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Chair

Mr. Ed Fast

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• (1605)

[English]

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

This is meeting 15 of the Standing Committee on Justice and Human Rights. Today is Wednesday, April 22, 2009.

You have before you the agenda for today. As you know, by order of reference we have before us Bill C-15, an Act to amend the Controlled Drugs and Substances Act and to make related and consequential amendments to other Acts.

Please note we're going to leave half an hour, or whatever time is remaining, after the minister leaves to deal with some committee business, including Monsieur Ménard's motion.

To assist us in our Bill C-15 review, we again have with us the Minister of Justice and Attorney General for Canada, the Honourable Rob Nicholson. With him are representatives from the Department of Justice, Paul Saint-Denis as well as Greg Yost.

Minister Nicholson, I understand you'll be here with us up until five o'clock. Is that correct?

Hon. Rob Nicholson (Minister of Justice): If that's possible.

Thank you, Mr. Chairman.

The Chair: We may shorten the questions to five minutes and three minutes to make sure everyone gets a question.

You know the routine. You have 10 minutes to present, and then we'll open it to the floor.

Hon. Rob Nicholson: I don't think I'll take that long, Mr. Chairman, but thank you very much.

I'm pleased to be here once again before the committee for this review of Bill C-15, the bill dealing with mandatory prison time for people who commit serious drug offences. I'm hoping, Mr. Chairman, that this process will go well and that you will be able to expedite passage of this important piece of legislation, which I think is welcomed by Canadians.

I can tell you there is support for this bill from many ordinary Canadians who are quite concerned about drug abuse. They're concerned that marijuana grow operations and methamphetamine production and trafficking have gotten out of hand. They're concerned about the dangerous occupation of exporting and importing drugs into this country. They're concerned that these activities pose a serious threat to their own safety and to the safety of their communities, and they are right.

Our challenge as legislators is to try to make sure that our criminal law stays current with the developments in our society. Over the last decade, domestic operations related to the production and distribution of marijuana and the synthetic drugs have dramatically increased, resulting in serious problems in many regions of Canada. This has often overwhelmed the capacity of law enforcement agencies to deal with this phenomenon.

These illegal operations pose serious health and public safety hazards to those in and around them. They produce environmental hazards, pose cleanup problems, and endanger the lives and health of communities. Moreover, Mr. Chairman, the organized crime groups and criminal gangs are resorting to increased violence to establish their dominance over the drug trade in various metropolitan regions of this country. Innocent people are being hurt, and in some parts of the country there exists a serious degree of fear amongst citizens.

This is not to say that all drug offenders are necessarily dangerous and that all forms of drug trades are violent. Bill C-15 recognizes this, and this is why what is being proposed in this bill is a focused, targeted, and balanced approach. What this bill does is focus on the more serious drug offences. Overall, the proposals represent a tailored approach to mandatory prison penalties for serious drug offences, and they would operate as follows.

For schedule I drugs, that is for drugs like heroin, cocaine or methamphetamine, the bill proposes a one-year minimum for the majority of the serious drug offences in the presence of certain aggravating factors. Those aggravating factors are: if the offence is committed for the benefit of and at the direction or association with organized crime; the offence involved violence or threat of violence, weapons or the threat of the use of weapons; or if the offence is committed by someone who has been convicted in previous years of a designated drug offence.

If youth are present or the offence occurs in a prison, the minimum is increased to two years. In the case of importing, exporting, and possession for the purpose of exporting, the minimum penalty will be raised to two years if the offence involves more than one kilogram of a schedule I drug. A minimum of two years is provided for a production offence involving a schedule I drug.

The minimum sentence for the production of schedule I drugs increases to three years where aggravating factors relating to health and safety are present. These factors are: if the person used real property that belonged to a third party to commit the offence; if the production constituted a potential security health or safety hazard to children who were in the location where the offence was committed or in the immediate area; or if the production constituted a potential public safety hazard in a residential area or the person placed or set a trap.

For schedule II drugs, marijuana, cannabis resin, etc., the proposed mandatory minimum penalty for trafficking, possession for the purpose of trafficking, importing or exporting, and possession for the purpose of trafficking is one year if certain aggravating factors, such as violence, recidivism, or organized crime, are present. If factors such as trafficking to youth are present, the minimum is increased to two years.

For the offence of marijuana production, the bill proposes mandatory penalties based on the size of the operation. If the production is between 100 to 200 plants, and if the plants are cultivated for the purposes of trafficking, then the penalty begins at six months. For the production of between 201 and 500 plants, that's one year. Production of more than 500 plants will be two years, and production of cannabis resin for the purposes of trafficking, one year.

• (1610)

The minimum sentence for the production of schedule II drugs increases by 50%, or where any of the aggravating factors relating to health and safety that I have just described are present. The maximum penalty for producing marijuana would be doubled from seven to 14 years.

Amphetamines, as well as the date rape drugs GHB and Rohypnol, would be transferred from schedule III to schedule I, thereby allowing the courts to impose higher maximum penalties for offences involving these drugs.

Lastly, Mr. Chairman, the proposed legislation will allow drug treatment courts to impose a penalty other than the mandatory minimum on an offender who has a previous conviction for a serious drug offence where the offence involves no aggravating factors and where the offender successfully completes a court program.

Mr. Chairman, members of the committee, Bill C-15 seeks to protect the public by tackling the problem of serious drug crimes. It's part of our continued commitment to take steps to protect Canadians and to make our streets and communities safer.

Canadians want a justice system that has clear and strong laws that denounce and deter serious crimes, including serious drug crimes. They want laws that impose penalties that adequately reflect the serious nature of these crimes, and this bill does that.

Thank you very much.

The Chair: Thank you, Minister.

Now we have time for questions.

With your consent, members, I'd like to reduce the time for each question to five minutes so we can all get questions in. Is that acceptable?

Some hon. members: Agreed.

The Chair: We'll start with Mr. Murphy. You have five minutes.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Thank you, Mr. Chair.

Mr. Minister, it's good to see you here again.

With respect to this bill, I want to zero in on the drug treatment court program specifically, and generally the degree to which there are interdepartmental liaisons with Public Safety and Health.

On the mandatory minimum, we could have a debate on the efficacy of that and whether it will work, but that's really not something I want to discuss. I do want to applaud the part of the bill that gives emphasis to the drug treatment courts as a way to prevent the imposition of the mandatory minimum. I think it's a great idea, and it leads towards treatment, of course. It says to me that people with addictions, which is a health issue as well as a public safety issue, will hopefully seek to treat those addictions through the drug court situation rather than go to jail.

With the imposition of more mandatory minimums in the drug-related field, would it not lead to a concern that there will be more addicts, people with problems, in the system? You may or may not know of unfortunate cases. Certainly we had one in northern New Brunswick, where an individual overdosed with drugs he received within the institution. It is rampant in the corrections facilities of this country. We recently had a letter from the Minister of Government Services from Ontario asking about the use of medical marijuana as it relates to the Department of Health guidelines.

The question, Mr. Minister, is have you consulted with the Minister of Public Safety and the Minister of Health with respect to what effect this bill will have on the increasing number of addicts, people with problems, who will be in the system—the corrections system and the health system—and what effect do you think this bill will have in successfully treating people with addictions?

• (1615)

Hon. Rob Nicholson: Well, you've covered quite a bit of ground there, Mr. Murphy. I can tell you that both the Minister of Health and the Minister of Public Safety are in full support of and are completely aware of all the provisions of this bill, just like the members of my caucus, who have encouraged us to come forward with this legislation and have encouraged us to bring forward legislation in this area. It has their complete support, so you can be assured of that.

You talked a bit about the drug treatment courts. I'm very supportive of the drug treatment courts. They provide an opportunity for someone to break the cycle and get out of the business, or the unfortunate situation, of being caught with drugs, or taking drugs, or having an addiction. I like the idea that they are given the opportunity, if they are prepared to complete a prescribed drug treatment program, to come back to court and have the charges withdrawn against them. It's a very serious business to have a criminal conviction against you, so I can understand why this would be a huge incentive for some people to try to break the cycle of addiction and dependence and do something about where they are with their lives.

I'm careful when I describe them. We are not talking about the serious drug traffickers, the people who are basically out to destroy our society. This is not who we are talking about. There are a number of criteria—I think I mentioned a couple of them—where there are no other aggravating factors and where they are prepared, of course, and it's always up to them, to go through the treatment. I think this is a great alternative.

We have to move on this. I've had discussions with people not just in Canada but outside of Canada. Drugs and trafficking in drugs are a scourge, and we have to do what we can. We have to send out the message. I am particularly pleased with, for instance, the importing provisions. They tell me the people who are importing drugs are not the persons we're talking about who get involved with the drug treatment courts. This is organized crime. These are the real gangsters who are bringing drugs into this country. I want to send out a very clear message to them that if you get into this business, you can expect jail time under this particular bill. I think that's exactly the message we have to send out.

On the one hand, we want to help addicts. We don't want people to get involved with drug addiction; we want to help them get out of that. For the people who are in the business of trafficking, or selling to children, or using violence, bringing these things into this country or destroying neighbourhoods, the message to them is very clear: you can expect serious consequences under this new bill.

• (1620)

The Chair: Thank you.

Before we go on to the next witness, I also want to welcome Mr. MacAulay. You're visiting this time.

Hon. Lawrence MacAulay (Cardigan, Lib.): Will I get the chance to ask a question?

The Chair: Yes, you will.

Ms. Davies as well and Mr. Allison, welcome here.

The next questioner will be Monsieur Ménard. You have five minutes.

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Thank you, Mr. Chairman.

Good afternoon, Minister. This is a bill that is not without merit and that asks important questions.

I would like to remind you tongue-in-cheek that a few years ago, we had a meeting on the non-medical use of drugs. Your former colleague Randy White tabled that motion in the House, which was then passed by all parliamentarians. He allowed himself to be seduced by the idea of decriminalizing the possession of a small amount of marijuana, but knowing that this would never happen to you is some comfort to me. I wanted to establish that historical perspective.

I understand your concerns very well. We have been told many times that organized crime owes its existence to the drug market. Every parliamentarian knows it. What bothers me with your bill is that you have not made the distinction between marijuana and other kinds of drugs. Why did you not make this distinction? Is there any

reason to believe that the possession of small quantities of marijuana could result in disproportionate charges?

I understand that minimum sentences will only apply if there are aggravating circumstances and I would like you to confirm that for me. I would also like to know what the rationale is for the use of a building belonging to a third party. Are the mandatory minimums that you are proposing similar to those handed out by judges today?

[*English*]

Hon. Rob Nicholson: You've covered a lot of ground, Monsieur Ménard.

With respect to decriminalizing small amounts of marijuana, this will never happen under a Conservative administration. We have no intention of doing that. Quite frankly, we think that in the last number of years prior to our taking government, the wrong message was being sent out to people: that somehow marijuana was okay and that we may be legalizing it or we may not. We think it sent out the wrong message, quite frankly, to people.

I can tell you what people, for instance, have told me. I've been out to British Columbia about three times in the last two months. I can tell you what law enforcement agencies have told me with respect to the production of marijuana, because one of your questions was why don't we make a distinction or why are we lumping in marijuana with some of these other drugs.

I don't have to tell anybody in this country what a curse it is to start having grow operations. I see my colleague, Dean Allison, and he knows what I'm talking about. In the Niagara area, when they're uncovering these things, many times the house is destroyed. The people lose the house because of these operations. They are completely illegal. We want to send out the right message to these people that this sort of activity will not be tolerated.

Here's what law enforcement agencies in British Columbia were telling me, and this is no different, quite frankly, from what I get when I go right across this country. They're telling me that sometimes, in many cases, marijuana is the currency that is being used to bring in other drugs, other serious drugs, from outside of the country. They're being exchanged. They're shipping the marijuana out of the country and they're bringing in other drugs, like cocaine and heroine.

So, again, I have law enforcement agents telling me this is currency, this helps get the business going, this lubricates the business. Well, I'll tell you that makes me nervous.

[*Translation*]

Mr. Réal Ménard: Mr. Minister, have you ever sat in the same caucus as Pierre Claude Nolin? Obviously I do not want to minimize the importance of drugs.

Have you ever had a discussion with Pierre Claude Nolin and could you show us, using your hands, the size of a marijuana plant? Have you ever seen a single marijuana plant? We are not discussing 500 plants, but a single one.

Do you think that Pierre Claude Nolin would support this bill?

[English]

Hon. Rob Nicholson: Mr. Chairman, this bill has the complete support of the government. I can tell you, if you're talking about grow-op production, you'll notice there is a distinction. We are not trying to get the one person who's grown one plant in the backyard; we're after the people who are into the business of trafficking. We've made it very, very clear—

•(1625)

[Translation]

Mr. Réal Ménard: But is Pierre Claude Nolin—

[English]

Hon. Rob Nicholson: —that for up to 200 plants, if these people are using this for the purposes of trafficking, they fall within this law. Obviously, and I think you would agree with me, the people who have 200 or 500 or 1,000 plants are in the business of trafficking, and this is who this bill is designed for and directed at.

As I say, I made it very clear what we're after. We're after the people who are into the business—the business of trying to destroy lives in this country—the organized crime that gets involved with this, the people who are trafficking. This is why we have a whole list of aggravating factors. I think if you look at it very closely, as I'm sure you will when you go clause by clause on this, you'll see that, yes, we've got it right. These are the kinds of things we want to take into consideration.

The Chair: Thank you.

We'll move on to Ms. Davies. You have five minutes.

Ms. Libby Davies (Vancouver East, NDP): Thank you very much.

Thank you for coming today, Minister.

I think this is a very significant bill because it does show a very changed direction, in terms of Canada's drug strategy. I think the central question before this committee in examining the bill, and I want to put to you, is the question of mandatory minimums for drug crimes.

You're probably familiar with the justice department report from 2002 that pointed out that mandatory minimums are the least effective in relation to drug offences. Certainly in the U.S., where there was a huge movement to mandatory minimums, they're now moving away from that. Many states are repealing their mandatory minimums.

One question I have for you is this. What evidence do you or the department or your government have that mandatory minimums will work for drug crimes, and will you table that evidence? I think we need to see what studies you rely on. Or is this just a continuation of a political position the Conservative government carries?

I think we also have to consider the consequences of this bill if it were approved as it is. For example, mandatory minimums that are less than two years would be an issue, for sure, for the provincial courts and prison system. They would bear the costs of that. So I'd like to ask you directly what you have estimated in cost to the provinces for the implementation of this bill. Secondly, what

increase in the size of the prison population would result? I'm sure you've done this research to know what the consequences of this are.

I guess to point out what a blunt instrument this bill is and how it's using this hammer approach for all aspects, I'd like to raise this question with you. How do you believe that a mandatory minimum sentence for the possession of one plant of marijuana for the purpose of trafficking would stop organized crime or gang-related crime?

Finally, could you offer any observations? Do you think the war on drugs in the U.S. has been a success?

Hon. Rob Nicholson: Can I have half an hour on that one, Mr. Chairman?

You've covered quite a bit of ground, Ms. Davies, I have to admit.

Your first comment had to do with mandatory prison terms. I agree with you—

Ms. Libby Davies: For drug crimes specifically.

Hon. Rob Nicholson: Yes, for drug crimes. So you have no trouble with mandatory penalties for gangs or anything else? That would be good.

Ms. Libby Davies: No, no, I'm not talking about that; I'm talking about mandatory minimums for drug crimes, and what evidence you have on that.

Hon. Rob Nicholson: I have no trouble with that.

I first of all believe...and the government has taken this as a comprehensive approach. As you will know, under the national anti-drug strategy we're getting the message out to particularly young people that drugs are a bad idea, that this is not the way to go in life. We're doing that through education and advertising. We're working with non-governmental groups and government organizations to try to get the message out. I approve of that.

I just talked to the Liberal MP about drug courts; I agree with that.

You say we're using a club on this. I disagree. I don't think there's anything unreasonable about sending to jail for a year somebody who's bringing drugs into this country for the purposes of trafficking. I think they should go to jail—

Ms. Libby Davies: For one plant.

Hon. Rob Nicholson: —if they are importing drugs for the purposes of trafficking. And that's a determination of the court.

As I indicated, too, if you're speaking with respect to grow-ops, which are specifically identified, you could have a grow-op of 100 plants. You may have sold 95 plants yesterday and have just five plants left. Well, guess what? If you're in the business of trafficking, you're in the business of trafficking.

But I did make it clear that this bill is not directed at possession by the person who grows a plant and who's not in the trafficking business. Again, it would be....

Go ahead.

Ms. Libby Davies: I respect your opinion on that, but my question is what evidence do you have that mandatory minimums for these drug crimes will actually work, that they're actually deterrents? What evidence is there?

• (1630)

Hon. Rob Nicholson: It's been a long time, Ms. Davies, since we've had a number of these mandatory penalties here, but we're absolutely convinced, from our consultation with Canadians, that this is exactly what Canadians want us to do. We want to send out the right—

Ms. Libby Davies: Do you have evidence?

Hon. Rob Nicholson: We have the evidence that Canadians have told us that.

Ms. Libby Davies: Any studies?

Hon. Rob Nicholson: With respect to resources, I can tell you that this bill is welcomed across this country. You can check with the attorneys general, in British Columbia and other jurisdictions here. They want us to take action on drugs—and gangs, admittedly; they want both in there.

So we've introduced both of those, and we've received widespread support at the provincial level. I can assure you that with respect to my colleague, the Minister of Public Safety, the resources are there, and will be there for this and indeed for all the legislation we have introduced to Parliament.

I hope you get behind us. I've got to tell you something: check with your constituents on this.

Ms. Libby Davies: Oh, I do, regularly.

Hon. Rob Nicholson: I think the people will say, look, the Conservatives are on the right track.

Ms. Libby Davies: I take it you have no evidence, though, about mandatory minimums.

Hon. Rob Nicholson: You have to send out a strong message to the people who are in the business of destroying these things there.

We have the mandate of the Canadian people—

Ms. Libby Davies: But you have no evidence to offer.

Hon. Rob Nicholson: —and they have told us, Ms. Davies, that this is what they want to see us move on.

The Chair: Thank you, Ms. Davies. Your time is up.

We'll move on to Mr. Rathgeber, for five minutes.

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Thank you, Mr. Chair.

Thank you, Minister, for your attendance today, and thank you for sponsoring Bill C-15. I also do talk to my constituents, and I concur with you, Minister, that not only are they asking for this type of legislation, they're demanding it, and quite strongly, by letter and by phone call and by e-mail.

I do have one specific question with respect to a substance referred to as GHB, colloquially referred to as the family of date-rape drugs. I understand that if Bill C-15 were to become the law, if Parliament sees fit to pass it, this family of substances will become a schedule I substance and will move there from the schedule III list.

I would submit to you and to members of the committee that this change is long overdue. In fact, as I understand this family of substances, they're not normally used by recreational users who are looking for some sort of substance high, but it's quite another matter in terms of those who are in the business of being sexual predators who are attempting to take advantage of another individual for their own sexual gratification.

I think this is a problem that Parliament needs to address. These substances are becoming prevalent in cities such as Edmonton, which I represent. Those involved in organized crime are distributing them. They're quite prevalent in nightclubs and bars in cities such as Edmonton.

Minister, I was hoping you could tell me what the ramifications will be for those who traffic in date-rape drugs such as GHB should we be successful in making Bill C-15 the law through an amendment to the Criminal Code.

Hon. Rob Nicholson: I think there are some quite serious consequences contained within the legislation. But first of all I have to thank you for your support. You've been very supportive of our tough-on-crime agenda, and not just with this bill—I have to be fair—but right across the board. I know you are in touch with your constituents. They are rightly concerned, and I appreciate that you have brought those concerns to me.

You're quite right that by reclassifying, some of these judges...we bring them within the ambit of what we are trying to do here. As I said to Ms. Davies, we want to send a clear message to people who want to get involved in this, because they're in the business of destroying people's lives. People who are importing narcotics into this country are in the business of destroying people—that's what it's all about—or taking advantage of other people. That is why I make no apologies for the fact that these people can expect to end up in jail if they want to get involved in this activity. We don't want them to get involved in that. I hope nobody would wish that upon anybody else.

I'm pleased that we take a comprehensive approach. The national anti-drug strategy is a perfect example of getting the message out, particularly to young people, to not get involved in this. But we need to have a very clear message, and I don't think people got a clear message. Over the years, in the late 1990s and the early part of this century, somehow they got the message that some of it was okay; you could take it and we wouldn't charge you; and maybe we were going to decriminalize it. That was the wrong message, in my opinion.

We have to be consistent, and this government will be consistent. We will bring in the list of penalties I have indicated. We're after those people who are in the business of trafficking; the people who are in the business of producing these drugs; the people who are in the business of taking advantage of other people; or, as they told me in British Columbia in very clear terms, the gangsters and the gangs that are making a living off this. We have to direct this legislation at them.

You've been supportive of not just this legislation but gang legislation and other pieces of legislation. So again, thank you very much for your concern on that. It has certainly been noted and appreciated by me and all of us in the government.

• (1635)

Mr. Brent Rathgeber: Thank you, Mr. Minister.

The Chair: We'll move on to Mr. MacAulay. You have five minutes.

Hon. Lawrence MacAulay: Thank you very much, Mr. Chair.

Welcome, Minister.

I'm interested for sure in what you've had to say. I've been involved in this area for a number of years, and I don't think anybody sitting at these tables would support drug pushers or organized crime. It's a desperate thing to be addicted to any drug. As Minister of Justice, you're responsible for putting the laws in place to pay for the crime, but it's also important to make sure rehabilitation is there.

You indicated in your opening statement that you've travelled across this country and to many places around the world to see prison systems. Well, I have too. It's most unfortunate when someone's addicted. I know you personally, and I know you care.

Number one, will the numbers increase dramatically? Do you have any figures on what you expect to take place? Perhaps Mr. Yost or somebody has those figures or an estimate on that. What will happen when you put more people in the prison system? What types of rehabilitation programs will there be, if any?

You have travelled, and I'm sure you've been in institutions where portions were drug-free—or the whole institution. They're all human beings; unfortunately, they're addicted. But what if they attempt to straighten out their lives or they're given some goals to achieve? Has there been any thought given to that, to give these human beings who are in the system opportunities to change their lives?

Hon. Rob Nicholson: Indeed, there's quite a bit of consideration with respect to people who are being incarcerated and getting into the federal penitentiary system. If my colleague, the Minister of Public Safety, was here, he would reiterate what I'm going to tell you. Of course, we want these people to get help; we want them to break their addictions; we want them to have programs available to them. Ultimately, these people are back out on the streets, and we want them to be responsible citizens contributing to Canadian society.

We talked a bit about the drug courts. The drug courts are an attempt to intervene with individuals to get them off this and give them an alternative to going into a correctional facility, because that's what you're looking at. If you continue to abuse drugs, if you continue to get into trafficking, if you continue to get involved with

violence, these are all things that lead to a dead end. Two and a half years ago, when I became justice minister, I said I was very interested in the drug courts, because I think they provide an alternative.

Last year, I was very pleased when the Prime Minister announced the national anti-drug strategy in Winnipeg. It contains education components, working with people, working with NGOs. I was pleased to be in Prince Edward Island, and I remember visiting a correctional institute with your attorney general for young people. One of the questions I had was, are they getting help and that sort of thing? He was able to assure me that they're doing everything possible to help these young people, and I was quite impressed by that visit. This is what we have to do.

Hon. Lawrence MacAulay: Is there anything that can be done to see if they can get some help before they go to prison? The majority, or a large percentage, of people in the penal institutions have difficulty with drugs or alcohol. Is there any thought within the justice system to start dealing with this within the institution itself? That way, after they're convicted they would have an opportunity to help themselves. I'm talking about an institution that's drug-free. People who are incarcerated are bright, too. They're able to get around all the systems you put in place, to get drugs into the penal institution. The only way you can fight drugs is to convince the human being that he shouldn't have the drug. That's what I'm asking you.

• (1640)

Hon. Rob Nicholson: As Solicitor General, in charge of the penitentiary systems in this country, Mr. MacAulay, you would know as well as I about all the different programs available in the federal penitentiary system. My colleagues, Stockwell Day and Peter Van Loan, have enhanced the ability of people to get the assistance we want them to get in our penitentiary system. This is what we have to do. I agree with you: we want these people to come out and become productive citizens of this country.

The Chair: Thank you.

Monsieur Lemay.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): I have so many questions I would like to ask you that I wish you were here for another hour or two. I will try to phrase my question very carefully.

Have you signed an agreement with the provinces? The people who will find themselves in jail will not be a problem for you, except those who go into provincial institutions for two years or less. And with your bill, there will be many.

Have you signed an agreement so that people will be able to receive treatment, pursuant to subclause 5(2) as set out in your bill? If a person wants to undergo treatment, there will be a problem. What is the Quebec Court to do with this person? Are there agreements that provide for treatment programs?

I would now like to talk about the new subclause 3(1) of the bill, which amends section 7 of the act. In case you are not aware of this, Mr. Minister, grow-ops of 200 plants or less are rare. Many young people are growing 10, 15, 20, 25 or 50 plants. From the outset, they are automatically liable to a prison term of six months. What is the solution?

I understand your position. It would appear that you are tabling a bill for serious drug dealers. However, it is not serious drug dealers that worry me, because there are already provisions that apply to them, but the small ones, what we call the small fry. I do not know what the translation services will do with that expression. These are small-time dealers who have 10, 15 or 20 plants, who would be liable to a prison term of six months right off the bat. Currently, provincial prisons offer no services. I know it, because I checked.

[English]

Hon. Rob Nicholson: First of all, Monsieur Lemay, you did cover quite a bit of ground.

The provinces are well aware of what we are doing right across the board on our tough-on-crime agenda, whether it's credit for time served, gangs, or drugs. All of these are subject to discussions and consultations; they have been certainly over the last couple of years that I have been justice minister. So they're well aware of that. Quite frankly, they don't hesitate to tell me how big of a problem some of these things are. And guess what? I get it from law enforcement agencies as well, who keep asking us to.... They support us in moving forward on these things.

Again, the people who have, in your example, 10, 15, or 50 plants don't get into the business of trafficking. This is what it is all about, as I pointed out to Ms. Davies. It's not the individuals who are planting for their own purposes. They shouldn't be doing that. They shouldn't get into this. It's a bad business to get into. It's the people who are trafficking who are going to be subject to this piece of legislation.

• (1645)

[Translation]

Mr. Marc Lemay: Mr. Minister, I respectfully invite you to read clause 7, which you wish to amend. This section talks about production. There is the consumer, the producer and the dealer. You are attacking the producer by amending clause 7. But this section provides for a mandatory minimum of six months.

[English]

Hon. Rob Nicholson: We want to attack the producer. We're after the people who are producing and trafficking in marijuana.

[Translation]

Mr. Marc Lemay: Yes, but these are young people.

[English]

Hon. Rob Nicholson: There's no question about it.

[Translation]

I agree with you.

Mr. Marc Lemay: Mr. Minister, I agree with you, but I am telling you that these are young people who have 10, 15 or 20 plants. I'm not talking about the big dealers, the Hells Angels or the Bandidos. I

am aware of these kinds of cases because I have had the opportunity or arguing some of them. What I'm talking about is young people, who would find themselves in prison for six months after a first offence. That is what the bill provides for.

[English]

The Chair: Give a quick answer.

Hon. Rob Nicholson: I'm not quite sure who you're referring to.

The Young Offenders Act applies to people up to the age of 18. Now, if you're asking me if some 25-year-old young person who's in the business of trafficking drugs can expect to be subject to this bill, yes, that's right. If you're a young person, if you're 25, guess what? This bill applies to you.

But again—and I think we're on the same page—we want to send a message to the people who are traffickers, the people who are bringing drugs into this country, that this is intolerable.

One of your colleagues mentioned people around the world. I'm going to tell you something, that other justice ministers.... I was at the Commonwealth meetings and other meetings. They tell me this is a curse, that it can destroy a society if drugs take a hold of the society. This is why we, or my colleagues.... And I hope you join with us, I really do, to send out a message that this kind of behaviour, this kind of activity, is intolerable and won't be tolerated by this Parliament.

The Chair: Thank you.

Mr. Norlock, you're next. You have five minutes as well. After that I think we'll go to three-minute rounds.

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Thank you very much, Mr. Chair, and thank you, Minister, for coming here today. Thank you as well to the officials with you.

I've been listening to some of the questions here from some of the questioners. What's the real issue here? Is it addicted people with problems, successful treatment of people with addictions, prescribed drug treatment plans, young people who might be growing fewer than 50 plants? How about the person with only one plant?

Then they'll make a statement that they agree with most of what you're doing, "but". When I took secondary school education, I learned that when you say "but", it basically negates everything you said before the "but", because the real issue is what you said after the "but", so maybe we just need to leave out the "buts".

As far as I'm concerned, this is about the people who come to me—and before I am accused of being just a cop who just wants to put bad people in jail, I want to tell you what I did when I was a police officer. I brought in programs like the D.A.R.E. program. I worked with Rebound Child and Youth Services.

This will be a question. Hold on to your hat there, Brian.

This is all part of the legislation you brought in. Part of that legislation deals with people who are addicted, but let me tell you what a lot of folks really think. I don't mean the folks who are hung up here playing the political games and all those other things, which every single person around this table, with the exception, perhaps, of the department people—

Hon. Rob Nicholson: And the minister?

Mr. Rick Norlock: Well, we're all....

Here's the issue. When I look at the bill, I see that we're talking about drugs that are being sold just outside the school doors, and that could be the person who just grows one plant for the purposes of raising \$30 to do something. You know, criminals start small. They don't all start with big grow-ops. They start with the small stuff, and if you leave them alone....

Do you want to talk about treatments in prisons? I have Canada's largest prison in my riding, Warkworth. There's a very good drug and alcohol treatment plan there, but do you know something about drug and alcohol treatment? AA has it down straight: number one, you've got to recognize you have a problem, and number two, you've got to want help. You can have all the programs in the world and you can jam it down some drug-addicted person's face and down their throat, but it won't help them get cured, because they don't want to be cured.

Minister, my question is supposed to be dealing with mandatory minimums, and that's what this all has to do with. People are tired of reading in the newspaper about the sentences some provincial court judge or some judge somewhere gave to somebody who sold drugs: if you spent the last three or four weeks or months in jail, it's time served, boom, out the door, or you go to jail for six or seven or eight weeks. That's what the mandatory minimums are about.

We need to send a signal not necessarily just to the criminals, Minister, and I'd like you to respond to this. We need to send a message not just to the criminals who are doing these things, but to the people who want us, the politicians, to pass laws that make sense to them that the people who are committing the offences suffer the appropriate consequences.

You've been asked about mandatory minimums. I'd like you to talk about mandatory minimums—not what they mean to the criminals, not what they mean to the defence counsel, but what they mean to the average person on the street, to the mother and the father out there.

• (1650)

Hon. Rob Nicholson: You've covered a lot of ground, Mr. Norlock.

I can tell you that I think what we have here is a very balanced approach to the whole problem. We do want to get that individual who's an addict some help. As I've outlined in answer to a number of questions I've had today, we genuinely want to get help there. But we do have to send a message out to the individual who commits these crimes, and we have to send a message out to society that we're worried about them as well. One of the previous questioners said the problem is these people are getting into prisons. Yes, these people who get into prisons are a problem. But guess what? It's a problem for the victims that these people leave behind.

One of the things that we have constantly emphasized since taking office in this country is that we have to stand up for victims and law-abiding Canadians. Somebody has to speak for them. I've told this committee before that we've instituted the first federal ombudsman for victims of crime. That's what that office, that individual, has to do, but we have to send out the right message here, that this kind of activity is not going to be tolerated, that you don't get off without, perhaps, a prison sentence if you're bringing drugs into this country. I'm sure there are people who say, "This poor fellow, he's involved with organized crime. He's just bringing drugs into the country." Well, I have news for you. He's one of the individuals who is trying to destroy this country. Don't be bringing drugs into this country, and if you are, you can expect jail time in this country. You could say, "Oh, the poor fellow, he only has 500 plants." He's just destroying a house and a neighbourhood, and he's trafficking. That's not an excuse. He shouldn't be into that business here. Again, we send out the right message. This is targeting trafficking. People want to sell to children. People want to sell around schools, people who have been into this business for a long time, people who are bringing it in and out of the country, people who are producing these drugs.

This bill is very focused, and I'm hoping this bill is going to get passed. Believe me, there are a lot of Canadians who are very supportive of what we are doing here. They're looking to this committee and to this Parliament to do something about these problems.

The Chair: Thank you.

We'll move on to Mr. Murphy. You have three minutes.

Mr. Brian Murphy: Aside from the hyperbole that dominates question period and how we characterize each other as parliamentarians, there is no doubt that we all want a safer community, and we all want to deal with issues regarding drug addiction. Drug addiction and the sequelae of all that, Mr. Minister, you rightly characterize as the scourge of our communities, and I think we all agree with that.

If you look at the principles of sentencing in the Criminal Code and deterrence...in denunciation you get an A-plus for your speech, for your ethos today. You're all about denunciation. That's part of what we should be doing. There's no doubt about it. On deterrence, I honestly believe that you believe this will have a deterrent effect, so I can't fault you on that. I know we may disagree on the empirical evidence, of which there is really none, frankly, but where you haven't really come through is on the issue of rehabilitation.

It was an earlier question. Have you talked to corrections officials? Have you talked to public safety officials, to Minister Van Loan or anybody, about the effect this bill will have on the number of people who have drug problems and whether there will be enough resources to treat them? After all, it is about the victims. Somebody who is sent away is going to get out again. If we send them away and they come back a worse person with worse drug problems and worse needs, it's ultimately worse for the victims. There ought to be something that can be done in the system. You alluded to some wonderful programs that my friend, Mr. MacAulay, brought in or ministered and so on.

What is the state now? Does your bill increase the "customers" in the prisons, and are there enough resources to make those programs accessible to people ?

• (1655)

Hon. Rob Nicholson: You touched on a couple of things. I was asked the question in the context of the gang bill. They asked, if a person, under the new changes of the murder provisions, spends 25 years in jail after they've murdered somebody as part of a gang-related activity, will they not do the crime because they're going to get, say, another 10 or 15 years? You know what I told them? I told them the truth. I said, I know that in those last 10 or 15 years there will be fewer victims in Canada, and this will certainly help break up gang activity by having these people detained.

I think you should make a distinction as well, because I make the distinction. The people who are, for instance, trafficking in drugs, bringing them into this country, they're not necessarily addicted. Many of these people are not addicted. In my limited experience with people in the grow-op business, many of these people don't even use the product themselves. They're just in the business of trafficking. So in answer to your question of whether they are going to get help with their addictions, they're not necessarily addicted just because they're drug dealers. Some of them are. Again, I did more than allude to it. I mentioned, both in my opening remarks and in response to one of the questions I was given, how supportive I was, for instance, of drug courts in this country to provide an alternative to the people who are addicts and building on the programs in the federal institutions that help these individuals. You heard Mr. Norlock just talking about the excellent programs that exist.

Yes, my colleague, the Minister of Public Safety, who is responsible for the federal penitentiary system, is very aware and very supportive of getting people the help they need. But we can't characterize these people as addicts just because this bill is targeted at traffickers, because in many, many cases, according to law enforcement agencies, in fact they're not. They're just in the business of destroying other people's lives with drugs. So we have to be very careful.

Again, as I indicated in my opening remarks, Mr. Chairman, this represents a very balanced approach. This is very reasonable, and I hope this has the unanimous support of the members of this committee.

The Chair: Thank you.

We have time for one more question.

Mr. Moore, you have three minutes.

Mr. Rob Moore (Fundy Royal, CPC): Thank you, Minister, for your work on this bill, as well as all the others that you're sending our way as a committee.

You did touch on this in a couple of your answers, but I do want you to speak a bit about something that certainly the police and attorneys general have made this committee aware of, and that's disrupting criminal enterprises. That's the notion that we just passed through the committee the other day, Bill C-14, dealing with gang violence, the notion that at some point, through the good work that our police do and our prosecutors, we have to have sentences that disrupt the enterprise or the activity, whether it be gang violence or trafficking in illegal drugs that, as you rightly said, harm our communities.

I appreciate what you've said about rehabilitation and ensuring those who are in need have the resources they need to get help, and I think that is a goal we all share. We want to see every Canadian get the help they need to be productive members of society. When it comes to these criminal organizations and what's necessary to disrupt their activities, could you comment a bit on how this bill fits with that goal?

Hon. Rob Nicholson: I'd be pleased to do that, Mr. Moore, but I would be remiss if I didn't single out both you and Monsieur Petit for all your work as parliamentary secretaries to the justice minister. I think I've indicated to you before that I was very proud and pleased to be a parliamentary secretary to three justice ministers starting in the late eighties, and what a great experience that was for me, and a great training ground, quite frankly, to take on the role of Minister of Justice—though we're not contemplating any changes in the near future, just to be clear. But thank you again, you and Monsieur Petit, for all that you are doing and, quite frankly, for your support of this.

One of the common themes that we have had throughout our legislation is exactly that: we want to disrupt the criminal activity. I indicated to you that we made it tougher for people to get bail. We reversed the onus on people who have a record dealing with firearms and firearms offences and put the onus on them to get out on bail. I can tell you what police officers say to me: they say this sends out the right message. If the person who took a shot at you is back out on the street in a few hours, this actually sends out the wrong message to a neighbourhood. It sends out the wrong message to witnesses and to the victim. So what we have been attempting right across the board on these things is if you get some of these people off the street—that's what they tell me, that's what they're telling me in British Columbia—it disrupts the criminal activity they're a part of. That's exactly what we want to do. We want to break down these gangs. We want to disrupt their activities.

This bill is a perfect component of what we have been trying to do: worry about victims and law-abiding Canadians, and at the same time disrupt criminal activity and try to send a message to these individuals that this is not the way they should be living their lives. They should straighten themselves around. We are prepared to help them, but they have to get that message, that what they're doing is wrong and will not be tolerated.

• (1700)

The Chair: Thank you, Minister.

Before you go, I have a short question.

We've dealt with rehabilitation. We've dealt with deterrents. We've dealt with denunciation. What we haven't discussed specifically yet is protection of the public.

I think most of us would agree that the large number of drug dealers arrested are arrested time and time again. They're in; they're out. They're repeat offenders, and for every crime they're actually convicted of, many of them have 10, 30, 50, 100 or more crimes they've committed for which they've never been caught. It seems to me that when we are talking about mandatory minimum sentences, we're presumably talking about longer terms in prison for people who are a danger to the public and are repeatedly offending.

Could you comment a little bit on the protection aspect of implementing mandatory minimum sentences, just briefly?

Hon. Rob Nicholson: I don't think there's any question about it. I mean, you get an individual who is in the business of violence, in the business of destroying other people's lives. I mean, you're doing society a favour by interrupting that person's criminal activity and doing something with that individual. It's like the case I talked about when they asked if the guy is going to not commit the crime because he's going to get 25 years in prison instead of 10. I said, "Well, I know that Canadians will be a lot safer for that last 15 years." For sure, we can all agree with that one. And this, ultimately, is what we want.

Ours has always been a balanced approach, Mr. Chairman. I thank you for your interest and support in this area. I can tell you that we are continuing. We're continuing to give Canadians what they want and what they deserve in the criminal justice area.

Again, with respect to victims, I'm always pleased—always. I wish I got more questions, quite frankly, about the victims. I don't get that many, but that's life. Nonetheless, they are still of great concern to me, as I know they are to you and to many of our colleagues.

So again, thank you very much for the opportunity.

The Chair: Thank you.

Hon. Rob Nicholson: I think the departmental officials will be able to stay. Will they not?

The Chair: No.

Hon. Rob Nicholson: No. Okay, fair enough.

The Chair: I believe we're now going to deal with some committee business.

Thank you, all three of you, for coming.

We'll suspend for five minutes.

- _____ (Pause) _____
-
- (1705)

The Chair: We'll reconvene the meeting.

You have before you the motion dated April 20, from Monsieur Ménard, relating to the Hells Angels and other criminal organizations. You can read the motion yourselves.

I'm assuming you want to bring this forward, Monsieur Ménard.

[*Translation*]

Mr. Réal Ménard: Thank you, Mr. Chairman.

I know that we are studying organized crime and that there are already several bills dealing with the issue. However, I think the time is right for us, as legislators, to concentrate on a very specific objective, that is of determining how we can have a certain number of criminal organizations declared illegal, particularly the Hells Angels.

I believe that we cannot wait until we have wound up our general study on organized crime. There are expectations that we could do a very specific study, and I think it could be done in two or three meetings. I propose that the committee devote two meetings to hearing from witnesses and one meeting to draft a report.

Many editorials in Quebec have invited parliamentarians to do this. I have some ideas as to how to achieve it. We heard from Mr. Randall Richmond, from the Organized Crime Prosecutions Bureau as well as from Mr. Latulippe. Other people could testify. I have been given to understand that the government will not support my motion, because this supposedly fits in with other bills. That disappoints me somewhat.

In my opinion, it would be a mistake to not specifically grapple with this issue. I am open to amendments. I suggested that we meet on Tuesday because I do not want to slow down the progress of the current bills. I know that we have all committed to studying Bill C-15 and that we will be studying identity theft, auto theft, social condition, etc. I do not want to bog down our work, but I believe that we must act. We cannot wait to have completed our study on organized crime, which will deal with many other considerations. I believe that this motion must be passed, and that is why I have tabled it.

[*English*]

The Chair: As a reminder to all members about any testimony we receive in camera or in private meetings, we want to make sure we don't disclose that, including the identity of those who give testimony. I wanted to make sure we kept that in mind.

Mr. Brian Murphy: We're not in camera.

The Chair: I understand we're not in camera. I only want to make sure we don't take information that we received in camera at a previous meeting and disclose it here. It's a gentle reminder.

Is there anyone else on this motion?

Mr. Moore.

Mr. Rob Moore: I don't want to belabour this or have a big debate on it. I do want to make the point, though, that we have a very significant number of bills we're either dealing with or are coming down the pipe. We have passed through the committee the bill dealing with gang activity. We have the one that was introduced here today on drug crime. We have one on auto theft, and there are others, credit for time served, for example.

We're all busy. I assume we're all busy. I know most of us around this table are. To take three days to have hearings on this very specific issue, we could do that.... I think it sets a precedent that anytime someone thinks we want to study some narrow issue, we should take additional days. And there are days that I don't, frankly, think most of us have the time to do. These types of questions can be put to experts who appear when we have committee meetings. We have regular committee meetings on all of these bills. Many of these bills touch on aspects of organized crime, including the one that we just passed through committee. So I think it's appropriate to put these types of questions to experts who appear on our bills every week. But to take three days to study this, I don't support that. We have a lot of bills we're dealing with and we only have so much time to do it in.

That's why I'm not supporting this motion.

• (1710)

The Chair: Mr. Murphy.

Mr. Brian Murphy: What I don't hear from Mr. Moore is that he's opposed to the motion in principle, so I guess what we're caught with is a scheduling issue or a priority issue. I wonder if Mr. Ménard would consider amending his motion with respect to that second line, which really talks about the "when", because what I hear from Mr. Moore is that there are priorities, legislation, that some of the parties are agreeing to have expedited. I'm only suggesting that perhaps we could do this over a series of weeks rather than doing it in one full week, to avoid the undoubtable blame that will come that we're somehow delaying or frustrating the government's program, which is not the intention. It's a motion. The member has a good motion, but there ought to be a way to accommodate it without slowing the business of government legislation.

But the ball is in Mr. Ménard's court because it's his motion.

The Chair: Thank you.

Monsieur Ménard.

[*Translation*]

Mr. Réal Ménard: This motion will not result in any delay of the government's agenda, because if it is passed, we will sit on Tuesdays whereas the committee does not normally meet on Tuesday.

Furthermore, it is not true that we can freely question all witnesses. We should draft a report. Perhaps we could do it in two meetings, if the government wishes to amend my motion. There is no greater threat, as we speak, than the Hells Angels and other similar groups. I could not comprehend the government saying that they are committed to fighting organized crime without wanting to think specifically of the ways of making these groups illegal.

You heard the same testimony as I heard, Mr. Chairman, and I do not believe we were meeting in camera when we were discussing

Bill C-14. People told us that the biggest favour we could do them would be to work on having the Hells Angels declared illegal because currently, they have to start at square one with every trial. I must say I do not understand the parliamentary secretary's logic. We have been asked in many editorials to proceed in this fashion.

If Mr. Murphy wishes to move an amendment, I think it would be best to decide on specific dates because that would oblige us to work concretely. Perhaps we could hear from witnesses in a single meeting and draft the report over two meetings. I would be more comfortable if we had dates.

The parliamentary secretary will understand that the committee's agenda cannot be solely dictated by government bills. The committee may have other concerns, but in order not to slow down the study of bills, we are prepared to do this in two meetings. It would be on Tuesdays, so I do not understand.

If Mr. Murphy wishes to pass the amendment, it is possible to do it in only two meetings. We could withdraw the date of May 26 and keep the 5th and 12th of May. We could have that sort of amendment, but we cannot say that we will not study this issue or that we would include it in the general study on organized crime. This is urgent. As you know, there were 156 arrests in Quebec, including 111 Hells Angels. Many people have taken the position of inviting us to take the means to have them declared illegal, and that is the intention of the motion.

[*English*]

The Chair: Thank you.

Mr. Norlock.

Mr. Rick Norlock: I know we have been doing a study on organized crime, of which the Hells Angels are a major part. I don't think there's any doubt there, and I was concerned about some of the things we heard.

I think it's public knowledge that in every single case, in order to prove an organization is involved in organized crime, the prosecution has to prove that part of the case. One would think we would be able to come up with a reasonable way of just saying that if you belong to this organization, or the other thing.... And perhaps we need to look at that from a strictly legal point of view and whether it will pass a challenge under the charter—which makes everything better in this country. So I'm disposed to want to do this.

But every time these things come up and somebody says, we'll just sit a few extra days and put it on a day this committee doesn't sit.... I don't know about you guys, but I sit on the public safety committee, and it does meet on Tuesdays and it does deal with issues that are similar to this committee's. So if somebody says it won't overburden us because we'll put it on a day this committee doesn't sit, my response is that some of us sit on multiple committees.

And before anybody says, oh, well, we'll just get a replacement, I think the reason we're on particular committees is that we can follow through. The value of committee work is greater than if it's always a matter of one committee being replaced by another.

I think Mr. Murphy brings up an important issue, so I think we have to get around this. I am really reticent to sit extra days because a person on the committee thinks this is the most important thing that ever happened.

Thank you.

• (1715)

The Chair: We'll move on to Monsieur Petit.

[*Translation*]

Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC): I would like to offer the following clarification concerning this motion. Mr. Réal Ménard's colleague, Mr. Serge Ménard, who was the Minister of Justice of the province of Quebec during the biker wars, himself says that the motion is not an appropriate means. He says that even if we ban the Hells Angels name, they need only change their name and start their activities up again. We would therefore always be chasing after them while they continue to change their name.

Mr. Serge Ménard suggested that, rather than using methods that we know in the context of terrorism, we should find a solution that is much more in line with the Criminal Code. I think we should follow Mr. Serge Ménard's opinion on this and vote against the motion.

A young person was killed by an explosion in Mr. Réal Ménard's riding, and I believe that the substance of the issue raised by him is valid, but we should perhaps follow the advice of Mr. Ménard's colleague, Mr. Serge Ménard.

[*English*]

The Chair: All right, thank you.

Mr. Moore.

Mr. Rob Moore: If it's the will of the committee, then, obviously, it's an interesting topic. One premise I kind of reject is that we're never interested in studying. We are in the midst of a study on organized crime. It was put forward by Mr. Ménard that we study organized crime. We're going to be travelling. My understanding, unless I missed something, is we're going to Vancouver next week to study organized crime. So let's not say that we're not interested in studies. But we can't have a flavour of the week, where we take time out of...

I'm sure we all have something scheduled for those days. I'd be very surprised if everyone around here didn't have something scheduled at the time you're talking about. So, number one, we're busy with our regular, scheduled committees. We have other responsibilities. We're conducting a study right now on organized crime, of which the Hells Angels are a member. Now we want to have another study on some specific...

I think it's going to be the same types of witnesses, witnesses you could put the question to in our study on organized crime. But I do want to say that it's certainly not correct to suggest that we haven't conducted studies that have come from members of the committee, particularly Mr. Ménard.

We've had several studies that you've initiated.

If it's the will of the committee to study this on Tuesdays, then I guess we have to make room for it, but I don't support it. I think we're dealing with government legislation in the same....

The witnesses who are going to be here are going to be here for those other sessions and we can put those questions to them. I've never seen opposition or government members limited in our questioning by the topic at hand. We usually have pretty free range in discussion with witnesses.

• (1720)

The Chair: Monsieur Ménard.

[*Translation*]

Mr. Réal Ménard: I repeat: the issue of organized crime is much broader than my motion. This is a perfect time to declare the Hells Angels to be illegal. That is what we must think about. We're not obliged to take three months to do so. We could create a subcommittee.

My colleague Mr. Petit pointed out the opinion of Serge Ménard earlier on. I have a great deal of respect for him, but he was against the application of an anti-gang law. The motion I have moved reflects the position of the Bloc Québécois. My colleague Serge Ménard is entitled to his opinion, but it is not that of the Bloc Québécois. Furthermore, it is not Serge Ménard who has tabled the motion. There is something that Mr. Petit has not understood, because Mr. Ménard indeed specifically did not want to take the anti-terrorist legislation as a model.

However, I am certain that Mr. Petit will have the opportunity to make the necessary distinctions over the next few days.

I cannot understand why anyone would vote against the motion. It seems incredible to me that the government states that they it is fighting against organized crime, but does not want to study the main threat.

[*English*]

The Chair: All right, we have three more speakers. We have Monsieur Lemay, Mr. Rathgeber, and Mr. Murphy.

We'll go to Mr. Lemay.

[*Translation*]

Mr. Marc Lemay: No.

[*English*]

The Chair: No? Thank you.

I'll move on to Mr. Rathgeber.

Mr. Brent Rathgeber: Thank you, Mr. Chair.

I certainly agree with my colleague, the parliamentary secretary.

With all due respect, Mr. Ménard, I think you encapsulated it yourself in your previous comment that organized crime is much broader than the motion you are moving. So by definition, the motion you're moving is within the parameters of the organized crime study. I fail to see how they're different.

It may very well be that after we are finished our trip to Vancouver and the rest of our organized crime study we make specific recommendations to the government with respect to dealing with Hells Angels and other criminal organizations, and perhaps we'll develop a mechanism that the government may or may not accept in terms of making them illegal and making fewer barriers for crown prosecutors to have such organizations so deemed.

But that fits perfectly within the mandate of our organized crime study, and I will be voting against your motion.

The Chair: Mr. Murphy.

Mr. Brian Murphy: Just briefly, this is so different from our organized crime study on the one point. The motion asks us to examine the legal avenues for declaring groups illegal, and that really has nothing to do with our crime study.

What I'm saying is the witnesses for these—and I'm going to propose two days of hearings—are going to be constitutional people, people learned in associations law, people who are going to be cognizant of bad faith under Roncarelli and all this stuff. It's going to be quite different from hearing from people involved in the pursuit of organized crime gangs. For that reason, I think it's a reasonable study to undertake on Tuesdays, which won't mar the government agenda and legislation.

But I do think we have a lot of things to do, and our whip is telling us, too, that we have other people involved in other committees. But two days is not overly strenuous to all that.

I propose that the motion be amended by striking out the words “and 26”, and putting “and” in between “5” and “12”, Madam Clerk.

[*Translation*]

Mr. Réal Ménard: Agreed.

[*English*]

The Chair: Okay, that's a friendly amendment. Well, I don't know if it's a friendly amendment, because it would have to be agreed to by everyone here.

[*Translation*]

Mr. Réal Ménard: Yes.

[*English*]

The Chair: You're making it part of your motion, Monsieur Ménard, is that right?

[*Translation*]

Mr. Réal Ménard: Yes.

[*English*]

The Chair: All right.

I'm advised we should be debating the amendment.

Is there any further discussion on the amendment?

Mr. Murphy, could you just clarify again exactly what the amendment is?

Mr. Brian Murphy: The motion would read the same, except you'd take out “26”, and the word “and” would go between “5” and “12”.

The Chair: Is there any further discussion?

[*Translation*]

Mr. Réal Ménard: Agreed.

[*English*]

The Chair: If I can make just a small suggestion, given the fact that there may be some conflicts that various members of the committee may have, it may be helpful to reword the motion to provide the clerk and me an opportunity to check, in terms of the next, say, three or four Tuesdays and Thursdays that might be available, to find out exactly what times are available. It may turn out that May 5 and 12 may not work for everybody, but May 5 and May 26 may be available. If you want to leave it to our discretion, that would change the motion somewhat.

Monsieur Ménard.

• (1725)

[*Translation*]

Mr. Réal Ménard: I will tell you what is important to me, and I think that this is also Mr. Murphy's objective. The committee could hold two meetings before the end of May. It would be up to the chair to convene them, according to what you want.

What I want to be certain about is that we write a report and that we have these two meetings before the end of May. If Mr. Murphy is comfortable with that idea, we could tell the chair to convene the two meetings.

Mr. Brian Murphy: I agree.

[*English*]

The Chair: All right.

Is there any further debate on the amendment, which is to basically set the end of May as the time in which these two meetings will be held. Is that correct?

Seeing none, I'll call the vote on the amendment.

(Amendment agreed to)

(Motion agreed to)

The Chair: Congratulations, Monsieur Ménard.

With that, we're at the end of our agenda.

We'll adjourn.

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