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and Social Development and the Status of
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Thursday, October 28, 2010

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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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•(0850)

[English]

[English]

The Chair (Ms. Candice Hooppner (Portage—Lisgar, CPC)):
Good morning, everybody.

I would like to call to order meeting number 29 of the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons With Disabilities.

Further to our study on Bill C-31, An Act to amend the Old Age Security Act, we're very pleased to welcome our minister, the Hon. Diane Finley, as well as officials from the department.

Welcome, and thank you so much for being here. We look forward to hearing from you and to going around the table to ask you some questions.

Minister, at this time, I will turn the podium over to you. You have ten minutes. If you'd like, I could give you a one-minute warning when you're close to your ten minutes.

Thank you.

Hon. Diane Finley (Minister of Human Resources and Skills Development): Thank you very much, Madam Chair.

Good morning. *Bonjour*. I am really very pleased to be here to discuss Bill C-31, the Eliminating Entitlements for Prisoners Act.

Canadians were shocked and outraged when it was discovered that mass murderers such as Clifford Olson, who admitted to brutally killing 18 children, are receiving old age security and guaranteed income supplement benefits. In a few short years, Paul Bernardo is supposed to receive these benefits, as are Robert Pickton and Russell Williams. This not only angers Canadians but is also outrageous and offensive to me, to the Prime Minister, and to our government, which is why, as soon as we discovered this practice, our Conservative government took immediate action and introduced Bill C-31, which puts a stop to incarcerated criminals receiving these benefits.

[Translation]

Madam Chair, the purpose of Old Age Security is to help seniors, especially those living on a fixed income, meet their immediate day-to-day basic needs and maintain a minimum standard of living in their retirement. This is in recognition of the contributions that seniors have made to Canadian society, to our economy, and to our communities.

An inmate's basic needs, such as food and shelter, are already met and paid for by tax dollars contributed by hard-working Canadians. Canadians accept these costs because they want to make sure that criminals stay off the streets, and stay in jail, where they belong. What Canadians and our government will not accept are benefits meant for law-abiding, hard-working seniors going to incarcerated criminals. The OAS program is not a savings plan for prisoners in which they accumulate tax dollars for their own personal use off the backs of hard-working taxpayers. Since an inmate's basic needs are already met by public funds, Canadian taxpayers should not also be paying for income support through OAS benefits. It's grossly unfair to make law-abiding Canadian taxpayers pay twice for incarcerated criminals. In short, Madam Chair, whether someone is in jail for three months or thirty years, the fact is, the taxpayers are already footing the bill for their room and board.

Convicted criminals should not be receiving old age security benefits that are intended to help seniors pay for their basic expenses. Accordingly, Bill C-31 puts an end to criminals receiving OAS and GIS benefits while in prison. It aims to do this in two steps. First, once the bill has passed, it would terminate OAS benefits for prisoners sentenced to more than two years in a federal penitentiary. This would affect approximately 400 inmates and would save Canadian taxpayers approximately \$2 million.

The federal government would then work with provinces and territories to sign information-sharing agreements to proceed with the termination of these benefits for incarcerated criminals who are serving 90 days or more in a provincial or territorial prison. This would affect about 600 provincial and territorial inmates per year and would result in savings to taxpayers of an additional \$8 million annually, for a total of \$10 million per year, if all provinces and territories sign on.

Bill C-31 is in line with what several provinces are already doing. In fact, British Columbia, Alberta, Saskatchewan, Ontario, Quebec, New Brunswick, Nova Scotia, and the Northwest Territories already do not pay social or income assistance to incarcerated criminals. I personally wrote to all of the provincial and territorial ministers to ask for their support and cooperation in signing information-sharing agreements once our bill is passed. I commend British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, and Newfoundland and Labrador for informing me that they support Bill C-31 and will work with our government to get an agreement signed as quickly as possible.

● (0855)

[Translation]

Madam Chair, I feel that it is important to note that we have been very careful to ensure that innocent spouses and common-law partners do not suffer as a result of the actions of their spouse. These innocent individuals will not lose their individual entitlement to the Guaranteed Income Supplement and the Allowances as a result of these proposed amendments. They will still receive benefits based on their individual income, rather than the combined income of the couple.

Bill C-31 is yet another example of our Conservative government ensuring fairness for hard-working taxpayers. It is yet another example of our government putting victims ahead of criminals.

[English]

In a nutshell, this bill is doing what is right and what is fair. Our government believes that Canadians who work hard, who contribute to the system and play by the rules deserve benefits such as OAS. Prisoners do not.

The proof that this bill is the right thing to do can be found in the truly overwhelming support we received for it. In fact, I've probably received more correspondence on this issue than any other. One of the people who touched me the most was a mother whose life was forever altered by Clifford Olson after he brutally murdered her son. Her name is Sharon Rosenfeldt and she is the president of Victims of Violence. When I introduced this bill in the House she said:

I commend the Prime Minister and the Minister for taking leadership on this important issue and ending entitlements for convicted criminals. It's great to see that this government is putting victims and taxpayers first ahead of criminals. The suspension of OAS benefit payments to inmates does just that.

Ray King is another parent whose life was forever changed by Clifford Olson's heinous crimes. When he heard this bill had been introduced he remarked, "It's the best news I've heard in a long time. I'm quite pleased the government has done something."

These two individuals are part of a long list of people, which also includes David Toner, the president of Families Against Crime and Trauma in Toronto, and Vancouver Police Chief Jim Chu, who support Bill C-31. These, ladies and gentlemen, are people who fight for victims and are hard-working, law-abiding Canadians who agree that this bill must be passed.

What has had an equally large impact on me has been the number of everyday Canadians who took the time out of their busy schedules to express their opinions. In just a few short weeks, 50,000 Canadians signed a petition by the Canadian Taxpayers Federation in

support of this bill, and many Canadians have written to me personally or to their local member of Parliament.

When I first spoke on this bill, I provided a small sample of what Canadians have been saying. There are far too many citations to list them all here, but I want to provide a few more examples so the members of this committee can understand just how strongly Canadians support this legislation.

From Redvers, Saskatchewan:

The taxpayers of this country are providing room, board and medical care for these people who have chosen to disregard the rules of our justice system and the rights of those they have acted against. We should not be providing...pensions.

From Kingston, Ontario:

I am very annoyed that Clifford Olson, a convicted notorious killer, is receiving Canada's Old Age Pension. I am really, really angry about this and want you to change the law.

From Fredericton, New Brunswick:

You are right. [Prisoners receiving Old Age Security benefits] is an insult to his victims and to all Canadians.

From Vancouver, B.C.:

Thank you so much for promptly saying that you will ensure that prisoners will not receive OAS. I have always appreciated [your government's] actions to improve social security programs in a responsible manner that considers taxpayers as well as recipients.

Madam Chair, Canadians across this great country agree that ending entitlements to prisoners is the fair and right thing to do, and they want Bill C-31 passed into law. Canadians know that our Conservative government will always stand up for law-abiding, hard-working Canadians and their families. They know we will use their hard-earned tax dollars fairly, responsibly, and prudently. Bill C-31 is about the responsible use of public funds and the fair treatment of taxpayers. We're taking action to put an end to entitlements for prisoners and to ensure those Canadians who have spent their lives working hard and playing by the rules receive the benefits they deserve.

I hope all the members of this committee will stand up for hard-working, law-abiding Canadians, for what is right and fair, and support Bill C-31.

Merci. Thank you. I'd be happy now to answer your questions.

● (0900)

The Chair: Thank you very much, Minister Finley.

We will begin with our first round of questions. Just a reminder, the first round is for seven minutes, and that includes questions and answers. We will begin with the Liberals.

Mr. Savage, please.

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Thank you.

Minister, thank you for coming. It's always wonderful to have you here with the committee. I think you know that all parties have indicated support for this and that we were all concerned when we found out there was a loophole in the system that allowed people like Clifford Olson to get these benefits.

In fact, our critic, Judy Sgro, had indicated support from the very beginning, and I think we could have moved it through to the committee even faster than it eventually came. But we also want to make sure that there are some people who are not Clifford Olsons who may have families or dependants, and I know my colleague, Ms. Minna, has some questions about that. Nonetheless, we think we need to move this along.

You referenced the provinces in your comments, those who have signed on to this. There are some provinces that haven't, and I wonder what action you're taking to convince them. Perhaps you could tell us what their concerns are with Bill C-31.

Hon. Diane Finley: There are several who have signed on already. I'm very pleased about that. There are, after all, eight provinces and territories who have this in practice already with their own provincial social assurance programs.

We're working with the provinces and encouraging them to join us in this effort. There are discussions going on at the political and the officials levels to encourage them and address any concerns they may have.

Mr. Michael Savage: What are those concerns? What are the issues that they are saying? What are they telling you that they have concerns about that prevent them from signing on now?

Hon. Diane Finley: First of all, a lot of them want to make sure before they sign on that the law does pass. They don't want to spend a lot of time saying what if, what if. Some of them have limited capacity to adapt to new programs that may not exist. So they want to make sure in many cases that the bill is passed first.

Mr. Michael Savage: Do you expect that all will sign on?

Hon. Diane Finley: I'm very hopeful that they will, because it is the right thing to do, and Canadians right across the country have written to us by the thousands indicating that this is what they believe to be right and fair.

Mr. Michael Savage: One of the questions we've had is that this bill will save somewhere between \$2 million and conceivably up to \$8 million or \$10 million a year. It has been raised, and we've raised this ourselves, why not dedicate that money to victims of violence groups? This is about doing the right thing, and as a corollary benefit of saving taxpayers' money, why wouldn't we dedicate that to victims of crime organizations?

Hon. Diane Finley: Well, the OAS program—old age security—is a statutory program, and within the act it says that those funds are to be used solely for the support of seniors and to provide their basic benefits.

Our government has done a lot to help victims. We've set up the special Victims Fund, the ombudsman—some \$50 million is being invested over a period of four years.

This bill deals exclusively with ending the entitlements. Any other use of funds would be more appropriately addressed in another bill,

because we are respecting the statutory nature of the OAS funds that are provided through the general revenue.

Mr. Michael Savage: I understand that, and I don't want to be too combative here—we're largely on the same page on this—but it just seems to me that it's been done before where governments have made initiatives that balanced off one thing against the other. Because it's not from the same revenue stream or payment stream doesn't mean that one couldn't say let's make sure that we take that and put it toward victims of crime. I just wonder if that's something you might consider going forward as a government.

• (0905)

Hon. Diane Finley: At this point my primary concern is getting this bill passed to end the payments that currently exist. That is the number one priority.

In terms of support for victims, we are providing quite a bit through a number of different programs. Again I go back to the fact that OAS is a statutory program, and according to the law as it stands right now, the funds from OAS must go to the support of seniors only.

Mr. Michael Savage: I'm going to ask another question. People who are on employment insurance cannot collect benefits while they are incarcerated. Is that correct?

Hon. Diane Finley: By and large, that is the rule, yes.

Mr. Michael Savage: By and large?

Hon. Diane Finley: Obviously there are going to be certain exceptions.

Mr. Michael Savage: Section 37 of the EI act indicates that “a claimant is not entitled to receive benefits for any period during which the claimant (a) is an inmate of a prison or similar institution”.

I just wonder if you've done any work in your department to ensure that there aren't prisoners who are receiving employment insurance who shouldn't be receiving it. Are we going to hear another story in a year or so about an egregious criminal who is collecting employment insurance?

Hon. Diane Finley: I think there are two very big differences here. Number one, according to the law as it stands, prisoners are entitled to receive OAS while they're in prison. They are not entitled by law to receive EI.

We do have a rigorous and very robust audit system within EI to make sure that anyone, wherever they are, whatever their circumstance...if they are abusing the system, for example, claiming funds and EI benefits fraudulently, they will be dealt with according to the law.

Mr. Michael Savage: So you have taken it upon yourself to ensure that there's nobody collecting EI who's in prison.

Hon. Diane Finley: That's part of the rules we enforce through a rigorous control system at EI.

Mr. Michael Savage: Thank you for that.

In terms of the resumption of benefits, when individuals become incarcerated for a period long enough to qualify under this legislation, they automatically would stop receiving their benefits. When they come out, they have to notify Service Canada, so they can resume their benefits.

Will there be some provision, while these people are in prison in their last month or two months, that would assist them, particularly those who might hit the streets without anything, to make sure that they do resume their benefits, to make them aware of their rights to resume benefits?

Hon. Diane Finley: We will be notifying them. We're putting together all the details of the implementation. We can't be too presumptuous about the bill passing, but we are looking at those sorts of circumstances.

One of the things that we can do... First of all, once we have all the necessary agreements in place with the provinces to make it complete, we can have the incarcerating institution notify us. That would be a report on a monthly basis of who's being released, with the information they have.

Mr. Michael Savage: So that will happen, Minister, because initially the legislation requires the prisoner to notify Service Canada. Will there be something put into the system to assist?

Hon. Diane Finley: It's a two-part system. Number one, the institution releasing the individual would notify Service Canada, so we can activate the file. But the individual is also going to have to contact us, primarily so that we can get the appropriate banking information to make sure the individual does get the funds to which he or she is entitled.

The Chair: Thank you very much.

Monsieur Lessard.

[*Translation*]

Mr. Yves Lessard (Chambly—Borduas, BQ): Thank you, Madam Chair.

Minister, I'd like to thank you and the officials who are with you today for appearing this morning.

Minister, I'd like to continue in the same vein as my colleague. What consequences would there be for a province, were it to refuse to sign on to this?

Hon. Diane Finley: What do you mean?

Mr. Yves Lessard: Will there be consequences for a province if it refuses to sign on to Bill C-31?

Hon. Diane Finley: My hope is that all the provinces and territories will sign on.

Mr. Yves Lessard: I don't know whether all the provinces will sign on, but there are already quite a few that do this.

Hon. Diane Finley: There are people in every province that support this bill.

Mr. Yves Lessard: That wasn't my question. Did you consider whether there would be consequences for the provinces?

Hon. Diane Finley: Every province and territory would have the choice of signing on or not. However, there would be no direct consequences imposed by the government.

Mr. Yves Lessard: Minister, I'm sure you're familiar with section 78 of the Corrections and Conditional Release Act, which provides that 30% of an inmate's income can be withheld to cover certain prison costs. Is that provision enforced? How many people are currently affected?

● (0910)

Hon. Diane Finley: I don't have exact figures, but I believe the Commissioner of Corrections has already answered that question.

In fact, the maximum is \$25 per week.

Mr. Yves Lessard: So, 30% of a person's income—

Hon. Diane Finley: —up to a maximum of \$25 per week.

Mr. Yves Lessard: But the act does say 30%, does it not?

Mr. Jacques Paquette (Senior Assistant Deputy Minister, Income Security and Social Development Branch, Department of Human Resources and Skills Development): I'd like to repeat what the commissioner explained, because I think it's very helpful. To begin with, money can only be withheld under very specific conditions. Furthermore, the commissioner stated that he only controls accounts inside the institutions. Consequently, he is not aware of money deposited outside institutions. That's why section 78 did not meet the desired goals.

Mr. Yves Lessard: But you understand what I'm getting at. We support the aim of this bill. Have you looked at the possibility I raised with the commissioner? He said this was a decision made by the political powers that be. He suggested an amendment to section 78 of the Corrections and Conditional Release Act. Have you considered that option?

Hon. Diane Finley: We looked at different ways of resolving the issue, but passing Bill C-31 is still the best option because it's easier, more comprehensive and more direct. It's the best approach.

Mr. Yves Lessard: So, you haven't considered that. One of the witnesses we heard from proposed that the commissioner be allowed to withhold more than the 30% or \$25. According to him, it would simply be a matter of amending section 78 of the Corrections and Conditional Release Act. That seems to be a potential avenue.

Mr. Jacques Paquette: To answer your question, yes, we did look at that option with Correctional Service officials. We concluded that, even if it were amended, section 78 would not meet the goals laid out in this bill, particularly since, as Correctional Service officials explained, they only have access to accounts inside the institutions. Monies deposited outside the institutions are not subject to section 78. That section is very limited in terms, not only of its wording, but also, its application to various funds and income. That's why we concluded that this bill was the only option, if we wanted to achieve these goals. Even if it were amended, section 78 would not allow us to do that.

Mr. Yves Lessard: The commissioner didn't have certain information. For example, how many inmates with children receive Old Age Security benefits. Do you have those statistics?

Hon. Diane Finley: We estimate that there are 400 inmates in federal prisons and 600 in provincial institutions aged 65 and over. How many children aged 18 or under do they have? We don't know and have no way of determining that.

It's important to recognize that the purpose of the Old Age Security Program is to support, not children, but seniors. The Old Age Security Program is intended to support seniors and provide them with an immediate and minimum standard of living.

• (0915)

Mr. Yves Lessard: Bill C-31 already contains measures that consider dependents. One solution is to collect the information when the person is incarcerated. If you don't receive the information in time and the pension is paid for more than a month, do inmates or their spouses have to repay it?

Hon. Diane Finley: I don't really understand your question.

Mr. Yves Lessard: I believe Mr. Paquette understood me. When there is an overpayment—

Hon. Diane Finley: All the rules under the Old Age Security Program will be followed. If there's an overpayment or underpayment, that will be dealt with on a timely basis.

[English]

The Chair: Thank you very much.

We'll go to Mr. Comartin now, please.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Thanks, Madam Chair.

Thanks, Madam Minister, and the rest of the witnesses, for being here.

Following up on Mr. Lessard's question, we heard from Commissioner Head that they always know at least a month in advance—I think this was universal, and I don't think there were any exceptions—of when a prisoner is going to be released.

The way you've worded clause 5, it only allows the ex-prisoner to notify the minister once they've been released. That's the tense of the verbs in that section.

Would you be open to an amendment that would allow them to notify the minister at the time they become aware of their date of release?

Hon. Diane Finley: I think one of the key things here is that a lot can happen in a month, and we want to make sure that the entitlement resumes once they are released. If, for example, someone were to apply a month before the release and two weeks later do something that would prevent their release, then we would be going through with the administration. We wouldn't know where they were, that they hadn't been released, and we would get into a situation where we conceivably could be paying them even though they haven't been released.

Mr. Joe Comartin: But you've got a double check on that because the commissioner's office is going to send you, on a monthly basis, people who are going to be released. It would be very simple for them, on that monthly statement, to be advising you if the situation has changed. There's no particular problem with doing that.

Hon. Diane Finley: Well, that's—

Mr. Joe Comartin: I'm sorry, Madam Minister, for interrupting, but Mr. Head made it quite clear that it's a computerized system, so it's quite easy to make the adjustment. We're talking about very few notifications on a monthly basis. There may be some months where there'll be no releases at all, so it's quite easy to do it.

Let me simply make this point so that you understand—and I think other members of the committee share this concern. What's going to happen is if you are notified in the month they're released, we'll have people on the street over 65, probably having been incarcerated for a long period of time, totally unemployable, both because of age and because of the criminal record, with no funds at all other than the \$80 they get when they get out of prison. There will be a high rate of reincarceration as a result of that, or they will have to go on municipal welfare rolls. That's not fair to the municipalities or the provinces. That's our concern.

It seems to me that that type of amendment, which would allow the notification to come at the time the prisoner is aware of it, would resolve those concerns.

Hon. Diane Finley: We do share your concern about when they are released, but, quite frankly, you point out that the numbers will be very low. Service Canada would be administering the OAS, as they do now, and there is provision within Service Canada that they can write an expedited cheque under unusual circumstances. So if someone were released, say, Monday, they went down to Service Canada, filed the information, or, as you say, primarily the banking information so that we could confirm it, as soon as it's confirmed with the institution we can issue a special cheque on very short notice. So they don't have to wait an entire month to receive the benefit. That's something we have already contemplated in the implementation.

• (0920)

Mr. Joe Comartin: This is not a negative reflection on the staff in your department, but after 10 years here I can tell you that I don't have a lot of hope that that is going to be done efficiently, simply because you don't have enough staff to do it efficiently. But I'll leave that.

I want to go to another point. That's the issue of what is almost certainly an inevitable charter challenge to this legislation. Did the department get a legal opinion, and, if so, are you prepared to share that with us?

Hon. Diane Finley: One thing that's important to recognize is that our government does believe that this is legitimate; it is constitutional. OAS already has several conditions. It's not a universal program. There are conditions required to receive it. There's a residency requirement, there's an age requirement, and there's even income testing to determine what level.... GIS is income tested, so there are already conditions on that.

But we do have a government opinion. Before we table legislation, we run it past the lawyers, and they do believe that this is legitimate.

Did you want to add anything, Mark?

Mr. Mark McCombs (Senior General Counsel and Head, Human Resources and Skills Development Canada Legal Services, Department of Human Resources and Skills Development): I'm Mark McCombs. I'm head of legal services, HRSDC, at the Department of Justice.

From the Department of Justice's perspective, we're satisfied the legislation is constitutional and is consistent with the charter. We have a requirement under the Department of Justice Act to state if it is not, and we have certified that it is. So from that perspective, in terms of charter litigation, that would be speculative at this point.

Mr. Joe Comartin: I'm sorry, the opinion didn't take into account the charter?

Mr. Mark McCombs: No. Under the Department of Justice legislation, section 4.1, the Minister of Justice is required to examine all legislation and determine if it is consistent with the charter. In the event that it isn't, we have to report this to the House; we have not reported it to the House, and the minister is quite clear that we've determined that it's constitutional.

The Chair: Mr. McCombs, when you speak we're getting some feedback, and I think it's because your earpiece is close to the microphone. Perhaps you could sit back a little.

Mr. Mark McCombs: Sure.

The Chair: Thank you very much.

Mr. Joe Comartin: I don't have enough time to argue this with you, so I'm going to move on.

Madam Minister, let me just raise this one point. You pointed out that the existing legislation does have conditions on it for everyone: age, citizenship, residency. I think those are conditions that apply to the right to vote, but the Supreme Court of Canada determined that prisoners have the right to vote.

Hon. Diane Finley: [*Inaudible—Editor*]...citizenship requirement.

Mr. Joe Comartin: I'm sorry, I was saying that was a condition for the right to vote.

Hon. Diane Finley: Oh, sorry.

Mr. Joe Comartin: There were conditions in there as well... perhaps more onerous than there are here. In that situation, under the equality sections of the charter, they found that prisoners had the right to vote.

Anyway, again, we're going to get into a legal argument here.

The Chair: Mr. Comartin your time has actually expired.

Mr. Joe Comartin: Oh, I have so much more.

The Chair: Well, you'll probably get another chance. If we get through, you might get another round.

We'll go to Mr. Komarnicki.

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): Thank you, Madam Chair.

Welcome, Minister. Certainly I think the title of the legislation, ending entitlements to prisoners, is a good one.

I was pleased to see you had reference to a constituent of mine from Redvers, Saskatchewan, in your speaking notes. I think that quote captures the essence of this bill. It states:

The taxpayers of this country are providing room, board and medical care for these people who have chosen to disregard the rules of our justice system and the rights of those they have acted against.

I know the members of the opposition have referred to section 78. It's a somewhat cumbersome section, and if it worked at its best, it would take \$25 a week, or \$100 a month, away from the OAS or GIS, which wouldn't be very much. The rest, I suppose, would go into the account.

I take it that section 78 doesn't address what we're trying to do with this bill, in your view.

Hon. Diane Finley: You're absolutely right. If an institution were to deduct \$100 a month, \$25 a week, first of all, they'd have trouble accessing those funds, so it becomes extremely problematic. Secondly, it doesn't end the fact that prisoners who have been convicted criminals would be receiving the old age security benefit. That was intended to ensure that Canadians in their senior years would have a certain standard of living that would allow them to take care of room and board, to house and feed themselves.

These benefits are already received by prisoners at taxpayers' expense. They're getting their room; they're getting their board. We believe these prisoners should not be getting paid twice.

● (0925)

Mr. Ed Komarnicki: That's precisely the point of the correspondence there.

I know we've heard from Sharon Rosenfeldt, whose life has been forever changed by Clifford Olson after he murdered her son. I can't imagine how she must have felt, knowing that he was also receiving old age security and other benefits.

You had mentioned that David Toner, president of Families Against Crime and Trauma, was in support of this legislation. He said, "We're thrilled that the Prime Minister and Minister have taken leadership and are putting victims ahead of entitlements of prisoners".

I know Mr. Comartin was saying, "What about the prisoner, and what about having funds available for them?" I think David Toner captures that as well. This is the issue of the victims as opposed to just entitlements to prisoners.

Would you comment on that?

Hon. Diane Finley: We have brought in a lot of programs to assist victims and their families, through the ombudsman, the funds—there's a long list of investments we're making to help support and protect the victims.

When it comes to the criminals, they are in prison because they have broken our laws. They have violated our standards of what is decent living in Canada, so they're in prison. They're there to pay their debt to society. We believe they should not be getting paid by society as well.

Mr. Ed Komarnicki: That's a fair point.

I have a quote from the Vancouver police chief, Jim Chu. In his news release of June 2, 2010, he said, "It would be my hope that innocent victims will no longer feel further victimized by watching their attackers receive Old Age pension during their forced retirement from their careers of crime". That also addresses that.

Many have expressed a concern about the spouses of prisoners and whether they are going to suffer because of this legislation. Perhaps you could comment on that and how that concern can be addressed administratively.

Hon. Diane Finley: We don't believe the innocent spouses or common law partners of convicted criminals should suffer financially because of the deeds. These individuals are innocent. They would retain any entitlement to the old age security benefits, to the guaranteed income supplement, or even to the allowance, but they would do so not based on the couple's income but on their own individual income. So what we'd make sure of is that the spouses, the common law partners, of convicted criminals would retain their entitlement. They still would receive their old age security benefits and their guaranteed income supplement benefits. They shouldn't be victimized by the deeds of their spouses.

Mr. Ed Komarnicki: A fair point. I note that there's always an issue of constitutionality raised by—at least Mr. Comartin does. Just to be clear, the old age security and GIS entitlements of prisoners are not taken away forever. They are simply suspended during the time they are incarcerated, paying their debt to society. You might want to comment on that.

Are we the only country that is doing what we're doing in this bill, or might there be others?

Hon. Diane Finley: It is something that is fundamental to your belief system. If someone is paying their debt to society, should you be paying them on top?

Right here, within Canada, without having to even look abroad, eight of our provinces and territories already deny social assurance, social security benefits and such to incarcerated prisoners within their provincial and territorial judicial systems. If we look further abroad, to the United Kingdom, the United States, Australia, they all have similar provisions at the national level. They too believe that society should not be supporting individuals by providing for their basic needs in terms of housing, shelter, and food, and then paying them on top of that through an old age security system that is designed to help those who are in need and who are looking to achieve a certain standard of living in their golden years. These are people who have contributed to our country; they have been law-abiding citizens. Yes, we're there to support them, but those who have violated our code of standards and have been convicted of that, no, we don't think so. Several other countries agree with us, as do most of the provinces and territories.

• (0930)

Mr. Ed Komarnicki: Thank you, Minister.

The Chair: Thank you.

We will begin our second round of questions. This will be a five-minute round, and I do realize, Minister, that you need to go at about a quarter to the hour.

We'll begin, for five minutes, with Madam Minna, please.

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

I'll be sharing some of my time with Madam Folco, if I may.

Minister, I just have one question, very briefly. I had this discussion with the officials when they were here. My question is, when your department or a manager of your department was involved—and as you are the minister responsible for old age security, and for families actually, this works really well—did your department ask for information on the inmates? In other words, how many were there? How many were married? How many of them would have had dependent children or other dependants beside spouses?

Hon. Diane Finley: Until we sign work-sharing agreements with the provinces, we have no idea of knowing even exactly how many prisoners there are. We do have an estimate of about 600 who would be affected by this. We certainly don't know any of the details, and in drafting the bill from the federal perspective, we do not have that information at this point in time, no. I would expect however, given the fact that you have to be 65 years old to qualify for old age security, that there wouldn't be a whole lot of cases where there would be a dependent minor.

Hon. Maria Minna: The reality, though, Madam Minister, is that there are people who have children, maybe in their teens, when they are 65 who are still in university or school, or others who might be dependent. I just find it rather odd, to say the least, that a department that is responsible for families would not have that information or make sure they had the information. There have been months while the bill was being drafted. At least the information on the 400 who are apparently in our federal system could have been collected. I've asked for that to be done of the officials who were here before.

I would advise that we do this, because there could be unintended consequences that the bill would have. I'm not saying...obviously, the bill is moving forward, and we are supporting it, but we also want to make sure that, as you said in your own remarks, people who are innocent are not in any way affected negatively because of something we're doing. I would hope that information would be looked at as quickly as possible. Then I don't know what we do with this, since the bill will have passed by the time the information is gathered.

Hon. Diane Finley: There are a number of programs, as I believe you're aware, that do address the needs of dependent minors, and they're income tested, so that if the family income does drop, they become eligible for a lot more benefits.

A simple example would be the Canada student grants program, which is income geared to assist students by providing grants to them, monthly grants, for post-secondary education, which go up as the family income goes down. These are grants so that these students aren't incurring debt.

Hon. Maria Minna: I'm talking about people who may not be in university. I am talking about dependent children. It's not just a matter of pension; it's a matter of day-to-day survival.

I'll just let my colleague go on, because otherwise we won't be able to get her in.

Ms. Raymonde Folco (Laval—Les Îles, Lib.): How much time do I have, Madam Chair?

The Chair: [*Inaudible—Editor*]

Ms. Raymonde Folco: Okay.

[*Translation*]

This is something that affects not only students, as you mentioned, but also disabled children. A disabled child might be dependent on his parents and the person serving the prison sentence. He might remain dependent his whole life, in some cases.

When I put this question to Correctional Service officials two days ago, they replied that they had no information about the number of inmates or which inmates had dependents. The next step is to ask the minister responsible why that is the case. If there really is a valid reason, I would strongly suggest—Ms. Minna and I discussed this previously—that this question be put directly to the person who is to be incarcerated, whatever the reason for his or her incarceration, so that we have access to that information.

We already have access to information regarding whether the inmate has a spouse. Why not have access to information about dependents?

● (0935)

[*English*]

Hon. Diane Finley: I think we're mixing different issues here.

We obviously are concerned about dependent children, whether they're in university, as Ms. Minna originally suggested, which is why I cited the Canada student grants program.... But we do have a broad range of programs to assist low-income families who have dependent children, whether it's through the child disability benefit, the learning bonds, or the education savings grant. There are numerous programs that do exist already for families of lesser income.

This bill is about a principle of benefits to seniors. It is supposed to provide the necessities of life, ensure that seniors themselves have it. It's not about their children; it's about seniors, and these are the people whom it's intended to support.

In the case of prisoners, they're already receiving those benefits, courtesy of the hard-working taxpayers of Canada. That's what it's about.

I would suggest that if an individual were that concerned about their family and their family's welfare, they shouldn't be getting themselves into a situation where they're in prison in the first place.

The Chair: Thank you very much.

We will now go to Mr. Vellacott, please.

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC): Thank you, Madam Chair.

To the minister, thanks for being here.

I guess you did, in the course of the previous remarks here, and just recently in fact to the member opposite, speak about the purpose of old age security and the guaranteed income supplement, so I ask

rather directly and to the point just a couple of quick questions on that.

Is the rehabilitation of criminals one of the purposes of the OAS? I mean that sincerely. And is the purpose of OAS to be a savings plan for prisoners?

Hon. Diane Finley: In a nutshell, absolutely not.

Old age security was designed to help seniors, those people who built our great country, ensure that they have a certain standard of living in their golden years. It's there to make sure that they have a place to live, that they can afford that, and that they can afford to put food on the table for themselves. It's to take care of their immediate benefits.

It was never designed as a savings plan. It is income tested. Once individuals reach certain plateaus, then the amount of OAS they receive is reduced, because they obviously have the ability to meet those basic needs of food and shelter.

Prisoners are likewise already receiving those benefits, courtesy of the taxpayers.

So, no, it was never intended as a savings plan. It was never intended as a rehabilitation program. Its sole purpose in law is to support the needs of our seniors, to make sure they have an adequate living level.

Mr. Maurice Vellacott: Right. To summarize, then, we have other programs in place to rehabilitate criminals, through Corrections Canada. They have their specific programs for that, but clearly the OAS is not meant for the rehabilitation of criminals.

Hon. Diane Finley: You're absolutely right. There are a number of programs, both federal-provincial and through NGO levels, to assist prisoners with rehabilitation and indeed with re-integration into society once they're released.

Mr. Maurice Vellacott: Thank you.

I'm done with my questions. I'm passing off here.

The Chair: Mr. Watson.

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

Minister, thank you for being here. Something interesting has been developing. I don't know if you've been following the hearings on this particular bill to this point, but off the camera, the opposition members have been arguing almost exclusively with their time in favour of prisoners being able to bank their OAS. Interestingly enough, when the cameras are on and Canadians are watching, they're not lining their questions up that way or they're doing it in a much more subtle way.

Mr. Michael Savage: On a point of order, Chair, that's not a correct statement that Mr. Watson just made.

Mr. Jeff Watson: That's debate, Madam Chair.

Mr. Michael Savage: It's a lie.

The Chair: Excuse me. I think we want to find out about the bill, so I would just encourage us to stay on the topic.

Mr. Michael Savage: We should encourage honesty at the committee, because what he said is factually untrue.

The Chair: Okay. Thank you very much for that, Mr. Savage.

Mr. Watson, could you try to stay on topic?

Mr. Jeff Watson: Thank you, Madam Chair. That was debate, I think, Madam Chair. I hope that doesn't detract from my timing.

More to the point here, do law-abiding citizens have the opportunity to bank their OAS while the taxpayers pay for food, clothing, shelter, heat, cooling, dental, health care, the way they do for those who are incarcerated?

• (0940)

Hon. Diane Finley: No, indeed, they do not. In fact, the amount of OAS they collect is determined by their other forms of income, because if they are totally self-supporting, then they are entitled to either a lot less or some less OAS support. It's designed to provide a certain standard. Beyond that, if a person is receiving it through other sources, no, they're not entitled to it, and certainly not to bank it for the future.

Mr. Jeff Watson: Now, in the suspension of OAS benefits, until such time as the sentence is served, can you hive off high-profile inmates like Clifford Olson, Robert Pickton, Paul Bernardo, or Russell Williams from the lower-profile inmates and allow the lower-profile ones to bank it? Can you hive them off in the suspension of benefits?

Hon. Diane Finley: No, we have to make sure that the law is applied equally to all, so we have to make sure that the law does apply....

Mr. Jeff Watson: So, in effect, if you're arguing in favour of the opportunity for some inmates to bank their OAS, you're actually arguing in favour of all inmates, including the Picktons and the Bernardos and others, to be able to bank their OAS. Is that correct?

Hon. Diane Finley: It is, and there comes a question that if you start to say some but not all, how do you choose? If someone murdered once or was convicted of one murder, are they less of a heinous person than someone who was convicted of two? At what point do you draw the line? We believe the courts and the laws of this land set certain standards for acceptable behaviour and certain standards for punishment when people do not practise the acceptable behaviour.

If someone, whatever the crime, has been determined to be serious enough through our national system and our provincial system, which reflect our citizens' standards, to have broken the law to a degree that they get certain punishment severe enough to be incarcerated, they are not entitled to OAS, we believe.

The Chair: Thank you very much. I think we'll have time for one more question before the minister has to leave.

We'll go to Madame Beaudin, please.

[Translation]

Mrs. Josée Beaudin (Saint-Lambert, BQ): Thank you, Madam Chair.

Minister, thank you very much for being here today.

Thank you as well, gentlemen.

First of all, I want to say that I was delighted to hear in your opening statement that the Vancouver Chief of Police supports this bill, and I'm also delighted to know that the views of our chiefs of

police are sometimes deemed important by this government when it comes to support for certain bills.

I'd like to come back to a question I put to you, Mr. Paquette, and address it to the minister this time.

You say that you personally wrote to the governments of all the provinces and Quebec. I would therefore like to know if there is the beginning of an agreement, or how this was received in Quebec, particularly by the Ministry of Public Safety.

Furthermore, I know that inmates in Quebec who are on welfare stop receiving payments beginning with their third month of incarceration, the idea being to ensure they have a little money when they are released and that there is more effective rehabilitation.

Have you had any initial contacts with Quebec?

Hon. Diane Finley: I wrote a letter to the Quebec minister. He answered me. He did not say yes, nor did he say no. I'm optimistic, because the Province of Quebec has already changed its own system along similar lines. So, I'm hopeful.

Mrs. Josée Beaudin: Perfect.

I'd like to respond to the comment made earlier by my colleague opposite. What is of concern to us is obviously rehabilitating inmates once they have paid their debt to society, are released from prison and become citizens like everyone else. We are obviously concerned about that.

When you drafted this bill, had you carried out any studies to determine what its impact would be on rehabilitation?

Hon. Diane Finley: This bill has a specific purpose, which is to change the system so that it is fair to the taxpayers of Canada. We want to ensure that people who committed crimes and were convicted of those crimes are not receiving taxpayers' money for the necessities of life when they don't actually have to pay for anything. That isn't fair to others.

• (0945)

Mrs. Josée Beaudin: Yes, that's true. However, at some point, these individuals once again become full-fledged citizens like everyone else. Do you have any interest in the measure Quebec has implemented, which involves suspending welfare beginning with the third month of incarceration, to ensure that they have a little money when they're released? I suppose you worked in cooperation with the people the committee heard from last week—namely, officials from the federal penitentiaries and the Correctional Service of Canada. I imagine you also worked closely with experts. Did you consider this? Never?

Hon. Diane Finley: There are several different forms of assistance available for people being released from prison at the federal and provincial levels and also through other organizations. However, it is very important to point out that people are eligible for benefits as soon as they are released from prison.

Mrs. Josée Beaudin: What type of assistance is available to an inmate who is released from prison after serving a 20-year sentence and who finds himself on the outside and becomes a citizen like anyone else?

Hon. Diane Finley: A whole series of programs is in place. You mentioned provincial programs. But there are also other programs available through various organizations whose aim is to support these people.

Mrs. Josée Beaudin: Could you give me some examples?

Hon. Diane Finley: Well, some examples would be the Elisabeth Fry Society and the John Howard Society.

Mrs. Josée Beaudin: So, those organizations provide financial resources to ensure... Earlier we were talking about mechanisms. I understood that you are not interested in establishing any particular mechanism or in facilitating the process, so that these people can quickly receive their Old Security benefits. I understood that they have to go to Service Canada, and write a letter to the minister.

Hon. Diane Finley: No. Of course we want to facilitate the process. These people can immediately go to Service Canada to apply for benefits. We want to expedite the benefit payment process. I already said that.

Mrs. Josée Beaudin: So, that could be done in less than four weeks.

Hon. Diane Finley: Yes, it could be done in less than four weeks. I mentioned that to make the point that we want to help them immediately. However, they do have to apply in person because we have to verify their identity and banking information, for example.

[English]

The Chair: Thank you very much.

Thank you so much again, Minister Finley, for being with us today. We understand that you need to go at this time, but your officials will stay to continue the round. So thank you for being here.

If the officials are all right with staying, we will probably continue to the round and ask you a few more questions.

I'd like to continue with the round as it is scheduled, because it will give the NDP a chance to ask a question as well.

We'll now go back to the Conservative Party.

Mr. Komarnicki, do you have any questions for the officials?

Mr. Ed Komarnicki: Yes.

The Chair: Go ahead.

Mr. Ed Komarnicki: Thank you.

Once again, thank you for attending.

Obviously, we've heard from you already in some measure.

I know Mr. Comartin from the NDP raised the issue of universality of old age security early in the proceedings, I'm assuming with the understanding that the pension should not be taken away from prisoners. But as I mentioned to the minister—

Mr. Joe Comartin: A point of order. That's a false statement. I never made that statement, Chair. We should not be taking the pensions away.

The Chair: All right, well, thank you very—

Mr. Joe Comartin: My position has been quite clear, Madam Chair, that this methodology—

The Chair: Yes, but that is debate.

Mr. Joe Comartin: —is the wrong one. If he makes false statements—

The Chair: Mr. Comartin, you'll have a chance—

Mr. Joe Comartin: —I have a right to put the record straight—

The Chair: Excuse me.

Thank you.

Mr. Joe Comartin: —and I've done that.

The Chair: Thank you.

I would just ask that we all refrain from... If there are false statements, obviously we should not be making them. Let's stick to the bill. You'll have a chance in a couple of minutes, and then if you would like to argue, you're certainly allowed to use your time to do that.

Mr. Michael Savage: A point of order, Madam Chair.

• (0950)

The Chair: Yes, Mr. Savage.

Mr. Michael Savage: I think this is important. This is the only meeting we've had on this bill that has been in Centre Block and televised, and it seems to me there's a strategy for spreading false information. Because of the uniqueness of that, I think we have to reiterate that false statements shouldn't be made at committee. That's all.

The Chair: Mr. Savage, when you have your chance to speak, you can clarify your position, if there is any misunderstanding on the point with different members of the committee.

I would ask Mr. Komarnicki to please continue.

A point of order, Monsieur Lessard.

[Translation]

Mr. Yves Lessard: On a point of order, Madam Chair.

Madam Chair, the time for raising a point of order is not when he is about to begin his speaking time—because he has three or five minutes for that. A point of order is intended to allow someone to rectify something that is inappropriate with respect to the way the committee conducts its business. We were victims of that twice in the House of Commons yesterday, and this morning, colleagues made false statements twice, taking advantage of the fact that this is a public meeting. So, this is something that is not only inappropriate, but unfair and, in particular, completely false.

[English]

The Chair: Mr. Lessard, we are in the middle of questioning right now. Sometimes there are different opinions as to what someone has said and what someone else has said.

I'm ruling this is debate at this point. I'm asking that we finish the questions, and when you have a chance to ask a question, you can clarify your position.

I would ask that Mr. Komarnicki continue, and we will continue the time.

Mr. Ed Komarnicki: The record will speak for itself, and what I say is what I understand it to be. The issue of universality was raised; that issue was not questioned. The logical conclusion that can flow from that is that the pension be paid to everyone, including prisoners. That's not a point of debate.

But my point is this legislation doesn't suspend the old age security pension indefinitely. The incarcerated person maintains the right to the pension, but the right is suspended for a specific period that ends when the person is released. So there's a difference, and it's an important difference.

So given the way the legislation is drafted, does it address the constitutional concerns? To those who would raise the issue of universality, and have raised it with this committee, does it address the issue of the constitutionality of this bill?

Mr. Jacques Paquette: I'll provide the first part of the answer, and maybe Mr. McCombs will answer the second part.

The first thing is there are two components of universality for the OAS: OAS and GIS.

GIS is not available to everybody. This is income tested, so it's targeted to low-income seniors. On that aspect there is already a very clear selection criteria.

For the OAS, some criteria are also established: age, legal status, residence in Canada, and so on. In that specific case, the person would remain eligible, but the payment would be suspended while the person was incarcerated and then would be reinstated. In other words, when the person is released, the person will not have to reapply; the payments that were suspended will be restarted.

I will leave Mr. McCombs to comment on the constitutionality.

Mr. Mark McCombs: The legislation doesn't take away pension eligibility. The prisoner is still eligible; it's just a matter of suspension during the time period the prisoner is incarcerated, and the door is open when the prisoner is released to have his or her pension benefits restarted.

It's the same thing in terms of eligibility during the time they are incarcerated. They can apply; they just won't receive them until they're released.

So it's completely within the pension system, and it's a measure that's designed to be within the pension system.

Mr. Ed Komarnicki: There's another point—and I know Mr. Lessard has raised this—in regard to using section 78 to accomplish taking the funds away from the prisoners to allow for the fact that they're getting free room and board while they're in prison. As I understand it, section 78 ties into regulation 104 of the corrections and conditional release regulations, and it has a number of conditions in talking about income. It talks about clawing back, if you want to call it that, 25% of the inmate's total income, but then it has a condition that exceeds a certain amount, and then it goes back and limits what that is.

So number one, it would need to be dealt with in some fashion, because it doesn't address it. Would you agree with me?

Secondly, the correctional official raised the issue that inmates may not have their old age security or supplement arriving at the

prison, so the section can be applicable; they could circumvent it simply by having it deposited elsewhere.

Can you comment on those two points?

● (0955)

The Chair: If you could, do it quickly because the time has expired for your questions

Thank you.

Mr. Jacques Paquette: I would say the way you describe the challenges is correct. When we look at section 78 and compare it to the objective we wanted to achieve, it was a very complicated and limiting tool that the Correctional Service had in its hands. That's why our conclusion was that what is being proposed is the most direct, efficient, and clean way of doing it. That's why this bill was presented as the best way to achieve the objective we had in mind.

The Chair: Thank you.

Madam Folco, you have five minutes.

[*Translation*]

Ms. Raymonde Folco: I would like to come back to certain aspects of the agreement, or to questions the minister asked with respect to sharing information with the provinces and territories. Through the minister, that question has already been answered.

However, given that the system is extremely complicated for the average person, could you explain, in relation to Old Age Security and the Guaranteed Income Supplement, exactly how this information sharing would work, specifically between the Government of Quebec and the federal government? What purpose would be served by this information sharing?

Mr. Jacques Paquette: It would work the same way as what we are considering doing with federal correctional services. There would be an equivalent agreement signed with correctional services in Quebec. On a most likely monthly basis—that is what we are suggesting at the federal level—we would receive information from them regarding anyone aged 65 and over serving a prison term, with enough information for us to be able to access our data banks, identify the correct individual and suspend the pension benefits.

Similarly, when people are released, we would receive a report—information would be provided to us. At that point, once inmates are released, we could begin the process of restoring their pension benefits, as provided for in the bill. People would have to go to a Service Canada counter to confirm their banking information and so on, which would allow us to expedite the benefit payments, if we have the necessary data for direct deposit, for example.

Ms. Raymonde Folco: Both my colleague, Ms. Minna, and myself put a question to both Correctional Service officials several days ago, and the minister earlier today, regarding an inmate's dependents. I was thinking, not of children attending university, but rather, of people who are disabled for life.

To your knowledge, do correctional services in the provinces and territories have access to that kind of information—in other words, that an inmate has dependents who are likely to retain that status for a very long time?

Mr. Jacques Paquette: I will give you a two-part answer. First of all, I do not know whether they have that information, and the Correctional Service of Canada does not seem to have been able to answer your question.

As far as we are concerned, information about the spouse is important because, for Old Age Security, and particularly, the Guaranteed Income Supplement, there is a difference depending on whether they are single or a couple, because the rate for the Supplement is adjusted accordingly. So, that is essential information.

Overall, the Old Age Security Program—and you have heard me say this before—does not take into account the fact that there may or may not be children. This benefit is only intended to support seniors so that they can fulfill their immediate needs. Therefore, under no circumstances are children considered under the program. As the minister already said, there are federal and provincial programs that specifically address children.

Ms. Raymonde Folco: I just wanted to add something, but unfortunately, the minister has just left, although I suppose she will have an opportunity to read the comments made here in committee. The minister's last answer to my question was similar to what you just said. However, I want to raise one objection. There is no doubt, as my colleagues on this side of the table have stated, that we support Bill C-31 and would like to see it pass as quickly as possible. There is no doubt about that.

What we are trying to ascertain—and I am referring here specifically to my colleague and myself—are the potential financial repercussions for the dependents of these individuals. In other words, it's perfectly normal to punish the person who committed the crime, but what we are trying to find out is to what extent it is appropriate to also punish family members of the inmate who are financially dependent on him or her. That was the point of the question that Ms. Minna and myself asked earlier.

• (1000)

Mr. Jacques Paquette: With your permission, I will provide a quick answer.

There are two components. The spouse that is not incarcerated continues to receive Old Age Security benefits; that is not in question. As regards the Supplement that the spouse not serving a prison sentence can receive—the Supplement is paid to low-income seniors—we have, in fact, considered adjusting that amount. At the present time, a couple is entitled to a certain amount. Two amounts are combined to provide an amount that will allow them to meet their needs. When it is a single person, the amount is slightly higher because there are additional costs involved when living alone.

With respect to the spouse who is not incarcerated, we will consider the circumstances and the amount of income, which might result in a higher Guaranteed Income Supplement for the spouse that is not in jail, the idea being to ensure that any negative impact is minimized.

[English]

The Chair: We'll go to Mr. Watson.

Mr. Jeff Watson: Thank you, Madam Chair.

We've had section 78 raised a couple of times here. I want to return to that. Presumably it's being raised for two purposes. One, I think, is the notion that the cost of incarceration can somehow be covered by section 78. I think we've heard testimony here that the average cost of incarceration is somewhere between \$90,000 and \$100,000 per inmate per year. I'm not sure that even 30% of the income that comes to a penitentiary for an inmate is likely going to recover the cost of incarceration. Is that a fair statement, as you would understand it?

Mr. Jacques Paquette: I think the commissioner provided some information on this. I'm not the specialist on the cost of incarceration.

A main source of information for me would be Statistics Canada, but I think your numbers are most likely close to the reality.

Mr. Jeff Watson: Presumably, the implicit extension of arguing that the cost can somehow be recovered is that any other income could then be banked. I think that's where that's going.

Madam Chair, I'm going to pass my time, because I can't ask more questions on section 78. I will defer to Dr. Wong.

Mrs. Alice Wong (Richmond, CPC): Thank you, Madam Chair, and thank you for coming over.

I wanted to ask a question about the children of the victims, because the opposition just raised a question about the children of the prisoners. My question is about the children of the victims. Do we have social programs to help those families? That's number one.

Second, I don't know whether everybody is aware of the fact that Clifford Olson, before he was actually sentenced or prosecuted, claimed \$10,000 for each of 11 children's bodies whose whereabouts he told police. This money went to his family. That is history, and that was outrageous.

This bill only deals with the person himself. You have explained very clearly that the bill ensures that a low-income spouse or common-law partner will not lose his or her individual entitlement to old age security payments. Can you further comment on this part about families of the prisoners not being affected by this?

• (1005)

Mr. Jacques Paquette: With regard to old age security, the spouse will receive the full entitlement as for any other eligible person. If the person has other revenues, that's something else. If they don't have any other revenues, that's when the income supplement, the GIS, kicks in. It means there are no other revenues. In that case, as I explained, and depending on the income of the person, we would ensure that they would be calculated on a single rate instead of a couples rate. That would lead to an increase, most likely, of the revenues for the spouse. That will recognize the condition of the spouse in this specific situation.

Mrs. Alice Wong: For law-abiding citizens and the seniors who are receiving OAS and have families that need more support, there is also provision for them. Am I right about that?

Mr. Jacques Paquette: No. For the OAS, as I said earlier, whether or not there are children is not taken into consideration. If there are needs for children, there are other federal programs—and provincial programs, by the way—to support children in these circumstances. These will continue, of course, to be available for children. They are not interrelated with whatever measures we would take in the context of the OAS.

The Chair: Thank you very much.

Go ahead, Mr. Comartin.

Mr. Joe Comartin: Given some of the exchanges we've had today, let me make a comment.

What's really going on here is that the government is obsessed with punishment. I was just reading one of the quotes from Minister Finley this past spring when she said, referring to prisoners who are eligible for OAS, that they should be getting punishment, not pensions. It's that mindset, Madam Chair, that is the problem here.

If we had taken a much more holistic.... If we take the Russell Williams case, since we're dealing with individual cases here, Mr. Watson is wrong. If you look at the opportunities we had here for amending both the OAS and the Corrections and Conditional Release Act, specifically section 78, we had the opportunity to deal meaningfully with claims from victims. Think of those women who were raped by Mr. Williams. Think of the families of the women who were killed. If these funds had been available, we have existing laws that would have....

And there are more funds. Mr. Williams is eligible for a pension of \$65,000 per year. If that fund had been made available—which it is not now—to the victims, then we actually could have compensated them financially for the lost time that the families are going to suffer, for the counselling they're going to need, and for the other expenses that we know victims incur. If this government were really meaningful in wanting to deal with victims, that's one of the ways. They had an opportunity to do it here. Are we going to be faced with another piece of legislation at some point in the future? Maybe.

Let me turn to one question. It's not fair to you, probably, to ask this question, but I want to get it on the record. I would like to have asked it of the minister. Was there any consideration given to expanding section 78 so that we could have got at other resources—CPP, OAS, the supplement, private pensions, and private assets—when people were incarcerated, especially for those kinds of crimes?

Mr. Jacques Paquette: In our discussions with Correctional Services—and that was my responsibility—what we were concentrating on was the case of the OAS and how we can prevent OAS being paid to people while they are incarcerated. When we looked at section 78 and at other means, and some of the limitations that section 78 has as well, our clear conclusion was that Bill C-31 was the most effective and cleanest way to achieve that objective.

Mr. Joe Comartin: Did you take the victims into account?

Mr. Jacques Paquette: That's another question that I will come back to.

The other issue is one that I think the commissioner raised as well when he was here. His concern was that if Correctional Services starts to go after a lot of funds, they would spend more time trying to collect money than in pursuing his main mandate.

•(1010)

Mr. Joe Comartin: Mr. Paquette, you just had to make the funds available. I don't want Corrections Canada to be turned into a collections agency. But all you needed to do....-

I'm sorry, I'm not picking on you. I wish the minister was here so I could pick on her. I wish the Prime Minister was here so I could pick on him.

You didn't have to turn Corrections Canada into a collections agency. What you had to do was to make the funds available—not just government funds either, but private assets. An amendment to the corrections act would have done that.

Mr. Jacques Paquette: I would say that's a much broader debate. In that context, what we concentrated on was the fact that they were public funds—OAS—that were paid to people who were incarcerated while their basic needs were looked after.

Mr. Joe Comartin: I don't have any problem, Mr. Paquette. It's a very efficient mechanism for the department and for the government, but it doesn't do anything for the victims.

I have one more comment. Mr. Watson, actually, if you do the calculation, if you had made the funds available from Mr. Williams, you would have been able to get up to the 30%. But you also have the right to change that 30% up to 50% or even 100%. It simply would have required an amendment to section 78 of the corrections act.

The Chair: Thank you, Mr. Comartin.

Just a reminder, please direct comments through me as the chair. Thank you very much.

We have time for one more round. It will be a three-minute round, so we'll begin with the Liberals.

Mr. Savage.

Mr. Michael Savage: Thank you, Chair.

I don't normally take two rounds, but per your recommendation, I do want to clear the record.

There is something happening here. We've had a number of hearings on this bill and they've been pretty cooperative. We've asked our questions. All of a sudden we come to the Centre Block and we're televised and we start to get some allegations from the government that need to be corrected. I've corrected one of them already.

But the idea of Mr. Watson, who said that the opposition is out talking about the banking of OAS for prisoners.... The comment about Mr. Comartin's position, which I think he's cleared up....

It's important that people understand that this bill could have been dealt with faster. In fact, it was on March 26 that there were media reports that Clifford Olson was getting a pension. We were all outraged by that. On that same day the minister made comments in the House, saying that she would be bringing forward a bill very quickly. It wasn't until June 1 that Bill C-31 was introduced for first reading. There's a big gap there. We had indicated in that time that we supported the intent of Bill C-31. We intended to support the bill. We went further to suggest that, in our view, there should be money that is recouped through this bill that should go to victims of crime.

Let's not forget that the government has cut the budget of the grants for the victims of crime initiative by 41%, the contributions for the victims of crime initiative by 34%. They fired the federal ombudsman for the victims of crime. We think this money should go to the victims of crime.

I agree with Dr. Wong when she talks about people who have been harmed by people who are now in prison.

So I think it's just important that we understand that the opposition is doing their due diligence on this bill, but we are not stopping it. We are not opposing it. We are just trying to make sure that this bill does what it's intended to do, as we have done from the beginning, and as our critic on this issue, Judy Sgro, has done vigilantly since March 26 when these reports were made public.

That's what I want to say, Madam Chair.

If I have time, I'll give it to Madam Minna.

The Chair: All right. One minute, if there is a question from anyone else from the Liberal side.

Hon. Maria Minna: Okay. I'll be very quick.

My question, actually, Madam Chair, is very simple. The bill makes the assumption that the incarcerated person and the spouse are both old people. My question is very simple. If the spouse is not an old woman, has children, and/or there is a disabled dependent person, will the OAS still be cut, or will it be sent to the family? I'm asking.

Mr. Jacques Paquette: There are two situations. If you're saying that the incarcerated spouse is over 65, so therefore receiving OAS, and the non-incarcerated spouse is younger than 60 years old, for example, the OAS of the incarcerated person will be suspended, yes.

Hon. Maria Minna: So then the family also loses the income that they would have had and is punished as well. That's the point I'm asking about. That's why I had hoped that some due diligence had been done on this bill prior to sending it in.

Thank you.

•(1015)

The Chair: Mr. Komarnicki.

Mr. Ed Komarnicki: Thank you, Madam Chair.

I, too, will make some comments. I know Mr. Comartin has indicated he would like to even go beyond what this bill is. How about getting behind this singular, narrow bill and getting it through really quickly? That would be a good thing to do.

I know that under the lights the opposition has taken a milquetoast approach to this. But there were concerns raised about money being there for prisoners in their accounts when they leave prison as opposed to taking all of the funds away through a bill like this. And that's just fact.

In terms of how long it's taking to get it done, the Liberal Party had 13 long years to get it done and this is being done in less than 13 weeks. I would say let's go to clause-by-clause right now and get it done right here and now while we're talking.

Voices: Oh, oh!

An hon. member: Chair, we could have done clause-by-clause by now.

The Chair: Ladies and gentlemen, and Madam Minna, when you're speaking, no one is interrupting you, but it seems like that's what's happening now. So if you could please refrain from interrupting, that would be great. Thank you.

Mr. Ed Komarnicki: Let's not try to point the finger one way or the other, and let's move this thing through. I don't want to let that go uncontested because it's a bit of bunk.

Now for some specific questions. Just to ensure that spouses of inmates aren't harmed by this, the corrections officials have indicated that there will be a process in place to find out who the spouses are. But when you're dealing with GIS, is it not based on the income of the previous year, and how are you going to collect that information in a relatively short period of time to ensure that the adjustments are made quickly and appropriately, so that those get into the hands of the people who do need them? Could you maybe address that point.

Mr. Dominique La Salle (Director General, Seniors and Pensions Policy Secretariat, Department of Human Resources and Skills Development): The OAS program provides individuals with what's called an option. So rather than waiting to get data from CRA on the level of income, one can make a declaration and exercise the option of indicating that you will indeed have lower income for the current year and have an immediate adjustment made to your GIS.

Mr. Ed Komarnicki: So that would be made within the month following incarceration, and you'd be able to have that information?

Mr. Dominique La Salle: Yes.

Mr. Ed Komarnicki: Then with respect to the notification of the prisoner's release, will you be able to obtain that information in a timely fashion and be able to utilize additional information to ascertain the whereabouts or address of the person released?

Mr. Jacques Paquette: Yes. That's the purpose of the information sharing agreement we will have, to be able to access the appropriate information that we need to be sure, first of all, that we are informed of incarceration or release, as well as any information required to make sure that we deal with the right person, so identification.

The other information we need that will be useful is the banking account information. That's in fact why we ask the person who is released to contact Service Canada to give them the banking account information. If we are able to do direct deposit, we will be able to accelerate even further the process to allow them to receive their pension.

These is the type of information we will need to accelerate the process.

The Chair: Monsieur Lessard, you have three minutes.

[*Translation*]

Mr. Yves Lessard: Thank you, Madam Chair.

Mr. Paquette, I want to thank you for that last answer. We have been trying to find something out for quite a while, and you just gave the answer to Ms. Minna. Indeed, you acknowledge that when an inmate has a spouse under the age of 60 or 65—whatever the age may be—and still has dependent children, the person serving a jail term will not receive an Old Age Pension, and will therefore not have any income.

One of our concerns is to ensure that this bill does not create victims. There is a desire that has been expressed that I find deplorable. Some people seem to want to punish the inmate even more. As Mr. Comartin was saying, there is a desire to ensure that inmates are making their contribution because they receive room and board, and so on, since they are already serving a jail term. We are in favour of that.

However, we are not seeing any desire to support the victims. Not only are the victims not receiving any support, but there is a danger of victimizing other people, specifically the dependents, as Ms. Minna was saying earlier.

I am very surprised to discover that there are no statistics indicating how many dependent children could be affected by this measure. That is quite surprising. I understand that you don't have access to that data for people serving sentences in provincial penitentiaries, but you surely have them for people in federal institutions. You have the inmate's file. You know everything about that inmate. You even know the colour of his underwear.

So, how is it that you don't know whether he has dependent children, how old those children are, whether they are young or have a disability, and so on. There clearly is no desire to support potential victims and avoid creating others.

That is the problem with this bill. Our job is to try and find solutions. I think that you can help us with that. What can be done to make the necessary adjustments, but obviously without contravening the object and purpose of the bill? Do you have an answer to that?

• (1020)

Mr. Jacques Paquette: I have two answers. First of all, let's talk about income and this very specific case. My feeling is that we are talking about two different things, and that there is some confusion in that regard. My answer was specific in the sense that the Old Age Security Program was implemented with a view to ensuring a minimum standard of living to seniors, in order that their immediate needs be met. I have said that from the beginning. What that means

is that this is not a program aimed at supporting the family; there are other programs available for that.

Consequently, when you ask me about a mother and her children, my response is that there are other programs that were and continue to be in effect to provide that kind of support to them. That is the difference. The sole purpose of the Old Age Security Program is to support seniors in need. That is what we are talking about.

Mr. Yves Lessard: I would like to add something, and that may give you an opportunity to clarify your answer as well. The salary an individual receives is not based on how many children he or she has. It is the same thing for benefits. It is a survival benefit, and therefore, it is not calculated based on the number of children.

Similar to what my colleague asked earlier, what can be done to support them? Even the minister was unable to identify any such measures. Can you?

Mr. Jacques Paquette: The minister did identify a certain number of federal programs that support families, such as—

Mr. Yves Lessard: She made reference to the provinces.

Mr. Jacques Paquette: She gave very specific examples. Reference was made to disabled persons, for example, and there are specific programs aimed at children as well.

• (1025)

Mr. Yves Lessard: They are minimal.

Mr. Jacques Paquette: In terms of support for families and children, the government does have programs in place to meet their needs. Those programs will continue to be offered. The Old Age Security Program was never designed with that in mind; rather, it was designed to meet the specific needs of seniors. The government has demonstrated, and continues to demonstrate, its concern for children and families by making use of the appropriate tools—tools others than the Old Age Security Program.

[*English*]

The Chair: Monsieur Lessard, thank you very much.

I want to thank the witnesses for being here. I understand that we've had a great opportunity and that we've all asked the questions that we had around the table. So once again, thank you very much for being here, and we'd like to dismiss you at this time.

This meeting is adjourned.

[*Translation*]

Mr. Yves Lessard: We had planned for this session to last until 10:45 a.m. We still have questions.

[*English*]

The Chair: Mr. Lessard, actually I asked everyone. We just went around the table and everyone was done. So if you have more questions, I guess we'd have to determine if we are going to allow you to continue or how the committee wants to continue, because we did actually complete the round.

We are actually done this round, as we had agreed, and we were not going to begin a second round. Obviously, we weren't just going to have you continue unendingly with questions, so that was why we completed the round.

Mr. Comartin didn't have any other questions. The government didn't have....

An hon. member: [*Inaudible—Editor*]

The Chair: Well, that's what I'm saying. We don't have time for a fourth round. This was our third round. I gave everyone an opportunity to ask questions, and you had your allotted time. Actually you had quite a bit more than your allotted time, because I knew that you wanted to finish this and we didn't have other questions. So everyone had a chance.

[*Translation*]

Mr. Yves Lessard: If I am given permission, I would have another question, Madam Chair.

[*English*]

The Chair: Then we have to decide as a committee if we are going to do a fourth round. We didn't have time for a fourth round. That was why I had already adjourned the meeting, because I did ask everyone if they had a question.

Mr. Comartin.

Mr. Joe Comartin: I note that you did adjourn the meeting. I thought from the previous discussion that we had at the start of the meeting that we were going to spend at least a few minutes on how

we were going to go to clause-by-clause, or what we were going to do next on this bill.

I thought maybe we'd go in camera and just do some quick business.

The Chair: Sure. I thought we would just discuss that, but if we'd like to do that as a committee, I would be fine with it. I did adjourn, so just one moment.

I did adjourn, so if it's the will of the committee, we can reconvene right away for just a couple of moments in camera, so we can have a discussion, or, Mr. Comartin, if it would be satisfactory to you, we could have that discussion. I think we had agreed at another meeting that if you did have witnesses, we could bring those witnesses forward on Monday before we do clause-by-clause. I think that would satisfy everyone.

It doesn't look like we have the will of the committee to—

Mr. Joe Comartin: I just enjoy the companionship of the committee, Madam Chair. I thought everybody would want to partake in the discussion.

That's fine. I'll discuss it with you.

The Chair: Thank you.

The meeting is now adjourned.

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