



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

44th PARLIAMENT, 1st SESSION

Standing Committee on Public Safety and National Security

EVIDENCE

NUMBER 106

Thursday, May 9, 2024

Chair: Mr. Heath MacDonald



Standing Committee on Public Safety and National Security

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• (0820)

[English]

The Chair (Mr. Heath MacDonald (Malpeque, Lib.)): I call this meeting to order.

Welcome to meeting number 106 of the House of Commons Standing Committee on Public Safety and National Security.

Pursuant to the order of reference of Wednesday, December 13, 2023, the committee is commencing its study of Bill S-210, an act to restrict young persons' online access to sexually explicit material.

Please note that an in camera portion of 30 minutes is planned at the end of the meeting for discussing committee business.

With regard to avoiding feedback, before we begin, I would like to remind all members and other meeting participants in the room of the following important preventive measures.

To prevent disruptive and potentially harmful audio feedback incidents that can cause injuries, all in-person participants are reminded to keep their earpieces away from all microphones at all times.

As indicated in the communication from the Speaker to all members on Monday, April 29, the following measures have been taken to help prevent audio feedback incidents.

All earpieces have been replaced by a model that greatly reduces the probability of audio feedback. The new earpieces are black in colour, whereas the former earpieces were grey. Please only use an approved black earpiece.

By default, all unused earpieces will be unplugged at the start of a meeting.

When you are not using your earpiece, please place it face down on the middle of the sticker for this purpose that you will find on the table, as indicated.

Please consult the cards on the table for guidelines to prevent audio feedback incidents.

The room layout has been adjusted to increase the distance between microphones and reduce the chance of feedback from an ambient earpiece.

These measures are in place so that we can conduct our business without interruption and protect the health and safety of all participants, including the interpreters.

Thank you all for your co-operation.

Today's meeting is taking place in a hybrid format.

I would also like to make a few comments for the benefits of members and witnesses: Please wait until I recognize you by name before speaking, and I will remind you that all comments should be addressed through the chair.

I would like to welcome our witnesses for the first hour and a half.

From the Department of Canadian Heritage, we have Owen Ripley, associate assistant deputy minister, cultural affairs; Katie O'Meara, policy analyst; and Galen Teschner-Weaver, policy analyst.

Now I would invite you to make an opening statement of up to five minutes.

Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC): Mr. Chair, just before we start....

The Chair: Go ahead.

Mr. Garnett Genuis: Thank you, Mr. Chair.

I was surprised by the meeting notice for a number of reasons. I had expected that we would be completing what we were discussing previously. With that in mind, I'd like to move a motion:

That the committee resume debate on the report from the subcommittee—

Mr. Chris Bittle (St. Catharines, Lib.): I have a point of order.

The Chair: Excuse me for just one second.

Listen. First of all, if you start talking over, the interpreters.... I just—

Mr. Garnett Genuis: That's fine. I welcome his point of order.

The Chair: All right, so both parties....

Mr. Genuis, we put the agenda in place. We're going to get to your motion. At your time during question period, when you have the opportunity to speak, if you want to make another amendment, then so be it; make it. I'm going to allow the witnesses to at least start here.

Mr. Garnett Genuis: I'm sorry, Mr. Chair, but you gave me the floor. I'm now moving a motion.

Mr. Chris Bittle: I have a point of order—

Mr. Garnett Genuis: The motion is as follows: “That the committee resume debate on the report from the subcommittee on agenda and procedure and the amendment of Mr. Genuis, provided that once debate—”

The Chair: Mr. Genuis, we have a point of order.

Mr. Garnett Genuis: Okay, yes, for sure.

Mr. Chris Bittle: There's no respect from Mr. Genuis. This is his shtick. It's been his shtick his entire career that I've been.... We were elected together in 2015.

Mr. Garnett Genuis: This is not a point of order.

Mr. Chris Bittle: Mr. Chair, again, you asked Mr. Genuis not to speak over us, and that's again part of his shtick.

He rose on a point of order—

Mr. Garnett Genuis: I didn't rise on a point of order.

Mr. Chris Bittle: He can't move a motion on a point of order. He was given the floor under that pretense. The witnesses get to speak now.

Mr. Garnett Genuis: Mr. Chair, on the point of order, I did not rise on a point of order. I did not say “point of order”. I was given the floor by the chair. I began making comments, and I moved the motion.

It was not a point of order. I did not say “point of order” at any point. I was given the floor, so I'll now proceed, Mr. Chair.

As the rules allow me, and I can comment on.... Mr. Bittle can make all kinds of aspersions about my motives, but—

The Chair: Mr. Genuis, you have the floor.

Mr. Garnett Genuis: Thank you.

The Chair: Get back to the point, please.

Mr. Garnett Genuis: That's fantastic.

The motion that I'm moving is as follows: “That the committee resume debate on the report from the subcommittee on agenda and procedure and the amendment of Mr. Genuis, provided that once debate has been resumed, Mr. Caputo be deemed to have the floor.”

The report that I'd like to—

Mr. Chris Bittle: I have a point of order.

Could I get clarification on your ruling, Mr. Chair, in terms of Mr. Genuis's being able to move this motion?

The Chair: Yes. He didn't request a point of order.

Mr. Chris Bittle: With respect to my honourable friend, I move to challenge the chair.

Mr. Garnett Genuis: On what basis?

Mr. Chris Bittle: On what basis? The agenda stands. Mr. Genuis can wait his turn, as you—

Mr. Garnett Genuis: That's not how the rules work.

Mr. Chris Bittle: Again, Mr. Genuis, you're talking over people. It's your shtick.

Mr. Garnett Genuis: No, my shtick is the rules.

Mr. Chris Bittle: Maybe take a moment—

Mr. Garnett Genuis: My shtick is demanding adherence to the rules.

Mr. Chris Bittle: I have the floor.

The Chair: Mr. Genuis, he sat there and listened to you for a minute. You can sit there and listen to him for a minute.

We don't have interpreters.... We've already gone through this. This was published in the House of Parliament. It came back to us. There is an issue with interpreters when we talk over one another. I'll give you time—

Mr. Garnett Genuis: I have a point of order on the interpreters issue, Chair, because I think this is an important clarification.

We had a situation at natural resources. The chair there asserted that having multiple people talking on the microphones at the same time was a health and safety issue for interpreters. The chair had to come back to the committee and...well, he didn't apologize, but he corrected himself that although it is more difficult for the interpreters to interpret if you have multiple people talking, it is not a health and safety issue. The health and safety issue is engaged when there's a loop associated with the proximity of the earpiece to the microphone. I understand, obviously, that we want to avoid crosstalk, but it is not a health and safety issue for interpreters.

Further, I have the floor. I was given the floor. I moved a motion. I'd like to actually get back to the substance of it, because we have some important things to raise in relation to the subcommittee.

The motion is that the debate be resumed on the amendment. I didn't even have a chance to fully read the amendment—

Mr. Chris Bittle: On a point of order—

Mr. Garnett Genuis: —at the time of the last meeting. I think it's important to highlight what we're actually talking about here.

Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.): I have a point of order.

Mr. Garnett Genuis: The Paul Bernardo case is one that this committee has studied but not reported on—

The Chair: We have a challenge to the chair on my decision to allow you to continue. We'll deal with the challenge to the chair.

● (0825)

Mr. Garnett Genuis: Can I raise a quick point of order on that?

The Chair: No.

Mr. Garnett Genuis: If I'm cut off, it is appealable to the House, right?

The Standing Orders say that if a time limit is imposed without the consent of the committee or there's a limitation on someone's ability to speak, it can be raised in the House and the Speaker will nullify subsequent proceedings. Further, the Standing Orders also say that a decision by the chair in respect to time limits or number of times a member is speaking is not subject to a challenge to the chair.

Therefore, Mr. Bittle is actually not able to challenge the chair because of what the Standing Orders say.

The Chair: We're going to suspend, Mr. Genuis.

Mr. Garnett Genuis: Thank you.

I'll find the relevant standing order.

• (0825) _____ (Pause) _____

• (0829)

The Chair: Go ahead on a point of order, Mr. Bittle.

Mr. Chris Bittle: I'll withdraw my motion and let Mr. Genuis get back to filibustering a bill that apparently he supports.

The Chair: Mr. Genuis, continue, please.

Mr. Garnett Genuis: Thank you, Chair.

The member is completely mis-characterizing events, and I will explain why. Chair, I have moved a motion. Was the motion heard, or should I reread the motion? There was a little bit of—

The Chair: Read it again, please.

Mr. Garnett Genuis: The motion is as follows: “That the committee resume debate on the report from the subcommittee on agenda and procedure and his amendment, provided that once debate has been resumed Frank Caputo be deemed to have the floor.”

I am very much interested in what Mr. Caputo has to say on this. I'm going to make a few comments about the report from the subcommittee on agenda and procedure, because this is a time when Conservatives believe it is—

• (0830)

Mr. Ron McKinnon: On a point of order, Mr. Genuis has moved a motion to proceed to a different order of business. We don't need to hear about the original motion. We should discuss that particular motion and vote on that particular motion before we carry on with other matters.

The Chair: Thank you, Mr. McKinnon.

Mr. Genuis, you were going to read your motion. Could you read it out loud, please, for us, and for the clerk as well?

Mr. Garnett Genuis: I'm happy to do that again, and then I'll proceed to respond to what was a substantive but not, I think, order-related issue raised by Mr. McKinnon.

The motion is:

That the committee resume debate on the report from the subcommittee on agenda and procedure and his amendment, provided that once debate has been resumed Frank Caputo be deemed to have the floor.

Given that I'm proposing the resumption of debate on a particular matter in advancing the case for resumption of debate on that particular matter, it's logical that I would identify what that particular matter is.

Mr. Taleeb Noormohamed (Vancouver Granville, Lib.): I have a point of order, Mr. Chair.

The Chair: Go ahead, Mr. Noormohamed.

Mr. Taleeb Noormohamed: Mr. Chair, we have a motion that's been presented. It's the will of the committee to vote on that motion

before we proceed with explanations and debate in respect of that topic.

I would like a recorded vote now on that motion, please.

Mr. Garnett Genuis: A point of order [*Inaudible—Editor*]—

The Chair: Are you done reading the motion, Mr. Genuis?

Mr. Garnett Genuis: Yes. I've read the motion.

The Chair: Okay.

Well, let's move to Mr. Bittle, who is the first speaker now.

Go ahead, please.

Mr. Garnett Genuis: No, no. I'm sorry. I moved the motion and I have the floor. The person who moves the motion has the floor to speak on it. Mr. Bittle is welcome to speak next, at your discretion, but I have the floor.

The Chair: Continue.

Mr. Garnett Genuis: Thank you, Chair.

Having read the motion a couple of times—

Mr. Taleeb Noormohamed: On a point of order, Mr. Chair—

Mr. Garnett Genuis: —and I think it being clear—

Mr. Taleeb Noormohamed: —it's a dilatory motion. There's no debate on it.

Mr. Garnett Genuis: No, it's not. It's not a dilatory motion.

The Chair: Continue, Mr. Genuis.

Mr. Garnett Genuis: Thank you very much, Chair.

Having read the motion, and having committee members understand that it's a substantive motion, I am proposing that we resume consideration of another matter. Of central importance to that argument for why we should resume consideration of another matter is, I think, the nature of that other matter.

I would now like to speak to the matter of the amendment and why I think it is important for the committee to resume its consideration of it.

At the last meeting, we were presented with the seventh report of the subcommittee on agenda and procedure. As most members here will know, this is often a way in which committees seek to shape their future business. It's through a report of a subcommittee on agenda and procedure that makes certain recommendations about how the committee should undertake its business going forward.

Conservatives proposed an amendment to that subcommittee report. Conservatives proposed how we believe the committee should approach the unfolding of its business in the days ahead. Unfortunately, we were not even able to read that amendment before the committee adjourned. I understand that there were—

Mr. Alistair MacGregor (Cowichan—Malahat—Langford, NDP): I have a point of order, Chair.

The Chair: Go ahead, Mr. MacGregor.

Mr. Alistair MacGregor: This won't be long. I'm just looking at our witnesses who are here for Bill S-210. I'm just wondering if Mr. Genuis can give us an indication of whether the witnesses should remain. Will we eventually get to them? I don't want to waste their time any further.

The Chair: Thank you.

Mr. Garnett Genuis: Chair, my view is that the way in which this committee should proceed is that we deal with matters of the agenda first. My view is also that it's highly inappropriate to have government officials invited before the sponsor of a bill.

Mr. Taleeb Noormohamed: I have a point of order, Mr. Chair.

The Chair: Go ahead, Mr. Noormohamed.

Mr. Garnett Genuis: I'm just responding to the point of order. My view would be that—

The Chair: Mr. Genuis, when someone says point of order, could you just stop?

Mr. Garnett Genuis: Sorry. Go ahead. No problem.

The Chair: Thank you.

Mr. Taleeb Noormohamed: Mr. Chair, I think it's important. The point of order is that this is a misrepresentation and therefore unparliamentary. The sponsors of the bill were invited.

The sponsor of the bill, the senator, was present last meeting. We were unable to get to that witness due to the shenanigans of the member opposite. It would be important for the record to be clear on this and for you, as the chair, to ensure that the record is clear such that aspersions cannot be cast in respect of the way in which our wonderful clerk and others run this committee and ensure that folks are invited.

● (0835)

The Chair: Thank you, Mr. Noormohamed.

Mr. Garnett Genuis: All right, that was not a point of order, but I'll respond to it substantively.

What happened at the last meeting was that the witnesses were here. Senator Miville-Dechêne was here, whom I'm very interested in hearing from. We proposed an amendment to the report by the subcommittee on agenda and procedure based on our proposal for how we should go forward. That was being translated, and then we were interrupted with a vote and we adjourned the meeting.

I'm not sure if Mr. Noormohamed was here or if he followed some of the procedural things that were happening, but regardless, I do believe it is proper for committees to attend to matters of the agenda before beginning to book witnesses on a study that is on the agenda. You'll notice, in reference to the proposed amendment to the agenda, that we have not proposed any changes to the first or second item as they relate to the study of Bill S-210. The amendments we're proposing to the agenda, in terms of programming the committee's agenda going forward, deal with other matters that are very important to us and on which we think it's important to take a stand at a certain point.

I can speak to some of the other items, but I do want to particularly highlight what our priority is. Government members may want to reflect on concessions they're willing to make in terms of the

agenda of the committee. That is important for us to establish what our priority is.

One of the proposed additions to the report of the subcommittee on agenda and procedure is as follows:

That the draft report on the transfer of Paul Bernardo be immediately distributed to committee members and that, [notwithstanding any other items mentioned] with the exception of testimony by ministers, the committee not hold any other hearings or present any reports to the House until the committee has completed and presented its report to the House on the Bernardo prison transfer.

Here's the context of this. It has always been the case, in any committee I've been a part of, that the committee understands its role as being to gather information and to report that information to the House. The committees become experts in particular policy areas. They study those policy areas, and then they provide advice to the House, which likely leads to a government response.

The Chair: I just want to ensure that you realize that the subcommittee did adopt the amendment. You said something a couple of minutes ago about there being further discussions to be had, but the subcommittee did adopt the report. All parties on the subcommittee adopted the report.

Mr. Garnett Genuis: Yes, so the process is that the subcommittee considers a report and then the report is referred to the main committee. The subcommittee cannot bind the main committee, so the main committee considers it—

The Chair: It almost sounded as though you were saying that we didn't adopt it, but we had full majority to adopt it. That's all. I just wanted that to be on the record.

Mr. Garnett Genuis: Well, Chair, if there's a misunderstanding here, let me be very clear about what I said, or at least what I meant to say. The role of the subcommittee is to consider matters of agenda and procedure and to refer its determinations to the main committee, but the role of a subcommittee is not to bind a committee any more than a committee can bind the House.

The Chair: That's correct.

Mr. Garnett Genuis: The process then is that this committee receives the subcommittee report and considers it, and it may make changes to it. If the views of everyone are properly reflected, then—

Mr. Taleeb Noormohamed: Mr. Chair, on a point of order, as you rightly note, the subcommittee report was adopted by the subcommittee. It is a matter of practice for the full committee to adopt the report. There is majority support for the report from the subcommittee. I'm sorry that Mr. Genuis's feelings may be hurt that he didn't get his way and that he wants to persist in moving on with this and filibustering a bill that he purports to care about, which, for those who are interested in knowing, is about—

Mr. Garnett Genuis: I have a point of order.

Mr. Taleeb Noormohamed: — a young person having access to explicit content on the Internet, which he purports to care about. If that is indeed the case and we believe that there is majority support for the report, which was passed by the subcommittee, then Mr. Genuis should have no problem putting that subcommittee report to a vote in this committee right now and moving on so that we can get on with the business of listening to these witnesses who have taken time out of their day—again—to be with us.

Otherwise, do Conservatives want to tell Canadians what they do, which is to simply waste resources, as they did in the House yesterday, of officials and simply sit here trying to waste everybody's time while there's important committee business and important business of passing legislation, discussing and debating legislation to be done?

• (0840)

The Chair: Thank you, Mr. Noormohamed.

Continue.

Mr. Garnett Genuis: Thank you, Chair.

I think sometimes at committees the chair has recommended that a member be asked off the top of a point of order to cite a specific standing order that they're referring to. That's not required, but it might be a useful practice insofar as Mr. Noormohamed seems to be of the mistaken impression that a point of order is a time to express one's broader philosophical concerns and objections to what somebody is doing.

Mr. Chris Bittle: I have a point of order.

Relevancy is actually in the Standing Orders. Mr. Genuis, again, is just going off in all directions. We're talking about his amendment, and again—

Mr. Garnett Genuis: No, I'm responding to the point of order.

Mr. Chris Bittle: Mr. Genuis loves to quote the rules at people—

Mr. Garnett Genuis: I have a point of order now.

Mr. Chris Bittle: —but then never follows them himself, including talking over me when I have the floor.

If we can focus on—

Mr. Garnett Genuis: That's not a point of order.

Mr. Chris Bittle: He's doing it again, Mr. Chair. Again, it's his shtick.

Again, this is a bill he purportedly supports, and he gets up in the House of Commons to talk about how supportive he is—

Mr. Garnett Genuis: I have a point of order.

Mr. Chris Bittle: I have the floor, Mr. Genuis, as you like to point out. You can finish—

Mr. Garnett Genuis: I have a point of order.

Mr. Chris Bittle: I am on a point of order, and again, we're cross-debating, Mr. Chair—

Mr. Garnett Genuis: So am I. I have a point of order.

Mr. Chris Bittle: —which is a violation of the Standing Orders, which Mr. Genuis would quote at me if I were violating them.

Mr. Garnett Genuis: Which one?

I have a point of order.

Mr. Chris Bittle: Mr. Chair, again, perhaps you can ask Mr. Genuis to please stop.

However, at the end of day, maybe he could please focus on the actual amendment, which he is not focusing on. He's lecturing us, which isn't in his amendment, but if we can get back to that, it would be much appreciated.

The Chair: Thank you.

Do you have a point of order, Mr. Genuis?

Mr. Garnett Genuis: Yes, Chair, and I have been trying to speak to the issue. I was interrupted by Mr. Noormohamed, who did not have a point of order and yet was able to go on at great length.

I was responding to the fact that his point of order was not a point of order. Then Mr. Bittle, who is talking now, was trying to say that my response to Mr. Noormohamed's point of order was not relevant, and yet the original point of order for Mr. Noormohamed was fine.

I'm very keen to just get back to what I was saying.

The Chair: Mr. Genuis—

Mr. Garnett Genuis: Yes?

The Chair: What you're doing is exactly what you're accusing them of doing, and they're doing the same to you, so let's get back to the....

Thank you.

Mr. Garnett Genuis: Fantastic. We might not be agreed on everything, but we're agreed on that.

Mr. Ron McKinnon: I also have a point of order.

The Chair: I'm sorry. I didn't see you, Mr. McKinnon. Go ahead.

Mr. Ron McKinnon: I'm appreciative that Mr. Genuis has moved that we proceed to a different order of business. I would love to vote on that. Mr. Genuis wants to talk about the amendment, not the motion he's just made, and I'd love to hear those arguments once we get to that point, but until that point, I think we could discuss a specific request to move to a different order of business and perhaps vote on that so that we can carry on with things in due course.

I also find it a little bit puzzling that Mr. Genuis is speaking of the importance of sticking to an agenda when he is going out of his way to breach the agenda for this meeting.

Mr. Larry Brock (Brantford—Brant, CPC): Chair—

Mr. Garnett Genuis: May I continue, Chair?

The Chair: I'm sorry. I thought you wanted a point of order.

Go ahead.

Mr. Garnett Genuis: Thank you.

Having a different opinion is not a point of order, and I'll leave it there.

To go back to what I was talking about, which is the Bernardo prison transfer and the fact that our amendment to the subcommittee agenda proposes that the committee, with urgency, deal with the draft report on the transfer of Paul Bernardo, because—

Mr. Ron McKinnon: I have a point of order.

Again, this is about the amendment they wish to make to the subcommittee report. It's not about the motion that is on the floor to move to that order of business. I would very much love to see us do that, or at least vote on that decision.

Mr. Garnett Genuis: I can just respond to that before I return to my remarks, Chair.

The amendment is that we proceed to a particular order of business. It's a substantive motion, which means that members are able to debate it. It would seem to me to be not only related to the issue but to be the central issue to consider if the committee is to determine whether or not to proceed to a particular item of business. The central issue would be to consider the nature of the item of business that the committee would be proceeding to.

I will continue to make the case for why we should adopt the motion to proceed to that item of business by explaining the importance of the item of business to which I am proposing the committee proceed.

The motion is for us to resume consideration of my amendment to the report from the subcommittee, and that report from the subcommittee highlights, centrally, the issue of the Bernardo prison transfer.

Members will recall that back in the fall, Conservatives insisted that families of the victims of Paul Bernardo be heard on the issue of the prison transfer. There was a great deal of outrage in the wider community, but especially from those who had been most affected by these crimes, over the fact that Paul Bernardo was transferred to a medium security prison from a maximum security prison, and that there was no—

• (0845)

Mr. Ron McKinnon: I have a point of order.

The Chair: Mr. McKinnon has a point of order.

Mr. Ron McKinnon: It is again on relevance, please, as this is not pertaining to the motion before us.

Mr. Garnett Genuis: Yes it is. This is the motion before us.

Mr. Ron McKinnon: The motion before us is to proceed to a specific order of business.

Mr. Garnett Genuis: Yes, and that specific order of business is about the Bernardo transfer.

The Chair: If you're going to comment, please do so through the chair. We've had this discussion.

Mr. McKinnon, did you finish?

Mr. Ron McKinnon: Yes, for now. I'm sure I'll have more opportunities.

The Chair: Thank you.

Mr. Genuis, please go ahead

Mr. Frank Caputo (Kamloops—Thompson—Cariboo, CPC): May I respond to that point of order?

The Chair: If you don't have a point of order, no. Let's keep it going.

Go ahead, Mr. Genuis, please.

Mr. Garnett Genuis: Thank you, Chair.

To Mr. McKinnon, there is nothing more relevant in a discussion about proceeding to an order of business than describing the nature of that order of business. There is no possible way to be more relevant than to talk about what exactly I'm talking about, which is why it's important for us to proceed to the order of business that I have proposed to the committee.

As I was saying, back in the fall, the Conservatives, and Conservatives alone, took the position of insisting that the families of the victims be heard from about the impact of this prison transfer on them, on their communities, and on how it had changed their lives.

At the time, we did use all of the procedural tools available to us, not because we enjoy the use of procedural mechanics as an end in and of themselves but rather because they were the only and necessary means to ensure that Canadians who had been brutalized by the actions of this criminal were able to have their day in Parliament. We did that so that we could hear and make recommendations to the House of Commons about possible changes to the prisoner transfer rules that would respond to the experiences and the insights of these families.

That is the purpose for which parliamentary committees exist. It is to hear and receive information. It is to hear, within the broader community of parliamentarians, experts in particular policy areas, but then to share that knowledge with the broader deliberative assembly that is Parliament so that those insights can be used.

Mr. Taleeb Noormohamed: I have a point of order, Mr. Chair.

Since Mr. Genuis is keen to know which specific point of order I'm referring to, it's the point of order that deals with the repetition of points. Mr. Genuis has now made this point for a third time in this diatribe, so perhaps the chair might ask him to either move along to a different point or ask somebody else on the speaking order to speak.

The Chair: Thank you, Mr. Noormohamed.

Mr. Genuis, please stick to the topic.

Mr. Garnett Genuis: Thank you, Chair.

I have not repeated myself. Maybe I have a little bit, to respond to repeated comments by my colleagues and to repeat refutation of points that have been remade by my colleagues opposite.

I would respectfully suggest to them that it's probably in their best interests to actually hear out the arguments and engage with them, rather than think that they're going to throw me off with these repeated points of order, because they will not, and their colleagues have found the same.

The purpose of committees, just to briefly sum up, is to inform the deliberations of the House, not simply to inform the small group of members who are on the committee. Therefore, it is the normal and proper thing in every case for a study to lead to a report to the House.

In the fall, we took the clear, firm, and principled position that the families had to be heard from, and having used all of the tools—

Mr. Taleeb Noormohamed: I have a point of order, Mr. Chair.

The Chair: Go ahead, Mr. Noormohamed.

Mr. Taleeb Noormohamed: This is now the fifth time that Mr. Genuis has made the same point. I'm going to keep counting.

• (0850)

Mr. Garnett Genuis: Which point have I repeated?

Mr. Taleeb Noormohamed: Would the chair...?

The Chair: Thank you, Mr. Noormohamed.

Mr. Genuis, what he is saying is relevant. You're actually repeating yourself about what the committee is supposed to do and report back to the House.

Could you just move on from that, please?

Mr. Garnett Genuis: Yes, if that point is clear. I just keep getting interrupted mid-sentence.

Therefore, in the particular case of the Bernardo hearings, eventually, in spite of the opposition of other parties, we were able to compel an agreement for the committee to hear from families and representatives of the victims and have some of the very important, very powerful hearings that took place in the fall. People came here to be heard, with the expectation that what they shared would lead to action—yet sadly, here we are in practically the middle of May, and this committee has still not reported to the House on the Bernardo transfer.

This is in a context of Liberals in particular not wanting to study this issue at all. Now they are trying to block or prevent the reporting to the House on this matter. They seem to think that it is acceptable, in this case uniquely, following the pressure we exerted at that time to have hearings, but there's no report.

Our view is that the way to honour the families, to honour their sacrifice and their struggle in coming to testify, and also to try to improve our country and to incorporate their feedback, would be for us to prepare a report and to report to the House. Hopefully, that leads to policy changes, but I look at the timeline here, and the timeline is revealing. Normally, you would not only proceed to report but you would also proceed to report as quickly as possible after the hearings have been completed, yet here we are, six months later, and the government is trying to push this committee away from consideration of the Bernardo transfer.

Mr. Ron McKinnon: I have a point of order.

Mr. Garnett Genuis: Absent the amendment that the Conservatives had proposed—

Mr. Ron McKinnon: I have a point of order.

Mr. Garnett Genuis: —the subcommittee report would have made no mention whatsoever of the—

The Chair: Go ahead on your point of order, Mr. McKinnon

Mr. Ron McKinnon: Mr. Genuis says the government is trying to point this committee one way or the other. I can categorically assert that the government is doing no such thing.

An hon. member: That's not a point of order.

The Chair: Thank you.

Mr. Genuis, continue, please.

Mr. Garnett Genuis: Thank you, Chair.

Perhaps I'm under the misapprehension that there are some representatives of PMO or the House leader or the whip's office sitting behind the member who are providing some direction in the execution of the government members' activities in this committee. If there are no such members in the room, then perhaps that direction takes a different form. I will add, of course, that what was said was not a point of order.

I will now go back to the issue of the agenda and of the Bernardo transfer as it relates to the agenda.

The agenda proposed from the subcommittee has one fundamental problem: It makes absolutely no mention of that report on the Bernardo transfer. From what I understand, the report is ready—

Mr. Ron McKinnon: I have a point of order.

The Chair: Mr. McKinnon has a point of order.

Mr. Ron McKinnon: I believe that this business of the subcommittee was in camera. The recitation of its presumed agenda would be unacceptable at this point.

The Chair: Thank you, Mr. McKinnon.

Mr. Genuis, he makes a good point. Let's resume, please, with that understanding.

Mr. Garnett Genuis: I want to comment on the point of order. It would be a violation of the rules if I referred to deliberations that took place in the subcommittee, but in camera proceedings of meetings still show up in the minutes in terms of decisions that were made. Some people forget this. If there are motions that are considered passed, etc., those show up in the minutes. It is not a violation of the rules to refer to things that are published in the minutes.

I have no idea—and if I did, I wouldn't speak about it—whether the Bernardo issue was discussed in the meeting. But what I can say is that the minutes and the report of that subcommittee make no mention of the Bernardo transfer. There were no decisions made with respect to that.

Hopefully, that puts your heart at ease.

• (0855)

Mr. Ron McKinnon: I have a point of order.

The Chair: Mr. McKinnon, go ahead on your point of order, please.

Mr. Ron McKinnon: Mr. Genuis speaks of the minutes of that meeting. The minutes would be privileged as well, because they were in camera.

Mr. Garnett Genuis: Sorry. On a point of order, that's not correct, and it's worth members' note—

Mr. Ron McKinnon: Mr. Genuis is very up on these things, but it seems inappropriate to be discussing the business of the subcommittee—which did occur in camera—in great length at this point.

I would really encourage Mr. Genuis to get back to the motion that he has put on the floor to actually go to an order of business in which we could properly discuss these matters.

The Chair: Thank you, Mr. McKinnon.

Go ahead, Mr. Genuis, please.

Mr. Garnett Genuis: Yes, I'm keen to get back to that, but I don't want members of the listening public to be under the misapprehension that “in camera” means the minutes are not published. The minutes of every meeting are published, which means that decisions that are made in camera are not secret decisions. The decision is known.

The conversation that happens and the things that members say are privileged information, so I would not speak to what was discussed in the subcommittee, but the minutes are published.

Mr. Ron McKinnon: I have a point of order.

The Chair: Go ahead, Mr. McKinnon.

Mr. Ron McKinnon: The minutes are published privately to the committee—

Mr. Garnett Genuis: No. They're on the website.

Mr. Ron McKinnon: Do you mean the minutes of subcommittee? How can it be an in camera meeting if the minutes are published?

Mr. Garnett Genuis: Maybe the clerk can share this with members.

Mr. Ron McKinnon: In any case—

The Chair: Excuse me. Just a moment, please.

Mr. McKinnon has the floor, Mr. Genuis. Let him finish, and then we'll go to the clerk. Thank you.

Mr. Ron McKinnon: I would just comment that the decisions that are published and are public are the ones that are passed. Decisions that are negatived are not public.

The Chair: Go ahead, Mr. Clerk.

The Clerk of the Committee (Mr. Simon Larouche): For clarification, in the minutes of the subcommittee, the contents of the decisions are not in the minutes. The report was shared with the members by email. However, at our last meeting, the report was tabled to be adopted, and then the report, the content of the report, is in the minutes of our last SECU meeting.

Mr. Garnett Genuis: Chair, from what I understand, the minutes are public. The minutes would show that the subcommittee adopted its report, but it doesn't have the content of the report. It's in the same way that when a committee adopts a substantive report on a particular issue, the whole report doesn't appear in the minutes. It appears in the minutes that the report was adopted. Then the report is seen once it's tabled in the House.

The Clerk: You are right. However, when a committee meeting is making a decision, even though it's in camera, afterward the minutes will show the decision. However, for a subcommittee, since their decisions are rolled towards the main committee, those decisions made in camera are not in the minutes of the subcommittee, but they appear when they are moved during the regular committee proceedings.

Mr. Garnett Genuis: Okay. That's very interesting. I didn't know the subcommittee had different rules.

In any event, though, in this case the subcommittee report is public because it's in the meeting minutes for Monday.

The Chair: Can we get back to the original, please?

Mr. Garnett Genuis: Sure. I'm happy to.

That was interesting, though, Clerk. Thank you. It's something I didn't know.

The point is, though, about the Bernardo prison transfer, which we are able to talk about and which is a matter of public discussion. It is a matter of public record now that the subcommittee report was made public when it was moved at the last meeting. It is a matter of public record that the subcommittee report contained no mention of the completion of the report on the Bernardo transfer—

Mr. Taleeb Noormohamed: I have a point of order, Mr. Chair.

The Chair: Go ahead, Mr. Noormohamed.

Mr. Taleeb Noormohamed: Mr. Genuis just said that the contents of the subcommittee report were made public. Does that not run contrary to what the clerk just said?

If he wishes to discuss that, why don't we take this in camera?

The Chair: Mr. Genuis, just wait. There's a question for the clerk.

Go ahead, Clerk.

The Clerk: If you please, the content of the report is now public because it was moved at our last committee meeting by the chair to be approved, and then there were debates, so it's in the minutes. The content of the report is now public.

Mr. Garnett Genuis: It's public, you just said.

The Clerk: Since last Monday.

Mr. Taleeb Noormohamed: The contents of the subcommittee report are now public.

The Clerk: Yes.

Mr. Taleeb Noormohamed: The deliberations that he just noted in the minutes are public.

Mr. Garnett Genuis: Not the deliberations....

Mr. Taleeb Noormohamed: You're saying that the minutes are public. I want clarity, because what we've heard is that the minutes and the report are public. If that is correct, we've seen the report, but we've not seen the minutes. If he's referring to the minutes, then those should never have been made public, correct?

The Clerk: Well, the minutes are public. It's the script, the blues of the meeting, that are not public, because it was in camera for the subcommittee, so there's a difference.

The minutes are referring to the decisions made by the subcommittee and also by the committee, but for a subcommittee, we don't put the decisions in the minutes. They go forward through a report to the main committee.

• (0900)

Mr. Taleeb Noormohamed: Okay. It seems that we're treading pretty close to where what happened in the subcommittee in detail is going to be discussed, and that's fine. If that's what Mr. Genuis would like to do, perhaps we could take that conversation in camera.

Mr. Garnett Genuis: To be clear, I was not at the subcommittee meeting. I do not know what was discussed. My only knowledge of what happened at the subcommittee is based on the now publicly available report, which was published in the minutes of Monday's main committee meeting. That report from the subcommittee to the main committee contains certain recommendations about the agenda of the committee going forward.

I could not speak of other matters from the subcommittee because I was not there. I heard nothing. I only know what's—

[*Translation*]

Ms. Kristina Michaud (Avignon—La Mitis—Matane—Matapédia, BQ): Point of order, Mr. Chair.

[*English*]

The Chair: We have a point of order.

Go ahead, Ms. Michaud.

[*Translation*]

Ms. Kristina Michaud: Thank you, Mr. Chair.

As Mr. Genuis said, he was not at the meeting of the Subcommittee on Agenda and Procedure of the Standing Committee on Public Safety and National Security. He could simply stop alluding to what was said or not said during that meeting. I was at that meeting. I have been attending the subcommittee and committee meetings for more than four years. We have always worked by consensus.

If there are things missing from the subcommittee report, it is because the people at the subcommittee decided not to include them in the report. The vice-chair of the committee is a Conservative. He was there. If something is missing from the report, it is because he agreed not to include it in the report.

I see that the Conservatives clearly do not agree on that and they are not satisfied with the performance of their Conservative critic at the subcommittee, but that is not my problem, nor the committee's problem, nor the subcommittee's problem. If they want to amend the subcommittee's report because they disagree with the agenda that was set, that is not our problem. We have decided to take up the agenda again once we have cleared what has been set in the agenda.

I see that in the Conservative Party's proposed amendment, they have decided not to amend the first two items, which refer Bill S-210 for study. The witnesses invited to participate in that study are here today.

The Conservatives seem to agree with studying the bill, unless they have changed their minds, which may be the case. I propose that we move immediately to the study of Bill S-210. The Chair even saw fit to allow us, during the second hour, to take a moment to talk about upcoming work.

Out of respect for the witnesses who are here, out of respect for the other members of the committee and out of respect for the members of the subcommittee who reached a consensus on the report we are talking about today, I think that we could come back to the agenda, vote on this motion and question the witnesses who are here to talk about Bill S-210.

Thank you.

[*English*]

The Chair: Thank you, Ms. Michaud.

I'm going to make a recommendation. I'm looking down at the witnesses who are sitting through this. I'm wondering if the committee would agree to release the witnesses and move in camera to discuss the subcommittee.

Mr. Garnett Genuis: Chair, I don't want to move to in camera.

The Chair: Thank you.

Mr. Genuis, you can continue. Please try to stay on topic.

Mr. Garnett Genuis: Thank you.

I will say, Chair, that I have the floor and I have barely been able to say a word in a cohesive way because of all the absurd points of order. Given these interruptions, I think it would be reasonable to release the witnesses. I just do not want us to go in camera. I think this is something that we need to do publicly.

Mr. Taleeb Noormohamed: On a point of order, Mr. Chair, we didn't have a ruling on Madame Michaud's request to you. I think it would be important for the committee to understand how you intend to rule on the request that Ms. Michaud has made, which is not only a very valid one but one that would also be beneficial to the functioning of the committee.

As somebody who served with her on this committee a year and a half to two years ago, when a lot of things got done, as Mr. Shipley will remember, and we worked cordially and properly, I will say that it would be great for us to hear from these witnesses who are here.

Frankly, it would also be good for the mental health of many of the members on this committee to be able to move to what we are actually here to do.

Mr. Garnett Genuis: I'll proceed, given that I have the floor, Chair.

Mr. Taleeb Noormohamed: No. He has not responded to my point of order.

The Chair: Thank you, Mr. Noormohamed.

He had the floor, so I have to let him continue.

Mr. Taleeb Noormohamed: You haven't ruled on her request.

The Chair: No, but I'm coming back to him first.

Thank you, Mr. Noormohamed.

• (0905)

Mr. Garnett Genuis: Thank you, Chair.

I would just say to Ms. Michaud's point that if there is agreement of the committee, I think that given the interruptions and given the nature of the direction of this meeting, it would be reasonable to release the witnesses, but if somebody doesn't want that to happen, that's fine too.

The Chair: Mr. Genuis, please continue.

Mr. Garnett Genuis: All right, something strange is happening, but that's for others to deal with.

To the substance of the motion and why I moved it, in response to Ms. Michaud's point, I think it's important to underline that the subcommittee cannot bind the main committee. The subcommittee can undertake deliberations that I was not a part of and that most members of this committee were not a part of. We come here as members of Parliament representing our constituents with individual convictions, and the positions of one subcommittee can't bind the actions of another committee.

Chair, our position is that we need to complete our report—

The Chair: We're going to suspend for a few minutes.

• (0905)

(Pause)

• (0915)

The Chair: The meeting has resumed.

Mr. Genuis, you have the floor.

Mr. Garnett Genuis: Thank you, Chair. I hope that we'll have a chance to put the substantive points on the record with limited interruption.

I want to read into the record a letter from Tim Danson, who's a representative of the families of the victims, to frame our view on why it is important for us not only to have heard from the families and their representatives but also to turn that testimony into—

Mr. Ron McKinnon: I have a point order.

The Chair: I have a point of order from Mr. McKinnon.

Mr. Ron McKinnon: Again, that is not relevant to the motion before us. The motion before us is to go to a specific order of business so that we can discuss these very items.

Mr. Frank Caputo: Can I respond to that point of order, Chair?

The Chair: You can, if it's a point of order.

Do you want a point of order?

Mr. Frank Caputo: I believe I'm entitled to respond to the point of order, am I not? He raised a point of order.

The Chair: Yes.

Mr. Frank Caputo: Thank you, Mr. Chair.

There's certainly a wide latitude when it comes to relevance, and the reason for attending to a specific piece of business is itself relevant as to whether or not we should attend to that business. In my view, the issue of relevance is misguided.

The Chair: Thank you.

Continue—

Mr. Ron McKinnon: I have a point of order.

The Chair: I have a point of order from Mr. McKinnon.

Mr. Ron McKinnon: I don't think the issue of relevance is ever misguided.

The Chair: Thank you, Mr. McKinnon.

Mr. Genuis, continue, please.

Mr. Garnett Genuis: The principle of relevance is important. It is possible for it not to be applicable in a particular case, I think, and that is this particular case, since the item of business we're proceeding to is about the prison transfer.

Our position is that we will insist that those families and their testimony be honoured with a substantial report to Parliament. That is our firm line. It's important for all members to know this, to know that when we've taken the time to have these hearings with the families and their representatives, the committee must report to the House.

Members can reflect on whether or not they will permit that to happen and the consequences of it. We will insist that the work done on the Bernardo transfer must lead to a report to the House.

At this point, as the government members have sat on this issue for months and months, at least since the fall, we are insisting on that as part of our amendment to the subcommittee agenda, which I am proposing that we proceed to.

Chair—

• (0920)

[*Translation*]

Ms. Kristina Michaud: I rise on a point of order, Mr. Chair.

[*English*]

The Chair: There is a point of order from Ms. Michaud.

[*Translation*]

Ms. Kristina Michaud: Thank you, Mr. Chair.

I just want to clarify what I said. I was talking about the performance of the Conservative vice-chair of the subcommittee, but I made a mistake.

I did not mean to talk about the vice-chair. I meant to talk about the Conservative Party critic. The vice-chair was not at the meeting. What is more, I very much appreciate his work.

[*English*]

The Chair: Thank you, Ms. Michaud.

Mr. Frank Caputo: Can I respond to that as well, please?

The Chair: Yes.

Mr. Frank Caputo: Thank you.

If deliberations are supposed to be in camera, then they're supposed to be in camera. If we're going to nitpick about who said what and the nature of the representations, as implied by Ms. Michaud, then we are getting perilously close to discussing what was said in camera. I don't think it's appropriate for somebody to say, "Well, this is what happened in camera," when people can't actually discuss that. I would ask that those types of communications be refrained from.

The Chair: Please continue, Mr. Genuis.

Mr. Garnett Genuis: Thank you.

I think Mr. Caputo's point—that he's not able to respond to what he said or didn't say in the context of that meeting—is a crucial one. Implications about people's positions are gravely unfair. They may be accurate or they may not be. I wasn't there. It's unfair to sort of half have the conversation about something that happened in private that we're prohibited to discuss.

On the issue of the prison transfer, I'm going to proceed to read the letter that I was referring to. It says:

We are counsel for the French and Mahaffy families and the Estates of Kristen French and Leslie Mahaffy. As you know, the families were shocked by the news that Paul Bernardo was transferred from a maximum-security prison (Millhaven) to a medium security prison (La Macaza)—

I'm sorry if the pronunciation is incorrect.

—without explanation or advanced notice. They have asked that I write this letter to you. Thank you for taking the time yesterday to speak to Donna French directly. That was very much appreciated. This said, a serious public discussion is necessary—

—emphasis on "serious public discussion is necessary"—

—and hopefully this letter will contribute to that discussion. Accordingly, the families have instructed us to write this letter to you as an open letter to the public as well.

The letter, by the way, is addressed to Commissioner Kelly, but it is an open letter, as the text I read just says.

The letter continues:

As you know, Paul Bernardo was convicted of the murder of Leslie Mahaffy and Kristen French and sentenced to life in prison. He was also declared a dangerous offender. In declaring Mr. Bernardo a dangerous offender, the learned trial judge, The Honourable Patrick LeSage, A.C.J.O. (as he then was), made the following—

Mr. Ron McKinnon: On a point of order, we are once again ranging way far afield from whether we should go to the matter of business to discuss the subcommittee report. We discussed all these matters previously at this committee, particularly in those studies. They do not help us make the decision of whether we should go to this order of business.

I would really encourage Mr. Genuis, if he recognizes the importance of dealing with these matters and that we actually get to them, to do it.

The Chair: Thank you, Mr. McKinnon.

Mr. Garnett Genuis: Thank you, Chair, for giving the floor back to me.

I wonder if some members don't understand what relevance is. The motion is, "That the committee resume debate on the report from the subcommittee on agenda and procedure and his amend-

ment, provided that once debate has been resumed, Frank Caputo be deemed to have the floor."

The motion before us is a resumption of consideration of the report from the subcommittee on agenda and procedure and of the amendment. The amendment is centrally about the question of whether or not this committee should report to the House on the transfer of Paul Bernardo.

Now, if the subcommittee report is not considered, we will not have an opportunity to advance that concept. If the subcommittee report is considered—that is, if we return to that item—we will have an opportunity to consider and adopt the provisions associated with the prison transfer in that amendment.

As I said earlier, it is not only within the ambit of relevance but is also centrally at the core of relevance. It is the target of relevance. It is the issue at hand—

• (0925)

The Chair: Continue. We'll try to refrain from the parliamentary procedures. Just continue with whatever you have.

Mr. Garnett Genuis: Okay. I'm sorry. I thought you were chasing me for being too close to the mic, which I realize was also the case, and I apologize for that.

Continuing with the letter I was reading, it reads:

The Honourable Patrick LeSage, A.C.J.O. (as he then was), made the following findings: "...I dare say that all of the people in Ontario and perhaps Canada have felt...the revulsion of the crimes which you have committed Mr. Bernardo." The French and Mahaffy families "...are the ones who suffered"—

Mr. Ron McKinnon: On a point of order, what's the relevance? This is not relevant to the question at hand.

Mr. Garnett Genuis: Yes, it is.

The Chair: Continue, Mr. Genuis.

Mr. Garnett Genuis: Thank you, sir.

The letter reads:

The French and Mahaffy families "...are the ones that suffered the pain and interminable suffering...". The Associate Chief Justice concluded that Mr. Bernardo should spend—

Mr. Ron McKinnon: On a point of order, once again, this is absolutely not relevant to the point at hand. If Mr. Genuis wanted us to actually deal with these matters, he would let us vote on his motion and, conceivably, we could get to them, but talking for several hours on miscellaneous matters tangentially related to the point at hand is not productive.

The Chair: Thank you, Mr. McKinnon.

Mr. Genuis, could you continue?

Mr. Garnett Genuis: Thank you.

The French and Mahaffy families "...are the ones that suffered the pain and interminable suffering..." The Associate Chief Justice concluded that Mr. Bernardo should spend the "rest of [his] natural life in prison" and that he had "no right ever to be released." His Honour held that "Everyone here, everyone in this courthouse, everyone in this city, everyone in this province, everyone in this country knows that you are a dangerous offender...". Justice LeSage further stated that Bernardo's crimes were "of such a brutal nature as to compel the conclusion that your behaviour in the future is unlikely to be inhibited by normal standards of behavioural restraint..."

Again,

“such a brutal nature as to compel the conclusion that your behaviour in the future is unlikely to be inhibited by normal standards of behavioural restraint... The behavioural restraints that you require is jail. You require it, in my view, for the rest of your natural life... You are a sexually sadistic psychopath. The likelihood of you being treated is remote in the extreme.”

Mr. Danson continues in this public letter:

Justice LeSage was considered to be one of the most distinguished, skilled, experienced and compassionate trial judges in the country. Based on the overwhelming expert evidence before him, the Crown proved, beyond a reasonable doubt, that Paul Bernardo was a “sexually sadistic psychopath” and murderer requiring the dangerous offender designation. Evil is too kind of a word for Paul Bernardo. The powerfully considered words and judgment of Justice LeSage clearly were not considered in the decision to transfer Paul Bernardo to a medium security institution, nor were the findings of the Parole Board of Canada...at Mr. Bernardo's 2018 and 2021 parole hearings.

In its decision of October 17, 2018, denying Paul Bernardo parole, the PBC noted, *inter alia*, that the “psychiatrist concluded that you [Bernardo] have deviant sexual interests and you met the diagnostic criteria for Sexual Sadism, Voyeurism, and Paraphilia not otherwise specified. Additionally, you demonstrated traits of a personality disorder that the psychiatrist opined met the criteria for Narcissistic Personality Disorder. He further opined that you met the requirements for a diagnosis of psychopathy... The psychiatrist was pessimistic about your treatment options.” The PBC also noted that other psychiatrists concurred with previous diagnosis of Sexual Sadism and Psychopathy, thereby representing a “significant risk for re-offending.” They felt that the treatment would be unsuccessful given Mr. Bernardo's “personality characteristics and sexual pathology.”

Mr. Danson's argument is clearly very well referenced with the expertise of others. He continues:

The PBC noted in its October 17, 2018 decision that the Spousal Assault Risk Assessments confirmed that Mr. Bernardo was at “a high risk for violence against a domestic partner.” The Board noted that Mr. Bernardo justified inflicting pain, including forcing painful unwanted violent intercourse, on his victims to gain dominance, control and compliance. Bernardo was found to be “callous, glib, grandiose, cunning, deceptive, manipulative and a liar.” Further, the Board found that Bernardo had a complete lack of understanding of the impact of his offending and violent and sadistic behaviour.

Psychopaths like Paul Bernardo know exactly what they are doing. Bernardo fully appreciated the nature and consequences of his actions. The problem was that he enjoyed it. Bernardo had an uncontrollable need for exercising power and control over innocent children and women with unspeakable sadistic brutality. He got a thrill out of terrorizing his victims and inflicting unspeakable pain and suffering on them. He videotaped sadistic attacks for his personal entertainment.

The letter continues:

In the face of this, CSC transferred Mr. Bernardo to medium security.

● (0930)

Based on all of this evidence, which should have been before the relevant authorities, the decision was nonetheless made to make this transfer. This was a subject that the committee engaged on and that the committee should report on.

The letter continues.

At both parole hearings, the PBC [the Parole Board of Canada] found that Bernardo showed no remorse, insight or empathy. At his June 22, 2021, parole hearing, the PBC essentially adopted the findings and conclusions reached at the previous hearing, including sexual sadism, narcissistic personality disorder and psychopathy. At the June 22, 2021, hearing, PBC...[confirmed on] August 17, 2015, psychiatric risk assessment which concluded that Paul Bernardo continued to represent “[a] high risk of sexual and violent behaviour. The clinician noted that you [Bernardo] still met the criteria for sexual sadism and narcissistic personality disorder...[and] continued to display psychopathic traits, such as arrogance, entitlement, and lack of empathy.” It was this psychiatrist's opinion that “these conditions were not treatable.”

The PBC also referred to the most recent psychological risk assessment dated April 28, 2020, which confirmed that Mr. Bernardo had limited empathy and

that it is “beyond debate that you [Bernardo] are a high-risk offender” and that the available “psychiatric and psychological assessments conclude that you remain at a high risk for sexual offending.” The simple truth is that there is no cure for sexual sadism and psychopathy. The psychiatrist who testified at Paul Bernardo's dangerous offender hearing and who provided a subsequent report a decade later to CSC/PBC was correct when he testified that Paul Bernardo was not treatable.

We urge you to listen to the audio recordings of both of Paul Bernardo's parole hearings. They are chilling and deeply disturbing. He is Exhibit 'A' as he speaks about his unspeakable crimes like normal people talk about the weather. This man—

—the letter says—

—is a monster, devoid of even a scintilla of humanity, decency, remorse or empathy. At the same time, he is skilfully cunning and manipulative. Given the opportunity, he will offend again—violently, brutally and sadistically. The recordings of Mr. Bernardo's October 17, 2018, and June 22, 2021, parole hearings should be released to the public so that Canadians can judge for themselves the reasonableness of CSC's decision to transfer Bernardo from a maximum security to a medium security facility. Let Canadians, whom you serve, judge CSC's justification for the transfer against the objective evidence. Justice must be carried out in a transparent manner—not in secret.

Respectfully, I am not interested in abstract theoretical discussions about possible rehabilitation of someone who can never be rehabilitated. Even as recent[ly] as Mr. Bernardo's June 22, 2021, parole hearing, 30 years after the murder of Leslie Mahaffy and 29 years after the murder of Kristen French, Mr. Bernardo remained unchanged. It has only been two years since his last parole hearing. No one can suggest that in the last two years, Mr. Bernardo has been able to affect a miraculous rehabilitation within a maximum-security federal penitentiary, which he could not achieve in the first 28 years.

This is not a subject that I am comfortable discussing for a variety of personal reasons, but I cannot help but to reflect on the content of the Bernardo/Homolka videotapes, which unfortunately are embedded deep in every fibre of my soul and continue to haunt me. No human being can view the images and hear the utterly unspeakable acts of sadistic brutality on two defenceless, beautiful teenage girls and not conclude, as did Justice LeSage, that Mr. Bernardo must remain in a maximum-security federal penitentiary for the rest of his life.

● (0935)

While principles of rehabilitation are critical and apply to 99 percent of the federal prison population, they do not to the remaining 1 per cent, like Paul Bernardo, who are beyond rehabilitation. The system can neither pretend, nor play games. Absent a compelling explanation, it would appear that CSC is trying to assist Mr. Bernardo with his parole eligibility by cascading him through the system from maximum to medium and then minimum security and then out the door on parole.

Perhaps I can pause in the letter, Mr. Chair, to make one point that I think is just very important in this letter and in the issue of the prison transfer.

The prison transfer issue is important in and of itself, because it reflects a false and dangerous assessment of the security risk associated with Mr. Bernardo and it creates dangers to others in the prison population. It carries with it a variety of other risks in the immediate context of the prison transfer. However, it is also a concern of Mr. Danson and the families he represents that the transfer from maximum security to medium security can be part of a process of trying to demonstrate rehabilitation that leads, then, to further transfers and subsequently to parole. Of course, it is a critical matter, based on the evidence that has been presented here at this committee and in this letter, that that process not be undertaken.

The sounding of the alarm by the families and their representatives reflects not only a concern about the specific issue of the prison transfer but also a concern about where this could lead, about the fact that we have seen increasing instances of people who are bailed or paroled beyond all logic, and who reoffend violently against other members of the population. That is why this issue of completing the work on the prison transfer issue and reporting to the House on it is so important to Conservatives.

However, I will continue the letter, Mr. Chair. It says:

Even under the sentencing principles stated in Section 718 of the Criminal Code of Canada, the first principle is punishment—to denounce unlawful conduct and the harm brought to victims or to the community that is caused by unlawful conduct. The second principle is to deter the offender and other persons from committing offences. The third principle is to separate offenders from society, where necessary. While the fourth principle is to assist in rehabilitating offenders where realistic, the first three sentencing principles prevail. As questioned above, what has Mr. Bernardo achieved in the last two years that he was incapable of achieving in the previous 28 to 30 years? There is no cure for psychopathy.

Other sentencing principles include increasing a sentence to account for any relevant aggravating circumstances related to the offence or the offender (see s. 718.2 of the Criminal Code of Canada). The aggravating circumstances for Mr. Bernardo are endlessly horrific.

I wish to address the CSC news release where it is stated that “[p]rior to the transfer and immediately after, CSC provided information and updates to all registered victims about the offender.” As counsel for the families and Kristen and Leslie through their Estates for the past 30 years, I can advise that I was not informed of the transfer “prior” to it happening. When I was notified, it was a *fait accompli*—the transfer had already been completed that day.

Chair, it is truly incredible to me that information was only provided to the families after the transfer had already taken place. We know—as I’ll get to—that information was provided to government prior to the affected families getting this information, and it was presented only to the families as a matter already complete.

This explains the pain and the concern that we see in their response that we heard here, and it drives the need for us to respond by reporting this matter to the House, by unearthing this report that some on this committee would rather see buried.

● (0940)

One consistent trend in this issue is information being buried by people on the government side. The families were not informed about the prison transfer until after the fact. The government actively resisted letting family members testify, and we had to use all of the procedural tools in the book to allow those hearings to take place. The government opposed a private member’s bill put forward by Mr. Jeneroux regarding the prison transfer issue.

Now the situation is that the committee has not reported because a potential report and work on that report is being buried by some

members of this committee. This is why we want to bring sunlight to this issue. We want an open discussion so that we can see what’s happening. We can report on it to the House and get to the bottom of the issue. We can also make substantive recommendations that reflect what we heard from the families.

I’m very struck by what Mr. Danson wrote in this letter about it being already done when the families were told.

The letter continued:

When notified of the aforesaid statement, I first tried to access my own telephone records and messages. May 29, 2023 was an exceptionally busy day for me and I was not available in the morning. I see that a completely routine, absolutely non-descript voicemail message was left for me at 9:06 a.m. A second voicemail message was left for me at 1:48 p.m. that same day, also non-descript - literally “that CSC had some information for me.” I have been unable to confirm my outgoing calls for May 29 as of this moment, but my recollection is that I returned the call relatively shortly thereafter. At this point I had learned that Paul Bernardo had been transferred from Millhaven to La Macaza. None of my relevant questions could be answered due to Mr. Bernardo’s privacy rights. I did express my objections, but at the same time I recognized that the person I was speaking to was just the messenger doing her job.

I then contacted the families to determine if they had been notified of the decision prior to Mr. Bernardo being transferred from a maximum-security penitentiary to a minimum-security penitentiary. By “prior to the transfer”, I do not mean the actual day of the transfer or while Mr. Bernardo was on route.

Obviously, that would not constitute prior to the transfer.

It continued:

To be credible, the advanced notice would had to have occurred days before or at least the day prior.

I might interject that the day prior clearly would not be acceptable, but it wasn’t even the day prior. It wasn’t at all in advance.

The letter continued:

Yet apparently, the Frenches were advised on the morning of Mr. Bernardo’s transfer without any explanation. That is, they were not advised that he was being transferred from a maximum-security penitentiary to a medium-security penitentiary. Rather, in the morning of May 29, 2023,—

● (0945)

Mr. Ron McKinnon: I have a point of order.

The Chair: We have Mr. McKinnon on a point of order.

Mr. Ron McKinnon: Thank you, Mr. Chair.

I would like to bring to the attention of the chair the fact that the time allocated for this order of business has expired and that we should release the witnesses and go in camera, as specified in the agenda.

Mr. Garnett Genuis: On that point of order, Chair, can I just clarify for the member?

As I said earlier, I have no objection to releasing the witnesses, but the rules of the committee are that when a matter is being debated, that matter continues to be debated until the meeting is adjourned, the item is adjourned or the item is disposed of.

I have no objection to releasing the witnesses. That's what I think I said a while ago.

The Chair: In saying that, Mr. Genuis, do you want to continue?

Mr. Garnett Genuis: Yes. I'm midway through reading this letter.

Thank you.

The Chair: Please continue.

Mr. Garnett Genuis: To Mr. McKinnon's point, we are at the end of the time that the witnesses had signalled their availability, so if the witnesses would like to go, I don't object to that, but if they'd like to stay, I don't object to that either.

The Chair: I will ask for unanimous consent to release the witnesses.

Some hon. members: Agreed.

The Chair: Thank you so much, with apologies.

We're going to pause and allow the witnesses to wrap up, please, Mr. Genuis.

Mr. Garnett Genuis: Are we suspending or just pausing?

The Chair: We're just pausing.

Mr. Garnett Genuis: All right.

Mr. Chair, it seems that chat is going on. I'm happy to continue or I'm happy for us to suspend. I just don't understand where we are right now.

The Chair: While we're in this, Mr. Genuis, and maybe as a privilege of the chair, I want to let members know that based on the last two meetings, I will be requesting a 30-day extension on Bill S-210. I think it's important that we follow through on our—

Mr. Garnett Genuis: On a point of order, Chair, you cannot do that unilaterally. You know that, and so does the clerk. Those extensions have to be adopted by the committee.

In our subcommittee agenda we have a reference to that extension. We have not proposed an amendment to that, but we are going to insist that a report be done on Mr. Bernardo's prison transfer as part of that package.

I think you know that you can't unilaterally report to the House on a matter. The committee does not consent to that.

The Chair: Let's continue.

Mr. Garnett Genuis: Thank you.

Maybe just to respond to some of the context, the subcommittee report with the amendments we're proposing is a package. If there are pieces of that subcommittee report that we have left unamended that members like and want to see, they can indicate their support for the amendment. Perhaps there can be off-line negotiations around that, but our position about the report on the Bernardo transfer is very clear. I want members to understand exactly why that is important to us.

The Chair: Go ahead, Mr. McKinnon.

Mr. Ron McKinnon: On a point of order, I do believe we should be in camera at this point, per the agenda. I wonder if I can move a dilatory motion to move in camera.

Mr. Garnett Genuis: You can't. You don't have the floor. You can't move a dilatory motion when you don't have the floor.

Mr. Ron McKinnon: I'll let the chair speak to that.

Mr. Garnett Genuis: I think members know that you can't move dilatory motions on points of order. You can move a dilatory motion if you have the floor, but you can't when you don't have the floor.

The Chair: Thank you, Mr. McKinnon.

Continue, Mr. Genuis, please.

Mr. Garnett Genuis: Thank you very much, Chair.

I was in the process of reading a letter from Mr. Danson explaining the really shocking circumstances around the prison transfer of Mr. Bernardo, the lack of information provided to families and the cover-up I think we saw within the system in relation to this—

Mr. Taleeb Noormohamed: I have a point of order, Mr. Chair.

The Chair: Go ahead, Mr. Noormohamed.

Mr. Taleeb Noormohamed: Mr. Genuis used the word “cover-up”. For the purpose of the discussion, I'd like to know whether he was reading the letter or whether that was his word. He said he was reading the letter, but then he used the word “cover-up”. I just want it to be clear so that we have clarity for the record.

The Chair: Mr. Genuis, could you clarify, please?

Mr. Garnett Genuis: Sure. I'm happy to. That is my own comment, absolutely. I have been reading the letter and at times interjecting some comments. I hope it will be clear in the record which parts are quotation and which aren't. I will try to specify clearly.

I am about to resume the reading of this letter, which describes the circumstances in terms of what families were told and not told, etc. I think—this is Garnett Genuis talking—this is very shocking content and would be deeply disturbing to Canadians, as we've seen in the public response to these matters already, especially from the families and those who are part of the communities that were most affected by these crimes.

The text of the letter continues as follows:

Yet apparently, the Frenches were advised on the morning of Mr. Bernardo's transfer without any explanation. That is, they were not advised that he was being transferred from a maximum-security penitentiary to a medium-security penitentiary—rather in the morning of May 29, 2023, they were advised that Mr. Bernardo was being transferred and by early to mid-[morning], they were told that the transfer had been completed. Ms. Mahaffy was left with the distinct impression that the transfer had already taken place, or at [least] was imminent.

Regardless, the decision had been made. It was a *fait accompli* and there was nothing anyone could do about it. The decision to delay informing myself as counsel and the families until the day of the transfer and while the transfer was in progress, is, with respect, troubling. Given my role as counsel for the past three decades, it was incumbent of CSC to relay this critical development to me in a timely manner so that I could inform the families. This was not regular administrative news. A development of such pivotal importance came as a shock to the families and ought to have been processed through counsel. Had anyone considered that this transfer was done just over two weeks prior to the anniversary date of Leslie Mahaffy's abduction and murder?

● (0950)

Mr. Chris Bittle: I have a point of order. I have a couple of points.

Mr. Genuis is popping his Ps right into the microphone. I was wondering if he could also interject into his remarks, if this is truly the issue he claims it is and a matter of top priority for the Conservative Party, why, when Anne Kelly was here, they brought a motion on the carbon tax. She was here just a couple of months ago. Why the hypocrisy? Why is he using this opportunity to filibuster a bill they claim to support?

I'm just curious. It's my community.

The Chair: Thank you, Mr. Bittle.

Mr. Genuis, continue, please.

Mr. Garnett Genuis: Thank you, Chair.

I have a number of points to respond to that.

Conservatives have insisted on and were able to give the families an opportunity to appear. He mentions Commissioner Kelly. We've asked the commissioner important questions in relation to this—

Mr. Chris Bittle: On the carbon tax motion—

Mr. Garnett Genuis: The member was heard, and now he's welcome to hear my response.

I suspect he's distorting the flow of that particular meeting. I wasn't there.

Mr. Chris Bittle: You brought the motion. It was a carbon tax motion.

Mr. Garnett Genuis: Look, if Mr. Bittle has another point of order, then he can raise another point of order. Thank you.

Mr. Bittle had strong views on crosstalk previously, and his views have—

Mr. Chris Bittle: My microphone's not on.

Mr. Garnett Genuis: It actually was on. It was turned on, and then it was turned off.

Mr. Taleeb Noormohamed: I have a point of order, Mr. Chair.

Mr. Garnett Genuis: I'm happy to continue if there won't be interruptions.

The Chair: Mr. Bittle and Mr. Genuis, please get back to what you were talking about.

I have a point of order from Mr. Noormohamed.

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

Mr. Bittle raised a point of order. Mr. Genuis asserted that he wasn't there. He asserted that what Mr. Bittle said happened didn't actually happen.

Perhaps we could suspend and look at the blues to see what actually happened in that meeting so that we have confirmation that indeed, as Mr. Bittle says, a carbon tax motion was brought during Anne Kelly's testimony. If that is in fact what happened, then it would be important for everyone who is watching this, for everyone in this committee, to be aware of the facts—given that neither Mr. Genuis nor I were there.

Perhaps we can all have the same basis of facts. Perhaps we could suspend, and the clerk could look at the blues for that meeting and confirm for the committee what actually happened.

The Chair: Thank you, Mr. Noormohamed.

Continue, Mr. Genuis.

Mr. Garnett Genuis: Thank you, Chair.

I did not definitively assert regarding what did or didn't happen in the meeting. I said that I highly suspect that Mr. Bittle is presenting, let's say, an account of the facts that differs slightly from a more objective account of the facts. If the member wants to provide evidence to the contrary....

I can say that Conservatives have, of course, asked important questions to the commissioner.

The core issue we're talking about at this point is actually the families being hurt and the families being included. It's about the testimony and the experiences of the families, not—

● (0955)

Mr. Ron McKinnon: I have a point of order.

As a celebration in futility, let me once again raise the point of relevance.

I would also note, as a further futility, on the matter that Mr. Genuis is striving so hard not to get to a vote on to take us to an order of business, we would actually be in that order of business right now if we were able to proceed with the agenda.

The Chair: Thank you, Mr. McKinnon.

Mr. Genuis, continue, please.

Mr. Garnett Genuis: Thank you, Chair. I will continue with the point.

I'm confused about what point government members are trying to make here, but I think I'll just go back to the argument that I was making, which I understand would be your preference as well, Chair, which is that the committee—

The Chair: Mr. Genuis, don't insinuate that it's my preference. Thank you.

Mr. Garnett Genuis: That's fair enough, Mr. Chair. You are discharging your role as chair with neither fear nor favour.

The letter continues:

Ms. Mahaffy was left with the distinct impression that the transfer had already taken place, or at best was imminent.

Regardless, the decision had been made. It was a *fait accompli* and there was nothing anyone could do about it. The decision to delay informing myself as counsel and the families until the day of the transfer and while the transfer was in progress, is, with respect, troubling. Given my role as counsel for the past three decades, it was incumbent of CSC to relay this critical development to me in a timely manner so that I could inform the families. This was not regular administrative news. A development of such pivotal importance came as a shock to the families and ought to have been processed through counsel. Had anyone considered that this transfer was done just over two weeks prior to the anniversary date of Leslie Mahaffy's abduction and murder? Does anyone at CSC appreciate the devastating grief experienced by the Mahaffy family at this time of year? While the timing could not have been worse, to affect such a transfer without any explanation under the cloak of protecting privacy rights of the person who sadistically and brutally sexually tortured their daughters before murdering them, is beyond comprehension.

As stated above, as counsel for the families, my discussion with CSC took place after the transfer, not prior to. This aside, if the families were informed of the transfer in the morning of May 29, with it being completed by early afternoon of the same day, assuming that Mr. Bernardo was transferred in a secure vehicle and considering the distance between the two prisons, Mr. Bernardo was likely already in transit. Therefore, to issue a news release that the [family] (but not their lawyer) [was] informed "prior" to the transfer is misleading and disingenuous. Further, CSC had to know or ought to have known that trial/appellate lawyers like me are busy and often in court, and therefore leaving it to the day of the transfer to contact counsel was highly problematic.

We would therefore appreciate answers to the following questions:

1. Who were the persons that were involved in the decision-making process to transfer Paul Bernardo?
2. Who ultimately made the decision - who had to sign off?
3. If you were not part of the decision-making process and you were unaware of the decision, how could such a decision with significant implications be kept from you?
4. What exact time did Mr. Bernardo depart from Millhaven?
5. What exact time did Mr. Bernardo arrive at La Macaza?

Based on media reports and CSC statements, I am assuming that references to the offender's privacy rights relates to ss. 8(1) and (2) of the Privacy Act. Subsection 8(2)(m)(i) authorizes you to disclose the information where, in the opinion of the head of the institution, "the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure." If this is the section that you are relying upon, we ask whether this analysis was undertaken prior to the transfer and if so, we would respectfully request a copy of CSC's analysis under this subsection. We also need to know if CSC applied the "invasion-of-privacy" test stated in the Treasury Board Secretariat's Use and Disclosure of Personal Information for the purpose of its ss. 8(2)(m)(i) analysis. Our view is that that is unlawful, [as] in contrary to the Privacy Act, the CCRA, and s.2(b) of the Charter. Members of the public have a right to information pertaining to public institutions, without which public confidence in the integrity of the administration of justice will be undermined. In my extensive experience in multiple cases, CSC and PBC play mere lip service to the s. 8(2)(m)(i) analysis, with the result that in 100 per cent of the cases, the decision favours the offender's privacy rights over the public interest.

● (1000)

We urge you to restore public confidence in the correctional system and the administration of justice by rescinding the transfer order and return Mr. Bernardo to Millhaven. He is Canada's most notorious and dangerous serial killer who must face the full consequences of his sadistic and cowardly acts. This will also spare the families the need to travel to La Macaza (Quebec) rather than to Millhaven (Ontario) for Mr. Bernardo's upcoming November 2023 parole hearing. Mr. French is 92 years of age, and this would be a significant burden.

We would be pleased to discuss this at your convenience. We understand that Ms. French provided you with the writer's cell phone number.

Mr. Ron McKinnon: I have a point of order.

The Chair: Go ahead on a point of order, Mr. McKinnon.

Mr. Ron McKinnon: I believe that if Mr. Genuis had a point, he would have made it by now. It seems he has so little regard for the merit of his motion that he won't let it come to a vote. I would encourage him to do so, to let us vote on the matter and proceed.

The Chair: Thank you, Mr. McKinnon.

Mr. Garnett Genuis: Thank you, Chair. That's not a point of order, but I think I've been very clear about our position here as Conservatives. We believe that this issue of the prison transfer is critical and should not be—as the government has shown it clearly wishes to do—buried.

Mr. Chris Bittle: I have a point of order.

The Chair: Go ahead on a point of order, Mr. Bittle.

Mr. Chris Bittle: I just want to correct the record, as my integrity was questioned by Mr. Genuis and he suggested that I lied about or exaggerated what happened.

On March 21, 2024, at approximately 9.30, Mr. Lloyd asked a question of Commissioner Duheme of the RCMP and, with Anne Kelly sitting right here in this room—the Conservatives pretending that this is a priority for them, only to filibuster—then said, "With that, Mr. Chair, I would like to quickly move to a motion that I gave notice of last committee", and went on to move that motion on carbon tax.

To pretend that this is a matter of importance because they don't want to discuss a bill that they claim to support—that Mr. Genuis, I'm sure, has gotten up in the House to support—is shocking. Then to suggest, having not been here, that I'm exaggerating what happened when it's clearly in the record... Their priority is whatever it will take to delay this committee, and they will use whatever. Whether it is a crime, horrific facts, something horrific that happened to a community, they don't care. It's about chaos and delay. It's not about hearing about the witness. It's not about protecting children from child pornography. What is happening is genuinely shocking—

Mr. Garnett Genuis: I have a point of order, Chair.

The Chair: Thank you, Mr. Bittle.

Go ahead on a point of order, Mr. Genuis.

Mr. Garnett Genuis: My point of order is that Mr. Bittle is misusing points of order to prepare social media clips or perhaps audition for other positions within the government, but I would like to actually have points of order related to rules and get back to the subject—

Mr. Ron McKinnon: I have a point of order.

Mr. Taleeb Noormohamed: I have a point of order, Mr. Chair.

The Chair: Go ahead on a point of order, Mr. Noormohamed, please.

Mr. Taleeb Noormohamed: There are now two things. One is he's impugning the credibility of another member: That is unparliamentary. Decorum is indeed in the Standing Orders as an expectation, a requirement of all of us participating in committee proceedings. Mr. Bittle very clearly articulated what took place in that meeting, which ran counter to the assertions made by Mr. Genuis. He should withdraw those assertions without reservation and let the business of the committee continue as it should.

I think this notion of decorum, of not impugning and putting words into the mouths of other members, particularly when the record has been clarified, is really important.

• (1005)

The Chair: Thank you, Mr. Noormohamed.

Thank you, Mr. Bittle.

Mr. Genuis, can we stick to your topic, please, and continue with your letter? Thank you.

Mr. Garnett Genuis: Thank you, Chair.

I have some substantive comments I could make in response to Mr. Bittle's intervention. I don't know that they're relevant, but I maintain my view that I didn't ever accuse him of lying, which implies a malicious intent. I do think he sometimes has, let's say, rose-coloured glasses in the partisan sense, and that informs his recollection of certain events. I am happy to discuss what happened at the meeting on March 21, 2024, but I will hold off on that. Mr. Bittle might want to intervene, but it's probably not a point of order, so I will continue.

There are a number of things that were going on in the letter—

Mr. Chris Bittle: There's one on file.

Mr. Garnett Genuis: Mr. Bittle, your mic was turned on there.

Mr. Larry Brock: I have a point of order, Chair.

The Chair: Go ahead on a point of order, Mr. Brock.

Mr. Larry Brock: This would go so much more smoothly if Mr. Bittle would refrain from talking over my colleague Mr. Genuis when Mr. Genuis has the floor. If he has something to say, perhaps he can raise a point of order.

It's a constant distraction. I'm sitting literally 10 feet away from my colleague, and with Mr. Bittle's interventions I can't hear what my colleague is saying.... He's doing it again.

The Chair: Thank you, Mr. Brock.

Mr. Larry Brock: Perhaps a little decorum, Chair, would be very helpful for the efficiency of this meeting.

The Chair: Mr. Genuis, please continue.

Mr. Ron McKinnon: On a point of order, as this meeting seems to be winding down, I'm wondering if we can get the unanimous consent of the committee to request an extension of 30 sitting days for the consideration of Bill S-210 and that the chair accordingly present a report to the House.

I should think, considering the importance that our Conservative colleagues seem to place on Bill S-210, that doing a proper study will be most acceptable to them. I wonder if we can get unanimous consent for such a motion.

Mr. Garnett Genuis: No, there isn't unanimous consent. No.

The Chair: Unfortunately, Mr. McKinnon, you didn't get unanimous consent.

Mr. Taleeb Noormohamed: On a point of order, Mr. Chair, unanimous consent is not required. You need the majority of the committee.

I'd like to move to a recorded vote on this so that we can then continue with Mr. Genuis's conversation—

Mr. Garnett Genuis: No. That's not correct. That's not correct.

Mr. Taleeb Noormohamed: —which he seems to think is so important and more important than online harms.

The Chair: Thank you, Mr. Noormohamed.

We'll continue with Mr. Genuis.

Mr. Garnett Genuis: Thank you.

There are about 15 of the Standing Orders that you proposed to violate all at once, Mr. Noormohamed.

Mr. Taleeb Noormohamed: I have a point of order, Mr. Chair.

Mr. Garnett Genuis: You're right. It wasn't 15. It was probably three.

Mr. Taleeb Noormohamed: Mr. Genuis is yet again impugning the credibility of members opposite. That's number one.

Number two is that when they purport to care about a piece of legislation while they are clearly filibustering, why would we not just move unanimous consent and move this forward?

Again, I would ask that we give unanimous consent for the extension that has been sought. If they're serious about a conversation about Bill S-210, let's do it, because it's clear that Mr. Genuis is here to run down the clock and not do much else.

The Chair: Thank you, Mr. Noormohamed.

I'm asking for unanimous consent.

Mr. Garnett Genuis: There's no unanimous consent for anything.

The Chair: Continue, Mr. Genuis.

Mr. Garnett Genuis: Thank you, Chair.

I'm going to come back to the prison transfer issue, but I want to be clear, because Mr. Noormohamed and others are suggesting things that people can verify as inaccurate if they simply consult the minutes of the last committee meeting and of this committee meeting.

We have moved a motion to resume consideration of the seventh report of the subcommittee and an amendment that I have put forward. The subcommittee report includes a proposal for an extension on the bill he has mentioned. We have not proposed making any changes to that request for an extension. However, we have proposed amending the subcommittee report to also insist on a separate issue, which is the committee report on the transfer of Paul Bernardo. Liberals would rather have, I suspect, a very extended study of anything else to avoid completing the work that was started on the Bernardo prison transfer.

If members would like to deal with these items together, that is what the mechanics of the subcommittee report are designed to allow for, but we will insist, in that context, that the Bernardo prison transfer be addressed as well.

• (1010)

Mr. Ron McKinnon: On a point of order, whether we deal with them all together or not, I think what's important is that we get to deal with them at all.

Mr. Garnett Genuis: On a point of order—

Mr. Ron McKinnon: I'm speaking.

Mr. Garnett Genuis: I'm raising a point of order.

Mr. Ron McKinnon: I am speaking.

The Chair: Let him finish, please.

I've been very generous with everybody.

Mr. Garnett Genuis: It's very clearly not a point of order.

Mr. Ron McKinnon: I am speaking, and it's not your decision; it's the chair's.

Mr. Garnett Genuis: That's why I'm asking the chair to intervene—

Mr. Ron McKinnon: Don't interrupt me.

Mr. Garnett Genuis: —because the rules—

The Chair: Don't speak over one another.

Mr. Garnett Genuis: I have a point of order.

The Chair: Mr. McKinnon, is it on relevance?

Mr. Ron McKinnon: I thought so.

I would like to point out on the matter Mr. Genuis seems to be promoting, which is that we should go and take up a certain order of business, we'd be in that order of business right now if we could have come to a vote on his motion to do so. We would have been in this order of business 20 minutes ago, dealing with exactly what he purports to want to deal with, but he persists and persists and persists in talking out the clock so that we don't actually get to make a decision.

The Chair: Thank you, Mr. McKinnon.

Mr. Genuis, you had a point of order.

Mr. Garnett Genuis: Yes, Chair. On a point of order, I suspect that the intention of the government is to try to move things in camera and not have transparency around these discussions. On the point of order—

Mr. Taleeb Noormohamed: I have a point of order, Mr. Chair.

Mr. Garnett Genuis: —would there be unanimous consent to deem the motion I have moved adopted?

The Chair: Go ahead on a point of order, Mr. Noormohamed.

Mr. Taleeb Noormohamed: It would be wonderful if, in accordance with the rules of order, which respect decorum, Mr. Genuis would not make implications or assertions as to what our position is or what our views are—again.

The Chair: Thank you, Mr. Noormohamed.

Mr. Genuis, continue.

Mr. Garnett Genuis: With all due respect, there are parameters of decorum. There are certain things that members cannot say about each other, but “he said something that I didn't find very nice” is not a matter of order.

Mr. Taleeb Noormohamed: That's up to the discretion of the chair, not you.

Mr. Garnett Genuis: No, there are principles and rules that establish how we operate, and, Mr. Noormohamed, you are not the chair, and the chair has not sustained, I think, a single point of order from—

Mr. Taleeb Noormohamed: From anyone—

Mr. Garnett Genuis: Yes, that's correct.

Anyway, you're not on the microphone, so having a conversation is probably not very productive from the perspective of—

The Chair: This is not very helpful to anyone.

Why don't we get back, Mr. Genuis, to what you're—

Mr. Garnett Genuis: That's correct. I'm sorry.

I heard that there might be an appetite to adopt my motion. If there's unanimous consent to do so, then I'm happy to give that unanimous consent for my motion to be deemed adopted, but I also know that when I finish speaking, there is a significant risk that Liberals will try to move in camera and bury discussions of these issues. I certainly don't want to see that happen either.

As I said, Conservatives will use the procedural tools that we have available to us to insist that the committee report on the Bernardo transfer. Members can reflect on whether they want to continue to try to hide the report on the Bernardo transfer or whether they want to allow that work to happen.

I'm happy for my motion to be adopted by unanimous consent, if that's the will of the committee, or to proceed to make the substantial arguments that I would like to make with respect to the Bernardo prison transfer. Look, inevitably, this would go faster if it weren't for the repeated interruptions.

Having read the letter from Tim Danson, I want to highlight that there are a few different things going on at the same time with this issue. There was the question of the transfer itself. There was the question of information that was shared or not shared. What I want to comment on first is just the broader principle of victims' rights within our justice system.

• (1015)

Mr. Frank Caputo: I'd like to raise a point of order here, Chair, just for clarification. We have reached 10:15. I'm seeking clarification here because ordinarily this is the time that we would be ending our meeting.

Mr. Ron McKinnon: Mr. Chair, although we have reached our normal termination, I would appreciate being able to vote on this matter before we adjourn.

The Chair: Thank you, Mr. McKinnon. We do have resources until 10:30.

Mr. Doug Shipley (Barrie—Springwater—Oro-Medonte, CPC): Chair, I have a point of order.

The Chair: Go ahead, Mr. Shipley, on a point of order.

Mr. Doug Shipley: I would just like to ask the committee if this motion could be adopted by unanimous consent. Then we can move on.

The Chair: Is it a no?

Hold on, Mr. Genuis.

Mr. McKinnon, do you want to be clear on what you're asking? Are you asking to vote on this motion?

Mr. Ron McKinnon: Yes. I would like to vote on this motion before we adjourn.

Mr. Garnett Genuis: I have the floor and I'm going to continue, but Mr. Shipley has proposed that this motion be adopted by unanimous consent.

[*Translation*]

Ms. Kristina Michaud: You have been told no four times now.

[*English*]

Mr. Garnett Genuis: Okay. Then I will continue either way. I want the motion adopted. If the motion is not going to be adopted, I'm going to continue.

Mr. Ron McKinnon: I'm confused now. I have a point of order.

The Chair: Go ahead, Mr. McKinnon.

Mr. Ron McKinnon: It's clear that Mr. Genuis does not want this motion to be addressed by the committee. If he did, he would accept a vote at this time.

We've all heard his hour and a half of points of irrelevance. There is no merit to any of his arguments, obviously, or else he would let us vote on this matter. I encourage Mr. Genuis to have the courage of his motion and let us vote on it.

Mr. Garnett Genuis: Thank you—

The Chair: I'll ask the committee one more time: Are you willing to vote on this motion at this time?

Some hon. members: Yes.

Mr. Garnett Genuis: I have the floor.

There was a request from Mr. Shipley for unanimous consent to adopt the motion. Does the committee agree that the motion be adopted?

An hon. member: No.

Mr. Garnett Genuis: Okay. Then I'm going to keep talking.

Mr. Taleeb Noormohamed: I have a point of order.

Mr. Chair, you asked if the committee is prepared to vote on this. I believe that there are a number of us who nodded in the affirmative—

Mr. Larry Brock: We're not. Mr. Genuis has the floor.

Mr. Taleeb Noormohamed: —and you don't need unanimous consent to call the vote, so let's vote.

Mr. Garnett Genuis: Yes, you do.

Just on a point of order, and with no disrespect to Mr. Noormohamed, not all of us are experts on everything, and that's fine. I would just commend to him reading the specific sections of the Standing Orders that have to do with committees. The chair cannot call a vote just because he wants to or just because one member has had enough of the debate.

Mr. Taleeb Noormohamed: Mr. Chair—

Mr. Garnett Genuis: The chair knows this very well.

The Chair: Mr. Genuis, there was a request for votes. I asked everybody, and you said no, so we're going to continue.

Mr. Taleeb Noormohamed: May I respond, Mr. Chair, to what he just said?

The Chair: Go ahead, Mr. Noormohamed.

Mr. Taleeb Noormohamed: The chair asked if the committee would like to vote. The majority of members of the committee said that yes, they would like to vote. That was in response to the chair, not to Mr. Genuis or his unanimous consent motion. The chair asked if we would like to vote on it, not whether we gave UC. Those are two very different things. I'm not a dummy; I understand the difference between UC and the request for a vote.

Mr. Doug Shipley: Chair, on a point of order, I haven't piped up a lot here in the two hours, and you've been very liberal with your points of order, but I think we're really straying away now in debate. Maybe we could just finalize.

Mr. Genuis is bringing up some very valid points here. I'm enjoying his dissertation, and if he could keep going on that, it would be great.

The Chair: Thank you, Mr. Shipley.

Continue, Mr. Genuis.

Mr. Garnett Genuis: Thank you, Chair.

I thank the members for their good wishes, but I was actually very shocked by Mr. McKinnon's comment that these arguments had no merit. Regardless of what he thinks of me, I was reading—

Mr. Ron McKinnon: On a point of order, I did not say that they had no merit whatsoever; I said they had no merit to the motion he had proposed.

I'm ready to vote on that motion, whether or not we should do as you say. It becomes moot the longer we go on with this today, because there's no time to do anything. I think if Mr. Genuis had any courage and any respect for his own motion, he would let us vote on it after speaking to it for an hour and a half.

Mr. Doug Shipley: Chair, on a point of order, we are now getting into personal comments and insults, and I really don't think that's appropriate. Maybe Mr. McKinnon wants to take those back.

• (1020)

Mr. Ron McKinnon: On a point of order, there were no personal insults in there. I just don't believe he has any regard for his own motion or else he'd let us vote on it.

The Chair: Mr. Shipley, thank you.

Thank you, Mr. McKinnon. We'll leave it there. Mr. Shipley, we'll leave it there.

Mr. Genuis, can you continue and be very specific in what you're speaking about, please? Stay on the motion.

Mr. Garnett Genuis: Thank you. I was blessed with a thick skin, so we'll just continue.

Although he has since tried to qualify that, it appears that Mr. McKinnon does not think the arguments I've raised have merit or relevance. I'm fairly surprised that he is so dismissive of the arguments that I have raised because—

Mr. Ron McKinnon: On a point of order, I did not say they had no relevance or merit whatsoever. I said that in relation to the motion before us, they're not relevant. They don't matter to this particular motion.

The question is whether Mr. Genuis wants to go to the motion he proposed, which is to go to a specific order of business and deal with these very items, or not? He seems to have little confidence in being able to do that; otherwise, he'd let us vote on the matter.

The Chair: Mr. Genuis, please continue.

Mr. Garnett Genuis: As I was saying, the member opposite has dismissed these substantial arguments that have been made as either not meritorious or not relevant to the question of the Bernardo prison transfer—

Mr. Ron McKinnon: On a point of order, I made no reference to whether they were relevant to the Bernardo transfer. They are not relevant to the motion that is before this committee at this time, which is to go to a specific order of business.

Mr. Garnett Genuis: That specific order of business is the Bernardo transfer.

Mr. Ron McKinnon: No, it's not.

The Chair: Are you done, Mr. McKinnon?

Mr. Ron McKinnon: God, I hope so.

Some hon. members: Oh, oh!

Mr. Garnett Genuis: That might be something we can get unanimous consent on.

The Chair: Mr. Genuis, you have the floor.

Mr. Garnett Genuis: Mr. Chair, at the risk of getting accused of repetition, let me say it again for Mr. McKinnon's benefit: This is a

motion to proceed to the consideration of a particular item. Therefore, the nature of that particular item is central to this discussion. It is not in the general ambit of relevance; it is directly on the bull's eye of the target of relevance. What we are talking about is proceeding to the consideration of an amendment, and that amendment is about the Bernardo prison transfer.

As I have said very clearly—and I hope members have heard me on this—Conservatives will insist, and will use the procedural tools that allow us to insist, that we complete the report on the Bernardo prison transfer. Like the information about the prison transfer itself, this is not something that can be buried again by politicians who are not sufficiently concerned with the rights of victims to know what is happening in cases that are relevant to them and to have their voices included.

It is profoundly disrespectful to the witnesses we heard on this subject to suggest that their views are not meritorious or relevant or to suggest to them that having made the effort and gone through, I suspect, the challenge and the pressure of testifying, somehow the committee would receive that evidence but then do nothing with it.

I think that's offensive and wrong. Members of the public would expect that the sacrifice and the effort that went into providing that testimony would lead to substantive reports and recommendations from the committee—

Mr. Ron McKinnon: I have a point of order.

The Chair: Mr. McKinnon has a point of order.

Mr. Ron McKinnon: Let's vote on it. Let's get to the matter at hand and vote on these matters. Instead of talking about the issues, around the issues and beside the issues, let's deal with the issues.

The Chair: Thank you, Mr. McKinnon.

Mr. Genuis, please continue.

Mr. Garnett Genuis: Thank you, Chair.

My point having been made clearly about the process that is before us, I will just proceed to make a couple of key points that reflect my views in relation to the letter that Mr. Danson wrote, which I have read, though it has been a few minutes since I finished reading it.

Chair, this raises issues about the transfer itself, about the information that was shared, but I think most foundationally it raises important questions about victims' rights, about what we owe to victims of crime.

Of course, recognizing universal human dignity, recognizing that every human being remains a human being regardless of their circumstances or their actions, our society justly recognizes that certain rights should be accorded to all people everywhere. That recognition of rights needs to guide the operation of the criminal justice system. There is, of course, a place within that for the recognition of the rights of the accused and, if convicted, the rights of offenders, but there has been for too long, I think, a lack of emphasis on the dignity, the experience and the rights of victims within that equation. Conservatives in government and in opposition have consistently sought to elevate that recognition of the rights of victims.

What do we owe to victims? Of course, foundationally, we owe to victims that we make every effort to prevent them from becoming victims in the first place and prevent others from being victimized. That is of foundational importance, but when someone has been a victim of crime, in addition we owe them the opportunity to have a voice in the process to be able to share what happened and to seek justice through the law. That pursuit of justice involves their having a voice, having information and having the ability to participate in conversations around the crime that happened to them or their family members.

I think that what we often see from this NDP-Liberal government is a real, casual dismissiveness towards the idea that victims have rights in this process. Of course, they have a right not to be victims in the first place, and they have a right to voice that information when they have been a victim. A victim doesn't have a right to determine the outcome of a proceeding, obviously, but they have a right to be a part of that proceeding. What happened in this case demonstrated a callous disregard for that role for victims to have a voice in proceedings.

Mr. Danson highlighted the lack of respect shown to victims, the lack of consideration for the impact on them associated with certain timelines and significant dates, the lack of an effort to provide information in a timely way, in a way that allowed them to share concerns they might have, and a lack of engagement of their counsel in a way that would have allowed that information to be conveyed to them in a timely and appropriate manner.

The fact that in the middle of a busy workday, a nondescript voicemail left with the lawyer looks like—

• (1025)

Mr. Ron McKinnon: I have a point of order.

The Chair: Go ahead on a point of order, Mr. McKinnon.

Mr. Ron McKinnon: I have second thoughts on my decision to support unanimous consent for Mr. Genuis' motion that is now on the floor. I would now give that consent.

The Chair: Okay.

Mr. Garnett Genuis: Is there unanimous consent for my motion to be adopted?

Mr. Ron McKinnon: I only note that I have reflected upon it, and I would, in my case, give this consent.

The Chair: We're not being asked for unanimous consent but only an opinion from Mr. McKinnon that he would now give unanimous consent.

Voices: Oh, oh!

Mr. Frank Caputo: You have so much patience.

Mr. Garnett Genuis: I did hear Mr. Bittle say no. He's not at the table, but I think he still has the rights of a member if he's not in the room.

Are we adopting it on unanimous consent, or is Mr. Bittle saying no?

The Chair: Let's make this official, Mr. Genuis. Are you asking for unanimous consent?

• (1030)

Mr. Garnett Genuis: Is there unanimous consent for the motion to be adopted?

The Chair: Is there unanimous consent for the motion to be adopted?

Mr. Chris Bittle: No.

The Chair: Please continue, Mr. Genuis. You have about 30 seconds.

Mr. Garnett Genuis: I have 30 seconds until what?

Mr. Chris Bittle: I have a point of order.

The Chair: Go ahead, Mr. Bittle.

Mr. Chris Bittle: Let's vote vote on it. Mr. Genuis wants us to come to a vote. Let's vote.

Mr. Garnett Genuis: I think my position position was clear: I wanted it to be adopted.

Mr. Taleeb Noormohamed: I have a point of order, Mr. Chair.

The Chair: Go ahead, Mr. Noormohamed.

Mr. Taleeb Noormohamed: If Mr. Genuis believes his arguments have been so compelling and have riveted the committee for close to two hours, and he believes he has the support of the committee, then let's put this to a vote. If indeed he has done his job so well—

Mr. Garnett Genuis: I think Mr. McKinnon has spoken more than I have, actually.

Mr. Taleeb Noormohamed: —then he will indeed have the votes to pass this motion.

You just heard that there may be one person who might be willing to give you consent. My goodness, let's go to the vote. Let's be done with this. There's one minute left. Let's just do it.

A voice: It's 10:30.

The Chair: Thank you, Mr. Noormohamed.

I'm asking for adjournment.

It is so moved. The meeting is adjourned.

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