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Chair

Ms. Candice Hoepfner

Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities

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• (0920)

[Translation]

The Vice-Chair (Ms. Raymonde Folco (Laval—Les Îles, Lib.)): We will now begin the 26th meeting of the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities on this day of Tuesday, October 19, 2010.

On the agenda, in accordance with the order of reference of Friday, September 24, 2010, we will study Bill C-31, An Act to amend the Old Age Security Act.

[English]

I would like to welcome, from the Canadian Taxpayers Federation, Mr. Kevin Gaudet, federal director, and from Victims of Violence, Madame Sharon Rosenfeldt, president. I understand that Madame Ruth Gagnon, member of the board of directors and director general of the Elisabeth Fry Society of Quebec, will not be here until 9 o'clock, but I propose that we begin the meeting right away.

One little note, simply to remind you, is that this part of the meeting will last until 11 a.m. At 11 a.m. until 1 o'clock this afternoon we will go in camera to discuss and hopefully finish our work on the poverty report.

We'll begin with Monsieur Gaudet and Madame Rosenfeldt.

Mr. Martin.

Mr. Tony Martin (Sault Ste. Marie, NDP): I am wondering if you were going to approve the order of business that we agreed to.

The Vice-Chair (Ms. Raymonde Folco): You are absolutely right. Why don't we do that after the witnesses have finished? Would you remind me in case I forget?

Since the witnesses are here, let's use their time first.

Monsieur Gaudet and Madame Rosenfeldt, you each have seven minutes to present. We'll begin with Mr. Gaudet. Once both of you have presented, we'll then go around the table to allow our members to ask you some questions.

Monsieur Gaudet, *s'il vous plaît*.

Mr. Kevin Gaudet (Federal Director, Canadian Taxpayers Federation): Thank you.

Good morning, Madam Chairman and ladies and gentlemen of the committee.

My name is Kevin Gaudet and I am the federal director of the Canadian Taxpayers Federation. We are a national, non-partisan, not-for-profit organization with more than 74,000 supporters across the country. We have offices in British Columbia, Alberta, Saskatchewan, Manitoba, two offices in Ontario—Toronto and Ottawa—and recently we've opened an office, we're pleased to say, in Atlantic Canada. That office is located in Halifax.

The mandate of the Canadian Taxpayers Federation is to advocate for lower taxes, less waste, and more accountable government. We've been doing this for a long time now; this is a year in which we celebrate our 20th anniversary.

We don't take government money nor do we issue charitable tax receipts. I would like to take this opportunity to thank the supporters of the Canadian Taxpayers Federation who made generous contributions to help bring me here today, as we did not accept the offer of the committee for its financial assistance to get here.

I'm pleased to be here today on behalf of the Canadian Taxpayers Federation to speak in support of Bill C-31, what we call the Clifford Olson bill.

The Canadian Taxpayers Federation has played a large role in getting this bill introduced. I'd like to commend the government and the opposition parties for their rare speed in responding to this issue once it became public.

If I may, I would remind the committee as to how we came to be here today and the role the Canadian Taxpayers Federation has played in this issue. In late March, this last spring, an article appeared in the *Toronto Sun* in which Clifford Olson had bragged to Peter Worthington that he, Clifford Olson, was receiving old age security and guaranteed income supplement payments courtesy of the federal government and of course courtesy of the federal taxpayer. This amounts to some \$1,169 a month, \$14,000 a year for him and for every prisoner like him.

As soon as this story ran, my organization started to receive contacts from our supporters expressing great dismay with the situation. They were upset that such a heinous criminal should receive such generous and unnecessary largesse at their expense.

We decided that on behalf of our supporters we would put forth a petition calling on the federal government to cease the provision of OAS and GIS payments to prisoners like Clifford Olson. I must say, I was surprised and overwhelmed with the response. In my four years of involvement with the Canadian Taxpayers Federation I have not experienced that type of explosive response before in the number of petitions we've issued. It only took us about six weeks to receive more than 50,000 signatures on the petition. We've had a few other petitions in our past that have generated substantial support, arguably even more numbers, but to get 50,000 responses in six weeks is I think undeniably noteworthy.

We took the petition to Ottawa, where we were very pleased to present the petition to the Minister for Human Resources and Skills Development, Diane Finley. During our meeting with the minister, she did promise to act on the petition and put forth legislation in short order. She kept her promise and here we are at committee some six months later. I know that's relatively Herculean speed given the usual pace at which Parliament works. I think the government needs to be commended in that context.

Canadians and CTF supporters should be pleased to see some of the comments from Ms. Sgro, on behalf of the Liberals, who advocated speedy passage of the bill, and the qualified support expressed by Mr. Desnoyers of the Bloc Québécois and Mr. Maloway of the NDP. Of course, the CTF is happy again to see the support of the government on this issue.

In my role as the spokesperson for the CTF, I do spend a great deal of time being critical of government. However, when government and politicians do things right, we're mindful of the need to give credit where it is due, and we'd like to give it today in that context and this is just that case.

Parliament is moving quickly to end this injustice in providing these benefit entitlements to those who don't deserve them. Thank you for that. Only in Canada would someone serving 11 consecutive 25-year sentences for murder—I think they are concurrent actually, forgive me—collect more than \$1,100 a month for old age security and guaranteed income supplements, but this is the case with Clifford Olson.

With federal and provincial prisoners combined, this could amount to some \$7 million a year in payments to those who don't deserve them, for purposes that aren't required—payments that we argue ought to be stopped.

Old age security was created in 1951 and the guaranteed income supplement was added in 1966. They were, and still are, programs designed to help seniors make ends meet so that Canadians with little or no income have enough to live on. Robert Clifford Olson is a Canadian over the age of 65. He turns 70 on New Year's day. He is eligible and receiving his OAS and GIS. He will likely die in jail. He has no meaningful living expenses while there.

According to the most recent statistics on the Corrections Canada website, the average annual taxpayer cost of keeping a prisoner like him, a maximum security male, incarcerated was some \$121,294 a year. That is \$121,294 a year. That was for fiscal year 2006-07.

●(0925)

Mr. Olson was arrested in 1981 and admitted into federal custody in 1982, 28 years ago. It has cost taxpayers more than enough to keep him behind bars already. It adds insult to injury to pay him to be there as well by giving him important support entitlements that were designed to help seniors make ends meet. These entitlements were never meant to help line the pockets of people like him.

As a result of this petition, there have been a number of media stories and opportunities for people to provide e-mails and comments on websites. Let me bring to the committee one of the comments on one of those websites. It's the voice of a victim of Clifford Olson. Let me share her brief posting. It reads as follows: "I'm the stepmother of one of Olson's victims. I live on the same amount he receives, but I pay for my own food, clothing, and essentials." She wrote that in capital letters. "Colleen's sister is struggling as a single mom to raise three children, and he wants his money."

One of the other people posting on the website mentioned that the \$2 million should go to families of the victims of his crimes: "Just put it into the old age pension and give us a better income", she writes. "It's terrible how I have to struggle and pay taxes for him to never have to need anything. I also agree that he's grandstanding once again. How sad that there is even a group of people out there that think prisoners have rights." Those are her comments. "He took my daughter's right to live, and with her went pieces of our hearts. This is really a very sad society", she writes.

She points out how outrageous it is that struggling taxpayers are squeezed twice, first to house such criminals and then again by lining their pockets with those entitlements. It's this injustice that has to stop, and Bill C-31 does just that.

Thank you for having invited me today. I'd be pleased to take any questions in due course, should you have any for me.

The Vice-Chair (Ms. Raymonde Folco): Thank you, Mr. Gaudet.

I'd like to welcome Madame Ruth Gagnon. Madame Gagnon, just to keep you in the loop, Madame Rosenfeldt will speak and then it'll be your turn. You each have seven minutes, after which there will be questions from the floor.

Welcome, Madame Rosenfeldt.

Ms. Sharon Rosenfeldt (President, Victims of Violence): Thank you. Good morning to all committee members and everyone present.

My name is Sharon Rosenfeldt and I am president of Victims of Violence. Victims of Violence was started 29 years ago by my late husband, Gary, me, and a few other individuals who had a loved one murdered. We found there were not any services for people like us in our situation. There was no one to turn to for answers in our individual cases, and above all, there was no support, and we felt so alone. We were all thrust into a justice system we did not understand.

The organization grew and grew, due to other individuals contacting us looking for answers in their particular set of circumstances regarding their victimization. We did not have those answers, but we did our utmost to help them find out. Most of the time it resulted in changes having to be made to legislation, mostly to the Criminal Code.

Needless to say, criminal justice issues are many and, for the most part, very complex. Sometimes these issues fall under other ministries, such as the case today.

A significant observation we found was that the issues we were addressing and asking to have change were always quite controversial and sometimes emotional, simply because they were usually affecting the lives of human beings, the lives of the offenders and the lives of the innocent victims of crime.

On behalf of our membership, I would like to thank you for this opportunity to present to this committee on the importance of Bill C-31, An Act to amend the Old Age Security Act. I must admit, I do not know how this particular issue got by our organization. However, it did, and I am pleased to have been invited here today to present our views.

Having said that, I would like to thank journalist Peter Worthington, who brought this important issue to the forefront, and the Canadian Taxpayers Federation for its work in having 50,000 Canadian citizens sign a petition.

We agree with and are in support of the principle of Bill C-31. The principle of Bill C-31 is clear in that the old age security program is funded through general tax revenues and is designed to help seniors meet their immediate basic needs and maintain a minimum standard of living in retirement. Since a prisoner's basic needs, such as food and shelter, are already met and paid by public funds, there is no reason for Canadian taxpayers to also fund income support for prisoners through old age security benefits.

We do not support the concept of having this bill only pertain to multiple murderers such as Motion No. 507 suggests. We look upon that motion as simply a Clifford Olson solution. That motion does not address the principle of Bill C-31 with which Canadians are outraged.

Clifford Olson's name is only the symptom of the issue we are here discussing today. His name only brought this issue to the forefront. The focus must be on the principle of Bill C-31.

In our research in relation to other countries, we found the U.K. to be the strictest in its legislation of payments of pension to convicted prisoners. The U.K. legislation states that convicted prisoners are not entitled to social security benefits. This includes state pensions even where people have contributed to them for many years. It applies irrespective of whether the prisoner is imprisoned in the U.K. or anywhere else in the world. The general rule is that convicted prisoners in the United Kingdom do not get any social security benefit at all, although payment of certain war pensions and industrial disablement benefits are suspended for up to a year and paid upon release.

Austria, Denmark, Ireland, and Luxembourg also do not pay state pensions during the duration of the prison sentence. Prisoners are entitled to their full pension rights on completion of their sentence.

France does pay state pensions, although its system is somewhat different. The state pension payment is made into the prisoner's account; however, 10% is deducted and allocated to the prosecution, when applicable, and 10% is set apart and goes into the prisoner's release allowance. Prisoners who do paid work while serving their prison sentence pay contributions that are taken into account for calculation of their state pension upon their release.

Greece does pay state pensions to some convicted prisoners. The prisoners who do not qualify for state pensions are those convicted of financial-related crimes such as fraud, theft, robbery, and damage to public property. They are excluded from receiving their state pension.

The Province of Ontario already prohibits inmates from receiving the provincial guaranteed annual income, the Ontario sales tax credit, Ontario sales tax transition benefit, and the northern Ontario energy credit.

In a statement, Minister Bradley stated:

These benefits are designed to help honest, hard working families pay for their necessities, and we are not allowing convicted prisoners to receive those benefits. Taxpayers are already paying for prisoners' food and shelter.

● (0930)

The executive director of the John Howard Society is quoted as saying that he believes government could make a principled argument for inmates who will probably never leave prison and have all their needs met.

But clawing back OAS is another matter because it is a right of citizenship, and would require carving out an amendment for 'despised minorities'.

We believe that using the Olson angle is just a smokescreen. Citizenship is indeed part of the criteria, and it likely could be considered to be a right. But most seniors who qualify for old age security do not have their basic needs, such as food and shelter, paid for by the taxpayer, nor can they bank their old age security and guaranteed income supplement benefits, such as senior prisoners are allowed to do today.

I do not believe that senior prisoners are looked upon as "despised minorities". That is very rude. Rather, it is common sense that one cannot benefit twice at the expense of Canadian taxpayers. That is why Canadians are upset and outraged. If you took the Clifford Olson name out of the headlines, taxpayers would still be upset, simply because they are paying twice. This bill is important for the principles of fairness.

In closing, I will quote from a pensioner who said:

If seniors go to a long-term care facility and cannot afford to pay, the government takes back their pension and gives them a small amount for spending.

Senior prison inmates receive free room and board, and they are allowed to keep or save almost \$1,200 per month from their OAS and GIS benefits. As well, they receive the best of medical services, whereby a senior is only eligible for the basic needs.

This senior citizen gets it. That is why Canadians are outraged. They want their tax dollars to be used responsibly, and above all respectfully.

Thank you.

•(0935)

The Chair (Ms. Candice Hoepfner (Portage—Lisgar, CPC)): Thank you very much, Madame Rosenfeldt.

I believe we'll now go to Madame Gagnon.

Thank you very much.

[*Translation*]

Ms. Ruth Gagnon (Member of the Board of Directors, Director General of the Elisabeth Fry Society of Québec, Association des services de réhabilitation sociale du Québec Inc.): Madam Chair, members of the committee, I would like to thank you, on behalf of the Association des services de réhabilitation sociale du Québec, Inc., for having invited us to present our position.

The amendments proposed in Bill C-31 contain, in our view, serious flaws. On the one hand, the amendments seriously infringe on the principle of universality of our social security programs. Instead of providing solutions, the bill raises many more questions which can only cause concern, to our mind. On the other hand, the bill does not take into account the repercussions it will have on the people it targets, because it falsely assumes that all of their basic needs are already being met by taxpayers.

I will now address the systemic aspects of the bill's repercussions. The Old Age Security Act was created to provide a social safety net for the elderly to help them meet their most basic needs and maintain their human dignity. This act recognizes the vulnerability of the people who are part of this group, which is due to their specific needs and limitations. Therefore, it is precisely because these are elderly people that the bill provides them with protection, and it is solely this characteristic which makes it necessary to have a social safety net, notwithstanding any other attributes these people may have.

The amounts paid out under Old Age Security and the Guaranteed Income Supplement are not there to only help with food and lodging, which are, of course, very basic needs. These minimal amounts also help people with other needs, such as the purchase of clothing, good and services, which allow them to flourish as human beings.

The principle of the universality of social programs, more particularly social security and the right to an adequate standard of living, have been enshrined in various legal instruments, including the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights.

On September 24 last, member of Parliament Jim Maloway of the NDP mentioned that the right of federal inmates to Old Age Security and the Guaranteed Income Supplement was introduced by the Conservative government of Joe Clark in 1979. Therefore, this right was recognized, as were many other rights and freedoms, and this eventually culminated in the adoption of the Canadian Charter of Rights and Freedoms three years later in 1982.

Then and now, our Canadian society defended the principle of inclusion and the abolition of discriminatory measures. Yet this bill is the antithesis of these hard-won values. The bill proposes to exclude a group of citizens because they are different—they are inmates—although these citizens have the same needs and limitations as their age-related peers. Even worse, these citizens are in a far more vulnerable situation because of their incarceration.

The universality of Old Age Security is based on the equality of all senior citizens. If we exclude inmates from this social security program, it is not only discriminatory, but it contradicts the very essence of the Old Age Security Act, the purpose of which is to provide the necessary support to a vulnerable group, namely senior citizens. Violating the principle of universality is indeed of great concern. Who will be excluded next? A breach in the principle of universality can open the door to precedents which might lead to further exceptions.

Regarding the consequences for the group in question, not only does the bill violate the principle of universality, but it will also have serious repercussions for elderly inmates. It would be completely false to claim that should they be excluded from the program, the government would meet their needs to the same extent as it does those of other senior citizens.

I will now talk about the situation of elderly inmates. According to the Correctional Service of Canada, these elderly inmates have all kinds of problems during their incarceration, specifically health problems. Because of their previous lifestyle and due to their incarceration, elderly inmates grow old more quickly than Canadians in general. This situation was described by the Correctional Investigator, Mr. Howard Sapers, to the Special Senate Committee on Aging in 2008.

•(0940)

We will not revisit any of those issues.

The Correctional Service of Canada provides certain services to inmates, including housing, food and health care.

Nevertheless, anything that falls outside of the obligations of the Correctional Service of Canada must be provided by the inmate out of his own pockets. This includes anything relating to personal hygiene, or to recreational activities, for instance. The inmate pays for these things. It also includes all kinds of other things, such as toothpaste and clothing, basic personal hygiene products and recreational items. In short, if an inmate wants to have articles for personal use, he must pay for them himself at market rates, or sometimes pay even more, because these institutions only have a single supplier, which eliminates competition.

But the Correctional Service of Canada has implemented programs to help inmates transition into civilian life. Federal inmates can work in jail. Depending on how hard they work, they can earn between \$5.00 and \$6.90 per day.

The system is therefore based on social reintegration. It strongly encourages inmates to work. However, it is hard to apply this logic to elderly inmates because of their age and health problems. Do we really want to encourage them, or even force them, to work? The vast majority of them generally do not have any savings to help them go back to civilian life. This means that Old Age Security can help them afford food, lodging and basic practical things when they are released.

In fact, paying them Old Age Security is in keeping with the current correctional legislative framework.

[English]

The Chair: I'm sorry to interrupt, but your time is actually up. Would you be able to just quickly wrap up your presentation, because you've had a 10-minute allotment?

Thank you.

[Translation]

Ms. Ruth Gagnon: I agree, Madam Chair.

Do we really want to believe that seniors should be punished even more because of their age and their health? I do not think this is the direction we want to take.

Here are our recommendations. For these reasons, we reject Bill C-31 as it is currently worded. We believe that the proposed amendments will violate the principle of the universality of social programs, as well as adversely affect the people targeted by this bill.

Of course, there is a certain logic which dictates that an inmate should not receive the entire amount he is entitled to under Old Age Security, since he is already provided with food and lodging. It seems normal that elderly inmates make a contribution.

[English]

The Chair: I'm sorry, Madame, but I have to stop you at this time. Maybe during the question time you'll be able to complete some of your presentation. You've gone well over the 10 minutes.

A voice: Seven.

The Chair: I'm sorry, aren't the presentations seven minutes? Yes, they're seven, and you've gone well over the seven minutes.

So if you just want to hang onto some of the comments, you'll probably have an opportunity to bring them forward during the questioning time. Thank you so much.

We will begin our questions and answers, and our first round is a seven-minute round. That includes questions and answers.

We'll begin with Mr. Savage, please.

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Thank you, Madam Chair, and I want to thank the witnesses who took time to be here today.

I know, Mr. Gaudet, that the Canadian Taxpayers Federation has been active in bringing this issue along.

And, Ms. Rosenfeldt, I know the minister referenced you in the House for the work you've done and the attention you've brought to this issue.

Mr. Gaudet mentioned how quickly this has moved. I think it could have moved even more quickly. On March 26 we heard reports in the media that Mr. Olson was getting a pension. Minister Finley made comments in question period that same day that she would bring forward a bill. It wasn't till June 1 that the bill was introduced, and then the House recessed and we went into summer.

Our critic on this issue, Judy Sgro, had indicated well before that we were prepared to move it along. In fact, in her speech when this eventually did come to the House, she said:

Despite our often fierce partisan differences, today we are looking at an issue that I believe should unite all of us, regardless of our political affiliations.

... With that in mind, I intend to keep my remarks brief today because I believe we should all work together to forward the bill to committee...

That is where we are today.

So we want to deal with this as quickly as we possibly can, but we also want to make sure that in the process of dealing with the Clifford Olsons, there aren't some unforeseen circumstances with people who have made mistakes and are paying for those mistakes but may have spouses or family members who would also be severely hurt by this.

I guess my first question would be to you, Mr. Gaudet, and that is on the issue of the provinces. I note that you've done some work on this too. I think you've been urging people to contact the provinces to sign onto this bill. We heard recently that a number of provinces had signed on, but some had not.

Can you give us an update on where the provinces are in terms of cooperating with this specific bill?

● (0945)

Mr. Kevin Gaudet: Thank you for your question. It's always a pleasure to hear parliamentarians fight among themselves with respect to who wants to take credit for how fast they can get something done, because that's so rare.

With respect to the provinces, from what I understand, Ontario has recently signed on. We're pleased to see that. We would obviously have preferred they were faster. My understanding is that Prince Edward Island and New Brunswick and Nova Scotia have not yet signed on to the program. I don't work for the department, so of course I don't know the exact status, and I stand to be corrected by information that may be made public. I'm not privy to the inside details, to be candid, although I wish I were. Manitoba, as well, and Quebec, is my understanding, are the provinces that have not yet signed on.

My understanding of the argument from the non-Quebec provinces—I don't know Quebec's argument, to be candid, but the non-Quebec provinces have said that they think their populations are insufficiently large to merit their involvement in the program. I would argue that no matter how large they are, the smaller they are, the less cost to the program of their involvement. So I would argue they ought to be involved regardless of the size of the population, sir.

Mr. Michael Savage: Unless I'm mistaken, I think there are about 400 people in federal penitentiaries and 600 in provincial prisons who would be affected by this, so that connection of federal and provincial—and I stand to be corrected on this—is important.

I want to ask anybody who wishes to comment on this.... I notice there was an editorial in the *Prince George Citizen* back on September 27, headlined, "The Olson money could go for good", meaning that the money that's going to Mr. Olson could obviously be better used in a lot of other ways.

We've suggested that the money from this bill—and we're told it's \$2 million and it could go as high as \$10 million, depending on the province—should go to victims of crime organizations. In other words, it should be earmarked. The number one purpose of this bill is to make sure that pensions are going to people they should be going to. The corollary benefit is that it would save some money for the government.

But I wonder how, perhaps Mrs. Rosenfeldt, you might feel if this money that was saved was directly earmarked for victims of crime.

Ms. Sharon Rosenfeldt: In theory, yes, we can always...every victim organization, in particular non-government victim organizations...our organization is not government funded and never has been.

I'm not overly convinced that would be the right way to go. What would make me feel good is that any money saved goes to seniors or people on disability who are really struggling with the small amount of money they are having to live on per month. I would rather see it go right back into helping individuals who really need the money, not that victims of crime organizations do not need the money, but this bill is aimed specifically at seniors, and I think it should stay within the seniors' realm.

• (0950)

Mr. Michael Savage: There are victims of crime organizations that have had reduced funding, and I think—

Ms. Sharon Rosenfeldt: Very much so. For example, I used to be paid by our organization, Victims of Violence, not a large amount, but I was able to take a small salary. As of last January, it was a choice: either shut down the organization—and a lot of that had to do with the death of my husband, because he was the one who was able to.... He knew how to fundraise in the communities. I'm different from him, and I struggle with that. I've always been more involved in the social service part of our organization, such as directly supporting and assisting victims of crime. I don't understand a lot of the administrative part, and I really struggled. I made a choice. Rather than shutting down the organization, I named somebody else as executive director, so we can keep the organization going. I'm president, and I remain president on a volunteer basis. We are probably no different from many other agencies, but we do struggle.

On the other hand, seniors are struggling as well, and the intent of this bill is to not pay individuals double the amount of money that innocent seniors.... They're not able to bank their pensions.

I don't know if that makes sense to you. I'm being as clear and as upfront as I can about victims. Most victims' organizations and agencies are funded through the provincial governments. Only two organizations that are national in scope are not government funded: the Canadian Resource Centre for Victims of Crime, and Victims of Violence—and we're struggling.

The Chair: Thank you very much.

We will now go to *M. Lessard, s'il vous plait.*

[*Translation*]

Mr. Yves Lessard (Chambly—Borduas, BQ): I would like to thank you for appearing this morning and sharing with us your experience with regard to the matter at hand.

I was surprised to learn about this situation. It is a bit as if it had been overlooked or forgotten. The people who are incarcerated are not only housed, fed and cleaned, they also receive Old Age Security. You have raised similar concerns to those of Ms. Gagnon. Furthermore, it is important not to compromise certain basic principles. The parties were all quick to agree that this was something we had to deal with and that the fact that prisoners were housed and fed did not in itself constitute a financial benefit. I think that Ms. Gagnon has also raised that issue. That will lead to a question on amendments that Ms. Gagnon, for example, could put forward in that regard.

As well, in debating such bills, I am always surprised by the fact that we talk about our concerns for victims' rights, but the bills do not contain any redress measures for victims given what they have had to endure.

Allow me to explain. Could we not take the opportunity afforded by such a bill to create a fund for victims? Ms. Rosenfeldt, I think that your experience could be quite instructive in that regard. Someone who was robbed and left with a disability as a result can no longer earn a living as before. As a result, the victim no longer has the same income and will experience a life-long reduction in earnings. Would it not be possible to create a victims' compensation fund using the revenues gained by such measures?

• (0955)

[*English*]

Ms. Sharon Rosenfeldt: I can possibly try to shed some light on it.

Until all the provinces sign on, all criminal injury compensation or compensation programs that victims are able to apply to are all administered provincially. They used to be administered federally, or moneys used to come from the federal government, but since 1989 we have had what's called the victims' justice fund, which is a fund made up of the fines by all persons convicted of a speeding offence or whatever. That goes into a fund. That came about in 1989, along with victim impact statements.

But this fund is administered by the Department of Justice. The fund does not sustain organizations. It's for project funding. So organizations are always caught between a rock and a hard place when it comes to projects. If you don't have the money to pay staff, then you cannot do the project. And if you apply for the project funding, there are very, very strict criteria and stipulations on it.

We've applied for two of them now and it seems to be coming along all right, although it's most difficult. When you apply for government money you have to be very, very.... For instance, we applied to put out a newsletter, something we used to do years ago. This newsletter has to be monitored and has to be read by the Department of Justice before we can release it to the Canadian public. So it's really, really difficult to be government-funded and to be able to afford to do the type of work that we at Victims of Violence are able to do and have been able to do for years without government constraints.

So again, I would rather see that money going to benefit seniors.
[Translation]

Mr. Yves Lessard: Very well.

I would like to come back to you, Ms. Gagnon, and touch on what you have raised. I would first like to thank you for having reminded us of a number of principles, including universality. I believe that you understand the reason why the parties are basically in favour of this bill, which is not to say that improvements cannot be made.

I would like you to share with us your suggested amendments. I believe that you raised the issue a bit earlier.

Ms. Ruth Gagnon: I would like to draw your attention to section 78 of the Corrections and Conditional Release Act. That section provides for detainees to help pay for their housing and food costs, in proportion to the benefits they receive. So that is already included in section 78 of the Corrections and Conditional Release Act. In other words, there is already a legislative mechanism allowing the Correctional Service to withhold part of the benefits that an older person might receive in prison, e.g., Old Age Security, and force the detainee to help pay for food and housing costs.

However, to date, the regulation has never been applied or been the subject of any guidelines. Why is that so? I cannot answer that question. Be that as it may, that section of the current Corrections Act could be implemented at any time.

It is said that Bill C-31 is intended to reestablish an element of fairness. Indeed, I believe that the Old Age Security Act, as it relates to incarcerated persons, creates an unfair situation as compared with older people living in society. However, we think that such administrative changes would be far less drastic than to completely exclude incarcerated persons from the social assistance system. An added benefit to that approach is that it would not compromise the principle of universality, while correcting the existing unfairness.

According to the current Correctional Service regulations, incarcerated persons are asked to contribute 30%, but that level could be increased to 40% or 50%, or lowered to 20%. I do not have the answer; that is something that needs to be discussed. That would allow older people to contribute to food and shelter costs, while retaining some of the money for their own personal expenses. We might even consider using part of the money to create a fund that could help them to eventually reintegrate their communities. Obviously, people aged 65 and over who return to the their communities no longer have a home, or anything for that matter, and will need help. Besides, the remainder of the savings could simply be used, as you are proposing—and I think that victims' organizations

• (1000)

[English]

The Chair: Excuse me, Madame Gagnon. Merci.

Can I just remind the witnesses, because we are so short on time and I'd like to be fair to everybody, that if you watch me, I will let you know when you're getting close to your time. In this case, we went well over the seven minutes. So if you would, that would be wonderful. Thank you.

Go ahead, Mr. Comartin.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Thank you, Madam Chair, and thank you to the witnesses for being here.

Monsieur Gaudet, I just have a quick question. When the officials were here at the last meeting, they gave us a figure of \$2 million to \$4 million. That is how much would be saved if those approximately 400 inmates were not receiving the OAS. Where did you come up with the \$7 million figure?

Mr. Kevin Gaudet: The \$7 million figure is derived from a simple mathematical calculation. I had thought there were some 500 prisoners in question, each of whom were receiving the maximum \$1,159 for 12 months a year. I stand to be corrected. The number will be whatever it is, and I think we all recognize that.... I don't want to say it's a small number, but it's not a billion dollars, that's for sure.

Mr. Joe Comartin: Okay.

[Translation]

Ms. Gagnon, you said that, until now, no one has ever been subjected to the measures contained in section 78. Do you know whether any amount has ever been taken, by order of a civil or criminal court, for restitution or for another reason, at the request of a victim?

Ms. Ruth Gagnon: I cannot answer that question. I do not know how many 65-year-old inmates have applied for Old Age Security. That figure is not known.

I can say that, as it now stands, the Correctional Service does not use section 78 to get inmates to pay for their food and lodging.

Mr. Joe Comartin: Thank you.

[English]

Ms. Rosenfeldt and Mr. Gaudet, on that same point, I don't know if you've had an opportunity and I don't know if this has been given to you, but do you have any analysis of how many people of the 400 have applied to get the OAS? The assumption is being made all along that all 400 have applied and are receiving. My sense is that this will probably not be the case when we actually get the figures. I simply wonder if you've had an opportunity to look at that.

Mr. Kevin Gaudet: I honestly don't know. I did ask the department for that information, but they don't seem to know.

Mr. Joe Comartin: We asked the question, too, and they didn't know. We're working on it.

Mr. Kevin Gaudet: I'm sorry, I don't know, sir.

Ms. Sharon Rosenfeldt: The same with me.

Mr. Joe Comartin: One final point. Quite frankly, as a lawyer, I have problems as to whether this is going to survive a charter challenge, because there are alternative ways of getting at these funds that I think would clearly survive a charter challenge, not only section 78 but court orders, both criminal and civil.

Have any of you,

[*Translation*]

including you, Ms. Gagnon,

[*English*]

seen from lawyers, constitutional experts in particular, charter experts in particular, an analysis as to whether this would survive a charter challenge?

•(1005)

Mr. Kevin Gaudet: I don't have an analysis I can publicly share. I have spoken with some lawyers, if I'm able to speak based on that information, sir.

My understanding covers a couple of things. First of all, given that these types of programs have already survived legal challenges—the cessation of the provision of such benefits at provincial levels, like welfare, for example, have survived legal challenges already. They've survived any challenge in that context.

I would find it actually quite surprising a) if a challenge was provided and b) if it would actually be upheld. Even if some court in its peculiar decision decided to overturn this type of legislation, I would argue that section 1 of the charter and the Oakes test would apply, and any sane-minded individual in court and judge would decide that this is an approach that ought to be taken by government, sir.

Mr. Joe Comartin: If I can respond—Ms. Rosenfeldt, you may want to think of this—the provincial plans all have criteria, as opposed to, as Madam Gagnon has said, universality on this one. That's really the difference at the legal level as to why it may in fact be challenged successfully.

Ms. Sharon Rosenfeldt: Something that I did take out of my brief, because it was going to be too long in my submission, is that we do not believe that Bill C-31 could be unconstitutional, nor does it violate the universality of our old age security system.

I am not a lawyer, nor have we discussed this with a lawyer, as we cannot afford one. However, through research in other countries, we believe—and I realize there's a difference between the U.K. and Canada, but it's simply to give an example—the U.K.'s finding in a particular case that challenged their convention would be similar to a finding in Canada in relation to Bill C-31 being unconstitutional or affecting universality.

We believe that our Constitution affords protection against discrimination, that is, treating differently, without an objective and reasonable justification, persons in relevantly similar situations. In this case, a comparison of prisoners with non-prisoners is a comparison of two different factual situations and as such should disclose no discrimination.

Mr. Joe Comartin: Ms. Rosenfeldt, do you have the name of that case from England?

Ms. Sharon Rosenfeldt: I don't have it with me right now, but I can definitely provide that to you.

Mr. Joe Comartin: Perhaps you could send it to the committee and we will pass it around.

Thank you. Those are all my questions.

Mr. Kevin Gaudet: Madam Chairman, may I quickly add a comment?

The Chair: Sure. There's one minute left.

Mr. Kevin Gaudet: Mr. Comartin, I wonder, too, given that we do have means testing, we already do have established algorithmic reasons under which we do choose to limit or not provide old age security currently, if this could be argued...although I'm not a lawyer.

Mr. Joe Comartin: That's only the supplement. The base old age, everybody gets. There are no criteria other than you're in the country long enough to receive it.

Mr. Kevin Gaudet: Fine. I'm trying to make a legal argument as a non-lawyer, sir.

Mr. Joe Comartin: I've looked at it as well.

Mr. Kevin Gaudet: I think there might be ways to do it.

Mr. Joe Comartin: No, you may be right on the supplement, because there are criteria there, but not on the base one, which, again, would reduce the amount that will be saved.

The Chair: Thank you very much.

Mr. Watson.

Mr. Jeff Watson (Essex, CPC): Thank you, Madam Chair.

Thank you to our witnesses.

I will be splitting my time with Mr. Komarnicki.

Actually, I think what Mr. Comartin raises is a perfect segue to my question. I just want to make sure I understood you on this, Ms. Gagnon. I was struggling a bit to get the translation on my own speaker, so I may have missed this. It sounded as if you were suggesting that the sole criterion for qualification for OAS is one's citizenship. I don't know whether you were saying it was the sole criterion or the primary criterion. Can you clarify for me which one it was?

[*Translation*]

Ms. Ruth Gagnon: Regarding Old Age Security, the only criterion required by law is for a person to be a Canadian citizen, to have lived in Canada long enough, at least ten years. To be eligible for a full pension, you need to have lived in Canada for 40 years after the age of 18. There are no criteria with regard to one's economic status, there are only criteria with regard to one's identity, that is, one must be a Canadian citizen. This is in the Old Age Security Act. Look at the eligibility criteria and you'll see.

•(1010)

[English]

Mr. Jeff Watson: All right.

This will be a question for anybody to answer. If length of residency is a reasonable limitation with respect to qualifying for OAS, why can't incarceration be a reasonable limitation?

Ms. Sharon Rosenfeldt: I would agree, certainly, with that concept. I think the reason we were waiting for an answer from Madame Gagnon was because of the points she was making in relation to the eligibility criteria. But I would certainly agree with you.

The Chair: All finished? All right.

Mr. Komarnicki, go ahead.

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): I'll just maybe continue on the universality issue before I turn to another matter. I know that Mr. Comartin has raised that particular issue as well.

What the bill does not do is suspend the old age security pension indefinitely. As a Canadian resident, the incarcerated person maintains the right to the pension, but this right is suspended for a specific period that ends when the person is released. So it's not saying that you're suspending the pension forever; it's only when there is a crime committed in accordance with the legislation.

I gather from at least two of you that you would agree that's a reasonable circumstance for a suspension. Correct?

Ms. Sharon Rosenfeldt: I do, and further to that, in relation to Madame Gagnon's presentation on what the offender is going to do when he is released from prison, I believe the offender will have the same rights in relation to that pension as any other law-abiding senior citizen—namely, surviving on x number of dollars, whether it's \$1,200 or \$800 or whatever it is. They would have the same right. They should be given no special status of coming out with a lump-sum bank account.

Mr. Ed Komarnicki: That principally makes the point of why it should survive a constitutional challenge, in my mind and amongst others as well. It really boils down to this: putting victims and taxpayers ahead of criminals. That's the principle behind this.

Maybe I'll just set this up. I know that Mr. Gaudet indicated that you have the cost of the prisoners of about \$121,000 a year. I won't quibble on which years or when, but it's a significant amount, and it deals with things like providing a roof over your head, food, and those kinds of necessities.

At the same time, you reference a pensioner who has a hard time getting by on their own, providing a roof over their head, providing food on the table.

I hear you, Ms. Gagnon, when you say that prisoners have rights. That's true. But what about the situation of those who are victims? I can't imagine what it would be like to be a parent who has lost a loved one to a crime committed and who watches as someone sorts of gets a largesse or extra funds while they serve time for that very crime.

Perhaps, Mrs. Rosenfeldt, you can tell us how you might see that or feel that from a victim's point of view.

Ms. Sharon Rosenfeldt: Well, from a victim's point of view, I was actually quite surprised, I guess as was everybody else. I was shocked. The first thing that entered my mind was, my God, here we go again, a Clifford Olson thing. I feel very hurt inside because I think sometimes we as the community, we as citizens of Canada, have to draw a line between emotionalism and reality. And sometimes I think we have to take the bull by the horn and just simply do the right thing.

Clifford Olson did bring this to the forefront, yes, but there are many people in prison, including the 400. I could name names—Alain Gingras.... I could go on and on, and these crimes are horrendous.

Yes, Clifford Olson murdered 11 children, but there are people incarcerated who are either at the pensionable age or are going to be at the pensionable age. One I can say right off the top of my head is Russell Williams, who's in the news right now. What's going to happen to him in 25 years if we don't get this legislation passed? I can name names, but it really pits victims against offenders, which is not meant to be in any way, shape, or form. We have to use common sense when it comes to these situations, and I think it should be passed.

•(1015)

The Chair: Thank you very much.

We will go to our second round, and just a reminder that this round is actually only five minutes, and that's for questions and answers.

We'll begin with Madam Minna.

Hon. Maria Minna (Beaches—East York, Lib.): Thank you, Madam Chair.

I think there's no question that almost everyone at this table understands and supports the intent of what we're trying to accomplish, but we also want to accomplish it in a way that is consistent with our charter and a whole pile of other things. So my sympathy is with Ms. Rosenfeldt and others in that situation.

My take is that Olson and others are not the majority of people in jail. His particular crime is not in a majority of situations, fortunately. These people are in a minority. Do you know, of the 400 and others, how many of these people who are in jail for two years might be out in five, ten years? And if they are out in that period of time, for whatever reason, if that's their time served, if they are out in the community, what do they do when they hit the streets and have no money? But then I go back to Madame Gagnon in terms of what they do with the essentials.

What would be the recommendations—any of you—with respect to how we deal with when a person does leave jail and does hit the streets? This last weekend somebody said, too bad, too sad, they'll just have to figure it out. Well, you know what that means sometimes. It means they're on the street and all kinds of other things. I'm just trying to get a handle on this. If these 400 are in for life, we don't have to worry about it. If that's not the case, if there are people coming out, what do we do with them, and how do we address Madame Gagnon's concerns? Those are really my questions, to any one of you.

Ms. Sharon Rosenfeldt: To me it's simple. I would suggest they apply for the old age security and GIS benefit. Like any other law-abiding citizen, they have to live on that. I'm not understanding what you're saying.

Hon. Maria Minna: No, they've applied for it. It's been denied because they're in jail, so then when they leave jail they don't have any money.

Ms. Sharon Rosenfeldt: Am I incorrect in thinking that this bill says they can apply 30 days before they're released? Or is that a different country?

Hon. Maria Minna: No, it does say that, but I guess I'm not sure if the bill then also guarantees that they get a pay cheque the moment they leave. The reason I'm asking that is I know now, when you apply, normally it takes six months to actually get a cheque.

Ms. Sharon Rosenfeldt: Number one, normally the prisoner is not just released onto the street. If they're serving a term, unless it's statutory release, normally they go into a halfway house and things like that, and they're looked after there. So there would be time for there to be an application made for social security.

Hon. Maria Minna: And if it's a statutory release, that's different, though.

Ms. Sharon Rosenfeldt: Statutory release is different. Again, whether it's different or not, they should be treated no differently upon release. They should make application for the old age security benefit and GIS and live on that, as any other Canadian citizen. They may be on—

Hon. Maria Minna: I'm not questioning that they will eventually have their pensions; I'm trying to address the potential gap that may occur, to prevent problems.

Mr. Kevin Gaudet: Ms. Minna, I think you raise an important sentiment, which on the one hand is that you recognize the principal importance of this bill. On the other hand, I also hear an important compassionate tone about wanting to ensure that those people in Canadian society are properly cared for, as we as a society have agreed to. This bill does allow for those individuals to receive the payments both in their first and last month of incarceration, as opposed to depriving them of those particular months.

If I may respond with respect to the savings aspect, let me try to look at it in a different way and see if that takes us anywhere.

I think it's unfortunate that the corollary of that argument would be that someone who doesn't have many expenses while they're incarcerated would have the opportunity to bank that money to then further help themselves afterwards. I think that puts them at a competitive disadvantage, if you will, compared to how we provide

for those people who aren't incarcerated. To a certain extent, they actually get an added benefit.

It's not that I'm suggesting prison is fun or wonderful, but those seniors on fixed incomes who are struggling to make ends meet don't have the benefit of being able to bank the extra cash. When those necessities of life are provided by the state, by taxpayers, I think they ought not to have that extra cash.

Now, it's an important question to talk about when people are out... Whether or not they're prisoners or regular seniors on fixed incomes, I think it's an important conversation that parliamentarians have about how we, as a society, best provide for those people who need to make ends meet.

•(1020)

Hon. Maria Minna: The first and last month's rent that people have to have so they're not on the streets.

The Chair: Thank you very much. Thank you for that.

Dr. Wong.

Mrs. Alice Wong (Richmond, CPC): Thank you, Madam Chair.

And thank you for coming.

I think people probably understand that this issue has been very important in the province of B.C.

I'd like to quote a couple of comments from the province to see how...and there is also the fact that in the riding of Richmond I do hear a lot of objections to Clifford Olson collecting OAS and GIS.

Let me quote from the B.C. government whip, Mr. John van Dongen.

The B.C. government is proud to be the first province on record to support the federal government in this action against the unfair allocation of income support to prisoners.

That was on June 2.

Then the Vancouver police chief, Jim Chu—because all of us understand that Clifford Olson probably lives in the Lower Mainland—applauded the bill and said:

"It would be my hope that the innocent victims will no longer feel further victimized by watching their attackers receive old age pensions during their forced retirement from their careers of crime. I'm sure this evolutionary change in legislation will be greeted warmly by the many victims of these criminals."

Again, this was June 2.

I have a question regarding this. I think some of you have already answered it, but I would like to be able to explain it further. I believe the bill also ensures that a low-income spouse or common law partner of a prisoner will not lose their individual entitlements to old age security payments. That probably protects the criminal's family, who should not be victimized; on that, we agree.

Also, implementation will begin immediately with prisoners in federal prisons. We will work with provinces and territories to also end benefits to prisoners in provincial and territorial institutions. That's something we've been working on.

My question is, do you believe it is fair that prisoners can use the OAS program as a savings plan when that is not the purpose of the program and law-abiding Canadians cannot use it in that way? I'd like you to expand further on that, because the principle behind this whole bill is fairness to the law-abiding seniors.

Just to let you know, 12.5% of total federal expenses goes to OAS and GIS.

Thank you.

[Translation]

Ms. Ruth Gagnon: I would like to share with you my expertise as the director of a centre for former female inmates, more specifically as regards inmates who are released from jail.

Of course, given the way Bill C-31 is designed, we will find other mechanisms, amendments or ways to help these people re-enter society. We are talking about seniors who will be released by the time they are 70, 75 or 80 years old. As far as their families are concerned, don't worry: they don't have any. They are alone. There will be no social networks or family members waiting for them when they exit the prison gates. The vast majority of these people are men who have been in jail for many years and who will have to re-enter society. If the federal government does not look after them, for example by paying them a reduced old age pension, the provinces will do so under their welfare programs. One way or another, taxpayers will be the ones who will have to help them become members of the community once again. You have to make an application for Old Age Security six months before you are eligible, and there will be many administrative problems. In my opinion, amending the act will only lead to higher costs within the bureaucracy.

I understand that we need to reinstate fairness. I think that the Correctional Service is unfortunately partly responsible for the fact that it did not apply section 78 of the Corrections and Conditional Release Act. But the article is there and I think we can strike a balance without risking losing the universal right to Old Age Security. The Guaranteed Income Supplement is one thing, and Old Age Security is another. We can distinguish between the two. Senior inmates do not have the same needs as do seniors living in their community. I understand that, and these people agree, but to completely deprive them of their right to an old age pension...

In fact, most senior inmates will go back to their communities as taxpayers and citizens, and we will have to see what kind of transition measures will have to be taken. We will have to find them housing, among many other things. We will have to take this into account. We will also have to take the impact of all of this into consideration.

You talk a lot about dangerous offenders, who are the minority. Indeed, most elderly inmates are not like Mr. Olsen. You are focusing a lot on this minority. I understand that it is shocking. I put myself in the situation of Canadian taxpayers and I understand their anger in this regard, but these people are truly a minority.

●(1025)

[English]

The Chair: Thank you, Madame.

We'll go to Monsieur Lessard, please, for five minutes.

[Translation]

Mr. Yves Lessard: Thank you.

Ms. Gagnon, I think you are on the right track. As Mr. Rosenfeldt said at the beginning, not all long-term inmates have committed murders. They may have committed other types of crimes. The Olsen case gives rise to a lot of sensationalism, but not everyone is, in fact, an Olsen.

Correct me if I am wrong. You said that section 78 of the Corrections and Conditional Release Act could fulfill the same purpose. I have not read it and, since it has never been applied, I have the impression that the people sitting around this table are also discovering its existence for the first time. Can this section achieve the same results? In other words, could the Correctional Service decide that an inmate who has an income must pay for part of his food and lodging out of his Guaranteed Income Supplement, as well as out of his Old Age Security?

Ms. Ruth Gagnon: I imagine that the Correctional Service will have to make a decision with regard to that matter, and it will no doubt say that a small part of the pension will have to cover the inmate's needs, other than food and lodging, namely the cost of the cell itself. Please understand that inmates have to be clothed and have their basic needs looked after.

Mr. Yves Lessard: I will have to interrupt you. I think this has already been said. I apologize.

Ms. Ruth Gagnon: Indeed, one could certainly take that argument to its logical conclusion.

Mr. Yves Lessard: One could therefore conclude that.

Ms. Rosenfeldt and Mr. Gaudet, if we happen to realize that a provision of the act, which has not been applied, would allow us to achieve our objective, is there another dimension in Bill C-31 which has not been covered? Could we simply ask the Correctional Service to apply the act as worded? Could we simply state that bill C-31 has lost its stated purpose?

The question is for Mr. Gaudet and Ms. Rosenfeldt.

●(1030)

[English]

Mr. Kevin Gaudet: I'm not familiar with article 78. I thought there had been a provision that would allow for provinces, especially, to.... I'm happy to learn this. If anything, my organization has been advocating for ages that we should be charging prisoners for their incarceration, and if we already have an existing legislative mechanism in place that we can deprive them of \$1,169 a month and perhaps even charge them beyond that because their incarceration costs them \$121,000, I'm all over that.

[Translation]

Mr. Yves Lessard: Unless I'm mistaken, you are telling me that, regardless of whether we use section 78 or the bill, what counts is that we achieve the same result.

Mr. Kevin Gaudet: I'm not so sure. I have to research the section. I cannot give you an answer now. After the meeting, I will ask Ms. Gagnon if she can do some research for me.

Mr. Yves Lessard: My question is for you, too, Ms. Rosenfeldt. [English]

Ms. Sharon Rosenfeldt: My response would be to definitely do research into that section as well. My understanding is that isn't the way it is or the way Correctional Services interprets it, that's for sure.

I don't believe I would be in favour of that because I don't believe that is the intent of section 78. I would say I would definitely still be in favour of carrying on with the passing of Bill C-31 as it stands today.

The Chair: Thank you very much.

Thank you, Mr. Lessard.

Mr. Komarnicki, you had another question?

Mr. Ed Komarnicki: Yes.

The Chair: All right, five minutes. Go ahead.

Mr. Ed Komarnicki: Thank you very much.

I'd first like to thank all of you for coming before us and sharing your thoughts with the committee.

I want to make it known for the record and for my colleagues that the Canadian Taxpayers Federation was founded in 1990 in Saskatchewan, according to the notes I have, which is of course singularly important for some of us who come from Saskatchewan.

Mr. Kevin Gaudet: We're still headquartered there, sir.

Mr. Ed Komarnicki: There you go. So that's an important note there for the record.

The bill is about a matter of fairness. I think we can achieve that through this particular bill to ensure that the families or those closely related are not hard done by and that they are actually able to receive what they had before the incarceration, and perhaps more. So there is an element of compassion to the families, at the same time respecting the points of view of the victims of that particular prisoner, but others as well. This doesn't just apply to victims of the prisoner, but it's victims generally who are affected by what they see.

And in Kevin's case it was interesting. I wonder if the reaction of the Canadian public doesn't have a lot to do with Mr. Savage wanting to swiftly pass this bill and others climbing on board. I'm not sure if it was a petition you had posted, but I gathered from you that the speed at which you received significant numbers of petitioners and their response in such a short period of time was indicative that this touched a nerve or a raw spot with Canadians.

Maybe I can ask you specifically, what do you think the reaction of the Canadians was to the news that they had heard that there were prisoners actually receiving old age security? And by the reaction you got to the petition, what was your sense of what Canadians were trying to say?

Mr. Kevin Gaudet: Let me speak for the supporters of the Canadian Taxpayers Federation; I won't presume to speak for Canadians more broadly, sir. As a representative of the Canadian Taxpayers Federation, I can tell you that the 50,000 came from more than just supporters of my organization.

I think there were a couple of things involved. Perhaps the first and foremost one would be the general revulsion and repulsion with

anything to do with Mr. Clifford Olson. The perception that he might be deriving a benefit or a nicety of any kind frustrates people.

I would probably expand that more widely and express the point that there might be a general sentiment among my organization that we as a society can be extremely generous to those people who are incarcerated, and that sometimes we forget to be mindful of those people who pay for the lifestyle they have, not to mention that we have obligations—nobody's remiss on that. Sometimes there isn't sufficient mindfulness of the balance required for their needs and the needs of those who pay for it, sir.

• (1035)

Mr. Ed Komarnicki: Thank you.

I'm just going to conclude with respect to a comment made by Ms. Rosenfeldt. I know you have said many times that you don't have the answers for the victims, but you're there for them, especially when they have nowhere else to turn. So we certainly appreciate the work that you do.

Thank you very much for being here.

Ms. Sharon Rosenfeldt: Thank you.

Could I just say one last thing to the MP in relation to section 78? I am definitely going to check on this.

I was on the review panel that did the review. The mandate was to do a complete review of the Correctional Service of Canada. There was a five-member panel created and I was part of that panel. We did a full-scale review of the Canada Revenue Agency.

Somehow, if the intent of what Madame Gagnon is saying is that we missed it, that would be a huge miss. I'm definitely going to have a look at it, because we reviewed it, and the point that part of a pension could be used to pay for their living expenses didn't come up in any way, shape, or form. That's a new one to me.

The Chair: Thank you very much.

I certainly think that whole topic generates a lot of interest around this table, and probably with Canadians, so I think it's an important part of this discussion.

Sorry, Mr. Comartin, do you have a question?

Mr. Joe Comartin: I know that both Madame Gagnon and Ms. Rosenfeldt didn't get to say all of what they had prepared to say, so I'm just wondering if they could provide us with their written statements. Those will have to be translated, I think in both cases, but could they then be circulated amongst the committee, in case there are additional points that we haven't brought out?

The Chair: That's a good idea.

Would the witnesses be all right with providing their statements to the committee, and then we can pass them out to the committee members?

Ms. Sharon Rosenfeldt: I'm sorry, I knew I had to submit it, and I didn't. I brought an extra copy.

The Chair: That's fine. We can do it now at this point, if that would be all right.

[Translation]

Ms. Ruth Gagnon: You already have six copies, which I gave you when I arrived.

[English]

The Chair: All right.

Mr. Comartin, did you get a copy?

Mr. Joe Comartin: No, I didn't, but Mr. Martin may have it and I didn't get it. Thank you.

The Chair: Good.

I also want to thank the witnesses for being here. It's such an important piece of legislation, and your testimony and your perspective add to this and give us some important insight. So thank you all for being here.

We will actually dismiss you at this time. We have a little bit of committee business to do in public, and then we will go in camera and work on the poverty report.

Thank you so much for being here, and I wish you a good day.

We'll suspend for two minutes.

- _____ (Pause) _____
-
- (1040)

The Chair: I'd like to call the meeting back to order.

We are going to be public for just a few minutes. We have a couple of things we need to deal with. Then we'll suspend again and go in camera.

Ladies and gentlemen, there's a motion before you to approve the proposed budget. Can someone move that motion for me?

Mr. Savage has moved the motion.

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

The Chair: Our steering committee met this morning. I was not able to be there, but I thank Raymonde for chairing that committee. She is going to give the committee as a whole a brief report on what happened so that we are aware of it.

Madame Folco.

- (1045)

Ms. Raymonde Folco: Thank you very much, Madam Chair.

I should mention that in the absence of Madame Hoepfner, I chaired, and therefore there was no Conservative member, but Mr. Komarnicki represented the Conservative side of this committee for the meeting.

Here is what we discussed. First of all, with regard to Bill C-343, as you may know, the bill has to come back to the House on November 5, so we are pretty well late with Bill C-343. So we are suggesting that Bill C-343 be discussed on November 4, but then there's a break week and then it would be discussed again on the 16th, which already makes us late. So if we as a full committee accept that we will continue and finish Bill C-343 on November 16,

that would mean we would have to ask the House to accept an extension. According to the clerk—and many of us have gone through this—that means it would have to be presented to the House and there would be an individual vote on the extension.

When we discussed it at the small committee this morning, several members made it clear that extensions have been accorded many times with very few, if any, problems. So the members of the committee felt that asking for an extension would cause no problem at all.

So the clerk has now written a text, which I'm submitting now to the committee.

Before I go on about this extension, let me go on to the next part of our discussion, which is what will happen on the motions.

If all goes well, just to backtrack, we'll discuss Bill C-343 on November 4 and 16. We would then move on to Michael Savage's motion on the long-form census on November 16, and that would continue on the 18th.

For November 23, there are three motions in front of you. They had question marks because they were subject to discussion. The steering committee decided we would take them in a different order. First of all, we would do the adoption study because it's been on for quite some time. That would be number one. That would be followed by Mr. Lessard's motion on the employment insurance board of referees. He thinks it would take two or possibly three days. That would be followed by Mr. Tony Martin's motion on disability-related barriers. We decided we would do them in that order, but we did not give specific dates to these, although we are suggesting they be taken in that order because there will be a number of private members' bills and possibly even a government bill that might come in. Of course they get priority.

So we're suggesting to the full committee an order for the motions and we're suggesting that the dates for these motions be accepted as they come up, given the number of private members' bills.

I was checking just a few minutes ago, and I can tell you that coming from the Liberal Party there are possibly five or six private members' bills that will be coming up in the near future that will have to be discussed here in this particular committee. There may be more private members' bills that I'm not aware of coming from the other parties. So that is it.

So the first thing I am submitting to this committee as a report, on which I need agreement, is the request for an extension for Bill C-343. The clerk has written a draft, which I will read out. I will read it out in English, and obviously the translation will be available.

Report of the subcommittee. It was agreed (1) that a report be adopted and presented to the House asking for an extension of 30 sitting days to consider Bill C-343; (2) that Bill C-343 be taken up on November 4, and November 16, as I mentioned; (3) that the business of the committee be conducted in the following order: one, motion of Mr. Casson on the adoption study; followed by, two, the motion by Mr. Lessard, employment insurance board of referees; and after that, three, the motion by Mr. Martin, disability-related barriers. These studies will be conducted without any limitation in terms of number of meetings, provided that time will be made for any private member's bill referred to the committee, and the study under consideration at that time will be suspended for the study of the bill.

• (1050)

So that is what I would like to submit to this committee. If you agree to that, the next step will be for the clerk to write out a submission to the House, which will be tabled by the chair of this committee. Then it will go its regular way so that we can have a 30-day delay.

Thank you, Madam Chair.

The Chair: Thank you so much, Madame Folco. I appreciate that.

Madame Folco, should we deal with the motion first on the extension instead of...?

Ms. Minna.

Hon. Maria Minna: Sorry, Madam Chair, I just want a clarification.

Madame Folco, when you were talking earlier you gave a specific date for Mr. Savage's motion, but in your final reading of the clerk's thing it wasn't there. I'm not sure what happened.

Ms. Raymonde Folco: We can add it, and Mr. Savage has just mentioned it. The dates decided upon are the ones that figure on the chart. We would discuss it on November 16 and 18.

Hon. Maria Minna: Then we're voting on completely separate things.

Ms. Raymonde Folco: We could certainly add it to the report.

Hon. Maria Minna: That's all. I just need it clear.

Ms. Raymonde Folco: Very good.

The Chair: Mr. Lessard, do you have a question or comment?

[*Translation*]

Mr. Yves Lessard: I agree with everything Ms. Folco has said and I support her report. There is just one thing I would like to discuss. Unless this was indicated in the translation, I do not think that we pointed out the fact that this government bill was given priority treatment. As I already said, we all agreed that in a minority government situation, the committee sets its own priorities. This morning, in the interest of making things easier, I simply want us to remove this opinion from Ms. Folco's report. I intend to raise this issue with the committee at a later time.

[*English*]

The Chair: Just so I'm clear, you're saying that later on, as we're moving forward, if private members' bills or government bills come forward, we should discuss the priority and the timing at that point. Is that correct?

[*Translation*]

Mr. Yves Lessard: At a future meeting of this committee, I intend to raise this issue again to clarify the way we prioritize the bills we study. The committee has said that in a minority government situation, it has the right to decide what its priorities are. For example, a private member's bill could have priority over a government bill.

[*English*]

The Chair: Mr. Savage, did you have a question?

Mr. Michael Savage: Thank you.

Just for clarification, on Bill C-31 that we heard the witnesses on today, do we have four more meetings scheduled?

The Chair: Yes.

Mr. Michael Savage: How many witnesses will we be hearing from on that bill?

The Chair: Do you have any witnesses, because we didn't get any from you?

Mr. Michael Savage: No. Some of our witnesses have already been submitted, but I don't think my office has a list of all the witnesses.

The Chair: There will probably be an understanding that if we finish with the witnesses.... Next week we have the minister, and we're bringing the officials back. But when we made up this draft schedule and talked about it at the executive meeting...if we are done with the government bill a day ahead of time, we will start the private member's bill a day ahead of time.

• (1055)

Mr. Michael Savage: Understood.

Can you send the list of witnesses to our offices so we can have a look at it?

The Chair: Okay.

Mr. Michael Savage: On the adoption motion of Mr. Casson, what is the relationship between this and Jeff's motion? It's the same thing.

Hon. Rick Casson (Lethbridge, CPC): I'm not sure why I moved it, but I did.

Mr. Michael Savage: Okay.

On Tony's motion, is this the major study we're talking about?

Some hon. members: Yes.

Mr. Michael Savage: Okay.

The only thing I would say on that—and I fully and completely support it—is we had some people from the disability community in here before the summer break talking about some of the stuff they want to see. I'm sure Tony would be amenable to this. But on the exact scope of the study, I hope we will get some input from disability community leaders if that changes.

Mr. Tony Martin: Yes.

Mr. Michael Savage: Okay.

Thank you very much.

The Chair: Yes. I would think that when we begin the study, we have to actually determine the scope, because it's going to be such a large study.

Mr. Michael Savage: And I know, Madam Chair, that Tony is in touch with the disability community a lot. I just want to make sure there is going to be a chance for the community to give input into what needs to be done.

The Chair: I would think, too, at some point, and it may be even by mid-November, we're going to look at this again and probably want to just reaffirm that we're going in the right direction and in the same direction.

I think this is just trying to give us a bit of a guideline and a map for the next month and a half.

Are we all—

Ms. Raymonde Folco: Just a point of information, because this was raised at the steering committee. I'd like to ask the clerk to explain what is the status of Rick Casson's adoption study and why it's appearing the way it is. He explained this to us this morning and I think it's a point that should be explained to all members.

The Chair: I'm sorry, what's the question?

Ms. Raymonde Folco: About Rick Casson's adoption study. Why is it here and why is it called "Rick Casson" and so on? It's just a simple explanation that the clerk could possibly provide us.

The Chair: Do you want to provide that, Georges? It was just a process thing.

Go ahead.

The Clerk of the Committee (Mr. Georges Etoka): Thank you, Madam Chair.

The motion originally was presented in the House by Mr. Watson. It was agreed to by the House and sent to this committee. But in the meantime, there was a prorogation, and according to the prorogation rules, everything dies.

The motion was presented again in committee as an individual motion by Mr. Casson, with exactly the same text, and it was agreed to by the committee.

The Chair: Thank you.

Mr. Watson, did you want to speak to that briefly?

Mr. Jeff Watson: No, I just want to be on the speaking rotation to speak to the motion or on the schedule or whatever it is.

The Chair: Did you want to speak to the report?

All right, so there's that explanation.

Go ahead, Mr. Watson.

Mr. Jeff Watson: Just a quick thing. This is more of a process issue. And forgive me, since I'm new to this committee. I don't know whether it's a standard practice for steering committees to actually have a written report that is looked at and voted on by the committee, because I don't seem to have one.

I have a draft schedule, which is different, first of all. Within the schedule, the substance differs somewhat from the actual motion, if I heard it correctly in terms of the order of some of the things presented.

I'd just simply make a suggestion. I wouldn't mind actually seeing a draft report of the subcommittee. It's easier to follow than listening and trying to write down motions from members at the table. That would really help.

Secondly, I do have a question, and that is with respect to the wording of Mr. Martin's motion following the study on adoption issues. Is that to suggest that it doesn't have to be immediately following the adoption study, and that there's latitude to do it in a different order, that is, after Mr. Lessard's issue? That seems to be the substance of the motion here, whether that binds us to a study of it immediately after the adoption study. It's just a question I'd like clarified.

The Chair: Go ahead, Madame Folco.

Ms. Raymonde Folco: I would propose that in the report of the subcommittee that be added in point (2). And I take Mr. Watson's comment, absolutely. We can send this out to you, because we want to get it done by Thursday, since on Thursday we also want to ask the chair to table that request in the House.

Given that two members have already asked about Michael Savage's long-form census motion, I would suggest that part of it be included in our report and that Michael Savage's motion on the long-form census be discussed on November 16 and November 18. I just want to add that.

The Chair: Yes, we can put that in. All right.

Mr. Watson, we can provide that report.

Is the report of the subcommittee, as presented, agreed to?

• (1100)

Mr. Ed Komarnicki: Was it not going to be circulated for Mr. Watson's benefit and then voted on, on Thursday? I thought that's what he said.

The Chair: Mr. Komarnicki, were you at the meeting earlier this morning?

Mr. Ed Komarnicki: I was. It was a very fruitful meeting and proceeded very well.

The Chair: We had some discussions ahead of the meeting. Do you want to see this report before we vote on it? Is that right?

Mr. Ed Komarnicki: No. I thought Mr. Watson had said he wanted to see a copy. Am I mistaken?

Mr. Jeff Watson: That was the nature of my intervention. I appreciate that a subcommittee may have looked at this in some amount of detail, but my only difficulty—and I guess we can work through it today, if we have to, in order to get to a vote—is that I'm trying to scribble down a lengthy motion, trying to encapsulate it into the report without having some...I'm visual. I have to be able to see it rather than hearing it. It's the only part I struggle with.

The Chair: Right. Each one of the parties has a representative who is on this executive committee—

Mr. Jeff Watson: I appreciate that, but I have my own rights, Madam Chair, as an individual member.

The Chair: You absolutely do, so I guess you have to take it up with your PS, Mr. Watson.

Mr. Martin.

Mr. Tony Martin: I simply wanted to say that we had a very good meeting this morning. We had a good discussion, as we have in the past at the subcommittee meetings. We came forward with a recommendation. Actually, the recommendation was laid out very nicely for us by your PS, Mr. Komarnicki, and we all agreed that it was a good way forward. There was enough flexibility in it so that if we needed to do so we could make some decisions as we moved along.

The meeting happened this morning. To get a report written and back out and translated and everything would have been really difficult. So I'd like to see us move on this. We have a lot of important work to get done at this committee and I'd like to see us move on that.

The Chair: We have to get to this, yes.

All right. Thank you.

Mr. Jeff Watson: For the purpose of the committee, I'm not trying to stall the committee's work—

The Chair: Thank you, Mr. Watson.

Mr. Jeff Watson: Let it be instructive for the future. I'm hoping, then, to see something in writing, if possible.

The Chair: Mr. Watson, we'll see, but as a committee there's really no sense having these executive committee meetings where you actually...I talked to the government side, Mr. Watson. We didn't merely come up with this plan on our own. I talked to everybody, actually, throughout this past week. I do appreciate what you're saying, but a lot of it was agreed to. You absolutely do have a right if you want to ask for that. I guess we'll have to decide if we want to continue with these executive meetings and if we have to produce reports from them before we can move ahead.

Would you be okay...? Are we going to go ahead and vote on it, or do you want to wait?

Mr. Jeff Watson: It's a very fine point, but the committee still has to adopt what the subcommittee does and I have to be able to cast a vote on whether or not I agree with the agenda presented. So my rights very much are at stake in this. I'm not trying to be a goof about this. It's not a minor technical point. I have to have some understanding before I cast a vote. I appreciate that I have a parliamentary secretary, but he doesn't benevolently vote for me. My own privileges are at stake here.

So for the future, I'm hoping that whatever report... Since the committee has to adopt the subcommittee's report, I'd actually like to see it. It's a practice at so many committees, Madam Chair.

The Chair: Do you have a report, Monsieur Lessard?

Mr. Jeff Watson: It's not undone before—

[*Translation*]

Mr. Yves Lessard: The problem is perhaps due to the fact that after our hearings, we went straight into committee business. Usually, when a small committee like this one meets, it holds its meeting, and then each party has the time to meet with its members. I imagine that if Mr. Komarnicki had had the time to do this, Mr. Watson would not have had to raise the issue this morning.

From now on when we meet, we should ideally have some time between the official meeting and committee business.

[*English*]

The Chair: Mr. Komarnicki.

Mr. Ed Komarnicki: I think it's an absolutely fair point. When a subcommittee reports to the committee, I think without question the committee of the whole can look at it, accept it, not accept it, vary it, because that's the right of the committee. You would think that in most cases what the subcommittee puts forward would be accepted, because that's why you have them, but I think there is an important right there for the committee. I think it would be appropriate this morning for Mr. Watson to read through the written submission portion and make whatever representation he would like as a result of that. We're not likely to have another subcommittee meeting for a very long time if that proposal is followed, because there are a number of studies and so on.

In fairness, the written report was crafted by Madame Folco, and I know there was an issue that was raised by Mr. Lessard about government bills and private members' bills. I think the intent of the subcommittee was that those would be interjected in and amongst the studies as they came up. In fairness, I wouldn't mind having a look at the written one myself to see that that principle is not somehow taken away from by what's written. So I think it's fair to circulate that and take a few moments to be sure we're on the same page.

That would be my view.

• (1105)

The Chair: Might I suggest something then? Could we at least agree on the motion to ask for an extension on the private member's bill, and then as far as the report as to what the subcommittee decided on and the agenda, we could wait, circulate it to everybody, then discuss it at our next meeting? We can take 15 minutes.

Would I have agreement for that, or is that really not...?

Mr. Savage.

Mr. Michael Savage: I understand Jeff's point, but he can look at it and read it. He can take 30 seconds, if he wants to read it a second time, and let's vote on it. You can always reconsider at a later point.

The Chair: Would you be in agreement to voting on it now? Or do you want an actual copy of it?

Mr. Ed Komarnicki: Madam Chair, this is not that complicated a matter. I think Mr. Watson would certainly be capable of making a decision based on what he sees.

I would like to raise one point that I see here. It says that time will be made for any private member's bill. It doesn't include government bills; it probably should. I'm not sure whether that was an oversight. Was it?

Ms. Raymonde Folco: Yes.

Mr. Ed Komarnicki: Okay. So I would say, if we added government bills, that it then would reflect what we've said. I think there's nothing complicated and that we could then vote on it.

Would that be fair?

Mr. Jeff Watson: Madam Chair, I wasn't suggesting putting off until later. In point of fact, probably a two-minute suspension would have solved it. I could have read the report.

The Chair: Thank you very much.

Is there any other discussion, then?

Madame Folco, you have—

Ms. Raymonde Folco: Has Mr. Watson now seen the copy?

Mr. Jeff Watson: Yes.

Ms. Raymonde Folco: That's fine; that's what I wanted.

The Chair: Great. We will make sure that this is included in the report: that we will address any bills that come forward.

As we discussed, we are going to have to look at them at the time, and this committee will make decisions. This is not something that we are now bound to for the next three months; it's giving us a road map as we move forward.

But we need the motion to get the extension.

Is the report of the subcommittee as presented with that amendment agreed to by the committee? All in favour...?

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC): I have a question.

The Chair: I'm sorry, Mr. Vellacott. We actually had called the question, so we're in the middle of voting.

Mr. Maurice Vellacott: Well, you're going to have to amend it, then, because it's Mr. Vellacott who moved that motion, and the clerk is going to check on that—when we came back to the....

The Chair: I'm sorry; do you mean as to who moved it, a correction on who moved the original motion?

All right. We have had all those in favour. All those opposed, please signify.

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

The Chair: We will adjourn and then we will start a new meeting on the poverty report.

This meeting stands adjourned.

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