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# **Standing Committee on Justice and Human Rights**

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**EVIDENCE**

**Tuesday, December 2, 2014**

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**Chair**

**Mr. Mike Wallace**



## Standing Committee on Justice and Human Rights

Tuesday, December 2, 2014

• (1530)

[English]

**The Chair (Mr. Mike Wallace (Burlington, CPC)):** Ladies and gentlemen, I call to order this meeting of the Standing Committee on Justice and Human Rights.

Pursuant to the order of reference of Wednesday, October 29, Bill S-221, an act to amend the Criminal Code (assaults against public transit operators) is in front of us today.

As you know, this passed in the House unanimously.

We have three people here to talk to us about it, and then we have clause-by-clause consideration. There's only one clause plus the title. They're not here yet, but there will be staff from the Department of Justice here if we need them on this.

Today as witnesses we have the sponsor from the Senate, the Honourable Bob Runciman, and from the House the member of Parliament for Pickering—Scarborough East, Mr. Chisu, from the Canadian Urban Transit Association, Michael Roschlau, the president and chief executive officer. By video conference from the Metro Vancouver Transit Police, we have Neil Dubord, the chief.

I'm going to turn the floor over to you, Senator. Technically you have 10 minutes each, but the more succinct you are, the sooner we'll get to clause-by-clause study.

**Hon. Bob Runciman (Senator, CPC, Senate):** Thank you, Mr. Chair. I believe in being succinct. I want to thank you and the committee members for making this opportunity available to deal with this. I know this is a very busy committee.

Bill S-221, an act to amend the Criminal Code (assaults against public transit operators), amends the Criminal Code to require a court to consider it an aggravating circumstance for the purpose of sentencing if the victim of an assault is a public transit operator engaged in the performance of his or her duty. In doing so it adds a new section immediately after section 269 of the Criminal Code. The offences to which this new section would apply are the assault-related provisions from sections 264 through 269 of the Criminal Code.

The new proposed section also defines a public transit operator as an individual who operates a vehicle used in the provision of passenger transportation services to the public and includes an individual who operates a school bus.

A vehicle, for the purposes of this section, includes a bus, paratransit vehicle, licensed taxi cab, train, subway, tram, and ferry.

I started looking at this issue about a year ago after reading about a particularly violent assault here in Ottawa that resulted in what I consider to be a very inappropriate sentence: no jail time. It was only after I met with the Amalgamated Transit Union that I started to understand the scope of this problem. I want to thank the ATU for working hard for many years to highlight this problem and to push for legislative change.

There are roughly 2,000 reported assaults on public transit employees every year in Canada, and more than 80% of those are committed in-vehicle. I think all of us would find those numbers shocking, but even more alarming is the degree of violence.

There was a prolonged beating of a Winnipeg bus driver by a passenger upset over a bus transfer, when the driver was beaten with hammers, stabbed, and knocked unconscious. A driver in Ottawa had a cup of urine thrown on him. These attacks sometimes cause the victim to miss months of work, but all too often the perpetrator spends not a single day in jail.

I'd like to deal briefly with some of the questions that have been raised about this bill. Certainly Chief Dubord can elaborate on this extensively.

Why single out public transit operators, considering that members of other occupations also face risk? Although there is of course the need to protect the public transit operator, what distinguishes them from other occupations is the risk to the broader public. Many of these assaults occur when the vehicle is in motion. Consider the risk to the public, to passengers, other motorists, pedestrians, and cyclists, when the driver is assaulted while driving a 10-tonne vehicle carrying dozens of passengers on a busy city street.

I know similar bills that have been introduced, and they include all public transit workers. This bill does not. The assault of a subway token seller threatens his or her safety but does not put at risk the broader public.

This bill was written to be very specific to public transit operators engaged in the performance of their duty. That's the same reason this bill does not amend the general sentencing provisions of section 718 of the Criminal Code, because Bill S-221 is focused tightly on safety of the broader public. It is written to focus on those crimes that typically occur against an operator when the vehicle is in motion, specifically assault.

There is another difference between S-221 and similar bills introduced in recent years. This bill is the only one that includes taxi drivers in the definition of a public transit operator. Driving a cab is one of the most dangerous occupations in Canada. Drivers work late at night; they are alone with people they've never met before, and they're carrying cash.

Since I've introduced this bill, I've been approached by many people thanking me, some quite emotionally, often on behalf of a parent or a loved one who drove a cab. It is often the first job for new Canadians. They know the risk they are taking, but they see it as a necessary step toward building a future for their families.

We need people who drive buses or taxis to feel safe when they come to work, and we need passengers to feel safe when they use public transit.

● (1535)

In conclusion, Mr. Chair, I would like to say that this bill balances Parliament's right to provide direction to the court with judicial discretion at sentencing. It's an approach that can have a meaningful impact on sentences and help protect drivers and passengers alike.

Thank you very much.

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

Are you okay, Mr. Chisu?

**Mr. Corneliu Chisu (Pickering—Scarborough East, CPC):** I'm okay.

**The Chair:** From the Canadian Urban Transit Association, we have Michael Roschlau. The floor is yours for 10 minutes.

**Mr. Michael Roschlau (President and Chief Executive Officer, Canadian Urban Transit Association):** Thank you very much, Mr. Chair.

[Translation]

Distinguished members of the committee, my remarks will be equally brief.

First of all, I would like to thank you for this invitation to appear before you. We are grateful for the opportunity to express our opinion on Bill S-221, the aim of which is to have assaults against public transit operators considered as an aggravating factor in sentencing.

[English]

CUTA, as some of you may know, is the collective voice of public transportation across Canada, dedicated to being at the centre of urban mobility issues with all orders of government. We represent public transit systems, suppliers, government agencies, individuals, and related organizations across the country.

I'd like to make it clear that the Canadian Urban Transit Association and its members unequivocally support Bill S-221. We've previously addressed the Senate's constitutional and legal affairs committee on this bill, and my comments today will be a direct reflection of those made at the Senate committee.

Every day transit operators across the country drive thousands of people to work, to school, to recreation, to health care, and to community services. Among their many tasks and responsibilities

operators must drive large heavy-duty vehicles, often in stressful weather and traffic conditions, respect the schedule, collect fares, provide customer service, and most important, ensure the safety of their passengers.

On this last point, it's critical to understand that operators are solely responsible for the safety of all passengers boarding the vehicles. While they deliver what we call essential mobility services to our communities, making our cities vibrant and prosperous, they don't necessarily benefit from a safe work environment, as our annual data demonstrates. Every year, as the senator mentioned, there are some 2,000 assaults against transit operators and many more go unreported. That's an average of five assaults every day.

Transit employees have responsibility for the safety of their passengers, which makes these types of assaults dangerous for the greater public. There's a recent case that comes to mind that illustrates the gravity of such assaults.

In March of this year, in Vancouver, a passenger punched a bus driver in the face. At the time of the attack the bus was travelling at about 30 kilometres per hour and carrying 30 passengers. The driver suffered a broken nose, broken bones in his face, continuing vision impairment in one eye, and loosened teeth. Despite all of this, the driver, whose first concern was the safety and well-being of his passengers, managed to safely bring the bus to a complete stop and open the door so the attacker could leave and the other passengers would remain safe. Thanks to the conscientious actions of the driver, no passengers were injured in this case, but you can only imagine how the safety of the passengers, pedestrians, and other road users could have been put at serious risk.

● (1540)

[Translation]

As the senator mentioned, our statistics show that, in 2012, almost 80% of the crimes committed on public transit system property were committed on our vehicles, such as buses. We just have to multiply the number of incidents by an average of 30 passengers on board to see the level of danger and potential danger for the general public that an assault on an operator represents.

[English]

It's worth noting that CUTA and its members are already working diligently to put in place other preventive security measures such as closed-circuit television, protective shields, additional employee training in dealing with difficult and dangerous situations, and the hiring of dedicated security personnel. These initiatives are certainly improving the safety and security of transit operators, but they must be supported by legal measures such as the proposed legislative change in Bill S-221.

CUTA urges the committee to approve this bill for House of Commons consideration, as it will provide transit systems with an additional tool to ensure they're appropriately equipped to prosecute offenders. CUTA and the Metro Vancouver Transit Police are currently working on gathering data in the sentencing of subjects charged and convicted of assaulting bus operators across Canada. Preliminary findings reveal a lack of consistency in sentencing across the country for similar types of assaults.

To sum up, we believe this legislative change is necessary for three reasons. One, it will provide one more level of protection for transit vehicle operators, who face nearly 2,000 assaults a year. Two, it will improve public safety by enhancing the safety of passengers and other road users. Three, it will contribute to increasing consistency and predictability in sentencing across the country for similar types of assaults.

As you know, Bill S-221 has received approval from the Senate and unanimous consent at second reading in the House of Commons. I speak for all members of CUTA when I ask this committee to approve this bill for final consideration in the House, the final push required to ensure this piece of legislation becomes an effective, informed, and necessary law.

Thank you very much. *Encore, merci.*

**The Chair:** Thank you for that presentation from CUTA.

Our final presenter on this is from the Metro Vancouver Transit Police.

Chief, the floor is yours for 10 minutes.

**Chief Neil Dubord (Chief, Metro Vancouver Transit Police):** Mr. Chair, honourable members of the House of Commons Standing Committee on Justice and Human Rights, and Senator Runciman, thank you for the privilege of being able to be a witness today in what promises to be an important debate in providing safety, security, and confidence to transit operators, their passengers, and all with whom they share the road.

I've been a police officer for 28 years, and I was the deputy chief of the Edmonton Police Service prior to becoming the chief of the Metro Vancouver Transit Police.

My objective today is just to answer three questions for you in your study of Bill S-221, which is of course an act to amend the Criminal Code that requires courts to consider it an aggravating circumstance for the purpose of sentencing if a victim of an assault is a public transit operator engaged in the performance of his duty.

The first question I will answer is: why is Bill S-221 necessary? Let's walk through four very compelling reasons.

The first reason is for the protection of our public transit operators. No one deserves to come to work to be assaulted. Public transit operators face this reality. There is an assault on a public transit operator every day in the metropolitan Toronto area. This is unacceptable. In all my years of policing, I've never had to worry about being assaulted as a police officer.

The second reason is for public safety. Public safety is two-pronged: the public safety of the passengers who are on the bus, and the public safety of the people outside of the bus who are using the road. Be they pedestrians, cyclists, or individuals in other motor vehicles, they are at greater risk when an operator who's driving a large vehicle is being assaulted.

The third reason is the trust and confidence of the passenger who's using public transportation. When an operator is assaulted, the other passengers who witness the assault feel uncomfortable, anxious, and lose confidence in that system. Municipalities across Canada are encouraging the use of public transportation for economic and environmental benefits. Without the confidence and trust of the passengers, public transportation will not continue to grow.

The fourth reason is for recruitment and retention of competent operators. We know the job of the public transit operator is difficult and requires individuals who have excellent customer service and communication skills, as they are the face of the community. If we do not create a safe environment for these operators to work in, we will not be able to recruit and retain competent and talented individuals.

The second question I intend to answer is: what makes a public transit operator different from any other workers, such as nurses, doctors, and teachers, that they need Bill S-221?

As previously mentioned, in Toronto a public transit operator is assaulted each day. In metropolitan Vancouver, until the end of November, we have investigated 233 reports of assault or threats towards an operator. What other kind of workplace experiences an assault of one of their employees each day? I suggest if any other type of occupation, such as a doctor, a nurse, or a teacher faced these types of numbers, it would be considered a crisis.

Public transit is differentiated from other occupations by the very reason that they serve a broad spectrum of customers, including the working poor, homeless, addicted, and those suffering from mental illness. As with other occupations, the opportunities for operators to disengage or extricate themselves from a potentially violent situation doesn't exist. They cannot walk away or withdraw from the incident when they are locked in the driver's seat with the windshield in front of them, a steel panel behind them, the side window of their bus on their left, a mobile data terminal on their right, and a seatbelt across their waist. All this is in addition to driving a six to ten tonne vehicle on some of the busiest roads in North America.

A pilot would never allow a passenger to freely walk into the cockpit of his plane. A ferry captain would not allow anyone onto the bridge of his ship. Public transit operators do not have the luxury of restricting access. Their occupation is unique, and the hazards they face are not experienced by other occupations. This is why they require the protection of Bill S-221.

The third and final question I will answer is: why do we need Bill S-221 when judges already have the tools necessary to sentence offenders depending on the circumstances of the case?

The description of the working environment and potential risks faced when a public transit operator is assaulted is often not articulated to the judge for consideration of sentencing. The vulnerable and defenceless nature of a public transit operator and the significant impact of any mistakes they make while driving are not regularly communicated to prosecutors. This results in sentencing that is inconsistent. For example, every public transit operator I've ever spoken to has indicated they would rather be a victim of a minor physical assault than be spit upon. The psychological impact, the disrespect, the embarrassment, and the contempt of a spit is seldom considered in sentencing. Often, cases of expectorate receive relatively minor sentences, yet they have significant impact on the public transit operator.

• (1545)

In conclusion, of the 223 cases of operator assaults or threats investigated by Metro Vancouver Transit Police in 2014, over 100 met the threshold of criminal assault. Metro Vancouver experienced a 9% increase in assault in 2013 over 2012. Of the 134 assaults, 68 were physical assaults, 56 involved expectorant, and 19 of those were spits in the face.

I have provided for your consideration the answer to three very compelling questions in support of what is the most important piece missing in reducing public transit operator assaults, that being a strong public deterrent. Despite years of increased efforts by the transit industry to reduce the number of assaults through training, real-time supports, and the installation of cameras, the attacks continue.

Today I have given you four reasons why Bill S-221 is critical to the safety of the public transit operators and the travelling public. In addition, I have answered two common questions that have been known to be barriers in prior failed attempts at legislative change. You possess the power and authority to take action. The House of Commons Standing Committee on Justice and Human Rights has a reputation for being able to get things done. As Victor Hugo said, "Every good idea has its time" and the time is now for Bill S-221.

Thank you.

• (1550)

**The Chair:** Thank you very much for that presentation, Chief.

We'll go to rounds of questions now.

I am going to leave the last five minutes for clause-by-clause, if we can. If you don't use up your full five minutes, feel free to share them with your colleague.

Madam Boivin, the time is yours.

**Ms. Françoise Boivin (Gatineau, NDP):** Thank you all for being here.

We all read what transpired in the Senate. I think you have brought support around this table also.

[*Translation*]

First of all, I would like to recognize the work that operators do. Senator Runciman, I am pleased to see that your definition is quite broad. It covers a wide range of operators of all kinds of public transit vehicles, and that is excellent.

I also recognize the people from the Société de transport de l'Outaouais, who do extraordinary work, as do those working everywhere. We know that the work is by no means easy.

One question often comes up, and you addressed it. Why create this clause rather than add an aggravating factor to section 718 of the Criminal Code, the part dealing with sentencing? I am not sure I fully understood the distinction you are making between adding the new subsection 269.01(1) and those that follow in Bill S-221 and adding an aggravating factor.

If I understood correctly, the point is about the impact that this will have on the public, but could that not have been done by means of section 718? That is my only question about the bill. Are all four of you reasonably confident that this will solve the problem? Should there not be something else in order to ensure the safety of public transit operators and passengers? Should the bill include an awareness campaign indicating zero tolerance for actions of this kind? I do not know. I am not sure that this will necessarily solve all the problems, but it is certainly a step in the right direction.

[*English*]

**The Chair:** Who would you like to have answer that?

**Ms. Françoise Boivin:** I'll start with Mr. Runciman, and maybe Chief Dubord and the others, if they have things to add.

**The Chair:** We'll work our way around.

Senator, the floor is yours.

**Hon. Bob Runciman:** Thank you for the question.

I don't think this is going to solve all the problems. I think it's going to be helpful, and all the witnesses that we heard in the Senate and from the public and other stakeholders have indicated that they're very optimistic that this is going to help in terms of consistency in sentencing.

We've had cases or instances... One was in Ottawa earlier this year, where the judge turned down the recommendation of even the defence counsel, who was asking for a year in that particular assault, and handed out a sentence of six months. The crown was asking for 18 months, the defence for a year, and the judge went for six months, specifically saying that this is not an aggravating factor under the code.

With respect to the general sentencing provisions of section 718, this issue was not something that was on my radar until there was an assault in Ottawa. I gave a member's statement in the Senate based on my concern over the very modest sentence indeed of an individual who had a very long criminal record involving serious assaults and did not serve one day in jail.

I gave a statement and then was contacted by the transit community and asked if I would consider introducing legislation in the Senate. I didn't immediately accept. I did consult with a wide range of people, including a former crown attorney, a former chief of police, and a number of active police officers and some defence counsel as well. That's where this recommendation came from; in their minds this was the way to proceed.

I talked about focusing tightly on the safety of the broader public and dealing specifically with crimes that occur when the bus is typically in motion. I was advised that that was the preferable way to deal with it.

• (1555)

**The Chair:** Chief, would you like to answer that question?

**Chief Neil Dubord:** Thanks so much. I would like to make some points, absolutely.

I think when we talk about this particular bill we have to be thinking about prevention, intervention, and suppression through enforcement. I think that on prevention, you're absolutely correct that there has to be a large public safety campaign that also comes out with it.

In Vancouver we run the "Don't Touch the Operator" campaign which is very specific around our bus operators. It's fairly successful in raising awareness on this particular issue. What this does as well is it allows us not only to be able to interdict, but then be able to enforce the law to the utmost capacity to ensure that there's a high level of deterrent when people are considering doing these types of assaults.

**Ms. Françoise Boivin:** Thank you.

**The Chair:** Michel, do you want to add anything?

[*Translation*]

**Mr. Michael Roschlau:** I would just add that there have been other bills about this previously, of course. However, this one is the most balanced in terms of the situations and the dangers people face each day. Clearly, each assault is one too many.

You rightly pointed out the importance of conducting an advertising and awareness campaign, after the bill is passed, to clearly communicate what it contains across Canada, aimed also at authorities in all jurisdictions.

**Ms. Françoise Boivin:** Thank you.

[*English*]

**The Chair:** Our next questioner is Mr. Calkins from the Conservative Party.

**Mr. Blaine Calkins (Wetaskiwin, CPC):** I'm going to ask all of my questions and hope that there's time for everybody to answer.

My first question is for the chief and Mr. Roschlau. Have all practical measures been taken to provide for operator safety before this bill is actually required? I mean safety measures such as plexiglass, whatever those kinds of things might be, to prevent people from having access to the driver.

My second question is specifically for you, Mr. Roschlau. What will the CUTA do to communicate to Canadians and passengers regarding the changes to this bill when it does become law? I have every reason to believe it will.

My third question is: is it reasonable to have this legislation well in place when an employee is not in active operation of the vehicle? The legislation says it's in the execution of their duties. Somebody mentioned that 80% of the assaults happen while they're driving, which means that 20% happen while they're at work, but not necessarily in care and control of a vehicle. I'm wondering if the definition is going to cause some future problems of unintended consequences that we might not be aware of.

My fourth question is: are there any vehicles or any public transportation mechanisms that aren't included in the definition that might cause some exclusion by accident?

**The Chair:** You have the four questions.

Chief, would you like to take a shot at it first?

**Chief Neil Dubord:** Sure. I can start with a response with regard to the barrier question.

With regard to bus operator barriers, we have had some experience here in Vancouver where we were ready to install barriers in all of our buses to prevent people from actually getting to the operator to assault them. Unfortunately, or fortunately I guess, it went to a vote of the bus operator union and they actually voted against the installation of the barriers.

The common comment from the bus operators was that they actually enjoyed the customer contact they have each and every day and they find that to be the best part of their job. When the barriers are installed it eliminates that actual customer contact. As a result, it reduces their impact in the community. They wanted to be able to continue with that and were actually willing to take the risk of being assaulted in order to continue with the best part of their job. That is why the bus operator shields have not been installed in the metro Vancouver area.

**Hon. Bob Runciman:** The people who are defined as transit workers, I suppose is the question you raised, rather than those who are operating when the vehicle is in motion.

I think it goes to the comment that the chief made with respect to comparing this to other occupations. For example, a nurse has been used as a comparison on a number of occasions, and I think it's a valid comparison. That's why this legislation was specifically focused on a transit vehicle in motion, because we're focusing on the broader public, the danger not only to the driver, the operator himself or herself, but also to the passengers, the people in the vehicles on the roadway, and the occasion that pedestrians could be in danger as well. That's why this focus is as broad as it is.

• (1600)

**The Chair:** Mr. Roschlau, do you have anything on the question about promotion of this?

**Mr. Michael Roschlau:** First of all, to the first question, clearly, transit systems across the country have taken many of these measures. I think probably the one that's the most common right now is the installation of surveillance cameras. They are a deterrent to some extent, and they certainly also provide evidence in the case of incidents that can be consulted after the fact.

Protective shields have been less popular. Some systems have put them in universally across their fleets, and the chief is quite right. They're controversial in terms of the willingness of operators to use them, given the interaction they have in the customer service part of their job. The third part, of course, is the importance of training, in providing the operators with skills in defusing situations and avoiding situations and working around that.

Those are three key deterrents, three key elements that have been used quite significantly across the country and across the industry, but they're not enough.

That's in answer to your first question.

The second one is, we have an excellent network across the country. There are 120 transit systems that are members of CUTA that we can work with in terms of communications and equipping them with the tools to use locally as well as in communicating the impact of this, if the bill is passed.

**Mr. Blaine Calkins:** I think I'm good. I'll share whatever time I have left over.

**The Chair:** You have one minute left if somebody wants it.

Mr. Wilks, you had your hand up for a quickie, so there you go.

**Mr. David Wilks (Kootenay—Columbia, CPC):** I'll respond by saying I need more than one minute.

**The Chair:** All right. We'll put you back on the list then.

Our next questioner is Mr. Casey from the Liberal Party.

**Mr. Sean Casey (Charlottetown, Lib.):** Chief Dubord, as you know, the bill has all-party support and my own personal support. If anyone were even close to being on the fence, your opening statement was extremely compelling, so thank you for that. If anyone ever had any doubt, the experience you have had and that you outlined in your statement was extremely persuasive.

Mr. Roschlau, you're to be congratulated on an extremely effective lobby in connection with this issue. I've heard on several occasions from your organization and from the Amalgamated Transit Union and the STM bus drivers' union. It has worked not only to convince people of the need for this, but also to clear out some of the procedural impediments to getting it through, procedural impediments that have prevented previous versions of this from passing. On a very effective lobby you're to be congratulated.

Finally, Senator Runciman, I also want to congratulate and thank you for the balanced approach you have taken. Your comments with respect to judicial discretion are particularly appreciated here. All too often we see initiatives advanced in which the importance of scoring political points is factored in, and as a result there's a wedge or a poison pill inserted. Thank you for not doing that on this; I think it allowed the lobby to be so effective that all sides basically paved the way for smooth passage.

I stand here in support. I have questions for none of you, just congratulations and kudos all around. As you know, this is not the first time this issue has come before Parliament; it's the first time it has made it this far. All parties have had private members' bills touching on the issue, including the Liberal Party. The difference between the bill presently before the committee and the one that was put forward by Ralph Goodale was that his was to apply to all Criminal Code offences, not just the assault provisions. But that in no way lessens the extent of the support this bill has from us.

Thank you all.

• (1605)

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

Our next questioner is Mr. Seeback from the Conservative Party.

**Mr. Kyle Seeback (Brampton West, CPC):** Senator Runciman, I want to go back. Madam Boivin actually asked my question, but I want to go at it a little bit more.

In putting this in proposed new section 269.01 rather than in section 718, you said you got advice from defence lawyers, crown attorneys, etc. Was there anything more to that advice than that you should put it in a separate section and not in section 718? Did they explain why? That's the one thing I'm really curious about.

**Hon. Bob Runciman:** I can't recall specifically, other than that it was a broader public safety issue, and it is focusing specifically on that rather than on what we talked about in Mr. Goodale's bill, for example: a much larger range of offences that would be incorporated in that approach. I can't recall; it's been a while since we had that conversation.



Actually, it was in that consultation as well that I was urged—and this I think differentiates this from all the other bills that were introduced on the House side—to incorporate taxi drivers. I was urged to take that into consideration, and we did.

In terms of getting into specifics on that particular element, I can certainly go through the files and find what we have in writing and forward it to you, if it's a matter of interest.

**Mr. Kyle Seeback:** Sure. That would be great.

That's it. I'll share my time with Mr. Wilks.

**The Chair:** Mr. Wilks, the time is yours. You have five minutes.

**Mr. David Wilks:** Thank you.

I have more of a technical question, Senator. Under section 2 of the Criminal Code right now, the definition of “motor vehicle” is “a vehicle that is drawn, propelled or driven by any means other than muscular power, but does not include railway equipment”.

I'm wondering whether there was any consideration at the Senate to amend section 2 to remove the word “motor” and just have the word “vehicle”, and then also remove “but does not include railway equipment”, and just add in “train, subway, tram and ferry”, because all the others would already be included. Otherwise, we're now going to have a definition for motor vehicle and we're going to have a definition for vehicle under section 2 of the Criminal Code. Let's face it. That's going to be confusing. To me, it would have made much more sense to remove the word “motor” and just have “vehicle”—it is already defined—and we could have added in “train, subway, tram and ferry”.

That's a question for anyone here. It seems to me that would be a logical amendment.

**Hon. Bob Runciman:** It was never raised during the Senate hearings or during my consultation exercise. We attempted to consult a wide range of people, and that was never raised as a concern. Obviously, you should have been incorporated in that range of people I consulted. No, I'm not sure what the implications are.

Maybe Chief Dubord could speak to that.

**Chief Neil Dubord:** Certainly, I think the definitions will be harder to manage having the special definition of a motor vehicle as compared to a vehicle. In my opinion, though, I think it is completely manageable and understandable for us to be able to use as a law enforcement tool.

**Mr. David Wilks:** Okay, that was just a suggestion.

Thank you.

**The Chair:** Mr. Dechert, there is still a little time left. Would you like to ask a question?

**Mr. Bob Dechert (Mississauga—Erindale, CPC):** Sure. Thank you very much.

I want to thank Senator Runciman and Mr. Chisu for bringing this bill forward. I think it's something that has needed to be done for some time.

I just want to tell you, Senator Runciman, that I've spoken to a number of drivers in the Mississauga transit system called MiWay transit, and they're very supportive. There have been a number of

very serious cases of assault on the drivers in Mississauga, and I think that needs to be addressed.

I also want to thank you for including taxi drivers. You mentioned that they weren't in the previous bill, and I thought that was a problem with the previous bill, quite frankly. Taxi drivers are often all alone in their vehicles late at night. There are no other passengers, just maybe one bad passenger and the driver, and they're at enormous risk for these kinds of assaults. I think we really needed to address that and I'm very grateful to you for doing that.

I wonder if you could tell us a little about some of the stories you've heard about taxi drivers. Just before I let you answer, I want to tell people about the TTC driver of a streetcar who was involved in a case that we've all heard of where a person was shot. That driver got all of his passengers safely off the streetcar and then he went back onto the streetcar to confront the person who was threatening people with a large knife. I think that's the kind of behaviour that we want to reward.

I'll let you answer the question about taxi drivers.

Thank you.

● (1610)

**Hon. Bob Runciman:** I'll give you two quick comments with respect to both the taxi side and the bus driver side.

Earlier this year a university student working in the Senate as an intern approached me. She got quite emotional when thanking me for introducing the legislation. She indicated that her dad and mother had immigrated to Canada. He had worked as a taxi driver for 20 to 30 years. He drove into an industrial park one night, was taken out of the vehicle and seriously assaulted. He thought he was going to die that evening, but recovered and still went back in, because that's the way he made a living. He was putting this lady and her brother through university. She got me quite emotional.

Mr. Chisu and I were in Toronto holding a round table with transit drivers and transit operators. A big fellow, who must have been in his late fifties or early sixties, a big hulking guy, got quite emotional that he'd been assaulted and he thought no one cared. He was so appreciative of the fact that this legislation was an attempt to try to improve the working environment for them and for himself.

Those are just two brief stories of the kind of experienced feedback I've had since we've introduced this legislation.

**The Chair:** That's the Conservative time.

Now we'll go to Madam Boivin for a few minutes.

**Ms. Françoise Boivin:** Just for a minute, because I thought your point was interesting. I don't foresee a problem personally, but that's worth what it's worth. I think we'll have people from the department here when we do the clause-by-clause study—

**The Chair:** Yes.

**Ms. Françoise Boivin:** —because the way I see it is that clause 2 is kind of a general definition. But it's pretty clear in your bill that, for the benefit of that clause, here's what's going to be included and one doesn't preclude the others, because it says—

[Translation]

in French, the word “notamment”,

[English]

and gives examples.

In my opinion, it's an interesting point, but I don't think it will create any problem as such, so I am personally satisfied that your bill is okay the way it's written.

Now I'll hand it over to my esteemed colleague, Madam Pécelet.

[Translation]

**Ms. Ève Pécelet (La Pointe-de-l'Île, NDP):** Thank you very much, Mr. Chair.

This will be more along the lines of a comment.

When my colleagues met with unions representing public sector workers in Montreal, and elsewhere in Canada, they heard time and time again that operators are in a vulnerable situation. They have to remain at their post and are constantly exposed to acts of gratuitous violence. It is important to mention that.

This bill will send a loud and clear message that it is time for that to stop. It will certainly address that problem. I have read the statistics on this and they are really quite alarming.

I would just like to thank all the witnesses for appearing before us today. I thank them for sharing their comments and their stories. They highlighted the importance of action, such as a bill like this provides. It will help public transit vehicle operators directly. However, everyone will be helped indirectly because they are putting their safety in the hands of those public sector employees.

Thank you very much.

●(1615)

[English]

**The Chair:** Thank you for those comments.

Our final questioner for this bill is Mr. Goguen from the Conservative Party.

**Mr. Robert Goguen (Moncton—Riverview—Dieppe, CPC):** Thank you, Chair, and thank you to all the witnesses. Thank you, Senator Runciman, for bringing this bill forward.

All the reasons for bringing this bill forward have been made. They're all compelling reasons, but I'm wondering about how one protects oneself from assault. Certainly adding an aggravating factor at a sentencing is helpful, and of course, perfection shouldn't be the enemy of good, but how do you protect somebody? It's far different operating a ferry from operating a bus, from operating a taxi.

Chief Dubord, you talked about a public safety campaign. What's the most effective way? Can you comment on what type of a public campaign you guys have used in the past and its effectiveness? There's no perfect solution, and I recognize that, but I'm just wondering about your thoughts on it.

**Chief Neil Dubord:** Great. Thank you for the question.

You're absolutely correct. It's a combination of different factors that come together. As we talk a little about community policing, we

understand that it requires the education of the public, the intervention, our being able to step in at critical times when a crisis is building. It also requires us to ensure there's a strong deterrent. When I talk about our particular campaign against bus operator assaults or public transit assaults, I talk about a 10-step plan that we have to be able to go after and make sure that we try to hit this from all different angles, because each one impacts a different crowd as well.

One of them might be the “Don't Touch the Operator” campaign. A second public awareness campaign might be “see something, say something”. We have a campaign where we try to engage the bystanders, the people who are riding the bus, to protect their driver as well. So we try to engage people at different levels.

When we talk about intervention, the cameras are a great tool for us to be able to provide that level of intervention. In addition, we train our operators to show them how to de-escalate situations, because throughout my 28 years of policing experience, my tongue has always been my best tool in being able to de-escalate situations. We train them in that. On the other side, we train our officers now to be able to get proactive. When we have someone threatening a bus operator, those are some indicators that may lead to an assault. As a result we need to be able to take those threats very seriously, and we'll follow up with those individuals and ensure they understand what they're doing is inappropriate in the environment they're acting out in, and ensure they don't take that next step of physically confronting a bus operator.

**The Chair:** Thank you very much to our witnesses.

Thank you for joining us, Chief.

We're going to suspend for two seconds while we get Mr. Taylor from the Department of Justice to join us at the table. We're going to go to clause-by-clause study in moments.

Thank you for joining us, Mr. Taylor.

Are there any questions for officials?

Would you like to try to answer Mr. Wilks' question? Maybe he can restate it for you so we have on the record what the question was.

**Mr. Matthew Taylor (Counsel, Criminal Law Policy Section, Department of Justice):** I think I understand the question. I think it is a good question and I think the explanation by Madam Boivin is a good one.

The proposed provision says “vehicle includes” and then it lists a number of specific types of vehicles. From an administrative perspective, I think police officers and the courts are going to understand that the definition is going to be read consistently with the definition of motor vehicle in section 2.

I think the proposal is a good one, but I think it provides enough clarity in the law as it presently exists.

**The Chair:** Is there anything further?

Mr. Wilks.

**Mr. David Wilks:** If I may, I think our objective here should be not to clutter this book any more than it needs to be cluttered. There is a clear opportunity to modify. Under section 2, remove the word “motor” which would include the word “vehicle”. A bus, paratransit vehicle, and a taxi cab are already defined as a motor vehicle.

After the words “muscular power” all you would do is remove the words “but does not include rail equipment” and add the words “and includes train, subway, tram, and ferry”. Otherwise, a police officer would have to look up two different definitions of what a vehicle or a motor vehicle might be. We're trying to make it more simple, not more complicated.

•(1620)

**The Chair:** Mr. Seeback, do you have a question?

**Mr. Kyle Seeback:** Not on this topic. I have a different question. Are we done with that topic?

**The Chair:** Is there anything further on that issue?

Seeing none, Mr. Seeback.

**Mr. Kyle Seeback:** When I look at clause 1, when you get down to “public transit operator” it reads, “engaged in the performance of his or her duty”.

Would you see that as including a transit operator on a break standing outside the bus—and I don't know if that takes place—having a coffee or having a cigarette? Would this section be triggered if an assault took place under those circumstances, based on how this is drafted?

**Mr. Matthew Taylor:** It's another good question.

We have another provision in the code in that similar type of language, “engaged in the performance of their duties” and it has been interpreted fairly restrictively in those contexts as relating to a specific duty that the professional has and that they are engaged in performing that duty, just as the words would say.

I think it's an open question as to whether the courts would interpret this provision as encompassing the bus driver who is perhaps inspecting the vehicle before they start driving it and is assaulted at that moment, for example. The wording doesn't preclude it, but it wouldn't surprise me that it is something that would be subject to litigation to determine what the boundaries would be.

**The Chair:** I'm glad we have lawyers to argue that stuff out.

**Mr. Kyle Seeback:** Well, we just want to get it right. That's the—

**The Chair:** Mr. Calkins.

**Mr. Blaine Calkins:** Mr. Taylor, I have a couple of examples. Could you give me your opinion on this?

Right now the dynamics of providing transportation are changing with the advent of technologies and so on. We have examples like Uber, which by some people's definition is a public transportation system where private individuals offer their cars for taxi services. Would those people be covered under this legislation?

**Mr. Matthew Taylor:** I think they would be, provided that they are “an individual who operates a vehicle used in the provision of passenger transportation services to the public”.

I think it's a non-exhaustive scheme because “vehicle” provides a number of examples—bus, paratransit vehicle—so you could read in other types of vehicles. Provided that the driver is providing services to the public, they'd be captured as well.

**Mr. Blaine Calkins:** The list of vehicle and public transit operators includes what I think most Canadians would call common sense and functional transportation. In my opinion it seems to miss what would be considered recreational or other types of transportation, such as somebody who operates a horse and carriage to take people on guided tours. It seems to be missing people who might be operating a rickshaw or some other tourist type of public transportation service. Would the legislation as it is here capture that?

**Mr. Matthew Taylor:** It's interesting. I think it's hard to say whether the rickshaw driver would be captured, because of the point Mr. Wilks has made with respect to the definition of motor vehicle. If the courts read “vehicle” in a more expansive way than “motor vehicle”, to include vehicles that are propelled by muscular power, then yes, I think it would be. If the courts try to read this in a way that is more limited and consistent with the definition of motor vehicle, then they might well exclude it. I think the other point to make is that the courts will always have the ability to consider any factor as aggravating or mitigating.

**Mr. Blaine Calkins:** Okay, thank you.

**The Chair:** Madam Boivin.

**Ms. Françoise Boivin:** I was reading the English definition, which seems pretty broad in a sense, when you talk about who operates a vehicle “used in the provision of passenger transportation services to the public”, and then it describes a bunch of things.

I do agree with you that it could perhaps be more specific, but I think the idea right now is to send the message. Perhaps we'll be reviewing this in two or three years, but I think the message is pretty clear right now, and the message we want to send about those types of infractions is clear.

How it's going to apply, from the discussion we're having between ex-policemen, lawyers, and so on, we can bet that a lot of discussions will happen in court, although I haven't heard of many rickshaw people being attacked as much as those on the bus. I think initially that is mostly what was targeted, and it got widened. I'm happy with Bill S-221 because it got widened, but perhaps not wide enough. We'll see down the road if we covered enough with that.

•(1625)

**The Chair:** Thank you.

Mr. Dechert.

**Mr. Bob Dechert:** I want to clarify the point that Mr. Taylor made in response to Mr. Calkins' question.

Your point was that the definition of “vehicle” in proposed subsection 269.01(2) in this bill is inclusive so that it's not limited to those things that are itemized there. So an Uber driver could be included because he is operating a vehicle that provides transportation services to the public, even though it's not a licensed taxi cab.

**Mr. Matthew Taylor:** Yes. I think as long as they're providing transportation services to the public and they're using a vehicle when they do it, this provision would capture it.

**Mr. Bob Dechert:** Thank you. I appreciate the clarification.

**The Chair:** Mr. Goguen, do you have anything?

**Mr. Robert Goguen:** Yes, one thing.

There's been a compelling case made for public transit workers. There have been a number of assaults and we're looking at the issue of whether it would cover Uber drivers or rickshaw drivers and all that. Section 718 of the Criminal Code, which adds aggravating factors, is not exhaustive. I don't know if you agree with me, but surely if a rickshaw driver was assaulted, it wouldn't stop a judge from taking into consideration that this person was transporting somebody in a public service and there was perhaps an additional danger to the public if he ran off the road.

**Mr. Matthew Taylor:** Absolutely, the judge will always have the ability to consider whatever circumstances he deems appropriate as aggravating or mitigating, given the particular facts of the case.

**Mr. Robert Goguen:** That's fine, that's all I have.

**The Chair:** Is there anything further for Mr. Taylor?

I'm sure he was prepared for all these questions.

That's great. Thank you very much.

Let's move on to the actual clause-by-clause consideration. There's the title and only one clause, even though there are two sections.

Shall clause 1 carry?

(Clause 1 agreed to)

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

**Some hon. members:** Agreed.

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

**Some hon. members:** Agreed.

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

**Some hon. members:** Agreed.

**The Chair:** I'll do that tomorrow.

Thank you very much. That bill has now carried. It's going back to the House and will have its third reading when the House leaders decide to call it back to the House.

We'll now suspend for two or three minutes while we switch over to our next meeting.

So colleagues will know, Ms. May is not showing up for the second hour.

•(1625) \_\_\_\_\_ (Pause) \_\_\_\_\_

•(1630)

**The Chair:** I call this meeting back to order, pursuant to order of reference of Friday June 20, 2014, Bill C-32, an act to enact the Canadian victims bill of rights and amend certain acts.

As you know, ladies and gentlemen, we were doing clause-by-clause consideration. We got to clause 30 before we finished, I think.

While we wait for our colleagues to reappear, even though Ms. May is not here, she has the majority of the amendments that are left, in fact, not quite all of them, but almost all of them. They are still deemed moved, so we still have to vote on them. If somebody on the committee wants them, you can still vote for them.

The question was asked of me with regard to the addition of privacy, which was done in clause 2. There was discussion about the French wording, was there not?

[Translation]

**Ms. Françoise Boivin:** Yes.

[English]

**The Chair:** Are we comfortable with the wording that was provided? Very good.

We're now on clauses 31 to 34.

(Clauses 31 to 34 inclusive agreed to)

(On clause 35)

**The Chair:** We have LIB-17. If LIB-17 is moved, PV-20 is out of order.

Mr. Casey.

•(1635)

**Mr. Sean Casey:** Mr. Chair, this amendment arises out of a concern that victim impact statements could now include opinions on sentence. This amendment would remove the possibility that opinions could be included in victim impact statements.

It is consistent with the concerns expressed by the Canadian Bar Association in their recommendation six. Rest assured there would still be an opportunity for victims to have input into the sentence, but this would be in the manner that they do now, and that's by providing relevant information in a pre-sentence report.

While opinions, in our view and in the view of the Canadian Bar Association, do not belong in the victim impact statement, a victim still would not be completely precluded from having input under the procedures that presently exist.

The difficulty with allowing a victim impact statement to include an opinion is that it runs contrary to the legitimate objectives of sentencing, which rely on a careful analysis of factors, including proportionality, aggravating and mitigating factors.

That's the amendment and the rationale behind it. As I indicated, it is consistent with the testimony that we heard from the Canadian Bar Association.

**The Chair:** Mr. Goguen.

**Mr. Robert Goguen:** This amendment shouldn't be supported because it's contrary to the complete intent of the bill. The objective of the bill is to permit victims to express their opinions and for their opinions to be taken into consideration. Of course, the courts have always exercised their inherent jurisdiction to accept the views of victims on sentencing where it's deemed appropriate, and this is particularly used in sentencing circles.

We will be voting against this amendment.

**The Chair:** Madam Boivin.

**Ms. Françoise Boivin:** Maybe to add to those lines, I still think that for a lot of victims, if the court would know what they think on the issue of sentencing...because who is a lawyer around the table who didn't have a client? I did labour law for 30 years, and sometimes somebody would say they've been wrongfully dismissed. I would always ask, and I taught this to students too, "What do you want? What are you looking for?" They would say to me, "Well, I think it's worth \$1.6 million." I would use my time to explain so that they would not be too disappointed when they got \$12,000.

I think that in criminal law it is much the same. For some victims there's no sentence that will ever cover the infraction that was done against them. It's with permission, except with the court's approval. Sometimes there are cases, and some judges are really in tune with it and they could take that time to maybe just address the expectations a bit. I think it would help tremendously.

When we studied the report on the perception of justice in Canada and there were informed citizens versus non-informed citizens about the same cases, it's incredible how the view of the justice system changes. I do believe that in some cases...and I will leave it to the court. That's why I like the fact that

[Translation]

the wording is: "sauf avec la permission du tribunal".

[English]

Technically the logic is that they won't, but they will with permission if they feel that the victim really wants it.

The argument by Mr. Casey, and I respect that argument, is the pre-sentencing report. The problem is that for those of us who did criminal law, the victim was not necessarily always interviewed by the probation officer who did the pre-sentencing report. Sometimes, typically, it was just on the accused, so we would never know what the victim thought.

There is a possibility for the court to decide to hear it if it wants. As I said, when the judge *prononcera la sentence*, they will probably address that position. That's my view.

**The Chair:** Is there anything further?

(Amendment negated [See *Minutes of Proceedings*])

**The Chair:** Amendment PV-20 has been removed. Now we're at amendment LIB-18. Of course, if LIB-18 is moved, PV-21 is removed.

The floor is yours, Mr. Casey, on amendment LIB-18.

•(1640)

**Mr. Sean Casey:** LIB-18 proposes the exact same change to the provisions that deal with community impact statements. The comments that I made with respect to victim impact statements apply and I need not repeat them. All of the things I had to say on the last amendment apply to this one with respect to community impact statements.

**The Chair:** Thank you.

Monsieur Goguen.

**Mr. Robert Goguen:** I have pretty much the same arguments made on the previous one, and the court retains the inherent jurisdiction.

(Amendment negated [See *Minutes of Proceedings*])

(Clause 35 agreed to)

**The Chair:** We have no amendments for clauses 36 to 42 inclusive, so may I move them all at once?

**Some hon. members:** Agreed.

(Clauses 36 to 42 inclusive agreed to)

**The Chair:** We have a new clause, clause 42.1, and it's amendment G-10.

I will speak slowly until somebody who would like to speak to it puts up their hand.

Monsieur Goguen.

**Mr. Robert Goguen:** Yes, I'd like to speak to this.

This amendment proposes to add a new transitional provision to specify that the amendment proposed to paragraph 718.2(e) of the Criminal Code would only apply to offences committed on or after coming into force of the bill. Section 718.2 of the Criminal Code is amended by Bill C-32 to require that sanctions be consistent with the harm done to victims or to the community. A similar transition clause is already proposed for section 718, but was inadvertently omitted in section 718.2.

It's a housekeeping amendment.

**The Chair:** That's a housekeeping one.

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

(Clauses 43 and 44 agreed to)

(On clause 45)

**The Chair:** We have two amendments on clause 45, and they're both from the independent, Elizabeth May of the Green Party. Are there any comments on PV-22?

(Amendment negated [See *Minutes of Proceedings*])

**The Chair:** Are there comments on PV-23?

**Ms. Françoise Boivin:** I would have had questions but—

(Amendment negated [See *Minutes of Proceedings*])

(Clause 45 agreed to)

(On clause 46)

**The Chair:** We have three amendments, PV-24, PV-25, and PV-26.

Are there comments on PV-24?

(Amendment negated [See *Minutes of Proceedings*])

**The Chair:** Are there comments on PV-25?

(Amendment negated [See *Minutes of Proceedings*])

**The Chair:** Are there comments on PV-26?

Madam Boivin.

•(1645)

**Ms. Françoise Boivin:** Yes, I think it makes sense. That's all I'm going to say.

I think it's clearer because it's not only the unescorted temporary absence, it could be the escorted temporary absence also, so I thought it was a sound amendment.

(Amendment negated [See *Minutes of Proceedings*])

(Clause 46 agreed to)

(Clauses 47 and 48 agreed to)

(On clause 49)

**The Chair:** On clause 49, we have amendments PV-27 and PV-28.

(Amendments negated)

(Clause 49 agreed to)

**The Chair:** I don't have any amendments for clauses 50 to 57. May I move them all at once?

**Some hon. members:** Agreed.

(Clauses 50 to 57 inclusive agreed to)

(On clause 58)

**The Chair:** We're on to clause 58, and that has an amendment, G-11.

Mr. Goguen, I'm assuming you want to speak to it.

**Mr. Robert Goguen:** Yes. This is a technical amendment. It's a modification to make a correction in the clause. As you will recall, the wrong version of private member's Bill C-479, , an act to bring fairness for the victims of violent offenders was transmitted to the Senate earlier in the session due to an administrative error, and Bill C-479 has since been updated. The proposed amendment would ensure that this clause makes the correct reference to proposed paragraph 142(1)(c) of the Corrections and Conditional Release Act that is currently reflected in Bill C-479.

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

(Clause 58 as amended agreed to)

(Clause 59 agreed to)

(On clause 60—*Ninety days after Royal Assent* )

**The Chair:** On clause 60, the last clause of the bill, I believe, we have an amendment from the NDP.

Madam Boivin, it's your seventh amendment. The floor is yours.

**Ms. Françoise Boivin:** I think it's fitting that it's the last amendment.

[*Translation*]

This is about the bill coming into effect. First of all, I want it to be clear to all that the NDP does not want to hold up anything. In fact,

this is directly linked to what we were told by Saskatchewan's justice minister and the attorney general of Alberta during the committee's work.

It was in the Saskatchewan justice minister's letter of November 20. For the attorney general of Alberta, it was when he testified here on November 4. One of the witnesses mentioned—and I no longer recall which one—that 90% or 95% of this bill, relating to the Victims Bill of Rights, will have to be enforced by the provinces.

To this day, I am still upset that we received no reply from the provinces, which will be the ones most affected by the Victims Bill of Rights. That said, I feel that, once the bill is passed, we must arrange for them to have the time to come up with mechanisms, formulas, and so on so that everyone can enforce the bill of rights in the same way.

The timeframe could have been longer. In my opinion, six months is quite short. Saskatchewan's justice minister seemed to be saying that it was a minimum. I think that it can be done in six months, if we make it known that it is urgent. Three months is extremely short. But these justice ministers are quite well established. They have thought about the matter. They are also in favour of the bill of rights. It is not as if there was resistance on their part and they wanted to hear nothing about it.

As I said previously, the objective is not to hold up the process. The quicker we establish these principles, the more supported the victims will feel. The system has often supported victims, but they have not necessarily felt that to be the case.

In my opinion, a lot of these measures must be put into effect as quickly as possible. However, I do not think that it is too much to allow 180 days, rather than 90 days, before the bill comes into effect.

[*English*]

**The Chair:** Monsieur Goguen.

**Mr. Robert Goguen:** The provinces and territories have been aware of this coming forth since April 2014, and some of the stakeholders of victims' rights have been working a lifetime to get this through. We feel that 90 days is quite reasonable to give the provinces the chance to put this into place, so we'll be voting against the amendment.

**The Chair:** Anything further?

[*Translation*]

Ms. Boivin, you have the floor.

**Ms. Françoise Boivin:** I am simply going to reply to that comment and afterwards I will yield the floor to my colleagues.

I know the government has been talking about this for a long time. However, it has not been that long since the bill of rights itself was created. It is often when people see provisions on paper that they realize certain things.

I would like to say, in defence of the provinces, that even if they knew that the government was working on something, they did not know to what extent these responsibilities would land, as we say, “in their court”. If you read the report and the press releases the justice ministers issued following the last federal-provincial-territorial conference—and that was only a few months ago—you will see that the matter of the bill of rights seemed to be on the back burner.

This will not affect my life, but I think the government is going to have some serious problems. The bill of rights looks like it might have a rather difficult beginning. Once it is adopted by the House, it would not be superfluous to tour the provinces or at least to advise them that they have 180 days to get up to speed. It is a bit cavalier, in my opinion—and I say this with all due respect for my colleague across the way—to state that they knew this all along. According to what I read I did not get the impression that the provinces understood the scope of the responsibilities the bill of rights was going to impose on them.

If the government really wants this to be a success, it is going to have to put some basic elements in place, as regards promotion, among other things; this just happens to be one of its favourite areas. It needs to say that the new charter has been adopted, and so on and so forth. In fact, I am sure that is already planned.

You have to think of the fact that crown attorneys and police officers are going to have to proceed differently, throughout the country. The Canadian Parliament does not move fast, and provincial governments do not necessarily move any faster.

I don't know if other colleagues have any comments to make on this.

• (1650)

[English]

**The Chair:** Madam Péclet, the floors is yours.

[Translation]

**Ms. Ève Péclet:** After having put the question to several witnesses, we saw that there was a lack of clarity regarding the enforcement of the charter. This is true for the provinces, but it is also true at the federal level. For instance, the bill refers to a complaint mechanism, but even at the federal level, that mechanism has not yet been established. Who will have this responsibility? Will it be the ombudsman? Will it be someone else?

If the charter were adopted tomorrow morning, we would still have to give the provinces and federal departments the time to adopt these mechanisms, and as my colleague was saying, provide appropriate training.

I will not talk about resources, but no budget has been allocated to the enforcement of the Victims Bill of Rights. However, several witnesses referred to the vagueness around its enforcement. The work that will need to be done on that is going to require more than three months. The justice ministers, as well as several experts, emphasized this lack of clarity and the fact that it will be necessary to provide training after the bill of rights is adopted.

In light of the problems the provinces are going to be grappling with, I think a six-month time frame would be appropriate. We agree that even if the charter were adopted tomorrow morning, it could not

be enforced immediately. In other words, a long process will be needed even within the federal government.

Perhaps the Department of Justice officials could tell us if the complaint mechanism has already been put in place in federal departments. I have my doubts.

[English]

**The Chair:** Would you like to respond to that question?

[Translation]

**Ms. Pamela Arnott (Director and Senior Counsel, Policy Centre for Victim Issues, Department of Justice):** Yes. I can assure the committee that the federal organizations involved are working with some urgency on preparing the implementation of this bill of rights, including the complaint mechanisms.

[English]

**The Chair:** Okay.

Is there anything further on amendment NDP-7?

Seeing none, all those—

**Ms. Françoise Boivin:** Whoa. One second. We have time.

**The Chair:** I didn't say we didn't have time. I didn't see your hand.

**Ms. Françoise Boivin:** It's not a question of time. It's just because of the answer

• (1655)

[Translation]

which you gave to my colleague, Ms. Arnott.

Since only 5% of the enforcement of the bill of rights will be under federal responsibility—unless you want to contradict the witness who represented MADD Canada, if I am not mistaken—and consequently that responsibility will fall to the provinces for the most part, you cannot really predict how long the provinces will need to adapt; nor can you make any assumptions about the time needed to establish the complaint mechanism that will be put into effect. You can only comment on your 5%.

**Ms. Pamela Arnott:** Yes, that is true, but I can nevertheless assure the committee that we are working in close cooperation with our provincial and territorial colleagues.

For instance, I chair a working group that includes all of the directors of victims' assistance services. We examined several aspects of the bill, and among other things we have created a special subcommittee on the victims' bill of rights. It includes crown attorneys, people who work in the delivery of services provided by tribunals, victims' assistance services, and the legal aid services from all of the provinces and territories. That subcommittee is discussing matters related to the implementation and enforcement of the act.

This work is being done in cooperation with various stakeholders and has allowed us to suggest some fine-tuning for the bill. We are now working to develop tools to support the provinces and territories.

**Ms. Françoise Boivin:** The example I'm going to give you may be a bit different, but when we amended the Civil Code of Quebec all of these committees had done their homework. That can go quickly enough, but afterwards all of the crown attorneys have to be involved. You may have a crown attorney committee, a committee with members from police forces, and so on. All of these people have to be involved. This cannot be done overnight.

I remember the time it took for this to go through all of the lawyers who were affected by the reform of the Civil Code or that of the Quebec Code of Civil Procedure. That is the case for any reform that is going to have a significant impact.

Are you claiming that bill of rights will not have much of an impact, and that there is no problem? I think that if the government introduced this bill of rights it is because it considers that it will have a positive impact.

In order for that to happen, all of the stakeholders have to be on the same wavelength and have the same tempo. Before all of the courts, judges and so on are informed and ready to apply the bill of rights, a lot of education is going to have to take place. This is not a matter of sending a simple memo to the judiciary letting them know that they are to take note, for instance, that as of March 30, 2015, there will be some changes. Anyone who works in this field knows that this cannot be done simply with memos and committees. There must be a transition period.

I find it extremely optimistic to think that all of this will be ready in time. You also have to remember that we are raising the expectations of victims. Victims are expecting to see results and they are the ones I am thinking of. As for the rest, if you seriously believe that in three months everything will be operational at all provincial levels and throughout the Canadian court system, I am not going to say anything further except perhaps to wish you good luck with that.  
[English]

**The Chair:** That was a comment; it wasn't a question.

**Ms. Françoise Boivin:** There were tons of questions in it.

**The Chair:** Not really.

**Some hon. members:** Oh, oh!

**Ms. Françoise Boivin:** Is there a mechanism of complaint here?

**Some hon. members:** Oh, oh!

**Ms. Françoise Boivin:** No, I'm just kidding.

I feel like a victim. I'm being victimized.

**The Chair:** Is there anything further concerning moving the 90 days to 180 days? Is there anything further on amendment NDP-7?

(Amendment negated [See *Minutes of Proceedings*])

**The Chair:** All those in favour of clause 60 please signify.

**Ms. Françoise Boivin:** Can we have a recorded vote?

**The Chair:** Do you want a recorded vote on your amendment or on clause 60?

[Translation]

**Ms. Françoise Boivin:** I am referring to clause 60 and to the fact that we hope to see it come into effect after 90 days.

[English]

**The Chair:** It is on the clause.

(Clause 60 agreed to: yeas 5; nays 4)

• (1700)

**The Chair:** Shall clause 1 carry?

**Some hon. members:** Agreed.

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

**Some hon. members:** Agreed.

**The Chair:** Shall the bill as amended carry?

**Some hon. members:** Agreed.

**The Chair:** It has been asked that we have a recorded vote.

**Mr. Robert Goguen:** It's on the "B" side of the other recorded vote.

**The Chair:** A recorded vote has been called for on adopting the bill as amended.

(Bill as amended agreed to: yeas 9; nays 0)

**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.

Thank you, officials, for being here for two days for this and for answering questions from our colleagues.

I will report this back to the House tomorrow.

**Ms. Ève Pécelet:** This changes a lot of things in the Criminal Code. I want to have a new version in three months.

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

We will adjourn until Thursday, when we will do Bill S-2.

**Ms. Françoise Boivin:** Is it going to be ready with all the amendments and everything? We want to start the debate on Thursday.

**The Chair:** I don't know. It's up to the House leaders.

The meeting is adjourned.









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