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Chair

Mr. Kevin Sorenson

Standing Committee on Public Safety and National Security

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• (1530)

[English]

The Chair (Mr. Kevin Sorenson (Crowfoot, CPC)): This is meeting number 35 of the Standing Committee on Public Safety and National Security, on Thursday, April 26, 2012. Today we're continuing our consideration of Bill C-293, An Act to amend the Corrections and Conditional Release Act (vexatious complainants). Today we are scheduled to go through the bill clause by clause.

In the second hour, we will commence hearing another private member's bill, Bill C-350, An Act to amend the Corrections and Conditional Release Act (accountability of offenders). I think Mr. Lauzon will appear and give us the reasons why he brought forward this private member's bill.

I will now turn to our clerk for direction and we will proceed on the clause-by-clause of Bill C-293.

I have had a chance to speak to counsel in regard to the amendments that have been brought forward. We've just had four or five more amendments brought forward by the Liberal Party. However, I need to disclose that the first amendment will be the government amendment brought forward by Ms. Hoepfner, because it deals with the bill.

Ms. Hoepfner, did you want to speak to your amendment?

Ms. Candice Hoepfner (Portage—Lisgar, CPC): So I can move it now and speak to it?

The Chair: Yes.

Ms. Candice Hoepfner: Thank you.

I have a bit of a lengthy explanation. Then we can discuss the amendment.

I want to begin by saying that our government—

The Chair: Excuse me. Maybe I should also say that if this amendment passes, it would mean that the other amendments, in consequence, would probably not be admissible. So you would have to....

Is that correct?

Mr. Mike MacPherson (Procedural Clerk): You just wouldn't be able to proceed with them, but we have two that might and—

The Chair: Okay.

Mr. Mike MacPherson: —that came right at the end.

The Chair: So I'll leave that up to him. We just got them. He'll make that decision.

Yes?

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Mr. Chair, with respect, I think we would still like the opportunity to move those motions and then have your decision.

The Chair: You can't move them, but you can move an amendment. Yours deals with the one small line, line 200 or whatever it is. Let's see.... You may want to take a look when we come to that part of the amendment and then speak to it. You can draw out that you have brought forward an amendment.

Is that correct?

Okay. If the first amendment is adopted, that text would no longer apply in the bill, so you wouldn't be able to move that amendment. That's why you would have to speak to it—

Mr. Randall Garrison: Okay.

The Chair: —while we're speaking to our amendment.

Proceed.

(On clause 2)

Ms. Candice Hoepfner: Thank you, Mr. Chair.

I wanted to begin by saying that the government fully supports the intent of Bill C-293. Ms. James brought forward this bill in order to give the commissioner the ability to stop an offender from making vexatious complaints or complaints that were not in good faith.

I did indicate during second reading that the government would propose amendments here at the committee stage to strengthen the bill, which is what this amendment would do. There are several things that it would do, so I'm just going to outline them so everyone knows what we're wanting to do.

We want to ensure that Bill C-293 is consistent with the existing act and regulations. This motion would amend Bill C-293 to ensure that the bill achieves its intended objective, which is to limit the number of grievances filed by vexatious and frivolous grievors and address the operational challenges, and that it's drafted in a manner that is consistent with the remainder of the Corrections and Conditional Release Act.

Right now for the CCRA, a very small piece of what it does is in legislation. The majority of what it does is in regulation, and I think we remember that Mr. Sapers referred to this as well. The majority of what this act does is not in legislation; rather, it's in regulation. When Ms. James introduced this bill, obviously she introduced it as legislation, as that is her only vehicle. What the government wants to be able to do is to continue and to see the results of this bill accomplished, but we want to see it being consistent with the way the act is written.

Under the existing legislation, the grievance process is outlined in the Corrections and Conditional Release Regulations—the CCRR, not the CCRA. This amendment allows for the process of dealing with frivolous and vexatious complaints to occur in the regulations that also govern the grievance process. The amendments ensure that Bill C-293 is consistent with the style of the existing grievance procedure as set out in the CCRA.

Currently, as I've said, the grievance process is laid out in regulation. We've heard references to that by some of the witnesses. The government believes that it should continue to be in regulation rather than in legislation.

Mr. Sapers, as I said, also seems to be of the same opinion. I recognize that in his testimony he didn't necessarily agree with what the bill is accomplishing, but he did reference that this being in a regulation as opposed to being in legislation makes more sense. He acknowledged in his appearance that an added "legislative burden" would make the administration of the grievance process more difficult and more expensive.

Our government recognizes this. That's why this amendment places the administration of the grievance process in regulation, not legislation. That's the first thing it does.

Secondly, the legislative amendment will give the commissioner the authority to prohibit an offender from submitting any further complaints or grievances, except by leave of the commissioner, if the offender has persistently submitted complaints or grievances that are frivolous, vexatious, or not made in good faith.

Without this amendment, the commissioner unfortunately would not have the authority to prohibit frivolous and vexatious grievors from filing an overwhelming number of complaints. That's why we want this to be enshrined in legislation but guided by the regulations. I'm going to go into the regulations so that we can all be assured that regulations will guide this process.

As well, the amendment would extend the timeframe for review of the vexatious complainant prohibition from six months to a year. We did hear testimony during the committee hearings that a six-month window would likely be operationally cumbersome for CSC, so the government believes that one year is probably more realistic than six months. It's a bit more workable provision.

Fourthly, the motion also provides that the commissioner would give written reasons to the vexatious complainant on the decision to either lift or maintain the prohibition. Again, this would be in legislation that would have to be written.

Corresponding amendments could be made to the Corrections and Conditional Release Regulations to give further precision to the

administration of the vexatious complainant scheme in keeping with Ms. James' PMB, so again, regulation would be able to guide this process as it currently guides the grievance process. Again, as Mr. Sapers stated during his appearance, many of the changes contemplated would be more appropriately achieved through regulations.

I just want to give you an outline of what the regulations would entail so we can be assured that all of the things that would be in the legislated bill would now be in regulation.

• (1535)

The regulations would outline the duty of fairness and the obligation of the commissioner or the designate to inform the offender of the proposed prohibition and allow a reasonable opportunity to make representations in writing.

Regulations would also articulate the process for granting leave to file a grievance; for example, when it can be demonstrated that the grievance is not an abuse of process and that consideration be given to life, liberty, and the security of the person. That would be enshrined in the regulations.

In other words, even when an offender has been designated as a vexatious complainant, the scheme would still recognize that he or she may, in the future, have a legitimate grievance that should be dealt with. We wanted to make sure that this is in.

Regulations would also make clear that the decision of the institutional head to refuse leave is final and is not subject to the grievance procedure. Otherwise, it would unfortunately be an unending process. There has to be some finality, we believe, to the institutional head.

I also want to make sure that everyone is aware that all of the regulations are referred to the Standing Joint Committee on the Scrutiny of Regulations for review to ensure consistency. As well, they're made public. I think a committee would have an opportunity to look at those regulations if they so chose to.

In addition, this amendment would remove certain sections of the bill that don't make sense and would be unworkable and operationally challenging.

The items that are removed include proposed subsection 91.1(6), as it would add to CSC's burden and it's vague. Again, we think this should be addressed in the offender's correctional plan rather than creating a second separate plan. We heard testimony about that.

Also, proposed subsection 91.2(1) would likely result in an unintended consequence of even more burden on CSC. Given the cohort of offenders the bill is trying to address, the chances are that they would flood the system with additional material, creating an untenable paper trail for CSC. So again, the government does not believe that this is workable.

As well, proposed subsection 91.2(3) states that the “decision-maker may not refuse to hear a complaint or grievance...”. In our opinion, this would create and provide a loophole in the whole scheme, as offenders could argue that any unresolved grievance imposes adverse consequences. So we would like to have the process again laid out, whereby if there are legitimate grievances they would be heard, but the vexatious complainer would not be able to use this loophole to continue to make unending complaints.

Also, proposed section 91.3 is not necessary, as it already is implicit that anyone is entitled to apply for judicial review. We already know that. That's the right of every individual.

In closing, Mr. Chair, thank you for the opportunity to explain this. I'm sure we'll have some discussion.

As I said, during second reading debate, the sponsor of Bill C-293 stated:

What are the exact changes proposed in my Bill...? In simple terms, the bill would allow the commissioner of Correctional Service of Canada, or his assigned representative, to designate an offender as a vexatious complainant. Once this has occurred, the offender would be held to a higher standard of proof for future claims.

With this amendment, we're being consistent with the sponsor's desires for what this bill would accomplish. Again, the primary thing we are doing is that we believe it should be in regulation, in terms of guiding it, and certain pieces should be legislated.

Thank you.

● (1540)

The Chair: Thank you very much, Ms. Hoepfner.

I know that Mr. Garrison is on the speakers list on this.

Mr. Garrison.

Mr. Randall Garrison: Thank you, Mr. Chair.

As everyone is aware, we have been feeling that this private member's bill is wrongly directed at a minor part of the problem with the overall complaints and grievance system. I don't believe this amendment addresses that question, which has been our main concern. However, the changes that are being made have some...or I guess one good thing: “written reasons”.

The amendment we were going to suggest to the existing system I think will apply, in any case, to your new proposed subsection 91.1 (2). I will let Madame Doré Lefebvre talk about that in just a minute, but I believe we can...

The words we were thinking about adding previously were “taking into account the complainant's education and mental health”. So the way that you've rewritten the section, I think that amendment becomes in essence a subamendment to this amendment. I'll leave that to my colleague in a moment. The one good thing is “written reasons”, and we will accept that.

You talk a lot about regulations. However, regulations aren't in front of us now, and we have no guarantee that those who consider the regulations will have had the benefit of our discussion or the benefit of the testimony that we've heard before this committee. So with respect, it is a bit of a hollow promise, I guess I'll call it, to say that things are going to appear in the regulations when there is no

guarantee that this would be the case. Obviously those who didn't have the benefit of the hearings in this committee, who originally drafted this bill, didn't reach those conclusions. I worry that those who weren't present might not also see the logic that we've seen here at the committee.

I believe originally the bill talked about applying a higher standard to future complaints from those who've been designated. This now appears to move this to simply closing off the possibility for one year for future complaints. One thing that Mr. Sapers said very clearly is that one of the problems in a complaints and grievance system is delay. So by taking one year to take someone out of the system, it may in fact increase pressures, increase problems, and cause that person to direct their anger or frustrations in other manners.

While I do understand that administratively one year might be better for CSC, I'm not sure it's better for a complaints and grievance process to have a ban placed on someone for an entire year. In that period of time, they might be moved from one institution to another. All kinds of things might happen in the period of a year that would change the circumstances dramatically for that person. So rather than seeing the one year as an improvement, I guess I would see it as making the situation potentially much worse for the person who had been designated.

I think for those reasons we would not support the amendment without taking into account what we wanted to do, which was to say that in making these decisions, if we're going to put this in legislation, we should mandate that the complainant's education levels and mental health be taken into account in making any of those decisions. That was the essence of the amendment we were going to propose separately.

I'll let Madame Doré Lefebvre talk about that, but I think that could apply to the new subsection 91.1(2).

I guess I'm seeking the guidance of the chair on whether we move a subamendment at this point.

● (1545)

The Chair: I can go to our counsel on that, but to my understanding, the only way we'll ever be able to deal with your amendment is by a subamendment being moved. Because this generally takes away the ability to do that, you can move a subamendment.

We can hear Ms. Doré Lefebvre first, before we entertain that.

[Translation]

Ms. Rosane Doré Lefebvre (Alfred-Pellan, NDP): Yes, Mr. Chair, I have a subamendment to the amendment that the parliamentary secretary just proposed. As my colleague Mr. Garrison was saying, absolutely nothing in this bill addresses the mental health issues of offenders who file multiple grievances in a rather short period of time.

As we heard from Mr. Sapers and Mr. Zinger on Tuesday, the majority of offenders who submit multiple grievances have mental health issues. It would be extremely worthwhile to target that problem in our institutions and to add the following subamendment to the new version of clause 91.1(2):

(2) The Commissioner may, taking into account the complainant's education and mental health and based on the criteria established by Commissioner's Directive, designate an offender as a vexatious complainant when the offender has submitted [...]

Taking the mental health of these individuals into account is crucial.

Thank you.

[*English*]

Ms. Candice Hoepfner: I'm just not sure where this subamendment would fall into the amendment we proposed.

The Chair: I'm going to see it in writing, and then we'll be able to figure that out.

Mr. Randall Garrison: At the end of the new proposed subsection 91.1(2)—

Ms. Candice Hoepfner: “The Commissioner shall review each prohibition...”.

Mr. Randall Garrison: —after the words “lift it”, “...taking into account the complainant's education and mental health”.

Ms. Candice Hoepfner: So that would basically be the amendment: “taking into account the offender's education...”.

Mr. Randall Garrison: Complainant's.

Ms. Candice Hoepfner: It's “complainant's”. Okay.

Could I speak to...?

The Chair: Go ahead, Ms. Hoepfner.

Ms. Candice Hoepfner: Okay, thank you.

I'll address a couple of concerns Mr. Garrison brought forward, and then I'll speak to the amendment. I think they're related.

First of all, we appreciate and understand that the opposition, while likely in agreement with stopping vexatious complaints, does not support this bill. We understand, as well, that this amendment wouldn't necessarily make them support the bill. On the government side, obviously, we're saying we support the bill; we want the intent of the bill to go forward, but we believe putting it into regulation, like the rest of the act, is more workable, and it's more of a logical step.

As for his concerns that there is no kind of a public process or oversight to the regulations, I would just remind him that the regulations are all public. Again, they have to go through the committee on scrutiny of regulations. That's where they're looked at. They can be reviewed very closely there. As well, they can come back to this committee. I think that's important.

In keeping with that, we would disagree with the issue of mental health or education being enshrined in the legislation. Obviously, it's taken into account with every decision that is made. I know the commissioner testified that for every decision that is made for any reason concerning an inmate, mental health and those factors are taken into account, but I would not be supportive of that being

enshrined in the legislation, really for the same reasons that we are making this amendment right now. We want to give the basic abilities within the legislation, but then be able to do the procedures in regulation, and these are details that might be better addressed in regulations.

There's just one more thing from Mr. Garrison, again on the six months versus one year. I want to make sure that everyone is aware that if this passes and if a commissioner says, “prohibit an offender from submitting any further complaint or grievance except by leave of the Commissioner”, the intent of that is not that the person could never put in a complaint within the next year. In fact, it's the opposite.

I'll just repeat this. The regulations would also articulate the process for granting leave to file a grievance—even within that one-year span—for example, where it's determined that the grievance is not an abuse of process and that consideration be given to life, liberty, and the security of the person.

So the intent would be, within those regulations, to make sure there's a clear and straightforward process so that there would still be an ability. As we talked about when we looked at this bill, even if someone had been designated a vexatious complainant, none of us wanted that to mean that person would never be able to make a complaint within that year, if there was a legitimate complaint to be made. So we want that, again, to be laid out in regulation, because that's the way the rest of the act has been laid out.

Unfortunately, we would not be able to support your amendment. We don't see that it should be in the legislation. But I hope that I possibly addressed some of your concerns.

• (1550)

The Chair: Yes.

There's one other thing, as far as process goes. It really behooves the committee on the scrutiny of regulations to take a look at the sense of what the former committee talked about. If they have questions on that, part of their responsibility is to go back and ask if this is in accordance with what the original committee talked about. So when they come up with the regulations—and as Ms. Hoepfner correctly pointed out—there is that opportunity, once the regulations are brought forward by the scrutiny of regulations committee, for them to come back to committee.

Mr. Scarpaleggia.

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Maybe you could tell me, because I'm not sure myself, whether the committee on scrutiny of regulations has any backlog. How long does it take for these regulations?

I sat on it once as a substitute, and we were dealing with a regulation that went back years.

The Chair: I don't know the answer to that.

Mr. Norlock.

Mr. Rick Norlock (Northumberland—Quinte West, CPC): I think it all depends on the workload. I do know, from having sat on that committee for about a year, that some of the issues are never dealt with, and those are the ones that are very old. But the committee does have, through their counsel, an ability to bring matters forward in conjunction with the co-chairs of the committee, one from the Senate and one from the House.

As well, any of the members of that committee, through the committee process, I believe, can speed up or can.... If they see something in regulation or in law, whether it be a linguistic issue or a charter issue, they can bring the matter forward to the committee. The committee can therefore be seized with it on a more expeditious basis.

I believe the legislative clerk may be able to add a little bit more to that, if he so chooses.

The Chair: Do you choose?

Mr. Mike MacPherson: I'm not really a spokesman for the committee, but....

Mr. Rick Norlock: I'm not asking you to speak for the committee. I'm just saying that the committee, like every committee in the House of Commons, can bring things forward.

In other words, if the opposition chose to make leave to the committee to have something happen, it would happen in committee, just as it would in this committee. I wouldn't see where the government, having made a commitment—and the blues will reflect that commitment to do so.

If I can go a little bit further on the difference between legislation and regulation, I would think that if I were the opposition, I would much rather something be in regulation, because it's much easier to change. Once it's enshrined in legislation, it must come, therefore, before the House, whereas in regulation it can be changed much more easily. It facilitates change in that way.

So I really think it's of benefit to do that, and furthermore, it meets with Mr. Sapers' own evidence before this committee that he believes these matters are better dealt with under regulation.

•(1555)

The Chair: Also, just from conversation here, generally these regs can be changed in just a short period of time, but as already pointed out, they will indeed want to know what the spirit of the committee was. There will be letters and there will be things, and so it can be prolonged, but....

Mr. Garrison.

Mr. Randall Garrison: I have no doubt that those who are in government like regulations better than legislation. So in 2015 we might be happier to have it in regulations—

Some hon. members: Oh, oh!

Mr. Randall Garrison: —while you would be happier to have it in regulations now. The ease of changing regulations for the government is quite simple. For the opposition, it's not quite so simple.

The fact is that it's an after-the-fact process. In terms of the committee on scrutiny of regulations, regulations are made, and then

the committee looks at them. It's an after-the-fact process. So I'm not sure, in this case, whether that is in fact an improvement.

My point here, Mr. Chair, is that we've departed from the subamendment and we're back on the main amendment.

The Chair: Yes.

Ms. Candice Hoepfner: We should go to the subamendment.

The Chair: Seeing no other debate on the subamendment, are we ready for the question? We are?

I'll remind you that it says that the proposed amendment be amended by adding the words, "taking into account the—

Mr. Randall Garrison: It says "complainant's".

The Chair: —complainant's education and mental health", at the....

Mr. Garrison, your writing is worse than my doctor's.

Some hon. members: Oh, oh!

Ms. Rosane Doré Lefebvre: I know; tell me about it.

Mr. Randall Garrison: It's at the end of new proposed subsection 91.1(2).

The Chair: I'm not a pharmacist, I'm sorry; I couldn't read that.

All in favour of the subamendment?

(Subamendment negated)

The Chair: The subamendment is defeated, but thank you for so ably explaining your desire to have that put in, Mr. Garrison.

Are we ready for the question on the main...?

Before we vote here, you need to know that if G-1 is adopted, the following four amendments cannot be proceeded with: NDP-1, which we dealt with, 5507648; amendment 5515285; amendment 5521292; and amendment 5507767. There are a couple of Liberal amendments that we still can deal with.

Are we ready for the question on the main amendment?

All in favour, please signify.

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

The Chair: That carries.

Ms. Candice Hoepfner: Can you go over which ones are out of order now, again?

The Chair: Yes. Voided are NDP-1, which is 5507648, then 5515285, 5521292, and amendment 5507767.

It leaves two amendments, which would appear at the end of the bill. One is the review.

So take a look at what I've called Liberal 4, which is number 5508656. You've just received it here.

Mr. Scarpaleggia, did you want to speak?

Mr. Francis Scarpaleggia: Sure. Essentially, we're following up on the spirit of the recommendations of the Mullan report with respect to a multiple grievor designation.

Mullan identified multiple grievors as an area that requires clearer criteria, and CSC's own 2009 audit recommended that the service review the multiple grievor status and assess its role in ensuring the efficiency and effectiveness of the offender complaint and grievance process, and as needed, provide additional guidance for its implementation.

So essentially we're trying to add a greater degree of objectivity in the designation of a multiple grievor and also to encourage the inmate to exercise a sense of responsibility, essentially by informing that inmate that they're allowed a certain number of complaints before they are designated multiple grievors, and that perhaps they would want to review some of their complaints before they submit them.

So we feel that it adds a measure of objectivity to the designation of multiple grievor, and also it might instill a sense of self-management or responsibility, whatever you want to call it, amongst the inmate population.

•(1600)

The Chair: All right. Thank you, Mr. Scarpaleggia.

Ms. Hoepfner.

Mr. Randall Garrison: I have a point of order.

The Chair: On a point of order, Mr. Garrison.

Mr. Randall Garrison: Mr. Chair, it appears that some sections of this amendment are in contradiction with the piece that we just adopted.

Ms. Candice Hoepfner: I can't believe it's in order.

Mr. Randall Garrison: For instance, proposed subsection 5 says the designation shall expire after six months. That's in contradiction with what we just did.

The Chair: Yes, what I would suggest is that this is added on at the end of the bill, and it gives a new designation of a "multiple grievor".

Ms. Rosane Doré Lefebvre: That's it?

The Chair: And then there are different clauses that point out how to deal with a multiple grievor instead of a vexatious grievor.

Ms. Candice Hoepfner: Is that correct, Mr. Scarpaleggia? You're trying to create—

The Chair: And let me also say that if you go back, and this is the reason that I think this may be in order, to look at the summary of the bill, it talks to other—

Ms. Candice Hoepfner: The bill is now changed. We're talking about the current bill as amended. I'm not sure if you—

The Chair: Yes, so it has changed, but when the offender files multiple complaints or grievances—in the summary that's what it talks about—then, as I'm told here by counsel, it adds another vexatious but also multiple....

Ms. Candice Hoepfner: But Chair...and Mr. Garrison, my point is that I don't know if this is in order given the amendment, the new bill that we are now dealing with, which does not include the summary that you're referring to, and it actually doesn't even mention multiple vexatious.... It says "...submitted complaints or grievances that are frivolous, vexatious or not made in good faith".

Looking at this—and we've just all had a chance to look at it and it's quite long—I just would question it again. If you rule that it's in order, obviously we'll go with that, but I just wonder if you could give that one more look.

The Chair: We're going to allow it, and we're going to move fairly quickly on the question of it. Again, the unfortunate thing here is that we haven't had a chance to go through this and really take a look at it. I'm told that—

Mr. Francis Scarpaleggia: Sorry for that, Chair—

The Chair: I still believe—

Mr. Francis Scarpaleggia: [*Inaudible—Editor*]...in our office—

Voices: Oh, oh!

The Chair: In his opinion, it's still in order. I'll stick with his opinion on this one.

Ms. Candice Hoepfner: If I may, I'd like to speak to it very briefly.

The Chair: Okay, very briefly, then.

Ms. Candice Hoepfner: It's just that we wouldn't be supporting it. We were not ever in support of designating or calling someone a multiple grievor. We have more concerns with vexatious multiple grievors.

The Chair: Mr. Rafferty.

Mr. John Rafferty (Thunder Bay—Rainy River, NDP): I have just a quick note. I did miss Tuesday, but it seems to me that it's beyond the scope of the bill when you talk about multiple grievors, isn't it?

The Chair: It is close. It is, and now that we're looking at it, I'm actually questioning it myself. But I've said that we're going to go ahead and move quickly to a vote.

All in favour of the Liberal amendment that we've just discussed?

(Amendment negatived)

The Chair: That is substantially defeated.

We'll now move to the last Liberal amendment. This is amendment 5507970, which deals with the review.

Mr. Scarpaleggia, would you like to speak to your amendment, please?

•(1605)

Mr. Francis Scarpaleggia: We just feel that, as with many bills, especially if the bill is being pushed into the realm of regulation—in other words, it's really being taken off the table here—if there is a review of the bill, then there will be an opportunity to discuss it, and even the regulations, perhaps even before the scrutiny of regulations committee gets to it. In terms of a bill that can have such an important impact on the safety of our correctional officers, and on the well-being of the inmate population that we're trying to steer onto the right track towards rehabilitation and integration, we feel it is in order for the committee to have a look at the bill two years from now or two years from the time it receives royal assent.

As I say, it's even more important now that the bill has basically been erased, in some ways, and driven into the realm of regulation-making, which can be quite an opaque kind of sphere. We just feel that it should be reviewed. I don't know why anyone would oppose this.

An hon. member: [*Inaudible—Editor*]

Mr. Francis Scarpaleggia: Okay. Well, I guess Mr. Norlock will have the floor next.

But many bills have statutory review provisions in them. I've seen so many. Also, it might be a review that would take very little time, as opposed to some reviews like the review of the Endangered Species Act, which took weeks and months and I don't think was ever completed.

I think it's a measure of accountability. I know the government understands that accountability is important.

The Chair: Thank you, Mr. Scarpaleggia.

I have Mr. Norlock first.

Mr. Rick Norlock: Thank you very much, Mr. Chair.

Mr. Scarpaleggia, you hit the nail right on the head. We are very much aware of that. I can recall when I was first elected to this place in 2006, we had to deal with the Anti-terrorism Act, which had a sort of sunset clause, and Parliament had to keep revisiting it because the committee never really got around to it. So when somebody says, it wouldn't take long and a committee could do that.... This place moves in terms of years not months.

This is what I call a quasi-sunset clause. It's compelling Parliament to look over pieces of legislation. Well, if we keep doing that, we'll never get anything done because there are so many exigent things that we have to deal with as a Parliament.

I don't think this is as earth-shattering as you make it out. Many things that happen in our penal institutions are very serious by their very nature. Everything that we do and say with regard to prisons has a quotient of danger and life-threatening proportions to it, whether it be to the inmate or to the people that guide them. So really, to say it's relatively iniquitous is an exaggeration around this place.

I just think compelling Parliament to revisit what I consider to be small pieces of the huge Criminal Code sets a precedent that everything you do can be revisited, and the truth is that by putting this into regulation, it facilitates an easier look at it. So personally, I would have to vote against this measure.

The Chair: Thank you, Mr. Norlock.

Madam Doré Lefebvre.

[*Translation*]

Ms. Rosane Doré Lefebvre: Thank you very much, Mr. Chair.

My Liberal colleague's amendment could have been incredibly effective. We would have liked to support a review of the act, but I don't think we can here. The amendment says that the review could be done by the Senate, and since the Senate is not an elected chamber, we will not support this amendment.

• (1610)

[*English*]

The Chair: Thank you, Madam Lefebvre.

Are we ready for the question?

Ms. Candice Hoepfner: We're ready for the question.

The Chair: All then in favour of the Liberal amendment, signify please.

(Amendment negated)

The Chair: The amendment is completed. Now we go to the clause.

Shall clause 2 carry—

Ms. Candice Hoepfner: As amended....

The Chair: —as amended?

All in favour?

Are we back on debate?

Mr. Randall Garrison: Just a brief statement from our side.

The Chair: Okay.

Mr. Randall Garrison: I think it will cover off through most of the rest of these sections.

What we have been trying to talk about here is a fair and accessible and expeditious complaint process, and that makes a great contribution to the system. So we believe this bill wrongly focuses on a few offenders who are labelled as vexatious.

The Chair: Thank you.

Mr. Randall Garrison: Even if they were removed from the system, we would still have the greater problems in our complaint system. So our reason for opposing this is that we believe that it does not address the real problem, even as amended.

The Chair: Thank you, Mr. Garrison.

Then if we're ready for the question, all in favour of the clause as amended?

(Clause 2 as amended agreed to)

The Chair: Shall clause 1 carry? And I perhaps should have done that initially, but there may have been something consequential there, too.

(Clause 1 agreed to)

Shall the title carry?

Some hon. members: Agreed

The Chair: Shall the bill as amended carry?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

The Chair: Shall the committee order a reprint of the bill?

Some hon. members: Agreed.

The Chair: Thank you very much for that folks, and for the extra information that we gleaned from that. We will just invite Mr. Lauzon to come to the table. I don't even believe we have to adjourn, even for a short period of time.

You have the bill in front of you. Mr. Lauzon has drafted Bill C-350. First of all, today we are going to commence our study on Bill C-350, An Act to amend the Corrections and Conditional Release Act (accountability of offenders). We're hearing from the member of Parliament who's brought this bill before the House.

Our committee welcomes Mr. Guy Lauzon, MP from Stormont—Dundas—South Glengarry in Ontario. We congratulate you for shepherding your bill thus far through the House, and also for being one of the fortunate that had their bills drawn early. We look forward to your comments as to why you drafted this bill and your reasons for it.

Thank you for appearing before this committee, Mr. Lauzon.

Mr. Guy Lauzon (Stormont—Dundas—South Glengarry, CPC): Thank you very much for having me, Mr. Chair.

[*Translation*]

I appreciate the opportunity to appear before you this afternoon.

[*English*]

To begin with, I'm very proud to speak to Bill C-350, which will take a step in the right direction, I believe, toward increasing offender accountability and improving restitution measures.

Let me begin by saying I believe that Bill C-350 is simply common sense. This legislation will ensure that any monetary award owed to an offender as a result of a legal action or proceeding against Her Majesty in right of Canada will first be put toward financial obligations and not into the offender's pocket.

Bill C-350 does this by amending the wording in the purpose section of the Corrections and Conditional Release Act, which currently refers only to custody and supervision and rehabilitation and reintegration. The new wording will clarify that one of the purposes of the federal corrections system is the following: encouraging the accountability and responsibility of offenders, with a view to ensuring that their obligations to society are addressed.

The bill sets out the priorities for debt repayment in cases where an offender is owed a monetary award as a result of a legal action against the crown. This means in essence that an offender will first have to satisfy outstanding debts before collecting any award, which I think is pretty much common sense.

The debt owed to the offender would be paid based on the following order of priorities: first, to a spousal or child support order; second, to a legal restitution order, any victim surcharge order, and any person with a civil judgment against the offender. If any money remains after all these judgments are satisfied, then the balance would go to the offender.

A prime example of why action needs to be taken on this issue is the case of multiple murderer Gregory McMaster. Mr. McMaster has a long criminal history as an adult and as a youth, which includes charges of assault, weapons offences, burglary, and the murder of three Canadians and a Minnesota police officer.

Throughout his time in the correctional system, Mr. McMaster has filed four lawsuits resulting in monetary awards that have gone directly into his pocket, instead of toward fulfilling his obligations to society.

The case of Peter Collins also demonstrates why action needs to be taken on this issue. Mr. Collins murdered a police officer in 1983 and since that point has been serving his sentence in a Correctional Service Canada penitentiary. He filed a complaint against Correctional Service Canada at the Canadian Human Rights Commission, claiming that he was targeted in a discriminatory way by correctional staff who required him, per standard procedure, to stand during regular inmate counts. He claimed that due to a physical disability he is unable to stand for the mandatory counts and that staff continued to unfairly make him stand.

Mr. Collins was awarded \$7,500 for pain and suffering and an additional \$2,500 in special compensation by the CHRC. This compensation was awarded on the basis that staff behaviour was reckless and that they had knowledge of his disability. The monetary award went directly into his pocket.

Bill C-350 will correct that problem of offenders receiving a judgment and not using it to settle outstanding debts, by ensuring that any monetary award owed to an offender as a result of a legal action or proceeding against Her Majesty in right of Canada be put toward financial obligations, including child support and restitution orders.

Although they are often overlooked, spouses and children of offenders are also victims of crime. I can't stress that enough. I believe that the spouse, whether it's a male or a female in the family of an offender, is shamed and hurt. They're victims as much as the actual victim.

If the breadwinner of a family is convicted, that family's financial stability is suddenly gone. This could leave innocent children without food, a warm home, or clothing. These types of financial hardships can be extremely detrimental to children and to all victims. This is why it is only right that any monetary award be distributed to the offender's family as a first priority.

● (1615)

Secondly, these funds should be put toward any damages or injuries caused as a result of the offender's crime. Our government has always emphasized the importance of protecting the rights of victims, as opposed to the rights of criminals. This bill strives to add to our record of victims' rights.

Victims of crime can face years of physical and emotional distress. It is only fair that the recovery and stability of victims of crime is taken into account before issuing the balance of a financial award to an offender.

Ladies and gentlemen, I can speak to the emotional distress suffered by a victim of crime; I can't speak to the physical distress, but certainly the emotional. About 30 years ago, someone entered my home in Sudbury while our family was sleeping, came into my and my wife's bedroom, and stole my wallet off my dresser. Neither one of us woke up. I can't begin to tell you how traumatizing that is, when you wake up and realize somebody has invaded your privacy and stolen your money and you weren't even aware of that.

This was 30 years ago, but I can still remember the emotional distress that particularly my wife and my children, but I to a certain extent as well, went through over that incident.

Those were the days when we didn't lock our doors. I can assure you, as a result I certainly lock my doors now. I've lived that experience. None of us were physically hurt, but the emotional distress was certainly there.

Further, the property of victims is often damaged—in our case, there was no damage—during a crime, leaving them unable to afford the repairs.

This piece of legislation will ensure that when an offender receives a monetary award, any outstanding victim surcharge will be taken into account before the remaining balance is awarded to the offender.

The next two priorities, which also focus on supporting victims of crime, include payment of any victim surcharge orders in any outstanding civil judgments against the offender. Only after those priorities have been carried out will the outstanding amount be paid to the offender. This is a fair process. It is only fair that when offenders receive a monetary award while incarcerated that debts be paid before they are able to benefit from it.

This bill takes strong action to increase the accountability of offenders and improve restitution orders to protect spouses, children, and victims of crime.

Since elected, our government has taken action to provide Canadians with safe streets and communities. This bill actually builds on that. Not only do offenders need to be off our streets, they need to be held accountable for their actions. The bill holds them accountable, assisting in their rehabilitation.

Many offenders have never been responsible for a day in their lives. This will teach them that in society we have obligations and we need to meet them. The bill makes sure that their obligations to society are addressed. The measures proposed in this bill will help offenders take more responsibility for their rehabilitation by reforming them to be responsible members of society.

The emphasis that this legislation puts on offender accountability helps to correct negative offender behaviour, which is the ultimate goal of our correctional system. Measures that encourage offender accountability will ultimately prepare them for the responsibilities of life after prison and help them reintegrate into Canadian society. Paying their debt to society starts with paying outstanding debts owed to their victims.

As our government has stated in the House of Commons, we hope to amend the bill to add clarity regarding the role of the Correctional Service of Canada in the administration and operation of these provisions.

I welcome and look forward to seeing any amendments that come from this committee. Since introducing this bill, I've met with a number of victims and one advocacy group in my riding of Stormont—Dundas—South Glengarry. For example, I met with a local association in my riding that goes to great lengths to help victims of crime. They support this kind of legislation overwhelmingly.

The message from this group, and from my constituents—from all constituents—is that the rights of victims need to be strengthened. By the way, as an aside, the rights of landlords also have to be strengthened. That's the thing I seem to hear, that the rights of victims and landlords are the rights that are most contravened.

They want to see offenders held accountable for their actions and mechanisms created to protect victims of crime.

● (1620)

As a government, we've listened to victims of crime and committed to delivering on our promise in the 2011 Speech from the Throne to support the rights of victims ahead of the rights of criminals. The passage of this legislation is another important step in accomplishing this.

I look forward to hearing from my colleagues and witnesses participating in the study of the bill.

And colleagues, I began my remarks by stating that Bill C-350 was simply common sense. I hope you agree, and I look forward to your questions and your comments.

Merci. Thank you very much.

The Chair: Thank you, Mr. Lauzon.

We'll move into the first round of questioning. We'll go to Ms. Hoepfner, please, for seven minutes.

Ms. Candice Hoepfner: Thanks very much, Mr. Chair, and thank you, Mr. Lauzon, for being here. Congratulations on your private member's bill. I would agree with you and I think our government's actions show that we agree with you that putting the rights of victims ahead of the rights of criminals is an important step forward in Canadian society. And accountability, as you outlined, is something that's very important for the offenders themselves in terms of rehabilitation and taking steps forward to improving their lives.

There's something I find remarkable, and maybe you could just clarify it for me. If anyone who's not an offender owes child support and they don't pay it, there are ways to garnish wages or to get that support and make sure that they pay—for example, child support or other things that are owed to them. There are all kinds of mechanisms to make sure that law-abiding Canadians who owe money comply and pay off the debt that they owe.

You're telling me, though, that there's been nothing enshrined in Canadian law that when someone who's actually an offender and who's actually broken the law receives some money as a result of a legal proceeding.... There's no way for that to be paid to either the child, the spouse, or the victim?

● (1625)

Mr. Guy Lauzon: That's the irony of our situation currently. I did a little bit of research on this issue and I couldn't believe it. If you're on the street and you owe child support, and like you say, you are a law-abiding citizen—in Ontario anyhow, I'm not sure about the other provinces—you don't renew your driver's licence or you don't get the licence for your car until that child support is paid up to snuff.

If you're in jail, you don't even have to worry about child support, and there again it seems like too many of these rules are in place for the offender rather than for the victim. And like I said, I really believe that children of any offender are probably the.... My heart goes out to those victims because I think they're probably the ones who are most affected.

Ms. Candice Hoepfner: When did you first become aware of this? Was it constituents that brought this issue forward?

Mr. Guy Lauzon: Yes, a constituent brought it to my attention, but I have a nephew who used to work in the Kingston Penitentiary. He only worked there for about two years. Anyhow, I met him at a social function.

At first when the constituent brought it to my attention, I thought his information was incorrect. But I ran it by my nephew and he said, yes, some of the prisoners do this every day for something to do. They're bored in there so they just lodge all kinds of suits against the warden or the guards or whomever or the administration, because occasionally, every once in a while, somebody hits the jackpot and gets all this money. And money is pretty important in prison. So they get \$3,000, \$4,000, \$5,000, \$10,000, and that's a lot of money in prison. They get it directly.

I couldn't believe it when my nephew said, yes, it happens. Some of them actually do one a day, 365 days a year. It just gives the prison administration a nightmare, but also every once in a while, they hit the jackpot. So when I pursued it further I found that, in fact, this is true. I've cited a couple of examples where they actually win, and I don't know how often they win, but there are cases where they actually win.

Ms. Candice Hoepfner: You referred to this, and I could just go back and read your testimony, but maybe you know it off the top of your head. You said that Gregory McMaster, for example, launched four lawsuits. Did you have a monetary value that he was awarded?

Mr. Guy Lauzon: I think he got \$9,500 total.

In the street \$9,500 is a large amount of money, imagine in prison.

Ms. Candice Hoepfner: Yes, we just finished a study on drugs and alcohol in prison.

Mr. Guy Lauzon: There you go.

Ms. Candice Hoepfner: And we recognized that as one of our—

Mr. Guy Lauzon: How much power did that \$9,500 give that person?

Ms. Candice Hoepfner: Not to mention that he or she may owe money to other people.

Mr. Guy Lauzon: Now, I don't know the family circumstances, but what if there were some children at home who maybe couldn't afford proper clothing or to even be fed properly, etc.? It's just not fair.

Ms. Candice Hoepfner: Did you say landlords or landowners are also very concerned about the damage to their property?

Mr. Guy Lauzon: That's possible. It was just an aside.

I also hear from landlords who say that they're victims. People don't pay their rent, and they damage their property, and the rules, the laws, are always for the tenant rather than the landlord.

Ms. Candice Hoepfner: I see what you're saying.

Mr. Guy Lauzon: But that's a provincial matter.

Ms. Candice Hoepfner: Yes.

I am noticing in your bill that you have a list of how different people should be paid. One of them, proposed paragraph 78.1(1)(b), says:

any amount owing by the offender pursuant to a restitution order made under section 738 or 739 of the Criminal Code

Would that be something that would be awarded to a victim for actual physical damages to property, or would that be more in terms of the emotional damage?

Mr. Guy Lauzon: I think it would be either/or, as long as there is a decision made on it. If there is an outstanding award owing to the victim, for whatever, I think that should be addressed before the money goes into the prisoner's pocket.

• (1630)

Ms. Candice Hoepfner: I'm sure that since you've introduced this bill, you've heard from Canadians and have had a lot of feedback. Would there be anybody actually opposing this kind of legislation?

Mr. Guy Lauzon: I haven't heard it in the feedback I've received.

You're right. How people find out about this I don't know, but surprisingly I have some even from British Columbia, believe it or not.

Ms. Candice Hoepfner: It is from across the country.

I am sorry to hear that you were a victim. As you said, that would have been horrible.

I also grew up in a little town where we never locked the doors, but that's changed. It would have been horrible to have had your wallet stolen and to have had that invasion, but thankfully, you weren't harmed physically.

I cannot imagine people who are victims of horrendous violent crimes. You look at these individuals you cited who have murdered people. Lives have been lost. Families have been devastated forever, and now these individuals are getting this money and are not paying restitution.

That's my time. Thank you very much, Mr. Lauzon.

Mr. Guy Lauzon: Thank you.

The Chair: Thank you very much, Ms. Hoepfner.

We'll now move to Mr. Garrison and Mr. Rafferty, on a split.

Mr. Randall Garrison: Thank you, Mr. Chair.

I want to thank Mr. Lauzon for being here. And I want to start by stressing that we don't in any way doubt your good intentions with this bill.

Mr. Guy Lauzon: I appreciate that.

Mr. Randall Garrison: In fact, we voted to bring it to committee, because we think it raises important issues. However, we have some questions, and we are not yet convinced that it provides the solution it may appear to provide.

I personally have some questions about its constitutionality. I won't ask you to be a constitutional lawyer today and comment on—

Mr. Guy Lauzon: Good, I'm not a constitutional expert.

Mr. Randall Garrison: —whether it infringes on provincial powers over civil rights. In fact, I have some other constitutional questions about whether it imposes extra penalties on offenders, but I won't try to get you to deal with those today.

When we knew this was coming up, and I knew you were coming to committee, I met with front-line parole officers in my riding and asked them about your bill. They gave me a very interesting perspective. They questioned whether this bill does what you think it does. They said that one part of rehabilitation is for prisoners to learn to take responsibility for their actions and to make responsible decisions themselves. They felt, from what little they knew about this bill, that it in fact took that decision-making out of their hands and made those decisions for them. It would be perceived by the prisoners as an extra penalty rather than as part of what they worked with, as parole officers, to get people to make those responsible decisions to make those payments themselves and see the positive consequences of taking accountability for their actions.

I wonder if you have had that point of view presented to you.

Mr. Guy Lauzon: Actually, I haven't. But with all due respect, I think that a prisoner, a person who is incarcerated because of a crime he or she has committed.... Now, they've gone through the court system. They're not there by accident. Maybe they've even gone through the appeal process. They're there for a reason. They should not have preference over....

They should at least be operating by the same rules we are in an open society. We are not offenders, and we haven't committed any crime. If I owe money to my spouse or my children, I am responsible. I don't have any choice about that. I don't make the decision whether I pay or not. If the courts can find me, I pay.

I think that a criminal, somebody who's been proven to be a criminal, should have at least the same responsibility. What this bill does, in my mind, is give the person the responsibility. Listen, you haven't been responsible your whole life. You've taken money from me. You've hurt me. You've offended—

Mr. Randall Garrison: But with respect, Mr. Lauzon, that's exactly the point the parole officers are saying, that you're making the decision, that this law is making the decision for them and makes them less accountable unless—

Mr. Guy Lauzon: I think it's a little bit like having a child; this is a little bit of discipline. If you have a child who won't do what he's supposed to do, you sometimes have to take him and show him how it's done.

Mr. Randall Garrison: Okay —

Mr. Guy Lauzon: With all due respect, your parole officer might have a point of view—

Mr. Randall Garrison: This was 12 parole officers.

Mr. Guy Lauzon: Pardon me?

Mr. Randall Garrison: This was 12 parole officers.

Mr. Guy Lauzon: Okay. I'll tell you, I've spoken to other people, victims groups, and I can assure you that they don't agree with the parole officers.

Mr. Randall Garrison: I guess one of the things I've learned in criminal justice, and we've heard at this committee, is that what seems like common sense to us often doesn't apply to those who are offenders.

So I want to turn it over to Mr. Rafferty at this point.

The Chair: Mr. Rafferty, go ahead please.

Mr. John Rafferty: Thank you very much, and I'm very pleased to be here today.

Thank you very much for this bill. It's an interesting bill and I know it will appeal to many.

I just want to ask you this first. How open will you be to amendments, to making changes, to making this bill better?

• (1635)

Mr. Guy Lauzon: You know, my intention is, as I really do feel that victims, and in victims I really include the families.... I think that for a lot of reasons some of these criminals have not looked after their families and the families have suffered, so they've been victims for many years. So I think that anything we can do—and I'm sure this committee has good ideas on how we can improve that bill, and I'm very open to that.

My intention is to help victims. That's my government's intention, but that's my personal intention too. I want to do what is right for victims, and in that I include spouses and children.

Mr. John Rafferty: Well, I'm very glad to hear you say that. I noticed that in your first point in terms of being satisfied by payment, you talk about spousal and child support as being important. I was very pleased to see that.

I'm wondering if there may be situations that also need to be included in this bill, that will also come up if you're going to talk about spouses and children—for example, an older prisoner whose spouse has no retirement income. Or in another situation where support is needed for the family, it's not perhaps an official support through a court order, but it's support that the children and families need. Or indeed it might be the grandfather of a couple of children who also need support.

You're very clear here in the bill.

Mr. Guy Lauzon: Yes.

Mr. John Rafferty: But I wondered if you'd be interested in dealing with some amendments that might deal with increasing the latitude.

Mr. Guy Lauzon: I think there are restrictions. As I said, I'm not a lawyer so I can't speak to specific amendments, but personally I would be open to amendments, and if there are ways to improve the bill and still have it fair and respect the rights of victims, I'd be all for that, for sure.

Mr. John Rafferty: Let me ask you about timing and the timeframe here. I gather from this bill that this would refer to money received while incarcerated, on a court action that was before the incarceration. Or is it during the incarceration? I'm not sure exactly.

Mr. Guy Lauzon: What I envision is that it is during the incarceration.

Any outstanding bill.... When this person receives his judgment, let's say, for example, he had filed a suit against the administration and is awarded \$7,500. If there is an outstanding order for him to pay, then that has to be satisfied before he receives any benefits. That's the way I would see it, before he sees any of the money.

Mr. John Rafferty: You talked in your preamble about the types of crimes you mean, and I think when you talk about this bill, this is what we think about: hardened criminals, long-term criminals. But if offenders receive a jail sentence of two years, they're in a federal penitentiary. In two years, they're going to be out. I'm wondering if somehow financial planning, for want of a better word, for those prisoners themselves comes into play.

Mr. Guy Lauzon: Again with all due respect, what about those spouses and the children that are at home hungry?

The Chair: Thank you.

We'll now move back to the government side, and I see Mr. Norlock is putting his glasses on. Is that Mr. Norlock?

Mr. Rick Norlock: It's so I can read my own writing.

Thank you very much, Mr. Chair, for those keen observations.

Thank you very much to the witness for attending the committee today and for your piece of legislation.

I do have a little bit of experience with the criminal justice system. I sat in courts in this land for probably four years through a plethora of different cases. I heard judges who dealt with restitution orders, etc., say how unlikely it was that the prisoner would ever be able to pay the restitution for a sometimes substantive crime.

But I look at this in a different light. I look at this also through your eyes to the victims, having been a victim of a crime yourself and having spoken to victims whose lives will never be the same. You mentioned there are different kinds of victims. We're dealing with people who don't generally have the same kind of social conscience as most of us, because most of us do not commit crimes and won't be in jail. They tend to not be good partners, fathers, mothers, etc., so to me this piece of legislation deals with deadbeat fathers, partners, and husbands.

This also deals with the people who commit white-collar crimes—people who cheat shareholders and employees, and while they are in jail they might just see the results of other investments. You know, the multi-millionaire who goes to jail, gets out, and then lives on his yacht while the people who invested in their fake company....

We heard in this committee in a previous Parliament how people have committed suicide, especially in Montreal—and I forget the specific case. So this also deals with that kind of individual where they have to pay restitution.

To my friends across the way who are always very worried about how this affects the perpetrator, I think they should be worried about how this affects the average Canadian who, through white-collar crime, may not be able to.... This enables the system through the Criminal Code.

Did you think about that, Mr. Lauzon?

• (1640)

Mr. Guy Lauzon: In all honesty I wasn't thinking particularly of the person who commits a white-collar crime, but you have an excellent point. We all read about Madoff. Some of those retired people went from having a pretty affluent lifestyle to actually having to go to food banks. How does that affect them? It has to be devastating.

So I think you made a good point. Everybody wants to rehabilitate the criminal. I'm in favour of that. I really think we're doing a favour to the criminal with this legislation, because we're forcing them to accept their responsibility and be accountable for their commitments. That's all this does—nothing more. It's not pushing the envelope; it's just making them accept their responsibility.

Mr. Rick Norlock: Thank you very much. I made a few notes, and few of us would ever get ourselves into the position of committing a crime in the first place. This is the example I use for people who think that very minor crimes....

I recall dealing with a lady who had her mailbox smashed. In the course of criminal justice that's no big deal. She was insistent that the police officer come to see her mailbox that had been smashed, so I was the lucky person to go to interview her. Most people would think it was no big deal, except that the mailbox had been tole painted by her recently deceased aunt and was all she had to remember her by. So where we might all be worried that this was just a young person who did something stupid after he had a couple of beers, this is something that sticks with people.

There aren't a lot of people who win the lottery while they're in jail. There aren't a lot of people who will have these kinds of judgments. But to the average citizen out there, who deals with their life, day in and day out, and they see people who have been incarcerated and not been made responsible for the things that we, as average citizens, are responsible for, vis-à-vis spousal support.... You know, a lot of the folks who go to jail aren't really nice people, and sometimes they aren't very nice to their children and to their wives or husbands. So I think this assists them in being more responsible.

Would you not agree?

Mr. Guy Lauzon: Yes, I'd agree 100%.

The Chair: You have two more minutes, but if you aren't going to take them, I will.

Mr. Rick Norlock: If I may, Mr. Chair, I'd like to pass the questioning to my friend Mr. Leef, who I believe has a couple of questions he'd like to pose.

The Chair: You may get in on the second round as well, Mr. Leef.

Mr. Lauzon, I want to be sure on this one. The bill does not deal with that type of monetary windfall that you may have from an investment or from anything else. It is from a court order or something that has happened to this guy while he has been in the penitentiary. So if some guy has stocks and the investments pay money, your bill doesn't touch that.

Mr. Guy Lauzon: If he has income on the outside or he has pension or whatever, that has nothing to do with that.

The Chair: This is only through a court order that he—

Mr. Guy Lauzon: When you do a little research about what happens in prison, in some cases maybe people have too much time on their hands, so for something to do some prisoners, as I said, and I can't stress that enough, are putting in some kind of an action against the administration or the guard every day. Occasionally it's like a lottery, you do it and if you put in 500 you might get lucky and get an award of \$500 or \$1,000 or whatever.

• (1645)

The Chair: Okay, so just so we are all aware.

We'll now move back to Mr. Scarpaleggia, please, for seven minutes.

Mr. Francis Scarpaleggia: Thank you. Mr. Lauzon. It's nice to see you here before the committee.

You mentioned white-collar crime. The victims of Earl Jones were constituents of mine, and he operated in my constituency so I know the impact that white-collar crime can have. Parents of friends of mine were defrauded, and a high school classmate of mine led the charge for the victims of Earl Jones. I introduced him to the lawyer who then helped him get money back from the government because the tax money that the government had was taxes paid on fictitious income. So I know all about that.

I agree with you that white-collar crime is a serious crime. I would say it's a non-violent, violent crime because it's technically a non-violent crime yet it causes violence to people and some people, as you say, commit suicide and commit violence to themselves. So it's a very special kind of crime. I think it's in a category of its own in some ways.

I think you brought up some interesting analogies between somebody who lives outside prison who hasn't paid their child support, and somebody in prison who hasn't paid their child support. For example, someone on the outside would get their driver's licence revoked, but presumably the inmate is not driving so that's not going to be a form of recourse.

I know it wouldn't necessarily be practical all the time, but if an inmate has received an award and has some child support or spousal support obligations, is it possible for the family to take the same action that they might take if the person were living outside the prison system and take that person to court? I wouldn't imagine that inmates are shielded from those kinds of legal actions, or maybe they are, I don't know.

I see your analogy with the driver's licence but when you're talking about other methods that people use with deadbeat dads who are not inmates, can these people take the same measures toward a deadbeat dad who's an inmate? Can they take that inmate to some kind of court to get payment?

Mr. Guy Lauzon: There again, as I understand it, the family responsibility is a provincial issue and under provincial legislation. I'm not a lawyer and certainly not up to speed on all this legislation, but as I understand it, if a spouse is left without support they can go to family court and get a judgment against the spouse who has abandoned them or whatever.

Mr. Francis Scarpaleggia: Is that even if the spouse is an inmate?

Mr. Guy Lauzon: My understanding is that it's regardless.

Now, in the event that the spouse would get out of prison, then that order would be...or, if they were in prison, it probably would stick.

Mr. Francis Scarpaleggia: Okay. In some cases, I would imagine, the inmate is not necessarily estranged from his or her family—

Mr. Guy Lauzon: In some cases they're not.

Mr. Francis Scarpaleggia: —and there is no spousal or child support order. Do you feel that this is a problem in the sense that...?

Well, obviously it's a problem, because in that case, if they did receive an award, there would be no spousal support agreement that would force them to pay that money to their spouse and children. Would you not think, therefore, that in fact any amount of money a person receives when they're in jail, whether there is a child support agreement or not, should just be channelled to the family?

I mean, why do we even want to leave the balance...not owing to the inmate in prison? Shouldn't that go to the family as well?

• (1650)

Mr. Guy Lauzon: As I told you, I'm prepared for amendments.

Mr. Francis Scarpaleggia: Maybe I'll let the NDP propose that one.

Mr. Guy Lauzon: You know, you're preaching to the converted.

Mr. Francis Scarpaleggia: It's a serious question.

Mr. Guy Lauzon: Yes. It's a legitimate question and a legitimate point.

Mr. Francis Scarpaleggia: Shouldn't we go above and beyond than just whatever is owed under a restitution order or a spousal support order or a child support order?

Mr. Guy Lauzon: I don't know—again, there's some expertise around the table, and maybe they can shed some light on this—if it's legally possible to do that. I would hope that if the relationship continues, if the person who's incarcerated does have some decency about them, then they would look after their family responsibilities with this award, even if there wasn't a court order to do that.

Mr. Francis Scarpaleggia: I know that this bill has been brought forward before. There were problems with it that—you'll remind us—I think prevented it from moving on through the committee stage. How have those problems been corrected so that your bill would be constitutional?

Mr. Guy Lauzon: I think what we've done is we've made sure that it doesn't infringe on any provincial legislation, etc., and doesn't complicate the issue.

Mr. Francis Scarpaleggia: You're pretty convinced, then. I mean, this is dealing with property, right? It's dealing with property and child support agreements, which are provincial and so on.

Mr. Guy Lauzon: I've been reassured by the legal beagles that...

Mr. Francis Scarpaleggia: You have been.

Mr. Guy Lauzon: Yes.

Mr. Francis Scarpaleggia: Okay. That's good, then.

I think that pretty much wraps up my questioning.

Mr. Guy Lauzon: You mentioned this person in your riding who had defrauded all these people. That was Earl Jones, right?

Mr. Francis Scarpaleggia: Yes.

Mr. Guy Lauzon: I think he's out of prison now, is he not, or about to be?

Mr. Francis Scarpaleggia: I don't think so, but...

Mr. Guy Lauzon: Okay. But you know, his victims are going to suffer a heck of a lot more than the time that he'll be incarcerated.

Mr. Francis Scarpaleggia: Oh, I know. They're my constituents, and I know them personally. Absolutely.

The Chair: Thank you, Mr. Scarpaleggia.

We will now move back to the NDP, to Madame Doré Lefebvre. [Translation]

Ms. Rosane Doré Lefebvre: Thank you very much, Mr. Chair.

Thank you, Mr. Lauzon, for appearing before the committee today to introduce Bill C-350. We sincerely appreciate it.

Your bill seems to have considerable merit. I wasn't sure I would have any questions, but the more questions people asked, the more things came to mind.

When answering, you often used the phrases “my understanding of the bill is that” or “I think that”. I do not doubt your good intentions, but I want to know whether this bill really comes from you or from your government.

Mr. Guy Lauzon: It was my initiative. I am ready to answer any questions. Perhaps you think it came from the PMO, but that is not at all the case. It comes from my riding. One of my constituents brought it up to me at a social function.

Ms. Rosane Doré Lefebvre: Yes, you said that.

Mr. Guy Lauzon: I talked to my nephew, who was a—

Ms. Rosane Doré Lefebvre: corrections officer in Kingston.

Mr. Guy Lauzon: Yes, a corrections officer. He said it happened all the time. They do it for fun. It is a problem, because the inmates don't take it seriously. To them, it's like buying a lottery ticket. Criminals don't take it seriously.

Ms. Rosane Doré Lefebvre: Indeed. I know the issue has been raised by many. But why does this measure target only the monetary awards they receive when they go to court? Why does it not also apply to lottery winnings—someone mentioned the Lotto 6/49—to the money they have in the bank, to stocks and so forth? Why does it apply only to monetary awards? We can't be talking about that much. I admit, though, I don't know the numbers.

Mr. Guy Lauzon: We don't have jurisdiction over that money. All we have jurisdiction over is the money they receive while in jail.

Ms. Rosane Doré Lefebvre: So if they won the lottery, would you have jurisdiction over that money?

•(1655)

Mr. Guy Lauzon: Yes, if it comes from an action.

Ms. Rosane Doré Lefebvre: Your bill shows that, like everyone else, you are concerned about victims. We all know victims of crime. It is very sad, and I agree completely with you. Wanting to

compensate them is a good intention and a very good idea, in my opinion. But, there may be other ways of doing it.

For instance, victims no longer have access to the compensation that used to exist in the 1990s. Back then, the federal government used to help fund victim compensation programs offered by the provinces. Unfortunately, however, most of those programs have disappeared owing to a lack of funding. Why did you not instead bring forward a resolution calling for the reinstatement of the criminal injuries compensation that the Government of Canada funded for so many years? That would help more victims. I don't know where you stand on that.

Mr. Guy Lauzon: I don't think that would solve the problem I am concerned about. In my view, when a convicted prisoner receives money pursuant to a legal action against the administration, the prisoner's family and victims are the ones who should be entitled to that money, before the prisoner. As I see it, it is just common sense. It isn't hard to understand.

Ms. Rosane Doré Lefebvre: I agree with you on that.

However, if the intention is to treat all victims equally, there could be federal programs to give all victims monetary compensation.

Mr. Guy Lauzon: Legally speaking, it has to be the court's decision. Any authority over money and the decision to give victims, let's say, \$15,000, for damages suffered, must come from the courts. To do that, you need a court decision.

Ms. Rosane Doré Lefebvre: Very well.

[English]

The Chair: Be very quick.

[Translation]

Ms. Rosane Doré Lefebvre: I'll make this very short.

You talked about holding criminals accountable and ensuring they become responsible and dependable members of society one day. Do you think this bill will rehabilitate offenders and make them responsible?

Mr. Guy Lauzon: I didn't get that. I didn't hear the question.

Ms. Rosane Doré Lefebvre: Do you think this bill will rehabilitate offenders and make them responsible?

Mr. Guy Lauzon: I think it will help them and encourage them because it will make them take responsibility. And in so doing, I hope they will integrate into society when they—

[English]

The Chair: Thank you very much, Mr. Lauzon and Madame Lefebvre.

[Translation]

Ms. Rosane Doré Lefebvre: Thank you.

[English]

The Chair: We'll now move back to the government side to Mr. Rathgeber for five minutes.

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Thank you, Mr. Chair.

Thank you, Mr. Lauzon, for your attendance here today.

I'm going to help Mr. Scarpaleggia with his question regarding whether or not prisoners are shielded from provincial execution law. I'm even prepared to waive my normal billable rate in doing so. They in fact are not.

Mr. Rick Norlock: It was a joke, Francis.

Mr. Brent Rathgeber: Certainly when a person enters a federal institution they are in no way guarded or shielded from provincial laws of debtor and creditor. The problem is with respect to a garnishee summons, which is the normal execution manner that you try to attach moneys owing to an individual. A garnishee summons only attaches to moneys that are due and owing at the moment that the garnishee summons is served on the individual.

For example, when an individual is a wage earner, a normal employee, and is paid on the 15th and the 30th of the month, you actually have to serve the garnishee summons on the 15th and the 30th of the month. If you serve it on the 16th there's no money owing, so the employer doesn't have to pay the garnishee summons.

I think Mr. Lauzon's bill is trying to circumvent that, and I applaud him. But I agree with Mr. Garrison in his concerns about the constitutionality of what the priority will be vis-à-vis provincial debtor-creditor legislation. I'm assuming that at some point we're going to hear more about that.

I have a question though, and it's a follow-up to Ms. Doré Lefebvre's question. I don't speak French so I'm relying on the translator. If the translation was accurate, you responded that if an individual won a lottery your bill would attach those proceeds.

• (1700)

Mr. Guy Lauzon: No.

Mr. Brent Rathgeber: Then the translation was not correct.

Mr. Guy Lauzon: Maybe I answered that way, but no, it wasn't my intention.

Mr. Brent Rathgeber: The intention of your bill is to only attach moneys that are payable by Her Majesty the Queen in right of Canada—

Mr. Guy Lauzon: Exactly.

Mr. Brent Rathgeber: —pursuant to an award from a court or a tribunal or agency. Then, either I misunderstood that, or there was a problem in translation. So I guess I don't have any questions. I just wanted to help Mr. Scarpaleggia.

Mr. Guy Lauzon: Don't blame the translator, blame my French.

Mr. Brent Rathgeber: In follow-up to that—and this probably again would have a head-on collision with provincial jurisdiction over normal laws of debtor-creditor—I know the situation of individuals who have written books in prison about their crimes, and of course, those proceeds were garnishable by the Crown pursuant to the principle of law that no criminal can profit from his crime, but if

an individual were to write a book about their experience in prison that's not actually about their crime.... Individuals have profited from that. I'm just curious as to whether you thought about attaching proceeds from legitimate work while an individual is in prison.

Mr. Guy Lauzon: I did not, because like I said, this came as a result of somebody bringing it to my attention. Quite frankly, I was incredulous when I realized that this could actually happen in our society, and when I pursued it a little bit and found out.... So it's limited, I didn't expand it to things. Like I said, maybe this committee has some suggestions as to how we can improve the bill. I'm more than willing to work with amendments.

Mr. Brent Rathgeber: I'm looking forward to Mr. Garrison's constitutional witness, because I suspect that the scenario I just cited would fall exclusively under provincial jurisdiction over property and civil rights, but I don't know for sure.

The Chair: Are you done, Mr. Rathgeber?

You have about a minute and a half, Mr. Leef.

Mr. Brent Rathgeber: I'm good, unless Mr. Scarpaleggia has any more questions for me.

The Chair: Mr. Leef, do you want to finish out his questioning?

Mr. Ryan Leef (Yukon, CPC): Sure, I can finish it out for you.

It sounds like there's a bit of appetite and interest in at least exploring some additional ways of trying to recoup this “deadbeat dad” thing, or even to pay back the victims for offences.

You see here the sensational cases like the Bacon boy there in B. C. who got paid out a million dollars last year, and undoubtedly he has debts to all kinds of victims and people.

Being a deputy superintendent in corrections, I watched inmates build bank accounts, quite healthy bank accounts in fact, from illegitimate purposes within the correctional centre. It ties into another study we just recently were working on with the illicit drug trade inside of correctional centres. When you see an inmate come in with nothing and then accumulate \$500, \$600, \$700 in an account, and then not pay child support, not do these things, and you know that money has been gained through illegitimate purposes within the correctional centre, it seems a shame to me that we don't have an opportunity to be able to reach in and move that money away to legitimate victims.

The Chair: Thank you, Mr. Leef.

We'll now move back to Mr. Rousseau.

[Translation]

Mr. Rousseau, you have five minutes.

Mr. Jean Rousseau (Compton—Stanstead, NDP): Thank you, Mr. Chair.

I more or less agree with Mr. Leef and Mr. Rathgeber. Perhaps we could broaden the scope of the bill since you did say you were open to amendments. Yes, some prisoners do receive income while they are incarcerated. In most cases, those prisoners have families to support or, as we heard earlier, they have grandparents or close relatives. I would like to see prisoners be accountable to those people. Some literally earn income while in jail.

What do you say to that?

Mr. Guy Lauzon: As Mr. Rathgeber said, I think it is tough because we have two jurisdictions. Initially, I wanted to introduce something more comprehensive. But, we have to be very mindful because we have the authority to take action in areas of federal jurisdiction, but not in provincial matters. In that respect, I think it would be very tough to do what you are proposing.

• (1705)

Mr. Jean Rousseau: Earlier, someone asked how many prisoners this bill would affect.

Mr. Guy Lauzon: I don't have those numbers. It doesn't happen a lot, but it does happen. There is encouragement for prisoners to submit complaints, and it is becoming a problem for the administration; if three prisoners in a single institution each file one complaint a day, it comes out to 1,000 grievances a year.

This bill will also keep prisoners from submitting complaints that are not founded.

Mr. Jean Rousseau: Very well.

Could we broaden the order of priority of payments? Some victims sustain psychological injuries and need psychiatric treatment or psychotherapy. Some victims also sustain physical injuries and need psychotherapy. They have to pay for that treatment as well. Could we broaden the payment aspect to include that?

Mr. Guy Lauzon: There would have to be proof that the injuries were caused by the crime committed by the prisoner. In that respect, it gets quite complicated because the injuries have to have been caused by the prisoner during the crime.

Mr. Jean Rousseau: I see.

Do I have any time left?

[*English*]

The Chair: Two minutes.

[*Translation*]

Mr. Jean Rousseau: Okay.

You touched on the issue of institutional management. How do you see this bill as having a positive effect on safety management, especially in the institutions housing those who sometimes submit complaints?

Mr. Guy Lauzon: I have two things to say about that.

First of all, I think it will reduce the number of prisoner complaints because most of them are not serious. Prisoners submit complaints just so they can win or cause problems for the administration.

Second of all, I believe wholeheartedly that this will make prisoners accept their responsibility and be accountable. Right now, there is no incentive. This measure will make them understand. It is the same thing for you and me: we have to accept responsibility. Our actions have consequences, and prisoners will have to deal with the same reality we do.

Mr. Jean Rousseau: I am more inclined to think that turning them into responsible individuals does not happen easily and requires programs to make that happen.

Mr. Guy Lauzon: Indeed, this does not solve every problem, but I think it provides a small part of the solution.

Mr. Jean Rousseau: I see.

[*English*]

The Chair: Thank you very much, Mr. Rousseau.

Now we'll move back to Mr. Leef and Mr. Aspin.

Mr. Ryan Leef: Do you recall my last comment? Just agree, say yes, and we're all good.

Some hon. members: Oh, oh!

Mr. Ryan Leef: Is this going to take into account accrued interest and back payments that are due as well?

Mr. Guy Lauzon: If a person receives an award—let's say it was \$1,000 and there was \$50 of interest accrued on that. If they got \$1,050, then I think every amount should go to the victim. This is for victims. There again, I include the family when I say victims generally.

If there's money coming from that award, anything the inmate owes should all totally satisfy the judgments against him, and then he can have whatever is left.

Mr. Ryan Leef: And that would be entirely administered by the courts.

Mr. Guy Lauzon: Yes.

Mr. Ryan Leef: There would be no additional burden on the Correctional Service of Canada or the Government of Canada, in terms of trying to send that money in different directions. It's all going to be administered by a court ruling.

Mr. Guy Lauzon: Yes. It would all be decided...

Mr. Ryan Leef: Excellent. Thanks for bringing it forward. I have had two constituents in the last month come forward to talk about how they lost \$60,000 in a Publishers Clearing House scam, and another one in a dating scam. I know for sure they'd be upset if the perpetrator were able to benefit from awards from the Government of Canada while they're out the cash and the perpetrator is not.

That was just a comment, but I think Mr. Aspin has some questions.

• (1710)

Mr. Guy Lauzon: I'd like to make a comment before we go to Mr. Aspin. I don't know if you can identify with this, but in my riding the main issues I deal with from constituents are either the economy or health care.

Sometimes the economy is more prevalent, and in the next couple of months maybe it's health care. But always number three, after those two, is crime and victims of crime. That comes up wherever I go. I have a big riding and I cover every quarter of my riding, in the rural parts as well as the urban parts.

The Chair: Mr. Aspin, go ahead please.

Mr. Jay Aspin (Nipissing—Timiskaming, CPC): Thank you, Mr. Chair.

Congratulations, Mr. Lauzon, on bringing this bill forward. To my way of thinking, it's almost like a slam dunk. As you've indicated, it's hard to believe that this hasn't been addressed before. It's almost a no-brainer.

I'm just personally curious about one comment you made in your presentation. You indicated that your bill would hold offenders certainly more accountable, and I understand that. But you also indicated it would be assisting their rehabilitation. I think I know what you mean by that, but I'd like to hear it in your words.

Mr. Guy Lauzon: When we talk about rehabilitation, I understand that to mean we're preparing inmates for a return to society. When those people return to society, they are faced with the same responsibilities you and I are. Actually if anyone owes spousal payments or child care payments, or if we have any outstanding judgments against us, we have to accept responsibility for that. To me, as I say, it's common sense. It just makes good sense to me that a criminal or an inmate should have the same responsibility as an ordinary citizen. I'm amazed that they don't.

I'm so enthused about this. It's not going to solve all their problems. As I said, it's not the total rehabilitation package, but it's going to aid in their rehabilitation. Let's say if they got \$1,000 in prison and they had to give it to their spouses, for child support or whatever, maybe when they get out they'll realize, hey, they're supposed to pay child support—that's their responsibility.

Mr. Jay Aspin: Thank you, Mr. Chair.

The Chair: Is there anyone else on that side, because you have a minute left?

Mr. Norlock, go ahead please.

Mr. Rick Norlock: I'm sure, Kevin, you'll—

The Chair: I'm just wondering, Mr. Lauzon, if you have thought about any unintended consequences to this legislation. I'm just wondering if there is a possibility that this may encourage action

against the crown, if someone believes that now there is a way they would be able to score some dollars for their spouse.

We're assuming that each one of these offenders—I may be wrong to assume—wants to evade paying their spouse, but what if they saw this as an opportunity to bring forward an action against the crown and maybe win so that their spouses would receive money?

Mr. Guy Lauzon: That's a good point. The research I've done is not scientific. I can tell you, from speaking to prison guards who deal with these issues on an ongoing basis, that what they tell me is that it's a bit of a game. One of the members mentioned that in prison it's a different mentality than we have in open society. So there are a lot of games played. Part of the game is that, with some inmates, they just put these in holus-bolus thinking it's like a lottery, thinking that eventually....

So no, I think it's just the opposite. It's going to have a disincentive on them because they're going to realize.... Maybe I shouldn't say this, but I don't think too many people who are in there are really concerned about their victims, or not to the degree they should. So if they knew that their victim was going to get the proceeds, I think that would discourage them from putting forth an action.

The Chair: Thank you, Mr. Lauzon.

We're past our hour now. We're looking forward to having a number of witnesses here. We have a good number of witness who have been brought forward and we're going to begin with the officials on Tuesday.

We thank you for appearing before our committee today.

● (1715)

Mr. Guy Lauzon: Thank you.

The Chair: We are adjourned.

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