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

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**Tuesday, November 2, 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

Tuesday, November 2, 2010

• (0850)

[English]

**The Chair (Ms. Candice Hooppner (Portage—Lisgar, CPC)):** I call to order meeting number 30 of the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, pursuant to the order of reference of Friday, September 24, 2010, Bill C-31, An Act to amend the Old Age Security Act.

We will be proceeding now with clause-by-clause consideration.

We are very pleased to have two officials here from the Department of Human Resources and Skills Development to answer our questions. They are Mr. La Salle and Madam Birba.

**Ms. Rose-Gabrielle Birba (Senior Counsel, Legal Services, Department of Human Resources and Skills Development):** My name is Rose-Gabrielle Birba, and I am with HRSDC legal services at the Department of Justice.

**The Chair:** Great. Thank you for being here.

Pursuant to Standing Order 75(1), consideration of clause 1 is postponed. So we will begin with clause 2.

(Clause 2 agreed to)

**The Chair:** Shall clause 3 carry?

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Can we show it on division, please?

(Clause 3 agreed to on division)

(On clause 4)

**The Chair:** We'll begin with an amendment from the NDP.

Mr. Comartin.

**Mr. Joe Comartin:** Thank you, Madam Chair.

The amendment is to permit the prisoner to notify the minister at the time they are aware of their upcoming release. As the section reads currently in the draft bill, the prisoner would only be allowed to notify the minister upon release or subsequent to the release. That's the tense of the verbs that are in that section now. The effect of this—as we heard from Mr. Head, the Commissioner of Corrections—would be to allow the prisoner to notify the minister at the time they know, which is normally about a month before the person is actually released. That's the standard practice.

Mr. Head and the officials from the Department of Human Resources said they will probably be notified by the Department of Corrections on a monthly basis of those upcoming releases. But that evidence wasn't entirely clear; that's my assumption. This would simply confirm the ability of the prisoner to give the notice upon his or her notice of the upcoming release.

The purpose behind this is fairly simple. As it stands right now, the processing of the application for the re-establishment of the benefit under the OAS—the paperwork, the process within the department—would only commence upon the receipt of this notice. So the person would be out of custody in the general community with no access to funds.

That will result in one of two scenarios. The person may, out of desperation, commit another crime to get access to funds in order to sustain themselves, and then be re-incarcerated. That's not uncommon. So we expose ourselves to that kind of a risk. The alternative, what I'm proposing, goes some distance to avoiding that.

The second reality is that if the person goes to municipal welfare, that department, at the municipal level, will end up picking up the cost. All of the procedures you have to go through to get that money repaid will simply be unnecessary if this amendment goes through.

So I'll summarize. The effect is simple. The prisoner will be allowed to notify the minister. The department will be able to react and begin to prepare the paperwork, so when the person leaves the custodial setting their funds will be ready. That's the intent.

• (0855)

**The Chair:** Thank you very much.

**Mr. Joe Comartin:** I'm sorry, Madam Chair, can I just make one more comment?

There are a number of other amendments here, but they're all consequential to this one because the same type of wording appears, where the prisoner is limited to giving the notice at the time of release or subsequent to release. The subsequent amendments that are here are all consequential to that. That kind of wording appears on a number of occasions through the rest of the bill.

**The Chair:** All right. I think we would obviously have to go through each one, and there is some change in wording, just as far as who it's referring to.

We'll begin with Mr. Vellacott.

**Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC):** I have more in the way of questions, at this point, for our officials from the department, first off.

I note the fact that the “presumptive release date” is not a term that's used, as I understand it, currently by Corrections Canada, so that's a little bit difficult in itself, pretty broad, and problematic from that point of view. But are there possible changes that occur in the last days or week or whatever that would then...? Maybe a letter has gone in, supposedly, if it was in keeping with Mr. Comartin's amendment here, and then all of a sudden there's some change for whatever reasons: reasons of behaviour within the institution, or whatever those might possibly be. Could you respond on that?

My second part of the question is with regard to what would occur under this kind of an amendment. I could conceive of some person attempting to mislead the department and suggesting they were going to be out, saying they were hoping to be out by this date, or were expecting to be, when that's not at all the case. So whose word are they to take at that point?

Going back to the first one, is there a possibility of change in the last days prior to where there's not, then, the release? Then the other issue is what prevents some fraudulent action on the part of a prisoner in respect to writing a letter and saying, “I'm going to be released on x, y, z day”, when this isn't so?

**Mr. Dominique La Salle (Director General, Seniors and Pensions Policy Secretariat, Department of Human Resources and Skills Development):** I think what the department needs is a confirmation that the inmate is actually out of custody, out of prison, out of the penitentiary. A target date is a target date. A potential date is a potential date. But until it happens, there's still a possibility that the date could be changed by events such as bad behaviour. I'm not an expert in correctional services, but I think that's the point here, that actually it's a two-pronged approach. From the inmate's perspective, we need the information on banking accounts, family status, etc., so we can prepare what will be the right entitlement for this person. We also need a separate confirmation from Correctional Services on the actual date once the inmate has been freed up.

In terms of giving a phony date, which I think is what you were alluding to, it's possible, but the department at Service Canada will not act on issuing a cheque until the confirmation is received from Correctional Services. We certainly can prepare the documentation and do the legwork and paperwork that is prepared, but we press the “send” button when we have confirmation that the individual is actually out of custody.

**Mr. Maurice Vellacott:** Thank you.

If I could just quickly follow up, then, am I correct in understanding that there is no such language presently as “presumptive release date”? This is not current common language at all?

• (0900)

**Mr. Dominique La Salle:** Maybe my colleague will want to speak to this.

That language is not used in the federal government. It's used in the United States under a different system. In our system, with

parole, etc., it's not the language that is used. I think it's used in some provinces.

**Ms. Rose-Gabrielle Birba:** That's correct. It was mainly language that was used mostly in the States, and for a while it was used here in Canada. But because we are not operating under the same system, “presumptive release” is more with earned remission. Now we are going with a different system about parole, so it is my understanding that we are no longer using that term in Canada.

**Mr. Maurice Vellacott:** What would be the kinds of things that might change this release date? Can you give us examples of the kinds of reasons that might change?

**Ms. Rose-Gabrielle Birba:** I will try, but anything might happen between the time someone is supposed to leave and the date the person is released from prison. As Mr. La Salle was saying, behaviour is something that can change it. I don't have a lot of examples in mind, but we can think about behaviour or any type of event that might occur and make this person no longer available to be released on that date.

**Mr. Maurice Vellacott:** If they do not have a place to go, that type of thing, does this have an effect, or are they just kind of out on the street? If they don't know where they're going, they don't have an address indicating where they would be staying, are these factors, or is it just unfortunate when they don't have a set place?

**Ms. Rose-Gabrielle Birba:** It is my understanding from the different witnesses who've testified that the minute someone is released, technically Correctional Services works with them, I believe, and has at least an idea of where they will be. Sometimes someone will be released, but part of their sentence is that they be monitored for a certain period of time. This is my understanding from the different witnesses who have testified from Correctional Services.

**Mr. Maurice Vellacott:** Okay. Thank you very much.

**The Chair:** Mr. Komarnicki.

**Mr. Ed Komarnicki (Souris—Moose Mountain, CPC):** Maybe I can just follow up on that. I had hoped to contact Mr. Comartin this morning to discuss it further.

This is the way the proposed subsection now reads, in part:

while the person is incarcerated, payment of their pension shall commence in respect of the month in which they are released but only after they notify the Minister in writing of their release.

Mr. Comartin's amendment wants to change that to say:

but only after they or the Correctional Service of Canada notify the Minister in writing of the person's presumptive release date.

As I understand it, “presumptive release date” is not something that's commonly used by Corrections Services or Service Canada. What I would think it might mean is that Mr. Comartin's talking about the potential release date, which may change for whatever reason. His concern would be that the process would start earlier by virtue of his amendment, and probably takes issue with the wording that says “but only after they notify the Minister in writing of their release”.

It's a question of tenses there. He's indicated that he would like them to have the potential to notify before their release date.

So my question is what's in that tense? Does that tense as it now reads in this section mean they can't notify you until after the release date? Or does it mean they can before or after? Maybe you can just clarify that.

**Mr. Dominique La Salle:** Yes, with pleasure.

Our shared view is that the current text of the proposed bill would allow the inmate to contact Service Canada ahead of release so that we can go through the legwork of establishing the right entitlement, etc. So there's nothing preventing the inmate from doing that.

Actually, we will encourage that in our contacts with.... When the payments are suspended, there will be communication with the inmate, saying your payment is suspended  $x, y, z$ ; this is why; upon release you'll be able to resume the payments; and we suggest you do this, this, and this, etc.

**Mr. Ed Komarnicki:** Again, just with regard to the tense itself—it's kind of important to know this—if that section had said, “but only after they notify the Minister in writing after they have been released”, that would mean after the release date. But in this case, you're saying this wording of this tense allows him to notify you both before and after?

● (0905)

**Mr. Dominique La Salle:** Exactly. The language was chosen so that we don't.... If the language says it must be done before, and for some reason it's not done, then maybe we're in a conundrum. So the language now allows before or after.

**Ms. Rose-Gabrielle Birba:** The language of the act is neutral enough not to set a timeframe as to when the person has to notify. There are two steps. The first step is we have to pay you, we have to reinstate payment. When? When you let us know that you will be released or you are released, payment will occur.

The text says they must “notify the minister in writing of their release”. The text does not say to notify in writing that they have been released. Therefore, from our perspective, it is neutral enough, because it's just talking about an event. The event is a release.

So technically you can notify prior to your release.

**Mr. Ed Komarnicki:** The other thing is maybe the unintended consequence of Mr. Comartin's amendment. He says that their pension would commence in respect of the month in which they—the person imprisoned—or Correctional Service notify the minister in writing of their presumptive release date.

Presumably, if the person hadn't notified them, you might find yourself in a more difficult spot. Would I not be right in that?

**Ms. Rose-Gabrielle Birba:** That is correct. The language seems to be more restrictive and seems to attach the payment to this particular event. It means that if the person did not notify, there is a chance that the payment cannot occur. The way it is drafted is more restrictive.

**Mr. Ed Komarnicki:** Okay.

Now, as I understand it, pursuant to the legislation, I think in clause 11, it allows Service Canada and Corrections Services to enter into an information sharing agreement, and it's by virtue of that agreement that you're notified of the exact release date. Is that correct?

**Mr. Dominique La Salle:** Pardon me, sir, could you repeat that?

**Mr. Ed Komarnicki:** I understand that you're interested primarily in the “in fact” release date. You won't activate payment until you know of that. You get that information not from the prisoner but from Correctional Services through an information sharing agreement that you have put in place pursuant to clause 11 of this particular bill.

**Mr. Dominique La Salle:** Yes. It will be put in place if the bill is adopted. Yes, that is correct.

**Mr. Ed Komarnicki:** So there are two prongs to this: the release date, which you rely on from Service Canada; and the other is the personal information aspect, which you get from the prisoner.

**Mr. Dominique La Salle:** Yes.

**Mr. Ed Komarnicki:** Now, is Service Canada going to set up in such a fashion that this information will be obtained well in advance of the release dates, so that some of the concerns of Mr. Comartin can be addressed?

**Mr. Dominique La Salle:** I think so. I think we're set up to do precisely that, to get in touch with the inmate before the release and ask for the information. Pursuant to our information exchange agreement with Correctional Service, we get the other prong that you mentioned.

They're not interchangeable. These are two different roles. The personal information of the inmate is personal information, and the information provided to us from Correctional Service is the precise information in terms of release. The two aspects are important and follow parallel tracks.

I think the current language permits, and that is our aim, the ability to get the file up to date, so there is a minimum waiting time with the issuance of the cheque.

Now, that depends on when in the month the release occurs. We process millions of cheques every month, so mid-month is the time when we close the book for that month, and the last three days of the month we actually print the cheques and do the electronic transfers, and so on.

It could conceivably be that one misses that middle of the month closure and would have to wait six weeks. In these instances, we'll have a procedure in place to issue an urgent cheque manually, if you like. Our job is to deliver the precise payment in a timely fashion and do our due diligence quickly.

● (0910)

**Mr. Ed Komarnicki:** Can Mr. Comartin's concern, that the information gathering would start early and that the information be communicated at the earliest possible opportunity, actually be done under the existing legislation as you have it, in your opinion?

**Mr. Dominique La Salle:** I think so, yes.

**Mr. Ed Komarnicki:** In fact, his amendment may be less than clear, or may not have the clarity necessary to achieve what he's hoping to achieve given some of the discussions we've had about the presumptive release date and whether or not the inmate might notify you in any event.

**Mr. Dominique La Salle:** That's correct.

**Mr. Ed Komarnicki:** So in your opinion, it would be best to leave the legislation without the amendment.

**Mr. Dominique La Salle:** I understand the aim of the amendment, clearly, and I think the legislation does it well with the current language.

**The Chair:** Thank you.

We'll go to Dr. Wong.

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

Thank you for coming to our committee meeting.

I'd like to bring this amendment to our attention at the provincial level. In the way it is worded, this amendment also completely ignores provincial correctional services because when you say that Corrections Canada needs to notify human resources, what if they are not in the jurisdiction of Corrections Canada? By leaving it the way it is, it also allows provinces that agree to sign on to this act not to be bound and then it is up to the individual to notify human resources.

I just want to ask the witnesses whether that might be a problem.

**Mr. Dominique La Salle:** That is indeed the case. Correctional Services has no jurisdiction over provincial prison facilities and so on, so this will be a subject of a separate information sharing agreement. It does exclude the province. The amendment proposed would be only for application at the federal level.

**Mrs. Alice Wong:** Thank you very much.

**The Chair:** Monsieur Lessard, would you like to speak to this? [Translation]

**Mr. Yves Lessard (Chambly—Borduas, BQ):** My question is directed at Ms. Birba and it is about the Correctional Service. It is of a technical and legal nature.

We have an amendment along the same lines as that of Mr. Comartin. So we are going to support his amendment. However, we had anticipated that the detainee would have to give his authorization.

Is the Correctional Service required to obtain the incarcerated person's agreement in order to transmit this information to the Department of Human Resources?

**Ms. Rose-Gabrielle Birba:** I am somewhat less aware of what the Correctional Service does but I will nevertheless try to answer your question.

Generally, it depends on what kind of personal information we are dealing with. The Privacy Act restricts the use and acquisition of information about an individual. To give a short answer to your question, I would say that if the Correctional Service obtains the agreement of the individual, it can provide this information.

**Mr. Yves Lessard:** So it would be more prudent to include a provision requiring the authorization of the detainee.

**Ms. Rose-Gabrielle Birba:** I do not know if it would be more prudent. I believe we need also to take into account the purpose of the legislation and the source of information. You really suggest a two-step process: the individual provides the information to the Correctional Service which then passes it on to Service Canada. The

process would be somewhat faster if the individual provided the information directly to Service Canada. Since it would come directly from the individual, there would be a lesser risk of error.

I will ask Mr. La Salle to elaborate further but it seems to me that that is how the act works at the present time. Under the Old Age Security Act, we do not receive information from third parties regarding benefits. We deal directly with the individual in order to ensure that there will be no errors.

• (0915)

**Mr. Yves Lessard:** Mr. La Salle, do you have anything to add?

**Mr. Dominique La Salle:** I would simply say that it is the responsibility of all Canadians to apply for benefits under the program. On our side, it is our duty to check the information and to issue payment as quickly as possible. This is all part of a move towards accountability, but it is assisted accountability. Indeed, we want to prompt people. We know when they are being incarcerated and when they are released.

**Mr. Yves Lessard:** Do you understand the intent of Mr. Comartin's amendment?

**Mr. Dominique La Salle:** Yes.

**Mr. Yves Lessard:** In essence, this amendment says that the Correctional Service will be able itself to supply the information. Indeed, it is easier for them to do it than for the detainee. Sometimes, they may even know the date of release before the detainee. From this perspective, is the amendment still problematic?

**Mr. Dominique La Salle:** First of all, the amendment is directed at the federal government, not the provinces.

Secondly, we believe that the present neutral language provides greater flexibility regarding the timing of the provision of information. There is nothing that can fall between the cracks since we do not require that it be done in advance. A hypothetical situation where we would not have the information would leave us sort of in a limbo.

So we believe we are well equipped with what we have here in order to do what we have to do, which is to issue payments as quickly as possible and encourage the incarcerated person to apply. It is a matter of attributing the appropriate roles to the Correctional Service and to the individual as far as personal information is concerned.

**Mr. Yves Lessard:** This is also what the amendment says. However, the amendment creates a stricter obligation in the bill. Therefore, I do not see any contradiction. On the contrary, it increases the level of security.

As for the second part of your answer, the minister and other officials told us that with regard to provinces, negotiations would be required.

**Mr. Dominique La Salle:** Absolutely.

**Mr. Yves Lessard:** But we cannot anticipate their results in this bill. The bill we are presently drafting must concentrate on the obligations of the federal government and the incarcerated person. We agree on that.

I have some difficulty linking your answer to the objective of this amendment. The amendment tries to ensure that the information is transmitted in the most effective, direct and secure way, which is through the Correctional Service. I cannot see the difficulty you are raising.

**Mr. Dominique La Salle:** If I may, I will ask my colleague to deal with the privacy and other issues that this may raise.

**Ms. Rose-Gabrielle Birba:** Several things need to be said.

The first is that I should point out that the information required is not the same. The information provided by the Correctional Service is the date of the release of the individual, while the information to be provided by the detainee is about the person itself. The latter is needed to ensure that the payment is made to the right person, to the right address and the right account. So we are talking about two different types of information.

Secondly, the individual may supply the information directly. This does not exempt the penitentiary and the Correctional Service from their obligations. In fact, there are two obligations. There is an obligation for the Correctional Service to provide the date of release and there is an obligation for the individual to provide his personal information. Indeed, the detainee is the one who has the most up-to-date information. For example, if he or she provides information to the Correctional Service today and if two, three days or even a week before his release his bank account number or his address change, he will need to supply them again to Service Canada through the Correctional Service. It seems to me that the most effective channel to provide this personal information is directly by the individual.

As for privacy matters, the individual might not be willing to provide this information to the Correctional Service. He or she might not want to share this information. Under privacy and access to information legislation, the Correctional Service does not necessarily have authority to collect itself that information. It does not necessarily have that power. So would this not be going a little bit too far and amount to a violation of the individual's privacy? These are issues that need to be raised.

Thirdly, I fully understand that if this bill is passed there will have to be negotiations between provinces and the federal government about sharing the information. But we do not yet know the content of such an agreement. This means that we could end up with a two-tier system depending on whether a person is incarcerated at the federal level or at the provincial level. The information to be provided could either be non-existent in one case or existent in another — depending on the attitude of the various correctional services — or else it could be very different.

• (0920)

**Mr. Yves Lessard:** You will have to agree with me that this argument does not hold water. The negotiations will take place after the bill under consideration is passed. If we had used the reverse approach, your reasoning would be valid. You could have tabled a bill that would take into account the agreement with the provinces, but this is not how it was done.

We have a bill that spells out the obligations of the government of Canada and that establishes a number of requirements. Taking away any right from a detainee applies only at the federal level. I do not see how we could base ourselves on what could happen during a

negotiation to say that an amendment should not be entertained. It will all depend on what the government negotiates.

Furthermore, I find your answers relating to matters of confidentiality very interesting and instructive. They are totally appropriate and we should take this into account. This is why I would like to amend Mr. Comartin's motion in order to insert the requirement to obtain the authorization of the incarcerated person, which is what we are doing in our own amendment which all members have before them. It reads:

(2.2) With the authorization of the incarcerated person, the Correctional Service of Canada shall inform the minister in writing, as soon as possible, of the person's release or release date, once it is known.

This takes into account two dimensions. Firstly, it takes into account the answers provided by Ms. Birba and secondly the concerns raised by Mr. Komarmicki when he said that the presumptive date of release might not be the effective date. Our language solves this problem: once the date is known. This means that it will be the official date of release.

So this is my amendment, Madam Chair, to Mr. Comartin's motion.

• (0925)

[English]

**The Chair:** It's a subamendment to the amendment. We just need to confirm where you want that wording to fall within Mr. Comartin's amendment.

[Translation]

**Mr. Yves Lessard:** We fulfil the intent of Mr. Comartin's amendment, which is to inform the minister in writing of the anticipated date of release of a person. We simply change the wording while keeping the same intent. We replace his motion with the one I just read out and which you have before you.

[English]

**The Chair:** Mr. Lessard, we need a little more clarification. Are you amending Mr. Comartin's amendment? If you are, then we need to know how you would like to amend it and where you would like to put the additional wording in. Otherwise, if you're suggesting that you defeat this one, we will get to yours next. Then we would discuss your amendment.

Are you changing Mr. Comartin's amendment, or do you want to defeat this one and then go on to your amendment?

[Translation]

**Mr. Yves Lessard:** I understand what you are saying, Madam Chair. The idea would be to replace Mr. Comartin's amendment, if he agrees, with the one from the Bloc québécois. I believe it is more comprehensive and that it satisfies the two concerns that have been raised this morning. If he does not agree, I will indeed have to go through the exercise you just mentioned. This is the question I am asking Mr. Comartin.

[English]

**The Chair:** Mr. Lessard, we will need to follow through and complete the amendment that Mr. Comartin has brought forward. If you would like a few minutes to discuss with him how he might want to proceed and how you would support yours, why don't you take a moment to do that. Either way, we either have to amend and then vote on the amendment or we have to vote on it as it is.

**Hon. Maria Minna (Beaches—East York, Lib.):** I'd like to make a suggestion, if I may.

This is just a suggestion, but since the motions have the same intent, maybe the two members could just be given five minutes or something.

**The Chair:** I just said that.

**Hon. Maria Minna:** Oh, sorry.

**The Chair:** I'll give the members just a moment to discuss.

We'll suspend for just two minutes.

• (0925) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (0940)

**The Chair:** We'll resume discussion of the amendment.

I understand, Monsieur Lessard, that the way we're going to proceed is that you want to introduce a subamendment to the amendment.

Is that correct? Do you have a subamendment that you would like to move?

Would you please tell us what the wording would be and where you would like it placed?

[Translation]

**Mr. Yves Lessard:** Madam Chair, in order to meet the concern raised by Mrs. Birba regarding privacy matters, the sub-amendment to Mr. Comartin's amendment would be as follows:

faire avant qu'elle ou le Service correctionnel du Canada, avec l'autorisation de la personne incarcérée, n'avise le ministre par écrit de la date prévue pour la libération de la personne.

[English]

**The Chair:** So the subamendment would be inserted. The amendment as a whole would say: but only after they or the Correctional Service of Canada, with the authorization of the incarcerated person, notify the Minister in writing of the person's presumptive release date.

That's how your amended amendment—

**Mr. Yves Lessard:** Exactly.

**The Chair:** Okay.

We're going to continue with debate. He's amending Mr. Comartin's amendment.

• (0945)

[Translation]

**Mr. Yves Lessard:** Madam Chair, in order to facilitate understanding of the text I believe Mr. Comartin wants also to clarify a

term in the English version. The French version is not problematic but it seems there is a problem with the English wording. Is that so?

**A member:** Yes.

**Mr. Yves Lessard:** So maybe that correction could be made.

[English]

**The Chair:** All right, just clarify.

**Mr. Joe Comartin:** To follow that up, if you look at the French, *le terme "prévue"* has a significantly different meaning from the term "presumptive" in English. Because of the connotations of "presumptive release", which occurs elsewhere in our legislation, similar wording is not a problem in French.

I have to tell you, Madam Chair, the use of the term "presumptive" was not my wording; it was actually the drafters who used it. I had anticipated that they would use either "anticipated release", "upcoming release", or "forthcoming release"—that kind of wording.

From discussions with Mr. Lessard off the record, I'm proposing that a better translation, quite frankly, of the French word "*prévue*" would be "anticipated" rather than "presumptive" release. He's agreed that this is the wording we should use in English.

That's the combined amendment that we're doing to my amendment.

**The Chair:** So this would be your subamendment? Is what you're proposing to change it in two places...?

What we're going to do is proceed with both of those changes as two separate subamendments. We'll discuss and vote on the first one and then we'll proceed to the second one as you've just described it.

Is that all right?

**Mr. Ed Komarnicki:** Could we clarify what the subamendment is?

**The Chair:** Right. I'll clarify the one we're discussing right now and will be voting on.

**I'll read it in English:** but only after they or the Correctional Service of Canada, with the authorization of the incarcerated person, That would be the subamendment.

**At this point, we're still going on to say** notify the Minister in writing of the person's presumptive release date.

**Again, we're just dealing with the subamendment at this point that would add** with the authorization of the incarcerated person

**Mr. Ed Komarnicki:** Just for knowledge beyond step one, what was number two saying?

**The Chair:** Number two would be the change to "anticipated", I understand. But again, we won't deal with it right at this moment. It would be "the anticipated release date", as opposed to "the presumptive release date".

Yes.

**Mr. Joe Comartin:** In terms of the sequence of voting on this, though, we should vote on the subamendment first.

**The Chair:** Exactly.



**Mr. Joe Comartin:** Okay. Thank you.

**The Chair:** We'll vote on both subamendments first, and then we'll vote on the amended amendment.

We're still continuing debate.

Madam Minna.

**Hon. Maria Minna:** Thank you, Madam Chair.

I was comfortable with some of the amendments earlier. I'm comfortable now, even more so, especially with the changes from Mr. Comartin, who anticipated that they would address the concerns we heard earlier from the witnesses with respect to the word "presumptive" not being used, and then, of course, the other part.

At this point, then, I understand that there's disagreement as to what the bill exactly says. This doesn't change the intent of the bill. Am I right?

**Mr. Dominique La Salle:** Which amendment do you mean?

**Hon. Maria Minna:** Well, I mean the amendments that are now on the table, the two subamendments. I like both. Do those change the intent? I'm talking to all of it, because we're not going to discuss it bit by bit.

In my view, this amendment does not change the intent of the bill, does it?

**Mr. Dominique La Salle:** It makes it more restrictive, in our view.

**Hon. Maria Minna:** In what way?

**Mr. Dominique La Salle:** The language that is used now allows before or after, and the amendments here would make it before. There may be cases when information, for some reason, is not available.

We're focusing now on information on release dates. But the information that is most salient for preparing the cheques and the entitlements is actually the information that comes from the inmates themselves. That would be the personal information, the family situation, the banking information, and that sort of stuff, which is not touched by this. Our view....

• (0950)

**Hon. Maria Minna:** This is only part of the bill, I presume. The information you're talking about would come once the inmate also engages in it. I think all we're trying to do here, if I'm not mistaken, is ensure....

In most cases, the system knows when a person is going to be released. They know months in advance. They don't know the date of. In most cases, if a person is being released, they'll know two to three months in advance, or at a minimum, a month in advance. All this is saying is that once the date is known, it should be communicated by the system to old age security.

Obviously subsequently, after that, if it is amended, it is with the authorization of the inmate. It means that the inmate knows that this information is going. Then, of course, it's up to him or her to also give additional information. Hopefully, the system will also make sure and talk to the inmate and give him or her the documents and whatever else is needed.

I'm still trying to understand how this would materially change the bill or make it worse.

**Mr. Dominique La Salle:** Well, it puts a responsibility on the Correctional Service that it does not have now—

**Hon. Maria Minna:** That's right. That's the intention.

**Mr. Dominique La Salle:** —in terms of collecting some information and providing it to us.

I think there will be a dialogue between Service Canada and the inmate. For example, an inmate who turns 65 while in custody can apply for the benefit and go through the eligibility. That takes a period of time. Then a payment is suspended. But when it's time to reinstate, all we have to know before we press the button is whether this person has been released: please, Correctional Service, tell us if this person has been released.

If there's a time delay or something like that—the commissioner talked about a once-a-month report—well, we'll be able to pick up the phone, get in touch with the Correctional Service, get the confirmation by fax. We also can have the issuance of an urgent cheque.

Our responsibility is to ensure that the payment is accurate and that delivery is as timely as possible. We'll work closely with colleagues in CSC.

I'm really trying to understand what the issue is. If the issue is just that there's still a belief that the language of the existing legislation is not sufficiently clear when it says that we can interact with the inmate before or after release, then that's something. There's no question that we want to interact as early as possible, before the release, so that we are able to issue a cheque as soon as we can.

The amendment here would not do that. It just gives us a date, and so on.

**Hon. Maria Minna:** Madam Chair, I think the fact that Service Canada is not here is a bit of a disadvantage in the sense that I have done a great deal—as we all have, I guess, from our offices, but even before that—of work with the department. I can tell you that good intentions are great, but a lot of times old age security is late or is behind and things are delayed. I think what we're trying to do here is avoid that delay as much as possible, so that it's smooth.

But I think we're also saying that there's some onus on the part of Corrections Canada to inform OAS when an inmate is about to be released, and the release date, so they can start activating that file. And of course additional information required from the inmate would come from the inmate. But if somebody from OAS or somewhere would call and make sure the interview takes place, that's all that this is trying to do: ensure that the onus is there and not just "may" be happening, that's all.

That's how I read this and that's why I'm comfortable with it.

**Mr. Dominique La Salle:** The information sharing agreement will have service standards that must be met. That will be the agreement between the two departments, where they have to meet timelines, etc.

●(0955)

**Hon. Maria Minna:** Mr. La Salle, I'm a Catholic. You know St. Thomas, right, who didn't know, who had to touch to believe? Well, for me, I know there would be an exchange of information agreement after the bill is passed, but I'd like to see it here, where it actually says there's an onus here for you to....

Do you know what I'm saying? It's a little vague.

**The Chair:** I have a quick question.

The onus is already there for Corrections Services to notify HRSDC. What I'm wondering about with this amendment is because, in a sense, it removes onus from the incarcerated person, does it actually hamstring you from delivering the money to these people when they get out of jail because now the onus is not on the incarcerated person? So if you don't get two pieces to the puzzle, do you only get one piece, which could happen?

I'm just wondering, are we actually defeating what the intention is?

**Mr. Dominique La Salle:** I think that's partly the case. We have to be in touch with the inmate to establish all the personal details.

**The Chair:** Okay, thanks.

Mr. Savage, you're next.

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

This is the only issue of contention, it seems, as we go through the clause-by-clause. It's a fairly significant bill and this is the only issue.

I think we all agree it's not in the interests of anybody—of the person being released from prison, or his family, or for the community—to have people hitting the streets without any money after having been incarcerated for a long period of time.

You've mentioned the draft information sharing agreement with Human Resources and Skills Development and Correctional Services. When Mr. Head was here last week, he indicated in his comments the following about that agreement, that it “would include information on those who are incarcerated in order to facilitate the suspension of payments, as well as information on those who were recently released”.

“Recently released” doesn't have a specific time. It also indicates that after the fact, Correctional Services will be speaking with Service Canada.

Considering how long it could take to get a cheque done, I'm concerned about that. It seems to me this is one way of addressing that.

I do wish that Correctional Services were here so we could see what that means, but it does seem to me there has to be something in the bill that says, yes, it's going to be incumbent upon, yes, the individual, but also Correctional Services should be preparing for when the time is that this person's being released and interacting with Service Canada.

You agree with that, that's why you have the agreement. It just seems to me that if the head of Correctional Services is saying that we'll do it after the fact, as opposed to preparing before the fact, we

might end up with a situation that's not good for anybody—i.e., people who've been in prison for a long period of time hitting the streets with, what, eighty bucks or whatever they might have accumulated over a number of years in prison.

Can you speak to that?

**Mr. Dominique La Salle:** I cannot say a whole lot. I will say this. I also read the record and what Mr. Head said, and I think Correctional Services, before an inmate is released, has a plan. The plan would be a halfway house or parole, and so on, and for a period of time they stay in contact.

He also said that he wants to review the compensation and all that stuff. This would be an important part, I think, of that review.

So I think the intent of Correctional Services is absolutely to prepare inmates as best as they possibly can for a social reinsertion, so to speak, and that would be definitely a significant, if not one of the most important, components.

**Mr. Michael Savage:** I have faith in Mr. Head, I have faith in the people who work in Service Canada, and I have faith in you, but we can't govern on intent; we can govern with legislation. That's why we're trying to figure out whether something is necessary here.

Thank you, Madam Chair.

**The Chair:** Thank you.

We'll go now to Mr. Vellacott.

**Mr. Maurice Vellacott:** Mine are, again, questions at this point in trying to probe and find out how this whole scenario would work.

But I will ask up front—because I have, from time to time, heard of these, as some in the general citizenry would say, “frivolous lawsuits” that come from a person incarcerated—whether this puts too much onus, which is a term I hear being used, on Corrections Canada. For instance, there might be a “lawsuit”, or at least an attempt at same, because somebody didn't get their cheque on time, information not being provided or not being passed on by Corrections Canada.

I ask that question in view of the fact that other pensioners across this country don't even have this so-called benefit or onus of being interviewed by Service Canada. It seemed a little out of kilter that we're placing an onus on Corrections Canada when good pensioners across the country have no such benefit at all. Maybe that's another thing that members might have a concern about at a future date, but they don't have that benefit, so I have that question.

Maybe you could respond to my first question, and then I have a couple more. Is there the issue or the concern about it putting too much onus, as in lawsuits? Is that a possibility because of the wording of these particular well-intended amendments?

●(1000)

**Mr. Dominique La Salle:** We will issue a payment when we have a confirmation that the inmate has actually been released. The projected date, eventual date, anticipated date, and so on, are irrelevant from the point of view of issuing a cheque. We will wait to know that the inmate has actually left the premises and is out of the penitentiary or prison.

It's true that we ask citizens to apply for the benefit. Inmates will have already applied; the benefit is suspended, so it's just reinstated. That's a fairly quick process to wrap up.

In terms of frivolous lawsuits and so on, I'll ask my colleague to comment.

**Ms. Rose-Gabrielle Birba:** Everything is possible, but it is speculative at this point.

**Mr. Maurice Vellacott:** Of course it is speculative, but my question is on the wording that is now proposed in this conglomerate amendment here. Is it stiffer or more restrictive wording, which would give more grounds for such a possibility, as opposed to wording providing a somewhat greater latitude, but with the intent to get those cheques out as fast as possible?

**Ms. Rose-Gabrielle Birba:** It is true that as it is written right now, the wording definitely puts a strict obligation on Correctional Services.

**Mr. Maurice Vellacott:** Okay. With the amendment, that would put a strict obligation on the Corrections Canada.

**Ms. Rose-Gabrielle Birba:** The amendment, yes, because it says the inmate "or" Corrections Canada has to notify, so an obligation is being put there.

I would also like to say that already built into the bill is a clause that will allow for the transfer of information without the authorization of the inmate. Clause 11 allows Correctional Services to provide us with information such as the date of release. We don't need the authorization of the inmate to obtain the date of release.

**Mr. Maurice Vellacott:** Okay.

Also, when in fact the individual is going to be released, some of the information required would include a bank account and updated address information. Is income information also something? Obviously he's probably not going to have a job the day he gets out, but who knows? OAS comes anyhow. In terms of the GIS, this is something that is required to be provided, right, and not something that Corrections Canada can necessarily be presumed to send in? That's personal financial information that only the prisoner, or the soon-to-be-released prisoner, would have?

**Mr. Dominique La Salle:** That's right. They don't need that information to do their Correctional Service business. There's a risk of mixed information, of error. We like to deal with the person directly.

**Mr. Maurice Vellacott:** So you would be asking questions in terms of if there's a spouse, if there's other income anticipated.

**Mr. Dominique La Salle:** Exactly. And there's back and forth. We check and so on and so forth.

**Mr. Maurice Vellacott:** So therefore the onus is to keep that on the incarcerated person soon to be released.

On my last question, again, as my colleagues across the way have pointed out, the answer might have come from Corrections Canada, but would you have any idea...? If you don't, I guess I accept that, but would it be nice to know how many inmates have bank accounts set up in advance of? Or is this a thing where it's kind of "rush, rush", where they head out the day of their release and actually

appear at a bank and try to open an account—or else choose not to, if they want to hide it in a sock or under a mattress or whatever?

Do you have any sense of that?

• (1005)

**Mr. Dominique La Salle:** I don't know, sir. Presumably, if one has been an inmate for a long period of time, there may not be a bank account, and they go and establish one. There are services available where one can cash a cheque quite quickly. But I'm in no position to....

**Mr. Maurice Vellacott:** Again, I would quite concur, and I think that was inferred before, that this is personal information. I mean, I don't want to give certain things off to government. I don't have any reason necessarily to be paranoid about it, but I can well understand somebody coming out of corrections may be more so that way.

But if, in fact, they don't have a bank account, yes, a cheque can be issued to a certain address, but I do know as well that if banking officials were here today, they would say they're pretty reluctant to be cashing cheques on the part of some other person. They want to know whether you have an account here, that kind of thing. Yes, the government cheque is good, there's not going to be a bounce of that cheque, we assume, but they want to be sure that this is the person whose name is on the cheque, obviously.

So these kinds of things, again, I think as you attested to, can only be provided by the individual and not Corrections Canada. I think it's a bit of an intrusion to assume that Corrections Canada corrals that information to provide it to Service Canada.

So I would have some concerns about the wording of the amendments in terms of the overmuch onus it places in view of some of this information that would be required to do the transaction and have it updated and cheques coming again.

**The Chair:** Mr. Comartin.

**Mr. Joe Comartin:** I must admit I'm a bit perplexed by the debate that's going on. This amendment doesn't do anywhere near what I'm hearing both the government side and the officials are suggesting it does.

All it does is say to the government, to the Department of Human Resources, "I'm going to be released. I'm going to be released on this date."

As I interpret this—Ms. Birba and Mr. La Salle and I disagree on this—and as I read proposed subsection 8(2.1) now, it only allows the prisoner to give notice after they're released. What we're trying to do on this side of the table is to be sure that this notice goes out earlier than that, at the time of the anticipated release, and the person is told this, in writing, by Corrections Canada. That's how the system works. They're told, in writing, by Corrections Canada this is the date they're going to be released.

What we want to do is to be assured that this time period is used by the department, so we put them on notice once we're told we're going to be released...or we're going to be releasing this person, if it's coming from the department. That's the only onus on the department. That's a role the department has now accepted they're going to do anyway.

All we're doing, from this side of the table, is saying that we want that in the statute. Because the agreement they have between the two departments now is just that, it's an agreement. It's subject to change at any time by agreement with the two parties. We're saying, as parliamentarians, we are imposing upon you the responsibility to give that notice if you're instructed to do so—remember, that's all it's doing—by the prisoner. That's the sole responsibility that Corrections Canada is going to have.

All of what Mr. La Salle is suggesting is that in terms of the personal information they need, they will continue to gather from the prisoner, or, if it's after release, from the prisoner who has now been released into the general community. All of that information will continue to come from that person. There is no onus being imposed here on Corrections Canada to provide that information by the amendments we're proposing. I just want to be very clear on that.

They will continue to do their job. The only point here is that they will start doing that work, I hope, which is what they're planning on doing, anyway—I'm just imposing that responsibility on them by this amendment—gathering that information before the person is released as opposed to after they're released, which is the way I interpret proposed subsection 8(2.1) now.

**The Chair:** Thank you, Mr. Comartin.

Mr. Lessard.

**Mr. Joe Comartin:** I'm sorry—

**The Chair:** I'm sorry, Mr. Comartin, you weren't quite finished.

**Mr. Joe Comartin:** I just want to get this on the record. On the issue of the provincial, I did consider that, but I think it's way beyond the scope of this legislation or the authority of this government to impose any kind of obligation on the part of the provincial prison services. The only way that's going to come about is by legislation—I should be very clear on this, because I don't think this came out—at the provincial level.

We assume we're going to reach agreements with the provinces, and we have a number that have indicated they're willing to do that. As we do that, it will almost certainly require provincial legislative amendments. That responsibility will then fall on the provincial governments as to how this information is going to be shared. It's not something we can either impose or even recommend to them. That's their bailiwick, not ours. I think we would be offending them if we told them we wanted them to do this.

• (1010)

**The Chair:** Thank you.

Mr. Lessard.

[Translation]

**Mr. Yves Lessard:** Madam Chair, we need to read again Clause 4 in its entirety to see that what has been said here this morning is not true. It is not true that there will be a strict obligation placed on the Parole Board to notify the Department of Human Resources and Skills Development in order for a cheque to be issued. That is not true at all. Furthermore, we do not transfer, contrary to what some people here have said, the responsibility to the Correctional Service. The individual remains responsible for the information. Let us read the clause as it is written. It says:

"If the application by a person described in subsection 5(3) is approved while that person is incarcerated [...]"

So we are talking here about an incarcerated person. Let us read further:

[...] payment of their pension shall commence in respect of the month in which they are released [...]

So we are still talking about a person who is incarcerated. Let us read on:

[...] but only after they [...]

We are still talking about the incarcerated person. And we add:

[...] or the Correctional Service of Canada [...]"

This is what is written. It could be the Correctional Service. Let me continue:

[...] with the authorization of the incarcerated person [...]

The detainee still remains the primary person responsible for this information. We must read the text as it is written. Let us not give it a meaning it does not have. Once that person authorizes the action to be done on his or her behalf, it gets done. It does not change anything in the intent of the bill or the responsibility of the incarcerated person. This remains. Where it says "they", we are still talking about the incarcerated person. Nowhere does it say that the responsibility is being transferred and that the responsibility belongs solely to the Correctional Service. This is not what it says at all.

The Correctional Service acts only when it gets the authorization from the incarcerated person. As for personal information, Ms. Birba is right, this is dealt with in Clause 11. So personal information is another matter.

It seems to me that we are raising here dangers that do not exist and imminent dangers of lawsuits that do not exist. The incarcerated person is fully responsible for notifying... If they want help, they can authorize the Correctional Service to do so on their behalf.

**Mr. Dominique La Salle:** The amendment requires the authorization of the individual, but Clause 11 allows for a direct exchange of information in relation to the implementation of this bill. It does not require the authorization of the detainee to be informed of the date of that person's release. This is already covered in Clause 11.

**Mr. Yves Lessard:** Yes. We moved that amendment, Mr. La Salle, because during our first exchanges with you and Ms. Birba we understood that the incarcerated person had to provide the notification, unless I am mistaken.

Having now the information Ms. Birba gave us regarding Clause 11, this seems less obvious to me. If it is not necessary to do that, we will withdraw it. However, it does not take away anything from the relevance of Mr. Comartin's amendment. His amendment, even without my sub-amendment, does not transfer any responsibility that belongs to the incarcerated person.

• (1015)

[English]

**The Chair:** Would you like to respond, Madam Birba?

**Ms. Rose-Gabrielle Birba:** Yes, Madam Chairman. I just want to clarify what I said earlier. There are two types of information. The first type of information is concerning the date of release only. It's covered under clause 11 because of the agreement that will allow for giving this information without the authorization of the individual.

The second type of information is what I qualify as personal information: banking information, marital status, income, etc. For that type of information, the more personal information, you will need the authorization of the individual, unless there is a particular piece of legislation that would allow you to collect it for the purpose of your program and share it.

**The Chair:** All right.

Mr. Watson.

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

That's sort of the point I was going to. For the subamendment we're discussing, the inclusion of the words "With the authorization of the incarcerated person" actually confers an obligation on CSC to get their permission to provide information that they already provide with respect to the release date or anticipated release date. So it actually does confer a second obligation. I think the first is that...

Well, there's a question about the earlier part of the proposed amendment, but I'll speak to that later, probably. We're only speaking to the subamendment right now.

They already have the authorization to provide an anticipated release date. This would actually confer an obligation on them now to go and consult with the inmate to provide the information about their anticipated release date.

I'm voting against the subamendment.

**The Chair:** Okay.

Mr. Komarnicki.

**Mr. Ed Komarnicki:** Thank you, Madam Chair.

**The Chair:** Have a little faith.

**Mr. Ed Komarnicki:** I have a lot of faith.

I'm going to ask the opposition members to defeat this subamendment, and for good reason. I think Mr. Watson makes a good point. The essence of proposed subsection 4(2.1) is that the person who is incarcerated is receiving their pension commencing "in respect of the month in which they are released", so it's important that they are actually released before they're entitled to their pension.

So release date is very important. But here, by virtue of this amendment, by use of the word "or", it says "they"—the prisoner—have to notify Service Canada, or, with their authorization, Correctional Services would have to notify Service Canada. Now, if they don't give the authorization, then presumably Corrections Canada can't proceed under clause 11, which they now can. So there is an obligation on Correctional Services to provide that information.

This constricts or actually restricts what already exists. Why would you want to do that?

With respect to the presumptive release date, it is somewhat comforting to speak of the anticipated release date. But what I would

suggest, as a matter of some compromise, is to leave clause 11 to operate as it will, but perhaps give the incarcerated person some opportunity to notify in advance—which is what Mr. Comartin wants to accomplish—but not by virtue of this.

Mr. La Salle—and I think Mrs. Birba as well—is saying that actually proposed subsection 8(2.1) means that they—the prisoner—can notify the minister in writing of their release, and they're saying it means before or on their release. It actually says that. So why don't we leave the obligations where they are, but clarify the ending of (2.1) by saying, "before or upon their release"?

Now, would it be an acceptable amendment that says what you think the section already says?

**Mr. Dominique La Salle:** Yes, it would. That would be acceptable. That is our interpretation of it. It just puts it in words.

**Mr. Ed Komarnicki:** That's what your interpretation already is saying, so we're not adding or subtracting.

So I would advise members opposite to say, look, let's not introduce something that's less than clear, or that will restrict or have unintended consequences. Let's defeat both subamendments, and let's add the words that would make it clear that the incarcerated person could notify Service Canada "before or upon their release".

Thank you, Madam Chair.

• (1020)

**The Chair:** Okay.

We have two more speakers on the list before we'll vote on the subamendment. So we have Dr. Wong and then we have Madam Sgro.

**Mrs. Alice Wong:** Thank you, Madam Chair.

I echo the concerns by the previous speaker on our side. Probably he has already brought the attention that instead of giving the ownership to Corrections Canada, which will be dealt with later on, it's up to the individual now. And if it's not clear enough, those few words would really clarify.

Also, this bill would have to be seen as very fair to those law-abiding citizens who are also applying for OAS, whether they have any additional help or not.

Am I right to say that in common practice, the law-abiding citizen, a senior who is eligible for OAS, still has to write to the ministry? It doesn't come automatically. Am I right to say that?

**Mr. Dominique La Salle:** That's right.

**Mrs. Alice Wong:** So to be fair to the others as well, it should be dealt with the same way.

Thank you.

**The Chair:** Thank you.

**An hon. member:** [*Inaudible—Editor*]...join the coalition.

**An hon. member:** Yes.

**The Chair:** What did I just hear?

Madam Sgro.

**Hon. Judy Sgro (York West, Lib.):** The coalition is expanding, evidently.

**Voices:** Oh, oh!

**Hon. Judy Sgro:** I think the intentions here for all of us are the same thing. This is about protecting the public. It's making sure there's a smooth transition from incarceration out. It's always been my understanding that there's quite a bit of work that goes on with an individual who is incarcerated prior to release, whether it's the movement from a halfway house and so on. There's supposedly a lot of work that goes on. So I have every reason to think that Corrections Canada would be working with Service Canada to ensure that transition happens.

I think the concerns we have are to make sure that we reduce any ambiguity as to who's doing what and how it's going and that interpretation. If we can find a way to make clear...and that the onus is on everyone here with the right intentions. I think all of us dealing with constituents have seen too many times how things have fallen through the cracks. It's nothing to do with Corrections Canada, but to do with Service Canada and people getting their pension cheques and finding where people are located.

So I think we all have the same intent here of wanting to make sure that it happens and that we reduce the ambiguity. In the midst of Dr. Wong's last comments and my own, we may have found the wording that may solve the problem and satisfy everyone.

Thank you.

**The Chair:** All right.

I think we are just about ready to vote on the subamendment. I just want to give them an extra moment.

Did you want to add something else? That would be great.

**Hon. Judy Sgro:** There's just one point. I'm assuming Corrections Canada has been here, but if we can't satisfy everybody—and maybe we have—then maybe we need to have Corrections Canada come to the committee and exactly outline for us what is the current process so that we make sure we are doing it right.

**The Chair:** They were here, and we did have a full opportunity to ask them questions. But I know that sometimes as we're going through, there are other questions.

I think we are ready, then, to vote on the subamendment from Mr. Lessard. We'll start with his first subamendment that we've just been discussing.

Sorry...?

**Mr. Yves Lessard:** Madam Chair, I just want to add something.

**The Chair:** Go ahead, Monsieur Lessard.

[*Translation*]

**Mr. Yves Lessard:** Madam Chair, as for the possibility to give notification of the time of release, following Mr. Komarnicki's suggestion, we will withdraw the sub-amendment and the amendment, conditional to unanimous consent of our colleagues, obviously. In light of the latest information we have received, we can see that they have become essentially needless, especially in light of Clause 11. Furthermore, some information we have received

regarding the effect of Clause 2 leads us to believe that a good part of Clause 4 could be taken out. However, we are not there yet.

If our colleagues agree, I will withdraw my sub-amendment. If Mr. Comartin is allowed to do the same, I believe he will also withdraw his amendment, which will allow us to move on.

•(1025)

[*English*]

**The Chair:** Okay. We'll begin with your subamendment.

Is there unanimous consent for Mr. Lessard to withdraw his subamendment?

**Some hon. members:** Agreed.

(Subamendment withdrawn)

**The Chair:** Mr. Comartin, do you wish to withdraw your amendment?

**Mr. Joe Comartin:** Yes.

**The Chair:** Is there unanimous consent for Mr. Comartin to withdraw his amendment?

**Some hon. members:** Agreed.

(Amendment withdrawn)

**The Chair:** Thank you.

We're going to suspend for a few minutes, please.

•(1025)

(Pause)

•(1035)

**The Chair:** We are ready to resume.

Just before I give the floor to Mr. Komarnicki, Mr. Savage had a quick question he wanted to ask.

**Mr. Michael Savage:** Thank you, Chair.

I had a question I just wanted to raise; it's not apropos to these amendments, but it's around the bill, and it occurred to me yesterday in discussions I had.

I just want to find out if the department has thought about this. In the event of somebody who is improperly incarcerated—so somebody who was found not to have been guilty after the fact—is it automatic that not only would they get a resumption but they'd make up the back pay they had been missing?

**Mr. Dominique La Salle:** We have a policy of administrative error or bad advice—well, it's not “bad advice”, it's something else—where we pay, yes.

**Mr. Michael Savage:** Thank you.

**The Chair:** Great. Thank you.

On the same one? Yes, Mr. Comartin.

**Mr. Joe Comartin:** Think about the one we had this week, where the person was incarcerated for 27 years; I think that person actually is over 65.

Would it go all the way back to age 65? Is there any limit on the retroactivity?

**Mr. Dominique La Salle:** In the case of administrative error or erroneous advice, there's no limit.

**The Chair:** Thank you.

On clause 4, the NDP amendment has been withdrawn and the Bloc amendment has been withdrawn.

Mr. Komarnicki, you wanted to speak.

**Mr. Ed Komarnicki:** I just wanted to say, Madam Chair, that I think by consent of all parties, we've come upon a suitable amendment to clause 4, and there will be a number of consequential amendments along the same lines that Mr. Comartin had in his amendments.

I'm wondering if we couldn't ask the department officials to read in what the "amendment by consent" would be in English and French, and then we can proceed as we go clause-by-clause, starting with clause 4 now.

**The Chair:** All right.

So what we'll do, then, is if the officials have, both in English and French, the amendment that was proposed by consent, if you could read that, then we'll open it up for discussion and vote on that amendment and then proceed from there.

Could you please read that?

**Ms. Rose-Gabrielle Birba:** The amended clause reads as follows: Despite subsection (1), if the application by a person described in subsection 5(3) is approved while that person is incarcerated, payment of their pension shall commence in respect of the month in which they are released but only after they notify the Minister in writing before or after their release.

**The Chair:** Thank you.

Do we need to have any discussion on that amendment? All right.

(Amendment agreed to)

(Clause 4 as amended agreed to)

(On clause 5)

•(1040)

**The Chair:** What we're going to have to do now, though, is look at each one of the clauses and see the exact wording. I think this probably will take longer than just five minutes, because there are several potential amendments that I think will need to be addressed.

**Mr. Maurice Vellacott:** Is that consequential to the—

**The Chair:** It is, but there's very specific wording, so unless the clerk—

**Mr. Ed Komarnicki:** Can we proceed until we are done?

**The Chair:** For sure, yes.

Monsieur Lessard.

[*Translation*]

**Mr. Yves Lessard:** Madam Chair, there will be issues of consistency resulting from the amendment that we just passed. What we just decided will automatically have an impact on other clauses. Maybe at our next meeting we could be told where those consequential changes need to be made.

[*English*]

**The Chair:** Yes, if the committee would be in agreement, I think that would probably be a very wise thing to do, so that everyone has the opportunity to see in writing exactly how the amendments look in both official languages.

**Mr. Ed Komarnicki:** Madam Chair, the amendments are exactly the same in five different places. It's the same wording, so it's not like it's that complicated.

We might want to just plough through. It is saying the same thing: before or after.

**An hon. member:** Yes, let's just keep going.

**The Chair:** Okay, let's do that.

So then we need someone to move the amendment on clause 5.

Mr. Comartin.

**Mr. Ed Komarnicki:** It's by consent—

**Mr. Joe Comartin:** Mr. Lessard has that amendment. I'm not clear that...

This is his amendment, not a subamendment. His amendment is still outstanding. It is on clause 4, and I believe it's still outstanding.

**The Chair:** He didn't move it.

**Mr. Joe Comartin:** He did not move it? Okay. Thank you.

**The Chair:** So we are back to clause 5, and we need someone to move—

**An hon. member:** It's by consent.

**The Chair:** By consent?

**Some hon. members:** Yes.

**The Chair:** All right, but the clerk needs the wording....

You're okay? All right.

Ms. Birba will read it.

**Ms. Rose-Gabrielle Birba:** Clause 5 as amended states:

Payment of a pension that is suspended by virtue of subsection 5(3) shall resume in respect of the month in which a pensioner is released but only after they notify the Minister in writing before or after their release.

**The Chair:** Thank you.

(Clause 5 as amended agreed to)

(Clause 6 agreed to)

(On clause 7)

**The Chair:** There would be an amendment to clause 7.

Could we hear that as well, please?

**Ms. Rose-Gabrielle Birba:** It's on page 4 of the bill:

Payment of an allowance that is suspended by virtue of paragraph (6)(f) shall resume in respect of the month in which the spouse or common-law partner is released but only if they

(a) have notified the Minister in writing before or after their release

•(1045)

**The Chair:** Thank you.

Shall clause 7 carry as amended?

(Clause 7 as amended agreed to)

(On clause 8)

**The Chair:** Could you please read the amendment for us?

**Ms. Rose-Gabrielle Birba:** This is on page 5, as follows:

Payment of an allowance suspended by virtue of paragraph (9)(d) shall resume in respect of the month in which the survivor is released but only if they

(a) have notified the Minister in writing before or after their release

**The Chair:** Thank you.

(Clause 8 as amended agreed to)

(Clause 9 agreed to)

(On clause 10)

**The Chair:** Could you read the amendment to clause 10, please?

**Ms. Rose-Gabrielle Birba:** This is on page 6, clause 10:

Despite subsections (1) and (1.1), if the application for an allowance by a person described in paragraph 19(6)(f) or 21(9)(d) is approved while that person is incarcerated, payment of their allowance shall commence in respect of the month in which they are released but only if they

(a) have notified the Minister in writing before or after their release

**The Chair:** Thank you.

(Clause 10 as amended agreed to)

(Clause 11 agreed to)

**The Chair:** Shall the short title carry?

**Some hon. members:** Agreed.

**The Chair:** Shall the title carry?

**Some hon. members:** Agreed.

**The Chair:** Shall the bill as amended be carried?

**Some hon. members:** Agreed.

**The Chair:** Shall the chair report the bill as amended to the House?

**Some hon. members:** Agreed.

**The Chair:** Shall the committee order a reprint of the bill as amended for the use of the House at report stage?

**Some hon. members:** Agreed.

**The Chair:** Thank you very much.

Great. Congratulations. We've completed it.

The meeting is adjourned.

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