to correct a problem that has already occurred; we are here to prevent problems from arising in the future.

Second, it's simply incorrect to state, as has been reported, that creating this office has cost the taxpayers an additional \$98 million. The truth is this figure represents the budget of the former Federal Prosecution Service, which was a division of the Department of Justice. After the transfer, the budget for the department decreased.

The key driver in creating this office is to be as cost neutral as possible. It is in fact an investment that will benefit Canadians and increase their confidence in the justice system.

[Translation]

Mr. Chairman, although our government has been making great strides in improving our justice system, there is still a great deal left to accomplish.

[English]

There are still nine bills in Parliament for which I am responsible as Minister of Justice and which I am committed to bringing into force.

We introduced Bill C-9 to restrict the use of conditional sentences to ensure that people who commit serious crimes will serve their time behind bars, not in the community.

We introduced Bill C-10 to impose escalating mandatory minimum penalties for serious gun-related crimes. This legislation

outlines clear consequences for gun crimes: prison sentences that are in keeping with the gravity of the offence.

As I mentioned, Bill C-10 seeks to increase the minimum penalty for gun crimes. This matter will soon be discussed in Parliament, and I hope that bill will be restored to the way it was prior to being amended.

Our legislative priorities also include Bill C-27, which will ensure tougher sentences and more effective management of dangerous offenders, including imposing stricter conditions on repeat offenders to keep such criminals from offending again. Bill C-27 responds to concerns that repeat and violent sexual predators are not being properly sentenced or managed once released into the community by strengthening the dangerous offender provisions and sections 810.1 and 810.2, the peace bond provisions, of the Criminal Code. No one will be automatically designated a dangerous offender upon third conviction, and that's another misconception, Mr. Chairman, that I would like to clear up. Crown prosecutors may or may not elect to seek dangerous offender status. In those cases where the Crown elects to proceed, the offender will be given the opportunity to explain why they should not be designated as dangerous, and judges will determine whether the offender should be designated as a dangerous offender.

We are also working to strengthen the laws against alcohol-impaired and drug-impaired driving. Bill C-32 will ensure that drug-impaired drivers face similar testing to that which drunk drivers now face. It will give police better tools to detect and investigate drug- and alcohol-impaired driving, and it will increase penalties.

Bill C-22, which this committee recently considered and supported, will better protect youth against adult sexual predators, including against such predators on the Internet, by raising the age of sexual consent from 14 years to 16 years. I believe there is a broad consensus among Canadians that raising the age of protection is the right thing to do. We know it is strongly supported by many who work with youth or advocate on their behalf. I know there's a great deal of support across different levels of government, and indeed across the political spectrum.

This law would also bring Canada in line with many other developed countries throughout the world. It's time to get serious in dealing with the crimes of adult sexual predators and it's time to take a realistic and respectful approach to protecting our young people.

Beyond the legislative agenda is our role as the lead department on the national anti-drug strategy, as announced in Budget 2007. The Department of Justice has traditionally had a role in supporting the development of drug policy, and until recently played an integral part in the prosecution of drug offences. It also has responsibility for the youth justice policy development, including the Youth Criminal Justice Act.

As mentioned previously, along with preventing illicit drug use and treating dependency, this strategy will also crack down on gangs and combat illicit drug production such as grow-ops and methamphetamine labs.

I will work hard to ensure that the government's tackling crime agenda progresses through Parliament in my role as justice minister and Attorney General, so that we can all enjoy safer streets and more secure communities.

Mr. Chairman, our government has done more than just promise to improve Canada's system of justice to create safer communities; we have backed it up with financial resources. I am pleased to note that Budget 2007 reflects the government's commitment to building safer communities and creating a better Canada. We are cooperating on a number of initiatives.

• (0920)

On the new national drug strategy, which I have mentioned, we are committed to \$64 million over the next two years to refocus current efforts on combatting illicit drug use and manufacturing, as well as prevention and treatment.

We renewed the aboriginal justice strategy with funding of \$14.5 million over two years. This will significantly increase the number of aboriginal communities and people that have access to community justice programs. Under the strategy, aboriginal communities will take greater responsibility for the administration of justice, leading to a further reduction in crime and positive impacts at the community level.

We have allocated an additional \$6 million per year to strengthen current activities on combatting the sexual exploitation and trafficking of children and to ensure that those who commit these heinous crimes are brought to justice.

In addition, for the first time in more than 10 years, the provinces and territories will have stable and predictable funding for criminal legal aid. This approach will permit jurisdictions to develop long-term strategies to support the delivery of criminal legal aid.

Budget 2007 takes important steps to prevent crime, as well as the precursors of crime, and to ensure that our corrections, intelligence, and security systems are strong.

Finally, the government recently received the House of Commons subcommittee and special Senate committee reports on the review of the Anti-terrorism Act. I would like to take this opportunity to thank the members of both committees for their excellent work in tackling the numerous issues they were confronted with in the course of their review.

Both committees addressed issues of great concern to the government, and we will consider these recommendations very carefully.

• (0925)

[Translation]

In closing, Mr. Chairman, I wish to thank you and your committee members for your important work. It is an honour for me to take part in this process as Canada's Minister of Justice.

[English]

However, I am acutely aware that improving Canada's system of justice is a collaborative effort. Our system is a shared responsibility with the provinces and territories, and our many programs and initiatives require collaboration with our provincial and territorial partners as well as municipalities and other government departments. Together we will continue to work to ensure that Canada's system of justice contributes to the safety and security and well-being of Canadians.

Thank you for this opportunity. I look forward to any questions or comments you may have.

The Chair: Thank you, Minister.

That was a fairly lengthy report, actually.

I, for one, am very pleased to hear of Mr. Steve Sullivan's appointment as the ombudsman. I think that was a good pick, and I know many of the members on this committee have had contact with Mr. Sullivan over the years.

Questions?

Ms. Jennings.

[Translation]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Thank you very much for your explanation as to what happened yesterday morning. I appreciate that, Minister.

I have a few questions. In terms of youth justice, page 15 of the Report on Plans and Priorities indicates that your department will develop options to strengthen the Youth Criminal Justice Act. I would like to know first off what the term "strengthen" means. This is new legislation. I think it has been in effect for only three years. Generally, if you are preparing legislative reform options for new legislation, it is because you've noted some shortcomings, aspects which could, in your view, stand to be improved. What weaknesses do you see in the YCJA that need to be remedied? Is the number of crimes being committed by young people on the rise in Canada? If so, by how much, and what types of crimes are being committed? Violent crimes, property crimes, etc.?

My second set of questions has to do with access to justice. We have set up a legal aid system, as have the provinces, to help Canadians who do not have the means to be represented before the courts, criminal courts but also civil and administrative tribunals. We know that there is an increasing number of unrepresented accused and litigants in our courts.

Statements in the Report on Plans and Priorities seem contradictory. On page 33 we see the contributions respecting legal aid total \$44.5 million in 2006-2007 whereas page 36 of the report indicates that the contribution to the provinces to assist in the operation of legal aid systems will decrease by \$30 million in 2006-2007. Moreover, page 37 indicates that \$40 million will be spent in 2007-2008. Can you clarify how much the federal government will spend on legal aid in 2007-2008, including transfers or contributions to the provinces for the operation of their legal aid system? Is this an increase or a decrease over previous years? Thank you.

• (0930)

[English]

Hon. Rob Nicholson: You had a lot there, Madam Jennings.

Hon. Marlene Jennings: You know the rules. You've been on committees before, Minister. If you can't answer all of them, you forward the answers in writing to the members through the chair.

Hon. Rob Nicholson: I would be glad to do that, for sure.

Hon. Marlene Jennings: I'm sure you would.

Hon. Rob Nicholson: You started off by talking about the youth criminal justice system, and in particular you made references to the Youth Criminal Justice Act.

First of all, I'm not sure if in my appearances before this committee I've had much of an opportunity to talk about that. I, for one, believe in a separate law and a separate regime for dealing with young people. I think we have a greater opportunity to change the direction of a young person's life if we get at the problems that are causing that individual to commit crimes and give that individual the support and treatment he or she needs. So I have been a supporter of the various incarnations of laws that have come forward that deal specifically with young people.

That being said, we indicated to Canadians in the last general election that we would bring about changes to the Youth Criminal Justice Act. I can tell you that in the short period of time that I have been Minister of Justice, one of the areas most often raised with me by either my provincial counterparts or individuals involved with the criminal justice system is this particular piece of legislation. I think it can and should be improved, and we are committed to doing that. We will introduce legislation in that regard.

As a political party, in the last election we indicated that we believe that deterrence and denunciation should be included in the principles when it comes to sentencing a young person. We are having a look as well at the penalty sections for youth who commit serious or violent or repeat offences. So we're looking at that, and I will bring that legislation forward in due course.

We have a very busy legislative agenda, as you know, and I'd like to see progress made on the legislation we have.

You talked as well about legal aid, and you—

Hon. Marlene Jennings: Just one moment. Before you go to legal aid, could you answer my final question about the youth justice system, which was whether the rate of crime or the number of crimes being committed by youth in Canada is on the rise, and if so, to what extent? Are they violent crimes? Are they crimes against property, and so on? Where are the increases, if there are increases?

Thank you.

Hon. Rob Nicholson: I don't have the statistics with me, Madam Jennings, but I will forward those to the committee.

As you indicated in your opening comments to me, we will carefully look at all the questions or issues that are raised. I appreciate that two hours is somewhat confining for all the different issues that involve the criminal justice system. So if there are any of these we don't get to or any that need further elaboration, I would certainly be pleased to pass that on.

One of the items you talked about was the subject of legal aid. And you quite correctly pointed out, on three different occasions, various or different amounts. It's the way the accounting is done in this city. Between the supplementary estimates, between the estimates and the priorities and planning of the government, it can be somewhat confusing to anyone, having had a look at it. But I can assure you that our funding for legal aid has not decreased. Rather than doing what was done in the past, when there was base funding and then supplemental funding, we have turned it all into what is known as base stable funding that the provinces can count on.

I think I've covered the areas pretty well, and I'm sure you'll remind me.

• (0935)

Hon. Marlene Jennings: I'd like to know the actual amount for legal aid for 2007-08, including the transfers to the provinces for their systems, and whether this is an increase or a decrease from previous years—specific amounts, please.

Hon. Rob Nicholson: The amount is \$560 million over the next five years for criminal legal aid, and for non-criminal legal aid it's \$57 million over the next five years. Those are increased amounts.

The Chair: Mr. Ménard.

[Translation]

Mr. Réal Ménard (Hochelaga, BQ): Welcome, Mr. Minister. I would be remiss not to express my disappointment regarding the appointment of Mr. Sullivan, who is undoubtedly a competent individual, but this is the second time your government has appointed unilingual anglophones to important positions. I am putting the committee on notice that I will be introducing a motion to that effect. Mr. Rothstein, who has been appointed to the Supreme Court, does not speak French, nor do several ministers. Unilingual anglophones continue to be appointed to these positions, and I consider that shameful. I cannot understand that others do not share my concerns.

That said, it is not what I wanted to discuss with you today.

First off, there is some information I would like you to send us in writing. I am not expecting a verbal response from you, because these are rather technical matters, but I would like you to explain in writing the following: \$12,274 was granted to the Canadian Association of Chiefs of Police for the Law Amendments Committee; the grant in support of the Child-centred Family Justice Fund and the grant in support of the Youth Justice Fund. Tell us in writing what these initiatives are meant to accomplish, how much will be granted per province and who will be using these funds.

Second, when we look at the department's overall operations, it is surprising to note a rather sharp increase in spending of \$320 million. Perhaps that is good news if it amounts to additional services for people. I understand that out of these \$320 million, approximately \$100 million will be going to the Office of the Director of Public Prosecutions. When your predecessor, who was also a unilingual anglophone, announced the establishment of an Office of the Director of Public Prosecutions, there were some concerns. Some people wondered what the office's purpose would be given that all of the Criminal Code offences are under provincial jurisdiction while the federal government is responsible for specific legislation. Some wondered what the connection would be between the office you hold, as Attorney General of Canada, ultimately responsible for prosecutions, and that of the new director of public prosecutions. Please provide us with as many details as you can to explain how this money will be used. Aside from the appointment of the director—and we hope the position will be filled by a bilingual person—in what way will this tangibly serve the administration of justice?

Here is my second question. Some organizations are concerned. I know that you are very interested in a national drug strategy. I myself sat on the special committee which was created, on one of your former colleague's initiative, to address the non-medicinal use of drugs. Apparently, 73% of the \$245 million earmarked for this strategy will be used for law enforcement purposes. Do you get the sense that this is a trend we should correct, so as to increasingly invest in prevention?

In summary, tell us about the director of public prosecutions and the national drug strategy.

[English]

Hon. Rob Nicholson: Thank you very much, Mr. Ménard.

[Translation]

I do not speak French very well yet, but I do understand.

[English]

I appreciate the importance of providing services in both official languages. Mr. Sullivan is committed to proficiency in the French language, and my understanding is that he will have the resources to improve. I can't analyze how much he speaks or understands, but he and I shared some comments yesterday at the symposium attended by Madam Jennings and a number of us. One individual spoke entirely in French, and he and I compared notes to make sure we understood what was being said. He is committed to that proficiency, and I take note of the comments you've made.

You asked about the youth justice services program. This is an ongoing program that has been around since 1984. It's been under

various names, which actually might lead to a bit of confusion if you're looking at the estimates and trying to compare last year with this year. Because the previous program expired on March 31 this year, we entered into a number of consultations with the provinces in Ontario to come up with a new agreement. The new agreement will cover the five-year period from April 1 of last year to 2010 at a cost of \$177.3 million. We believe that working with the provinces to assist youth is an excellent expenditure of funds.

As to the Director of Public Prosecutions, one of the things I wanted to make clear in my opening comments is that we didn't set up the Office of the Director of Public Prosecutions because we believed there was a problem at the present time with criminal prosecutions in this country. We believe it's in the overall best interests of the administration of justice, with respect to the Criminal Code and related statutes, to have an independent office that would operate at arm's length but still be responsible to the Minister of Justice. The Minister of Justice, as you quite correctly pointed out, would ultimately be responsible for that appointment.

You may be aware that we will involve members of all political parties in having input on who that individual will be. I think it's an idea whose time has come, and I'm pleased that Mr. Brian Saunders, who is with me now, is the Acting Director of Public Prosecutions.

Since you've concluded your remarks, comments, and questions on that, I'll invite him to make any comments he likes. That might give you further edification.

● (0940)

[Translation]

Mr. Brian Saunders (Acting Director of Public Prosecutions, Office of the Director of Public Prosecutions): I believe you asked a question regarding the expenses and activities of the Director of Public Prosecutions. In the Report on Plans and Priorities four commitments are set out. These are four areas of activity for which Department of Justice funds were transferred to us. The first activity involves the prosecution of drug, organized crime and Criminal Code offences. As you may know, in the north and in the territories, our office is responsible for prosecutions. Ninety-nine million dollars were earmarked for 2007-2008.

The second major area of activity for our office will be the prosecution of federal offences to protect the environment, national resources, economic and social health. Nineteen million dollars are allocated to that end for 2007-2008. These will be prosecutions pursuant to federal legislation like the Fisheries Act, for instance.

The third area of activity is to contribute to a safer world for Canada. It will involve prosecution of offences related to terrorism or pursuant to the Proceeds of Crime (Money Laundering) Terrorist Financing Act. That would be \$5 million.

The last activity is the promotion of a fair and effective justice system. Only \$1 million has been allocated to this area, but this amount is to be used, among other things, to retain the services of counsel working in collaboration with police officers from the Canadian Police College. It is to support police officer training, to enable them to conduct investigations which are consistent with the law.

• (0945)

Mr. Réal Ménard: You did not answer the question regarding the strategy. Seventy-three per cent of the \$245-million budget goes to organizations responsible for law enforcement. That is of concern to some groups. I know that you are very concerned about drugs and that people in your office are working very hard on this.

How do you react to the statement that 73% of the budget goes to law enforcement organizations, not to prevention activities? Would you like to change that?

[English]

Hon. Rob Nicholson: Monsieur Ménard, you may have inadvertently indicated that the main estimates show an increase of \$320,000; in fact that is a decrease. If you're asking me in general about the split between law enforcement agencies and other programs to prevent, there's always a balance that we try to strike to ensure that law enforcement individuals—in our case the RCMP—have the resources they need, and that the Director of Public Prosecutions has the resources he needs in the prosecution of the offences for which he is responsible.

Again, we support programs and initiatives that try to prevent crime or work with individuals. The aboriginal justice strategy is a case in point. The reports I have received on that show it has worked very well in reducing recidivism and getting people involved with individuals who have run afoul of the law. It seems to me that's a good example of where money and funds are being expended to assist individuals. Not just me, but the provincial attorneys general across this country have to strike that balance. I believe we generally get it right and we're on the right track.

Thank you for your comments.

The Chair: Thank you, Monsieur Ménard.

Mr. Comartin.

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

Thank you, Mr. Minister, Mr. Sims, and Mr. Saunders for being here. The chair and I have had various discussions about how we handle estimates. I know we both share a common concern that we just don't have the resources to properly assess, not just your department, Mr. Minister, but any other department when we sit on committees where we're responsible for the estimates.

Has your department and your government looked at any way of improving the way we as committee members and members of Parliament handle the estimates so there's a more effective, meaningful review?

Hon. Rob Nicholson: As I was saying to Madam Jennings a few minutes ago, I can understand how it might be very difficult to go through—

Mr. Joe Comartin: It's not difficult; it's impossible. Mr. Minister, we have both looked at the financial statements of small and large corporations and agencies in our professional careers. But as an individual member of Parliament, when I'm supposed to do an analysis of this in some kind of meaningful way, with limited staff and resources, it is impossible. Provincial levels of government do a

much more meaningful review of estimates than we do at the federal level.

Is the government looking at any way of improving our ability as individual members of Parliament, both in government and on the opposition side, to deal with these?

Hon. Rob Nicholson: Mr. Sims has indicated to me that over the last five or six years he believes there have been some improvements in the presentation of these reports. The Auditor General herself has flagged this on a number of occasions.

It's a complicated business, and the Government of Canada has huge responsibilities and is involved in many, many areas of public life in this country.

I indicated to one of your colleagues here today that if anything in particular is a problem, we would be pleased to provide you with that information. We would get any details you want.

Is there a better way to do it? I'm not quite sure what that better way would be. I'm certainly open to pass on any suggestions you might have.

I think part of the complicated process is the whole question of supplementary estimates, which you get in two parts. In my preparation for coming before you today, I had to look at it very carefully. I had to ask a lot of questions as to where the money is in terms of a number of programs I know we announced, and those are part of estimates.

So I can see that anybody would find this very, very difficult. What I can say to you is, if there are any areas or a lot of areas you would like to have further information on so you can do your job—I appreciate the job you do. This is a job that is as old as the parliamentary system itself, going back hundreds of years—the scrutiny by members of Parliament of the funds necessary to run the government.

So I appreciate that it is complicated. I can appreciate that it can be very confusing. But I can say to you that we will certainly do our very best to accommodate any questions you have. I take note of your comments in the overall context, because, as I say, it is not easy for me, and I have responsibility for the department to make sure that all the funding is properly there.

• (0950)

Mr. Joe Comartin: Let me go into a few specifics. In terms of the Director of Public Prosecutions, you indicated the budget now showing on the line item is \$96 million or \$98 million a year. But you said you wanted it to be cost neutral. Is it?

Let me put that in the context of where I want to challenge you, Mr. Minister. That director is not an independent office. In terms of its reporting function, its appointment, who can determine which prosecutions? All that's reserved to the AG.

But you also have not been able to identify any need for this. You're anticipating, which I suppose being a strong proponent of prevention I can anticipate, but how much is it costing us for a need that has not been established?

Hon. Rob Nicholson: I indicated to you, or it has been indicated to you before, that we're making every effort to make sure it is cost neutral as close as possible. Obviously, there are costs associated with setting up any new office or regime.

That being said, you asked with respect to the need for this. The AG, as you correctly pointed out, is not completely divorced from this in terms of the individual; there are still rights and responsibilities reserved to the Attorney General.

But I am of the opinion that it is a step in the right direction. Again, you quite correctly pointed out we are doing this for preventative purposes. I think that's legitimate. I am careful to suggest that previous attorneys general did not abuse the responsibility that was given to them, but to the extent that we move these decisions and put some distance between the Attorney General and the Director of Public Prosecutions, I think it's a good move.

Mr. Saunders, do you have any comments on that as well?

Mr. Joe Comartin: Has there been an analysis of the additional cost just for the creation of the department—that interim phase—and then on an ongoing basis, do we not know how much more it's going to cost versus if we had just left it alone?

Mr. Brian Saunders: We set out some of those additional costs in the plans and priorities. You'll see on page 21 that we have, under the heading "Adjustments", an indication that under the federal accountability action plan there were permanent transition costs of \$7.8 million a year, and those would be ongoing. They are to cover the costs of establishing a corporate services within the office of the department's director.

There is a one-time transition cost of \$15 million spread over two years, \$10 million this year and \$5 million in 2008-09, and that's to cover the cost of relocating headquarters, involving some infrastructure and other costs associated with setting up the new department.

With respect to those costs I have just mentioned, we have to go to a Treasury Board submission to access those moneys back in the supplementary estimates.

• (0955)

Mr. Joe Comartin: We'll watch for them then.

In terms of the \$20 million for the community-based preventative programs, that's \$10 million over two years. Last year, your predecessor—and I have to say, I'm not sure whether the answer came from him or from Mr. Day—said that at that point they still had not determined how the initial \$10 million for the 2005-06 period was going to be spent.

Has any of this money in fact been spent in the first year, and is it scheduled to be spent in the second year, for the second \$20 million?

Hon. Rob Nicholson: I'm sorry, Mr. Comartin, are you talking about the youth-based programs?

Mr. Joe Comartin: You used the term "community-based". This was money that was specifically designated to go to agencies that were doing community-based preventative work. It was one of your campaign promises in the—

Hon. Rob Nicholson: It's part of our youth justice initiative, and I indicated to you that the agreements on that are stable funding. I think I gave the amount to Madam Jennings of \$177.3 million over the five years, beginning with last year. It has come under different names, but these programs, working with provincial attorneys general, are in place right now and they will continue.

Do you have any further comment on that, Mr. Sims?

Mr. Joe Comartin: I think we're talking, Mr. Minister, of two different funds. At least, in the estimates last year, this was broken out as a separate figure.

Hon. Rob Nicholson: I think we'll be able to give you a few more details, Mr. Comartin. One of our individuals is coming to the table right now and should be able to cast a little more light on this.

Mr. Joe Comartin: Being conscious of the time, can I jump quickly to the law commission?

Hon. Rob Nicholson: Yes, by all means, go ahead, and we'll come back to that.

Mr. Joe Comartin: I thought it was kind of an interesting report, with the assumption being in the written report that they were going to continue to be funded, which of course didn't happen.

Has your department done anything to replace the research and work that the law commission was doing, and if so, have you done any funding of that, and to what degree?

Hon. Rob Nicholson: As you know, Mr. Comartin, the decision to cease funding to the law commission took place last year. We have no plans to reinstitute the law commission, just so you know.

The Department of Justice continues, obviously, its own internal research with respect to criminal justice issues. I can tell you that I know that research goes on across this country, certainly at law schools and by individuals connected with the system at the provincial level, but we have no specific program that I'm either announcing now or have intentions to announce to have some sort of outside research.

We analyze very carefully, obviously, the issues that are before us. I'm provided with excellent advice by the Department of Justice that's well researched, comprehensive, and works very well in terms of the responsibilities we have.

Mr. Joe Comartin: You're only human, Mr. Minister, and we don't have enough of them to take on that responsibility.

I have just one last question, on the children's ombudsman. How did you determine the amount of \$1.5 million, for instance? Did you look at Ontario's ombudsman and see what their budget was?

I have been critical, as you know, that it's nowhere near adequate for the responsibility that the person will have to carry for the whole of this country, and I share Mr. Ménard's concern over him not being bilingual.

Hon. Rob Nicholson: Thank you very much for that comment.

The budget we have put in place for that individual comes from our own analysis, and we had a look at what we think this individual will need, the resources, if the budget allows him or her—in this case, him—to hire eight individuals to get the office going. It seems to me that we have to start somewhere, and it seems to me that what we have proposed for that individual and their office is a reasonable budget.

You said \$1.5 million isn't going to do the job. Obviously, first of all, I think it will, and I will watch it very carefully to make sure that individual has the resources and is able to do the job. I say let's give it some time. We can revisit these things, and I'd be the first one, if the individual said we can't get the job done with the budget that has been presented—I would certainly have a look at that. But I fully expect that individual will be able to get the job done.

As well, I want that individual to be very focused on the mandate he has, that his job is the issues that concern victims in this country. I don't want an expansion into a lot of different areas; it has to be focused on that. I'm sure you share with me the concern for victims in this country, and I've always liked the idea of having one person who has complete responsibility in that area, because for too long we have not done enough for victims who get caught up in the system. When things go wrong or there are emerging issues, I want to have one individual and one office.

I believe the resources are there, and the additional resources, as you would know, go to the victims fund. I was very pleased to see that expanded, and funds go into that program, because that helps the victims directly: the individuals who want to attend parole hearings or need support to get to a parole hearing, the Canadian who becomes a victim of crime overseas and for whatever reason can't afford—or can't get home and needs assistance.

These are major improvements. So in terms of the balance between the administration office of the federal ombudsman and the victims fund, I wanted to see as much money as possible in the victims fund and a lesser amount, of course, on the bureaucracy. Again, I will watch them both very carefully, and I appreciate your comments on that.

• (1000)

The Chair: Minister, I know that Mr. Comartin's question on the \$20 million has not been answered at this point in time. If you can quickly respond to him, I'm going to move on to the next questioner. Time is moving on.

Hon. Rob Nicholson: Can I?

The Chair: Please do. Yes.

Hon. Rob Nicholson: Okay.

The \$10 million that you referred to is part of—

A voice: It's over two years.

Hon. Rob Nicholson: It's over two years, Mr. Chairman. It's \$10 million each year, and in fact it has been spent. These measures were specifically put in place to address questions of violence, gang, and gun involvement.

My colleague Stockwell Day, as you know, has made a number of announcements on this, to have a fund available to, among other things, reduce gang-related violence and gang participation. So the money is being spent, and it's being spent over a period of two years —

Mr. Joe Comartin: Whose budget?

Hon. Rob Nicholson: It's our budget; our budget has it.

Mr. Joe Comartin: Can we have the details of those? Is that—

Hon. Rob Nicholson: No problem at all. I think we can provide that for you.

Mr. Joe Comartin: If you could pass that to the committee... thank you.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Comartin.

Mr. Thompson.

Mr. Myron Thompson (Wild Rose, CPC): Thank you very much. Thank you, Minister, for being here.

I want to say right off the bat that your comments in the beginning certainly rang a lot of bells with me. The age of consent bill, which is close to becoming a reality, is something the chairman and I—we've been here for 14 years—have both put in as a private member's bill. Since 1995, I believe, we started this. It's good to see this coming to a conclusion. I thank you for your emphasis on the importance of that.

Also, I'm with you in highly hoping that Bill C-10 will get some restoration of some sort. I know that during the election campaign in January I felt that this was the right way to go. I based that on a lot of the debates I had with my Liberal and NDP friends during the campaign, that it seemed that was exactly where everybody wanted to go. I didn't have any Bloc opposition in my riding, but the Green Party was there and they were quite excited about the direction that Bill C-10 was taking, that type of legislation. So I'm with you on that.

I want to congratulate you on your appointment, Mr. Sullivan, as the ombudsman. I've known Mr. Sullivan a long time. I realize that he's not bilingual, but I know that he has the heart and the soul for the job. I think that's really key. It'll overcome any barriers that may create a bit of a problem in terms of language. But knowing the man as well as I do, I'm very confident that it was an excellent choice, and I'm looking forward to continuing to work with him.

I'm going to go back to one scenario, and maybe you can give me some idea of how an ombudsman would be effective in the case. This is going back to when I was first elected. The very first group of victims I worked with was a family whose five-year-old daughter was kidnapped out of the backyard and later found in a dumpster murdered. And she had been raped. The perpetrator was found, arrested, and charged. During that period of time he received legal aid. He also had access to psychologists and later on had a 30-day stay in an institution under the care of a psychiatrist. There were all kinds of services for the offender in this crime. In the meantime, when I visited the family—the siblings and the parents—I never saw a more devastated group of people. They had no access to psychologists, no professional medical help whatsoever, no access to any psychiatrist, and I believe that one of the parents could have probably used it. It had a devastating effect on them, and yet there seemed to be no assistance.

I immediately began my conversations with the then Justice Minister Allan Rock, indicating that we needed something in place for victims that they could turn to. I feel that today, with the announcement of Steve Sullivan, that has now been really strengthened to the degree that I think it should be.

I would like for you to expand a little on the powers and the authority of the ombudsman, what we can expect, to a little greater extent, if you don't mind. Also, you could comment on one section that I think has always had a major impact on victims, and that is the faint hope clause. When one of these perpetrators gets out in 15 years, after being sentenced to 25 years to life, it has a devastating impact on victims. Is there any hope of eliminating section 745? That is another private member's bill I've got in place, if I ever get my name drawn.

I think what you have done has indicated a very strong care and concern for victims, and I appreciate that, and I know you've made the right choice with Steve Sullivan and that he will overcome the barriers that Mr. Ménard and Mr. Comartin have indicated.

I'll just let you comment on what I've said.

•(1005)

Hon. Rob Nicholson: Thank you very much, Mr. Thompson. You've certainly covered a fairly wide range of interests and concerns in the justice system.

You started off by talking about the age of consent, and I'm pleased that you did. I know of your support and the general support in Parliament for that particular legislation. In my opinion, it addresses a problem that has long been overdue for a solution. The idea that in this country a 40-year-old adult can have sex with a 14-year-old youth and claim there was consent is plain wrong. For those individuals who like to prey on young children, we need to update the law. It's part of the challenge that we as legislators have as we continuously look at these laws and make sure they are updated.

You talked as well about Bill C-10, the bill that would provide mandatory minimum sentences for individuals who commit serious gun crimes. Of course, we in the government are very supportive of it, and the bill was quite extensively amended at the committee. I would certainly like to see it restored, because, in my opinion, what we are suggesting is very reasonable. An individual who commits a

serious crime with a gun should be subject to a mandatory minimum sentence of five years.

I think it is reasonable. I can tell you that in my discussions with Canadians, and I'm sure you heard the same thing in the last election, Canadians think this is reasonable. It quite frankly sends out the right message to everyone involved that society takes a very dim view of this type of crime.

I thank you for your support of that particular piece of legislation.

You talked as well in your comments about the federal ombudsman for victims. I congratulate you and your like-minded colleagues who have made the rights and the concerns of victims a priority in your political career.

There has been progress on victim impact statements, even in my lifetime or in my career as a lawyer. I believed then and I believe today that these were steps in the right direction. There was work going on at the provincial level, of course. There's a huge responsibility with respect to the administration of justice, and they are working with victims. But I believe a lot more needs to be done.

For instance, on the victims fund that I talked about in my comments with Mr. Comartin, I was told that financial assistance would be available for Canadians who became victims of crime in a foreign country, if they couldn't afford to get home or they were having trouble getting home. All I was told was that they were entitled to a 30-day loan. Well, it's not acceptable in terms of where we're going. One of the areas that I am pleased has now been expanded on, as part of our effort to assist and support victims, is to make that available.

Those are the kinds of things we have done.

With respect to the federal ombudsman for victims of crime, as I again indicated in my comments to Mr. Comartin, I want that individual to focus exclusively on the issues that concern victims. He or she is not to expand the role or the office to get into other even important areas. I want that person to be completely focused on that.

Some of the things that individual can do is raise with the government issues that he or she believes are not being addressed in the present system. It would be within the mandate. For instance, if there wasn't compliance with the existing law, he or she would look into those kinds of complaints.

•(1010)

I gave an example, not at this committee but elsewhere, of an individual who was the victim of a crime being in a grocery store and seeing the individual who had victimized them. The victim hadn't even been notified that the individual was coming up for parole. That's the kind of complaint I would want the federal ombudsman for victims of crime to look into. Why wasn't the law being complied with? How is it possible that this individual was released and the victim wasn't notified of that, or wasn't given the opportunity?

In that regard, we've also expanded the availability of the victims fund for individuals to get the support they may need. You may have an invalid, for instance, with a disability that makes it very difficult for them to attend a parole hearing. It would be perfectly reasonable, and is now possible, for a support person to go with the individual, who could make a request of the fund.

As you quite correctly point out, the federal ombudsman for victims of crime is an important component of what we are doing, but there are other measures, and the victims fund is one.

Again, in answer to your question, the legislation that I will be bringing forward at the present time will be related to the Youth Criminal Justice Act. We will be announcing as well the national anti-drug strategy. But that's on my legislative agenda for now.

Quite frankly, Mr. Thompson, this is my priority right now—the bills that are before Parliament right now. I indicated in my opening comments the ambitious legislative agenda of my predecessor, Mr. Toews, which was completely consistent with what we told the Canadian public. I understandably would like to see progress on those.

That being said, I can see that we're making progress in a number of areas. I was at the Senate last Thursday. Again, I asked them, please, let's move forward on Bill C-9, the conditional sentencing bill; I would like to see it in law.

So I'm doing my best in terms of encouraging, and working with this committee, working with parliamentarians, working with senators to try to move that legislative agenda. That certainly is my priority. It was the priority of my predecessor, and it is one of the priorities of this government. Our crime agenda is very important in terms of what we promised Canadians and where we want to take this country. The Prime Minister and others continuously emphasize how vital we believe that is to the best interest of this country.

Again, thank you for your comments, and thank you to you and all of your colleagues who have been pushing some of these ideas, quite frankly, for many years.

•(1015)

Mr. Myron Thompson: And did you want to comment on section 745?

Hon. Rob Nicholson: I indicated, too, my legislative priority right now: the bills that are before Parliament. My commitment is to improvements in the Youth Criminal Justice Act and the national anti-drug strategy.

The Chair: Thank you, Minister.

A couple of questions from the chair.

First, I note that the drug treatment court funding program has diminished from 2006-07 to 2007-08. We had the opportunity to examine the drug treatment court program in this committee for several days. At that time, it was being expanded from, I believe, two courts to approximately three additional ones.

I'm just wondering what the analysis would be on that.

Hon. Rob Nicholson: As a matter of fact, Mr. Chair, we are not decreasing funding for those courts.

I'm glad you've raised the issue. I think this is an excellent effort and a worthwhile initiative. You touched on that in your comments. The idea that we can get people diverted, get them off drugs, and at the same time protect the public is very worthwhile in pursuing. You would know, and I'm sure our colleagues here would know, that when individuals get addicted to drugs it is a very difficult process to get them off. To get them in and out of the criminal justice system is not what we want to see happen. We don't want to see them coming back again and again.

As Minister of Justice, as one of your colleagues, I had an opportunity to have a look at what is being done, and I can tell you I was quite impressed with it. I was impressed with it because it seems to me to be a positive initiative. We're actually doing something that will make an improvement so that we don't get these individuals back in court.

That helps everybody. For the individual who is not back wasting his life, getting caught up in the criminal justice system, of course it's a huge improvement. But it also helps the Canadian public, because they don't see these individuals go back again and again.

In terms of the actual details of the funding, my colleague Mr. Sims can provide you with that.

The Chair: Okay, thank you.

The issue of the anti-drug strategy—

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Chairman, on a point of order.

The Chair: Yes, Mr. Lee.

Mr. Derek Lee: Mr. Chair, you know very well that our rules provide for the recognition of members of the committee to ask questions. The rules are very explicit. Occasionally, the chair will intervene to obtain a clarification of some nature. So it's unclear to me why you have inserted yourself into the round of questioning at this time.

If you'd like to explain, that's fine; otherwise, in light of our rules, I'm going to object. You're at liberty to take whatever position you wish, but this looks like it's turning into a five-minute or ten-minute round for the chair. Could you please explain yourself to the members?

•(1020)

The Chair: Thank you, Mr. Lee, for your intervention. It was a point of clarification on that particular point, since our committee did in fact examine both issues that I brought forward here, and I felt it necessary to get some clarification on it.

In light of your intervention, Mr. Lee, you can take the next line of questioning.

A voice: Oh, oh! It worked.

Mr. Derek Lee: It's quite possible my colleague Mr. Bagnell was next. If that's the case, I'd be happy to see Mr. Bagnell go ahead.

The Chair: He is.

Mr. Bagnell, would you like to continue?

Mr. Derek Lee: Thank you, Mr. Chairman.

Hon. Larry Bagnell (Yukon, Lib.): Thank you.

Thank you, Minister, for coming.

Recent Liberal crime prevention platforms have called for more police officers, so we applaud your effort to add 2,500 municipal police officers, but I'm having a hard time finding this item in the budget. Could you just tell me where that is in the budget?

Hon. Rob Nicholson: That would be in Mr. Day's budget. It wouldn't be part of the justice department's budget.

Hon. Larry Bagnell: Okay.

I know you didn't write your remarks, but I'll just give you a chance to correct the record. You talked about how the change to the judicial selection process would allow a broadening of the scope of people who could provide input on judges, but as you know, that's not true. Under the old system, I believe the minister could already choose up to three lay members who could be of any segment of society. They could be all police officers. So there is really not a broadening in the scope of the people who could sit on those committees, because anyone could already sit on those committees. I assume you'll agree with that clarification of your opening remarks.

Hon. Rob Nicholson: I'm not sure I will agree with that attempt at clarification, Mr. Bagnell. Certainly, I stand behind all the comments I make before the committee.

The addition of someone from the police is an additional voice on there. It represents an increase in the number of individuals who will sit on those judicial advisory committees. I think it is a good addition to them.

You're quite correct, the Minister of Justice can appoint other individuals from other backgrounds, including police. You could have two individuals, but having it formalized now so that someone from the police community—the law enforcement community—will be a member of those provides an additional voice, provides more people to them. I think, quite frankly, it's a system that will work and is working right now.

I say to individuals who don't want police officers to participate on this, give them a chance, and I think you'll be impressed by the results. I have found in my experience, in my lifetime as a lawyer, that those involved with policing in this country are just as dedicated, just as determined to have a judicial system that works in this country, and works well, as is anybody else, and that includes even lawyers and others. I have never doubted their commitment. So when this announcement was made, I saw the value in that.

I think the judicial appointments process is working and is working well. We are getting qualified, outstanding Canadians serving on Superior Court benches across this country.

Hon. Larry Bagnell: We agree with you. That's why we brought in—

Hon. Rob Nicholson: That's not what you expected. I may have said what you expected, but it's perhaps not what you wanted to hear.

•(1025)

Hon. Larry Bagnell: No, we agree with you. There are excellent judges, and that's why we didn't think the system needed to be

changed or, as you said, an extra member added to the minister's vote. Anyway—

Hon. Rob Nicholson: You know, Mr. Bagnell, on that point, those judicial advisory committees have changed over the years. I think there have been five changes. And again, I remember then Minister of Justice Ray Hnatyshyn discussing it with the members of this committee, of which I was a member, and trying to explain that we should get some additional perspectives. That's what Mr. Hnatyshyn said at the time: get some input outside the Minister of Justice's office. At the time, the idea commended itself to the members of the committee, but that didn't mean it was written in stone.

I don't remember him saying that that was it, that we would put five members on there and that would be it, it would never be changed, or it was some sort of constitutional change. It wasn't intended to be that, and changes were made, even by my own government a few years later. In the government of which you were a member, I think they made several changes as well. I don't think it; I know they made several changes. So I think it's been an evolving process.

Sorry, go ahead.

Hon. Larry Bagnell: I want to get on to some other topics. It's just that there has been dramatic criticism of those changes. Thank you.

The department has indicated, in writing and under questioning, that a large number of recommendations have been provided to research on the costs of these bills. There are obviously costs to the justice system for a number of the bills you outlined in your opening remarks, and of course we're all interested in that financial session. I'm just wondering if you would endeavour to provide to the committee the research the department provided to you on the potential cost implications of the various bills the department is bringing forward.

Hon. Rob Nicholson: I'll let Mr. Sims speak on behalf of the department.

Mr. John Sims (Deputy Minister and Deputy Attorney General, Department of Justice): Perhaps, if I might, Mr. Chair, the government appreciates that in fact there are costs related to the adoption of some of these legislative measures. Much of the impact will be felt by provinces and territories. As a result of that, there has been ongoing work in the federal-provincial-territorial forum to examine what the extent of that impact will be.

Recent efforts have been made to develop a common methodology that all jurisdictions can agree on to determine just what those costs will be. At the June meeting of deputy ministers of the FPT jurisdictions, a report will be tabled that will explain the methodology, which I hope by then will be a consensus model, so we can then begin to assess the cost. So that work is ongoing. There is an appreciation that the work needs to be done. I hope it will be at an advanced stage by June.

The Chair: Thank you, Mr. Bagnell.

We'll go to Ms. Freeman.

[Translation]

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): Good morning. Thank you for being here today, Mr. Nicholson, Mr. Sims and Mr. Saunders.

I have three questions for the minister.

My first question is about cost recovery. It states on page 35 of the Report on Plans and Priorities of the Department of Justice that the department recovers some of the costs incurred for legal advisory, litigation and legislative services to government. On page 17-4 of the Main Estimates, we read that the department expects to recover \$178 million for providing such services to the government.

Can you tell us why the Department of Justice has adopted cost recovery? How high would the administrative costs be for establishing a cost-recovery strategy? How many client departments and agencies will have to pay for legal services provided by the Department of Justice? Will cost recovery discourage departments and agencies from asking for legal assistance? Finally, is cost recovery a prudent way of avoiding potential legal problems?

Second, the department calls on some lawyers in private practice to deal with some issues. I would like to know how frequently this was done during the last fiscal year and for which issues in particular. I would like to know how many times that happened, the cost of it and the reason why the department did not deal with the issue itself. Can you give me some explanation about this?

My third question is about legal aid. At the moment, I'm aware that one of the justice department's strategic outcomes is to provide a fair, relevant and accessible justice system. The justice system has become so expensive that the average person or disadvantaged people are no longer represented by lawyers, and this creates a problem within the justice administration system.

In the breakdown of the legal aid budget, what is the split between the federal government and the provincial government? For example, I would like to know what Quebec should be receiving.

I would appreciate answers to these questions if you are able to provide them.

[English]

Hon. Rob Nicholson: Thank you.

Madame Freeman, I'll go first with legal aid, and on some of your other comments about cost recovery, I'll ask Mr. Sims to respond.

I'll provide you with the details of exactly how much the Province of Quebec will be receiving from legal aid. I agree with your comments that legal aid for individuals caught up in the criminal justice system is an important component of making the system work, and when people do not have legal representation, it actually is not cost effective, in the sense that delays in courts and difficulties with trials proceeding can result. This is a shared responsibility, and for the most part most of the funding comes from the individual provinces and is administered by them. The money that comes from the federal government is a contribution to that. With respect to the specific amounts each province gets, in particular the Province of Quebec, I will be pleased to get that and will forward it to you.

With respect to cost recovery, it is highlighted differently now in the budget, and you picked up on that. It is not something new that the Department of Justice charges other departments or agencies for the legal services it provides. There are a number of reasons for that. There's nothing free in this world. Within the budgets of other departments, we want them to be careful in terms of the services they demand. As with anything, there's not unlimited availability of any services for any department. So this is one way of ensuring that costs are contained by showing the true cost.

With respect to that, I know Mr. Sims has a couple of remarks he would like to make, so I will turn it over to him, if you don't mind.

• (1030)

[Translation]

Mr. John Sims: Thank you, Minister and Ms. Freeman.

The figures for cost recovery appear in the documents for the first time this year, but it is not a new practice. The practice whereby we recover in part the cost of the services provided to departments and agencies has been in place for a long time. We simply had to decide how to ensure that they would be reflected in the documents we tabled in Parliament.

As the minister just explained, we think this system reflects the roles and responsibilities of the Department of Justice, the client departments and central agencies such as Treasury Board and the Department of Finance, for example. This system works well. If you would like more details on it, I would be pleased to provide them, if I can. Did you get an answer to your question about legal agents?

Mrs. Carole Freeman: No.

Mr. John Sims: Last year we used the services of legal agents in about 260 cases. We follow a policy that sets out how and for what type of case we should turn to outside legal agents. It often happens if a dispute prevents our department from acting, for example. Normally the Department of Justice is responsible for providing legal services for the government, but in some cases that is not possible.

Sometimes there is no dispute, but the case requires special expertise not available within the department. There may also be geographic considerations. We have lawyers throughout the country, but sometimes we may not have a lawyer in a region where the services are required. For the moment I am talking about civil cases, not criminal matters, which come under the responsibility of my colleague, Mr. Saunders.

Mrs. Carole Freeman: You spoke about geographic considerations, but can you give some concrete examples of civil cases where you dealt with lawyers from the private sector?

Mr. John Sims: Normally, for civil matters, the case would be a large one involving considerable amounts of money. I have some colleagues in the room who could perhaps come and whisper a few names in my ear while I'm answering your other questions.

Mrs. Carole Freeman: Mr. Saunders, could you tell me whether you deal with the private sector on the criminal side?

• (1035)

Mr. Brian Saunders: Yes.

Mrs. Carole Freeman: Could you give some examples of cases?

Mr. Brian Saunders: No, but I can describe the circumstances under which we turn to legal agents.

Mrs. Carole Freeman: Fine.

Mr. Brian Saunders: Our practice is somewhat different from that of the Department of Justice. We have 16 regional offices throughout Canada. Over 700 legal agents work for us.

Mrs. Carole Freeman: What criteria do you use to choose lawyers in private practice?

Mr. Brian Saunders: If we are looking for a lawyer in a region of Canada where we have no office, we publish advertisements in the local newspaper and at the court itself. We then evaluate the candidates. The criteria for evaluating legal agents are substantially the same as those we use to evaluate lawyers we are considering hiring full-time.

Mrs. Carole Freeman: Can you—

[English]

The Chair: Thank you, Mrs. Freeman.

Monsieur Petit.

I'm sorry. I know, Mr. Sims, that you have one short comment to make. Perhaps you could make that, please. Then we'll go to Mr. Petit.

Mr. John Sims: Thank you, Mr. Chairman.

I was just going to give *quelques exemples de cas, madame. Pour celui des maritime helicopters,*

[Translation]

which involve a substantial commercial contract, we use the services of an outside legal agent. The same was true of the pension surplus case, which is now before the courts, and the Victor Buffalo case, which comes under our office in the Prairies. The issue is the oil revenues of an aboriginal band, and the amounts involved are huge.

Mrs. Carole Freeman: Can you—

[English]

The Chair: Thank you, Mrs. Freeman.

Mr. Petit.

[Translation]

Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC): Thank you very much.

Thank you for your answers.

Good morning, Minister. I would like to ask a question that is very important to me. It has to do with one of the reasons I joined this party. I am referring here to the establishment of a victims' ombudsman. I have been practising law for 34 years, and I know that at the federal level, the victims' ombudsman position did not exist before. Our party established it. I am even prouder of the fact that this week, from April 22 to April 28 has been declared the National Victims Awareness Week. That's not just an advertisement, it is a fact.

This is completely new. Not only are we doing what needs to be done to enforce more stringent legislation, but we are also helping victims. That is important. In my province, many victims of crimes, such as a sexual offence against a young boy or girl, do not get the support they need. I would like you to tell us why you chose this objective and why criminal enforcement activities have been enforced in the case of the ombudsman.

[English]

Hon. Rob Nicholson: Thank you very much, Monsieur Petit.

We certainly listen to individuals like you, in answer to your final question as to how we arrive at this. You heard Mr. Thompson earlier today talk about his long-standing concern for victims in this country. It evolved from the concerns of members like you and Mr. Thompson and others who believe that there should be one central office, one individual at the federal level responsible for victims in this country.

There are offices and individuals and special interest groups and lobbyists for every cause on earth, and to have in Ottawa someone whose total responsibility is with respect to the issues that involve victims is an idea whose time has come. You quite correctly pointed out that this is National Victims Awareness Week. We in the government, of course, support that. We want to highlight those issues that concern people who find themselves as innocent victims caught up in the criminal justice system.

One of the interesting things about this that you and others have pointed out is that those individuals are victims. It's not a one-time thing; it's not like a crime. Somebody talked to me yesterday about an incident in which a woman was kidnapped and held for a period of approximately two to three days. When she was finally released, the papers pointed out that she was released unhurt. Well, she was hurt. The fact that you don't see scars or broken bones or the obvious signs of pain inflicted on an individual doesn't mean they don't suffer.

Having a National Victims Awareness Week, appointing a victims ombudsman, putting more money into a victims fund, and working with all other agencies and individuals who have a concern for this is all moving in the right direction to assist people who, through no fault of their own, are victims. I think that is what should be remembered: that their pain and suffering continues; that they are hurt when they are victims of crime.

As you quite properly pointed out, this has been a passion of yours. In your 34 years as a lawyer you would have come in contact with many victims, if you practised in the criminal justice area. So you know the need is there, and I'm impressed by the fact that you let your name stand and that you have taken your principles to help make initiatives like this possible.

I can tell you, I join with every one of your colleagues and members of the government in saying that we appreciate your support on this initiative. As you know, this was one of the things we talked about in the last election. We said we wanted to have something like this.

I was in a discussion earlier with Mr. Comartin as to whether the budget is enough. I certainly think it's enough for that individual, in this case Mr. Sullivan, to set up his office, but of course I will watch it very carefully to make sure the resources are there, because we want this to work. That's the most important thing.

But again, in terms of the funding, as I pointed out to this committee, I am pleased about money that goes into the victims fund as well to assist in some of the areas I pointed out.

Again, Mr. Petit, I thank you for raising that issue. I know you will watch very carefully as Mr. Sullivan sets up his office and gets going in addressing some of the issues that are of concern to the victims across Canada.

• (1040)

The Chair: Thank you, Mr. Petit.

Mr. Lee.

Mr. Derek Lee: Thank you, Mr. Chairman.

I have three questions.

Mr. Minister, from the report on plans and priorities, it appears—it doesn't just appear, it is a fact—that the funding for the drug treatment courts is being reduced by about 25%. I'd like you to clarify that.

In the context of the anti-drug strategy, we've had anti-drug strategies around here for 20 years. What's different about yours? It's nice that we have one, but you've spoken of it as though it's a refreshing change, when, as I look at it, looking back 20 years, it's a continuation.

Secondly, you referred to this fund for victims of crime abroad, and the way you spoke of it, I got the impression that if a Canadian were the victim of a crime abroad—for example, an assault, or he or she loses his or her backpack, suitcase, or briefcase in Gorky Park or in London's Hyde Park—he or she could apply and obtain a grant to come home. I'd like you to clarify just what exactly is this victims fund that you've referred to and how it's going to operate.

Thirdly, there is a steering committee on efficiency and access within the justice department. It's referred to in the plans and priorities. I know you didn't wake up this morning thinking about that, but I know—

Hon. Rob Nicholson: I was thinking about you when I woke up this morning, and your questions, Mr. Lee.

Mr. Derek Lee: —that your deputy will have. The plans and priorities report shows that the government is now reviewing recommendations of that committee on efficiencies and access. I'd like to know how you're doing and what some of the recommendations are.

• (1045)

Hon. Rob Nicholson: Again, in answer, I can understand why there would be that misconception that the Government of Canada is spending less money on drug treatment courts. I indicated to Mr. Hanger that this is not the case, though I appreciate your analysis and your view of these.

The reason is that the money is being shared as well by the Department of Health. There's obviously a very real health component to getting individuals off drugs, and a combination of the two, between what is spent by the Department of Health and the Department of Justice, means that not only is it not decreasing, but in fact there is an increase in spending on drug treatment courts. I appreciate that by looking at the Department of Justice estimates you might draw that conclusion, but again, as I indicated, I'm very much a supporter of those programs.

Mr. Derek Lee: I understand. You're saying the Department of Health federally is funding the drug treatment courts to fill up this shortfall and maybe even add a bit of money.

Hon. Rob Nicholson: No, their programs are complementary. This is not just a court, as you would be aware. This is a court that combines treatment. The other components of this are more properly within the Department of Health, and that's why they're there.

You also asked for some clarification with respect to victims who find themselves abroad. This is in addition to the victims fund. There already is a fund, Mr. Lee, in place. It has been in place for years. For instance, I gave an example where an individual needs assistance getting to a parole hearing. We recognize that not everybody can afford to get to parole hearings, so this victims fund assists them on that.

The addition and the changes that we made to include Canadians who find themselves victims overseas is this. An individual may be the victim of a crime and there's no problem with them either going about their business or getting back to Canada, but there are instances where there are true financial problems getting an individual out of a country. Up to this point, that assistance was not available to them, other than the assistance of a 30-day loan that they might get from the consulate or the high commission or the embassy. It seems to me that for an individual who is in a difficult situation and cannot afford to get home, the ultimate solution is not a 30-day loan, but they would be able to get funding directly from that fund. So that fund is an expansion of the victims fund that is already in place.

You talked about efficiencies. I'm going to ask Mr. Sims to comment on that, but I can tell you, for instance, that one of the bills you have before you is directed at increasing efficiencies within the criminal justice system. That bill is Bill C-23. So there will be improvements and savings contained right within the bill that we have before us in Parliament.

With respect to any other details, Mr. Sims, perhaps you'd like to comment.

Mr. Derek Lee: Just before Mr. Sims provides all this additional information, could you clarify who's going to run this fund for the victims of crime abroad? Is it the Department of Justice or the Department of Foreign Affairs and International Trade? It appears to be your budget, Mr. Minister.

Hon. Rob Nicholson: I believe it's within the Department of Justice, but we of course need the assistance of our high commissions and our consulates abroad.

The Chair: Mr. Sims, quickly please.

Mr. John Sims: Thank you, Mr. Chairman.

There's been a steering committee on justice efficiencies and access that has been working at an FPT level, Mr. Lee. They've examined three big subjects so far—one on mega trials, one on management of cases going to trial, and another report on early case consideration. Those have been adopted by the FPT ministers and deputies. Work is now ongoing to decide how to implement those reports. That's ongoing now actively. New work has been directed to this committee, which by the way comprises judges, representatives from all jurisdictions, and experts in the area. There are two new topics that are being addressed by the steering committee on justice efficiencies: jury reform and use of technology. We see this as very practical work that actually drives to things that can be implemented to make changes in the system.

•(1050)

The Chair: Thank you, Mr. Sims.

Mr. Dykstra.

Mr. Rick Dykstra (St. Catharines, CPC): Thank you.

I have a couple of questions. In terms of a number of programs—victims of crime, the youth justice fund, the human rights commission, and justice partnership and innovation—some folks think that the way to identify the delivery of these programs is merely based upon the amount of money or the funds that you put towards them and how much money is actually spent. Others focus on quality of delivery, the delivery of the service itself, and obviously the results of the program to be able to determine whether or not you've actually accomplished what you set out to do and hit those deliverables. I was wondering, Minister, if you could comment on which aspect you believe in.

Hon. Rob Nicholson: Perhaps it's a combination of them, Mr. Dykstra.

With respect to the programs you've identified, our bottom line is we want them to work and we want them to be effective. We have an ongoing policy, of course, of having a look at what we are doing as a department, and we want to do whatever we do in a cost-effective way. We want to do it in an efficient way and we want to do it in an effective way. We want these programs to work. I guess that's the bottom line, if I can use that terminology, on these, that they have to do what they're supposed to do. You've identified a number of different areas, and again, going back to one of the questions I had, it's not strictly law enforcement. That's not our total mandate. Getting involved with youth, the aboriginal justice strategy, the things that help prevent crimes or help the individuals who have committed crimes are a priority for this government. It's a priority with which I agree. People who don't get caught up in the justice system will lead a much more productive life, a satisfying life, and there will quite frankly be savings with that. People who aren't in and out of the justice system aren't costing the system or the taxpayers money. It seems to me that it's a win-win situation for everyone involved when we reach out and try to help individuals.

Mr. Rick Dykstra: Thank you.

One of the other questions I had related to the support for anti-terrorism with respect to legal aid. We make mention of it in the

estimates in terms of the assistance for legal aid and the direction it would take in that regard. On a broader question, one of the things that happened earlier in the year was a vote in the House of Commons where the portions of the Anti-terrorism Act have actually been removed from it. I wondered if you could comment on the impact of that based on the fact that we have it here in front of us under estimates, but it comes in a much different form than it originally did.

Hon. Rob Nicholson: As you probably know, I expressed my disappointment and the disappointment of the government that two provisions of the Anti-terrorism Act were not extended. There was a sunset clause on two of those sections, and a vote in Parliament was unfavourable to extending them.

I supported them because they provide an additional tool for police officers. One of the things that we have to adapt within the justice system is to try to stay ahead of the individuals and the organizations that want to do harm to us. I remember, as a member of this committee, experiencing the challenges that the Internet brought about. The law wasn't written for the Internet, and it was incumbent upon us to try to stay ahead of technology and stay ahead of the individuals who would exploit or abuse or commit crimes or steal in all the different ways.

That, to me, was the challenge, so I draw a parallel with that on the Anti-terrorism Act. Some say, "You didn't use that section, so therefore get rid of it." That is actually not the approach that I think we should have. We should recognize that terrorism is a fact, that it's not going to disappear overnight, and that we have to be prepared. So we try to take advice from all sectors of society, but certainly in working with police across this country, when they say these are some of the tools we need, I can understand that because I remember being told that we had to have big changes to the laws with respect to wiretap, in view of a decision of the Supreme Court of Canada and in view of changes in technology, that we had to keep up with it.

It's not enough to say that we don't need these tools today so therefore we shouldn't have them. I really don't believe that is the approach. So our challenge within the Criminal Code is to try to stay one step ahead of the bad guys, if that's possible, and if that's not possible, to make the changes so that we will have the tools in place to catch those individuals who would like to destroy society.

I thank you for your comments. I know you supported the extension of those anti-terrorism provisions, and quite frankly, I thank you for your commitment on the justice issues.

I mentioned yesterday in response to a question from you that I know the question of victims and their rights has been important to you, so I thank you as well for your support on that.

•(1055)

The Chair: Thank you, Mr. Dykstra.

Mr. Murphy, you haven't much time, but you can have one or two short questions.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): I'm sure that's your way of saying you're sorry for taking your time in clarifying.

The Chair: It isn't.

Mr. Brian Murphy: I know it wasn't.

I have two brief and frightening questions perhaps on the private sector aspect, the hiring of private sector counsel.

Your Prime Minister made a very reckless promise during the campaign to have a full and open inquiry for the victims of Air India. He said that the inquiry would be open to all information, knowing—or he ought to have known—that much of the information would have national security implications, Mr. Minister.

It seems to me that outside counsel, which is a pretty expensive venture, has been fighting with the Department of Justice officials to get proper disclosure because Justice Major was given a very clear mandate that there would be full and open access. How much did that cost taxpayers, that to and from, the *renvoi*, the back and forth between commission counsel and the Department of Justice? How much did that reckless promise of the Prime Minister cost?

Second, on drug prosecutions, very briefly, you want to clamp down on crime. When you retain outside, private sector counsel to enforce the drug laws, will you put them through the same rigorous examination of their belief in law and order that you are now putting judges through?

Hon. Rob Nicholson: I thought you said, Mr. Murphy, these were two trifling questions.

Mr. Brian Murphy: I didn't mean that. I'm sorry for misleading the committee.

Hon. Rob Nicholson: With respect to the Air India inquiry, actually the responsibility for that Air India inquiry is my colleague's, the Minister of Public Safety, Stockwell Day. But that being said, you should be aware that this government is committed to having as much information as possible to disclose to the public.

I disagree with your characterization of the comments of the Prime Minister in the previous campaign with respect to the Air India inquiry. This is an inquiry that is long overdue.

I agreed completely with the Prime Minister when he said that we want to get some answers to some of these issues. You've challenged me, I take it, with respect to the Prime Minister. The previous prime minister should have done this, or the two previous prime ministers should have done this. They should have moved forward on this at that time.

So I don't accept your comments with respect to that. I welcomed the Air India inquiry, and I don't think it's just me. I think if you peruse the comments that have been made by individuals who were victims, again it goes back to what we were talking about this week: victims. That horrific crime produced thousands of victims.

So I agreed with what the Prime Minister had to do.

• (1100)

The Chair: The time actually is up. I know you won't have time to get to this last point.

Unfortunately, Mr. Murphy was the last on the line here and time has gone.

I would like to advise the committee that the minister will not be available to appear on Bill C-23 this Thursday. The meeting will continue, of course, and we will give instructions to the analyst in reference to the report on judicial appointments. The minister won't be here Thursday. It will be rescheduled.

The meeting is adjourned.

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