



Standing Committee on Justice and Human Rights

Comité permanent de la justice et des droits de la personne

**EVIDENCE NUMBER 22,
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Tuesday, February 28, 2012 - Le mardi 28 février 2012

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🕒 (1105)

[English]

The Chair (Mr. Dave MacKenzie (Oxford, CPC)):

I call the meeting to order, the Standing Committee on Justice and Human Rights, meeting number 22, pursuant to the order of reference of Thursday, December 15, 2011, Bill C-26, An Act to amend the Criminal Code (citizen's arrest and the defences of property and persons).

This morning we have three groups to appear before us.

Just so that everybody understands the rules of the committee, and not the chair's rules, they are that there is an opening address of ten minutes allowed, per group. I'll let you know when there's one minute left in your total. When we begin the rounds that go back and forth, they're five minutes total for question and answer. If I cut you off it's not because I'm being mean and ill-spirited, it's just to balance it out for all the committee members.

The Chair:

Thank you, Mr. Cotler. Your time is up.

Ms. Findlay.

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

Thank you, Mr. Chair, and thank you all for appearing here today.

Particularly, Mr. Chair, I know it's not easy to take a day off work and come and be here to give us the benefit of what was an unhappy experience for you.

I'm very interested, Ms. Shi, in what you've been saying about an active citizenry partnering in public safety. You've said that this legislation is a good start to setting things right. I appreciate that as well.

I'm also mindful of Mr. Chen's remarks, and we want the chance to defend ourselves. In my riding in British Columbia, we have many small stores and shopkeepers, shop-owners there who come to me with a lot of worry about constantly being targeted by those who would steal their goods or want even to do them harm. Sometimes, they have weapons and other times they don't. Certainly the intent is there to take something away.

I'm interested in you telling us, Ms. Shi, about how you feel that shopkeepers like Mr. Chen can benefit from this. Will this provide more clarity for them on how they can act and what they can do to defend themselves?

🕒 (1145)

Ms. Chi-Kun Shi:

Thank you.

First of all, to take away that really unreasonable demand that they could only catch a shoplifter committing the crime that the current legislation requires is a huge break. If one is to think about it carefully, that timeframe is infinitesimal when the thief is in the store taking the goods. The act has not been completed yet because he has the chance to pay for it at the cash.

As soon as he leaves the cash, the act has been completed. I guess that's sort of the infinitesimal moment when the person is passing the cash. At some point, you can say that he wasn't going to pay for it. It is totally unrealistic and unevenly enforced as well, if you think

about Mr. Cotler talking earlier about security guards. Security guards always apprehend outside the store. By that time, the act had been committed.

There are actually no rights to that arrest. Yet, the police would never nail a security guard in that case for an illegal arrest. That's why we need Bill C-26 as a good start. It is a break; however, I would submit that it is just a good start. I see the language, as I say in my submission, such caution. There is such concern that these store owners would go overboard. The problem is that in the equation there is not sufficient attention, in my submission, paid to the concerns of what have been going on in these stores in the meantime: that is, rampant shoplifting.

Mr. Chen's case is such a dramatic demonstration of what happens when the law fails people, that the store owners basically, until this proposed amendment, had both hands tied to their backs, and with a huge stick over their head. There, you do anything and let them take it and go. I heard it on so many talk shows, with hosts and other people saying, Why can't he just let them take the plant? How can it be worth him having to struggle on the street? We can't have violence on the street.

My answer is that we send soldiers to Afghanistan. What do you think they do there? There are values that we believe are worth fighting for. It's okay to do it overseas but we can't have a struggle on the street? We'd rather let people steal from people things that they work so hard for? The potted plant for a middle-class person may be just something nice to look at on our patio in the summer while we sip our Pinot Grigio. For Mr. Chen, that's food on the table, education for his children and clothes on their backs.

It's that sense of respect and recognition of the citizen's right and their participation in the community that I think Bill C-26 has done a good job of starting to address.

The Chair:

You can have a little bit more time: 10 seconds.

Ms. Kerry-Lynne D. Findlay:

In that 10 seconds, I'll say that I'd like the Chinese definition of democracy: "citizens decide." I have a lot of Chinese Canadians in my community as well.

The Chair:

Thank you, Ms. Findlay.

Mr. Harris.

Mr. Jack Harris (St. John's East, NDP):

Great use of 10 seconds, Ms. Findlay.