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Chair

Mr. Daryl Kramp

Standing Committee on Public Safety and National Security

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• (1530)

[English]

The Vice-Chair (Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP)): I'd like to call the meeting to order. This is meeting 11 of the Standing Committee on Public Safety and National Security, Thursday, February 13. I'll be chairing the meeting today, as the chair is unavoidably away.

Before proceeding with the orders of the day, I'll turn to the parliamentary secretary.

Ms. Roxanne James (Scarborough Centre, CPC): Thank you, Mr. Chair.

Because of the importance of this bill with respect to victims rights and giving victims a voice, I would actually move that this committee meeting be televised for today.

The Vice-Chair (Mr. Randall Garrison): Thank you very much.

Mr. Easter.

Hon. Wayne Easter (Malpeque, Lib.): I find this request of the parliamentary secretary really strange. In my view, all hearings, for that matter, should be televised, but when this committee debates just a simple motion, even to invite the minister to come to committee, the government members vote it in camera and disallow that information to be debated in public.

So I find this remarkably strange that when one of their own is on the stand, and they're talking about victims rights and so on, the parliamentary secretary comes forward and talks about.... It's not a government bill, but by the sound of the parliamentary secretary, it may be in a roundabout way.

In any event, I'm in favour of having the meeting public, but I would hope that the parliamentary secretary, the next time we debate a motion, will also see fit to have that meeting in public.

The Vice-Chair (Mr. Randall Garrison): Thank you, Mr. Easter.

Madame Doré Lefebvre.

[Translation]

Ms. Rosane Doré Lefebvre (Alfred-Pellan, NDP): Thank you very much, Mr. Chair.

I would like to echo what my colleague, Mr. Easter, just said. I agree that the committee meeting should be televised. It would be good for us to get into the habit of holding public meetings. Why not have all of our meetings televised? The issue of victims' rights is an extremely important one, and this meeting should be televised, as should future committee meetings.

[English]

The Vice-Chair (Mr. Randall Garrison): The parliamentary secretary, then Mr. Easter.

Ms. Roxanne James: Thank you, Mr. Chair.

I'd like to thank the members opposite for agreeing with the motion that this meeting should be made public and televised.

We're not disagreeing on anything at this point, so I'd like to put this to a vote now, please, and get on with our witnesses.

Hon. Wayne Easter: Mr. Chair, I have a comment.

The Vice-Chair (Mr. Randall Garrison): In the absence of a formal motion, I'm going to recognize Mr. Easter.

Hon. Wayne Easter: My question is to the clerk of the committee.

We sometimes meet in this room, although not always. We often meet in other rooms. I'm just wondering where the direction came from to meet in this room, where cameras for television happen to be available. I'm just wondering how we got to this set-up, at this late time, to be in a room where television cameras are available.

Has a game been played here by members on the government side?

The Clerk of the Committee (Mr. Leif-Erik Aune): Thank you, sir.

When I came on as the committee clerk last week, I spoke with the chair about the rooms that were available for upcoming meetings. He asked me to book rooms in Centre Block whenever possible. As 237-C was available, we booked it at the request of the chair last week. It may have been already booked for this particular meeting, but it was a request that he made to me at the time. I just confirmed the availability, and we proceeded with that, sir.

Hon. Wayne Easter: Okay. Thank you.

The Vice-Chair (Mr. Randall Garrison): Thank you very much, Mr. Clerk.

Mr. Norlock.

Mr. Rick Norlock (Northumberland—Quinte West, CPC): I have just one little intervention.

I can appreciate some of the things that Mr. Easter says, but sometimes you have to take the foil off around here. It's not always some kind of sneaky plan. As far as I know, although Mr. Easter has been here far longer than I, it is the tradition that sometimes the opposition asks for a certain meeting to be televised, and that happens. That has happened especially on this committee in the past.

If I remember correctly, we generally meet over in the other building. In the rooms we usually occupy, 268 and 3, they all have cameras available. Generally this committee has met where there is an ability to televise.

Let's just vote on this and put away the tinfoil.

• (1535)

The Vice-Chair (Mr. Randall Garrison): At this point, seeing no debate, I think we're ready. We have perhaps exhausted this question.

I'm advised by the clerk that the room is equipped and so, if the motion is carried, the meeting will be televised.

So at this point, all those in favour, please signify.

(Motion agreed to)

The Vice-Chair (Mr. Randall Garrison): I believe it's unanimous.

At this point we will suspend for three minutes so the cameras may be arranged.

• (1535)

(Pause)

• (1535)

The Vice-Chair (Mr. Randall Garrison): I call the committee back to order. I understand we are now televised and we will proceed with the order of the day, pursuant to the order of reference of Tuesday, December 10, 2013, Bill C-479, an act to amend the Corrections and Conditional Release Act (fairness for victims).

We'd like to welcome our first witness today, Mr. David Sweet, MP for Ancaster—Dundas—Flamborough—Westdale.

Mr. Sweet will have 10 minutes for his opening statement.

Please proceed.

• (1540)

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Thank you, Mr. Chair.

Colleagues, Madam Ombudsman, ladies and gentlemen, it's an honour to be here today before this committee to talk about the important amendments to the Corrections and Conditional Release Act that I proposed in Bill C-479.

First, I'd like to acknowledge the honourable parliamentary secretary, MP Roxanne James, and those honourable members of this committee who rose to speak to Bill C-479 during the second reading in the House of Commons. I sincerely appreciate your commitment to victims and the comments you made during debate, and I have taken them to heart.

Mr. Chair, let me also recognize the good work of our professionals in our correctional system. They deserve our gratitude,

particularly those at the Parole Board of Canada, who work hard and make extraordinarily difficult decisions to keep our communities safe.

Speaking of professionals, I'd like to thank and acknowledge Sue O'Sullivan, the Federal Ombudsman for Victims of Crime, who will speak to the committee after me today. I am grateful for her advice and wisdom in crafting this bill. Her work in the police services as deputy chief and in the community working with victims has been a tremendous asset to her current role—an asset to all Canadians and to me in the development of this bill.

I'd also like to make special note of my former legislative assistant, Stephan Rose, who's here today. He took the day off his present job. He spent multiple hours helping me with this bill and deserves public commendation for his investment into helping victims in Canada.

Mr. Chairman, I'd like to start off today—just as I have at every opportunity in the House of Commons to speak to this act to bring fairness for victims of violent offenders—by talking about the reasons I brought this bill forward. I know you may have heard it before, so I'll spare you all the details. However, for the record, it's what focused my efforts and instilled in me the passion for this bill.

Over the years since my election in 2006, I had a number of people call, email, and come to see me face to face about the imbalance in our justice system as it pertains to the treatment and rights of offenders versus those of victims. This became a policy concern of mine, which began conversations with my colleagues and ministers on what could be done.

However, none of my previous conversations so focused my efforts as did an unforgettable experience in the summer of 2010. Constituents from Ancaster, Ontario, the community in which I live, invited me to attend a hearing of the Parole Board of Canada with them. The matter at hand was the case of Jon Rallo, an offender who is the brother-in-law of my constituents, and the murderer of her sister, her niece, and her nephew. This well-regarded couple known for their generosity in the community wanted their federal representative to see first-hand what they had to go through on an annual or biennial basis for far too long, to see the extent of the voice they had been given primarily through the victim impact statement in that meeting. They wanted their federal representative to see all the aspects, raw as they are, of a parole board hearing. I can tell you, Mr. Chairman, the anguish of my constituent reading her victim impact statement was something one could not imagine without being present to experience such an event.

Every time Mr. Rallo has reapplied for parole under the current process, my constituents have been there. I joined them again in 2011 and again last summer, in 2013, at the federal penal institution at Gravenhurst, Ontario, where the most recent parole board hearing for Mr. Rallo took place. The hearings are never easy. Each time my constituent tried very hard to be composed, inevitably, before uttering a word, she'd start weeping as the memories of a crime committed over 30 years before always came flooding back. It was a grizzly triple murder: her sister, her niece, and her nephew had been murdered by her sister's husband, Mr. Rallo, violently and viciously. After killing his wife, this violent criminal suffocated his two young children, a six-year-old boy and a five-year-old girl. To this day, his son's body has never been recovered.

At each Parole Board of Canada hearing, my constituent would ask the same question of Mr. Rallo. Why did you kill your family, and what did you do with your son? She has yet to get a response. Despite being convicted on evidence that was very substantive and clear, Mr. Rallo does not feel any remorse, nor has he admitted any culpability. Each time, he has sat stone-faced through the victim impact statement.

Mr. Chairman, despite the obvious pain of my constituent, her husband, and her parents, they feel an overwhelming duty as a family to attend each hearing. They must do so to honour the memory of their daughter, sister, grandchildren, niece, and nephew.

Mr. Chairman, I believe they're an appropriate representation of every family that deals with a similar situation here in Canada. I can attest today that, having been robbed of their loved ones, certainly all victims I have spoken to have shared similar trauma, pain, and feelings of helplessness, as well as a steadfast feeling of duty.

● (1545)

For me, Mr. Chairman, this underscores so resoundingly that our federal parole process—unwittingly, I believe—makes the revictimization of victims and their families an all too frequent occurrence. Determined to help strengthen the voice of victims and modify the parole process, I talked to victim's advocates, law enforcement officials, and legal experts in researching this bill. It was a common theme that the provisions in the Corrections and Conditional Release Act that may have made sense in the past—it was established in 1992—no longer affect Canadian society today, in particular in offering respect and dignity to victims.

In developing a well-researched and well-thought-out bill, I spoke numerous times to the Federal Ombudsman for Victims of Crime. When her report came out last June, entitled "Meeting the needs of victims of crime in Canada", I took an extensive look at it. Her recommendations on the rights of victims to have good communication throughout the system, the use of technology for victim statements presented at parole board hearings, and ensuring that the parole process is more accommodating to victims' needs, are reflected in Bill C-479. I will defer to her expertise to make these parallels more clearly.

However, it wasn't her expertise alone that underpinned this bill. My office and I spent a lot of time speaking with legal experts, and we believe this bill has a sound legal and constitutional foundation. It has brought support to the modernization of nine provisions in the Corrections and Conditional Release Act.

This is reflected from a look at what other jurisdictions are doing as well. The Victims' Rights Act of New Zealand, instituted in 2002, has been a model for the world. Under the corresponding provisions of New Zealand's Parole Act 2002, rights of victims are also enshrined, much as is being proposed in Bill C-479. Similarly, the basis of the act is support and respect for victims.

In 2009, the New Zealand Ministry of Justice launched an extensive public consultation to further enhance its victim support within the justice system. Mr. Chair, that's why I was very happy that the parliamentary secretary and the minister did this just last summer.

I won't list every area of commonality. However, one of the areas they looked at is echoed in Bill C-479, which is the modernization that I proposed to reflect the use of technology, through video conference and links to oral statements delivered in regional offices via telecom. This is expressly addressed to ensure that victims have a strong voice in the process, but also to mitigate the revictimization of victims and their families. The victims of crime reform bill, introduced to the Parliament of New Zealand, includes this provision.

Mr. Chairman, the New Zealand victims of crime reform bill that was passed by the New Zealand Parliament in 2013 included improvements to their victim notification system, which are also reflective of provisions in Bill C-479 to Canadian victims' increased access to information about how offenders are progressing with their correctional plans and pertinent documents.

However, our Kiwi friends aren't the only ones looking at this issue. The report by the Office of the Federal Ombudsman for Victims of Crime looked at U.S. legislation at the federal and state level, the U.K. code of practice, and 2012 European directives on victims support and protection were also studied.

I raise these, not to suggest that we in Canada should be followers rather than an international leader on victims' rights, especially when it comes to victims of violent offenders, but because they illustrate that this is a debate taking place around the world in other commonwealth and allied countries. Our efforts here today are timely and appropriate.

Mr. Chairman, colleagues, it's imperative to understand that this bill is targeted at helping victims have a more clear voice within our justice system as well as giving the Parole Board of Canada more tools to deal with offenders. However, this is not regarding just any offenders. Please keep in mind that when we discuss this bill and the new latitude we're giving to the Parole Board of Canada that these are offenders who have caused grievous physical harm; maimed someone for life; or were attempting to murder, or did murder, victims or a victim. I'm talking primarily—not entirely exclusively, but primarily—about the likes of the Clifford Olsons, and his devastatingly painful victim count; the David Shearings, who killed an entire family; the David Dobsons, who savagely killed Darlene Prioriello; and the Munro brothers, who shot, held, and killed Constable Michael Sweet.

The parole board should have the capability to extend reviews in the kinds of cases where heinous crimes are committed and parole is either a faint option or a very distant one. Certainly, Mr. Chairman, after the Parole Board of Canada grants parole and the offender breaches parole or outright reoffends, they should have more discretion than they presently have now.

• (1550)

This is not just a matter of victim fairness, but of overall public safety as well.

Mr. Chairman, for me this is where it comes full circle. When we look at the facts and the previous experience of countless victims, we can look at the precedents and at what other countries are doing, and we can debate the language in the clauses of the bill, but ultimately when we're talking about victims of violent crime, we're talking about people. Victims are not a number, nor are they a burden to our system. The justice system is daunting enough, and victims should never feel they're just a cog in the process. It's very personal. It's very emotional.

I urge the committee, throughout the study of Bill C-479, to never lose sight of this point. Yes, let's study the bill. Yes, let's make sure it makes the modernizations to the Corrections and Conditional Release Act that are necessary.

Mr. Chairman and colleagues, I welcome any amendment that is well-intended and will strengthen the language and the principle of this bill, so yes, let's work together to strengthen it with amendments that are required, but let us never ever dishonour or diminish the experience of people most affected by the perpetrators of violent crime—the people who never asked to be in this unfortunate circumstance and who would give anything to turn the clock back. These are the victims and Bill C-479 is for them.

Merci beaucoup.

The Vice-Chair (Mr. Randall Garrison): Thank you very much, Mr. Sweet, and thank you for keeping quite closely to the time.

We'll now begin our first round of questions.

We'll turn to Ms. James for seven minutes.

Ms. Roxanne James: Thank you, Mr. Chair.

Thank you, Mr. Sweet. I would like to thank you first of all for bringing this important legislation to committee and for standing up

for the rights of victims. I congratulate you for getting your private member's bill to committee, as I know from experience how difficult that is. I have to commend you on the content of this bill.

In your speech, you talked about a particular offender, Jon Rallo. You mentioned that the crimes had taken place 30 years ago and that you had actually attended parole board hearings with the family members of the victims in 2010, 2011, and 2013.

That's three times in a very short period of time. What do you think this does to the victims and the victims' families?

Mr. David Sweet: I would encourage all members, if they have not been to a parole board hearing, to attend a parole board hearing and experience it, because of the nature of it. You have the professionals from the parole board at the front of the room. In fact, I think the room is generally about one-quarter of the size of this one, so it's very intimate. Then you have the offender, who is facing the parole board officials, and then you have the family behind that.

The family has the right.... Like I said, you have to understand too that if this had happened to any of us—I don't know if anybody here has been victimized—you would certainly feel like you're the standard-bearer. You need to make sure their memory lasts on. They feel this compelling duty to be there, yet it's a feeling that's contrasted with this terrible thought that they're in the same room with the person who took away their loved one, or loved ones in the plural, particularly in Mr. Rallo's case.

You don't even need to participate in the hearing. You just need to be there to experience the pain and trauma. One of the things that a meeting brings home to you very clearly is that once someone is victimized to this degree, it changes their life forever. They're never the same person. They will feel this loss for the rest of their life.

Ms. Roxanne James: Thank you, Mr. Sweet.

Leading up to a secondary question, the people who come into the parole board hearings, the families of the victims, must have an idea that the individual is not going to get a positive outcome at that parole board hearing, yet they show up time and time again.

In your opening remarks, you said, and I quote, "The parole board should have the capability to extend reviews in the kinds of cases". You were referring to the most heinous, most violent, and most severe cases, and you went on to say that "parole is either a faint option or a very distant one."

The Parole Board of Canada may realize that. The families who are coming there to provide their statements realize that. How is your bill going to put an end to this repetitiveness that's really I think unnecessary?

• (1555)

Mr. David Sweet: Thanks for the question.

Maybe I should justify that statement up front. One of the things I witnessed at the Parole Board of Canada, being there over and over again, was a very high level of professionalism. I know that some people have publicly criticized the parole board, but these people are trained very well. Those on the review panel have access to tens of thousands, probably even hundreds of thousands, of case precedents. They know what to look for in regard to offenders when they're coming before the parole board in terms of what efforts they've made to rehabilitate, the kinds of ways they've communicated publicly in regard to those they've harmed, and so on. So they have a good idea, going forward, of the kinds of cases they're dealing with.

As for those who go into the parole board meeting, again, they have conflicted emotions as well. They're hoping against hope that the person stays there, depending on the feeling they have—i.e., if he has not taken the steps to rehabilitate, or if they're afraid for their own personal safety when the offender is released.

But they don't really know. They have no idea what the outcome will be at the parole board, or how the offender will testify. It really is like going into a very scary void for the family or the victims when they walk into the room and are presented with this very official procedure.

Ms. Roxanne James: Thank you.

How much time do I have, Mr. Chair?

The Vice-Chair (Mr. Randall Garrison): You have a little less than two minutes.

Ms. Roxanne James: Thank you.

I wonder if you could speak to why it's important that victims, or the families of victims, receive...or the requirement for mandatory disclosure of the date and time and conditions of the release. Why do you think it's so important that the families or the victims themselves—the victims who are not deceased—know that information?

Mr. David Sweet: From the victims I have spoken to, they would like that information because they feel that their own personal safety is in jeopardy. Oftentimes where the crime happened is where the family resides; it's where the offence took place. They want to know if the person is coming into their area and what kinds of restrictions they have so that they can make sure and take appropriate action to preserve the integrity and safety of themselves and their own families.

There's a video on the victims ombudsman's website that has a good dissertation on that. I would encourage colleagues to look at that website. In fact one gentleman on the video, if I recall correctly from what I watched, was on a business trip somewhere and found out that the person who was the violent offender who had victimized his family was actually released in the same area where he was on a trip, and he hadn't been informed about it.

These kinds of things terrify people. They know the capability, obviously, of these individuals, and they're concerned that they'll perpetrate another crime again. Unfortunately, they're afraid that it could be against either them or their families.

The Vice-Chair (Mr. Randall Garrison): Thank you very much.

We'll now turn to Madame Doré Lefebvre, for seven minutes.

[*Translation*]

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

I would like to begin by thanking Mr. Sweet for joining us today to tell us more about Bill C-479, which he introduced. Today, we are examining the extremely important issue of victims' rights. This study should be taken very seriously.

Today, during the question period in the House, a question was put to the Minister of Public Safety regarding the Victims Bill of Rights, promised by the Conservative government over a year ago. That bill was actually included in the 2014 budget tabled by the government.

Is it wise to go ahead with a private member's bill, which calls for minor amendments to victims' rights, before considering the Victims Bill of Rights that has been announced? Do you know to what extent this bill will be related to the upcoming Victims Bill of Rights? If not, why not wait until the Victims Bill of Rights promised by your government is introduced?

• (1600)

[*English*]

Mr. David Sweet: Thank you very much for the question. There are a couple of elements there I want to respond to. One is that I know this Minister of Public Safety. I know he's dedicated to the victims, and I know that if there's any delay or passage of time, it's because he wants to get it right.

As I mentioned, the Corrections and Conditional Release Act, which is only one aspect that affects victims—of course the Criminal Code does as well—was developed and passed into legislation in 1992. So there's probably a significant review that needs to go on before making sure that's complete. I don't know every detail of how they're doing it. I haven't had direct consultations in that regard.

In regard to this bill, I do want colleagues to know that this is a private member's bill and that, in fact, there was an iteration of this before in the previous Parliament, but we went to an election and it died on the order paper. So we're fortunate to get to this stage this time with this bill.

As far as how it will affect the victims' bill of rights, I can only speculate. As I said, I don't know what that's going to entail, but I think it would only serve to support any initiative that is taken with respect to a victims' bill of rights. Because of the nature of the amount of research we did, I think it will just complement it.

[*Translation*]

Ms. Rosane Doré Lefebvre: Okay.

On another note, you said that you have consulted a number of people. You have spent a lot of time working on this bill. You mentioned a few groups, including the Office of the Federal Ombudsman for Victims of Crime.

Did you also consult the Parole Board of Canada before or during the drafting of this bill?

[English]

Mr. David Sweet: I did consult with individual members of the Parole Board of Canada. I did not sit down directly with the Parole Board of Canada itself, but I did talk with some of the professionals who adjudicate the reviews.

[Translation]

Ms. Rosane Doré Lefebvre: How did they react to this bill?

[English]

Mr. David Sweet: They were very positive about some of the discretionary tools it would give them, and they were appreciative that I would take the initiative with my own private member's bill to move forward.

[Translation]

Ms. Rosane Doré Lefebvre: Excellent.

You seem to be very familiar with how the Parole Board of Canada operates. Given the important role parole plays in structuring prison life and monitoring prisoners' reintegration, don't you think that the longer terms between hearings you propose in this bill may discourage offenders from achieving the objectives of their corrections plan?

Couldn't more time between hearings potentially also jeopardize public safety because offenders may sometimes be released without anyone checking whether they are ready for that?

Do you have anything to say on the issue?

[English]

Mr. David Sweet: Thank you very much for that question. It allows me to make sure I clarify another thing. The language in the bill is "up to", so that's why I say it gives them discretion. It does not limit them to having a review or a hearing earlier than the five-year period. It simply gives them the discretion to do that.

As far as discouraging is concerned, I would hope that it would actually encourage offenders to get busy on their correctional plan and be ready to be able to show they're worthy of a parole board hearing, and at a most expeditious time, and that they're prepared to go out and be contributing Canadian citizens. One of the things I often see, and one of the criticisms about those of us who are victims' advocates is that people think it's mutually exclusive—that you're either for the rehabilitation and reintegration and betterment of society by having inmates who are rehabilitated or educated with a tool so that they could live successfully, or you advocate for victims. I don't see those as mutually exclusive.

I think that one of the best things you can do for Canadians, for victims, is to make sure offenders are released in a way that they're not going to be detractors from society anymore, but contributors. I don't think this bill in any way, shape, or form eliminates the capability of offenders of doing that. As I said, it only gives the Parole Board of Canada discretion.

• (1605)

[Translation]

Ms. Rosane Doré Lefebvre: Do I have enough time for another quick question, Mr. Chair?

[English]

The Vice-Chair (Mr. Randall Garrison): Really short...

[Translation]

Ms. Rosane Doré Lefebvre: My question is about the structure of the bill. I would like you to clarify something.

Does your bill grant victims the right to attend parole hearings if the general public has no access to them?

[English]

Mr. David Sweet: I believe that right now the provisions of the Parole Board of Canada are that anyone from the public can apply to attend a parole board hearing. The bill simply enshrines in legislation that a victim has the right to.

Right now there are policies in place. I simply want to clarify some things in law to make sure the message is clear that a victim has that right.

The Vice-Chair (Mr. Randall Garrison): Thank you very much, Mr. Sweet.

We'll now turn to Mr. Norlock, for seven minutes, please.

Mr. Rick Norlock: Thank you very much, Mr. Chair, and through you to the witness.

Thank you for being here today, Mr. Sweet, and for this piece of legislation.

I know some of the young people might fall off their chair when I say this, but some 44 years ago when I was a young police officer I can tell you very little attention was paid to victims of crime. As a matter of fact I don't recall ever there being even victim impact statements until well into my career. Of course, today we do have a whole plethora of services to victims in our court system.

I think what you're doing with this bill is accentuating the responsibility of not only the offender but to the feelings and to society's relationship to the victim, and making sure the person is adequately prepared as you just recently said in your testimony to Ms. Lefebvre.

I want to get into some of the meat and potatoes of the bill now if you don't mind. There are a couple of questions, but I'll run the first two together.

I was wondering why you feel it's important to expand the mandatory review period from two to five years for violent criminals. I think you specified "violent" is an important part of this.

Beyond that could you also discuss why it's important to expand the review period following the cancellation of termination of parole.

Mr. David Sweet: In both cases it's a case of trusting the Parole Board of Canada has the capability of looking at a file and determining what offenders are ready to be released on conditional release, or day parole, or full parole prior to them coming to the meeting.

That is not to say the offender's testimony, the victim impact statement, and other evidence that's heard at the hearing does not make a difference or even a substantive difference, but there is a lot of pre-work that's done.

A file I saw a review panellist bring in at one parole board hearing was almost a foot thick. That's how much research they had done on the particular offender, so they know how to look and evaluate who is ready for these different types of releases.

Whether it's an inmate who's coming for their first hearing after serving a sentence, or whether it's an offender who has breached their parole or outright reoffended, in either case I believe we can trust in the capability of the parole board to know whether an immediate review should be done, or whether time should be taken for the offender to access the programs in order to make a more significant advancement on their rehabilitation program than what they have. That's simply why that provision is in there.

Why would this benefit a victim? Why subject them to a hearing when it's simply going to be a "no" anyway? That's why that discretion is there. I think the parole board has a good handle on the foundations of what's going to happen at the hearing.

• (1610)

Mr. Rick Norlock: Thank you very much.

I have a follow-up question. Could you explain to the committee how important it is to tighten the language. I know you have said—I'll try to be succinct—you wanted to be somewhat prescriptive, yet not restrictive, with regard to this piece of legislation.

I wonder why you felt it important to tighten up the language with respect to the importance of the parole board while making every effort to fully understand the needs of the victims and specifically the victims' families.

Mr. David Sweet: First off, victims need to know that it's legislated. Let me quote from the former victims ombudsman, who said in *iPolitics*:

...it's important to legislate this right if we believe victims are entitled to have their voices heard and respected.

He was commenting on the fact that it was already the policy of the Parole Board of Canada for a victim to give a victim impact statement, but he was saying nonetheless this is important to legislate, if this is to be a right we believe victims are entitled to.

For me, policy can change. Management of institutions can change. Legislation tends to be a little bit more concrete. It sends a very clear message. I would hope that, if anything, it would give positive encouragement to the Parole Board of Canada to go even farther than they are right now toward a mindset of being conscious of the victim being part of the process.

I go back to your comment that it's still an evolution with regard to understanding that the victim is part of the whole process, and it's a real recent evolution. It's not something that has been around for 50 years, as you rightly said, from your experience as being a police officer 44 years ago.

Mr. Rick Norlock: Thank you very much.

Thank you for what you said to a previous witness's question, because in a lot of talk around the Hill among us political types, the suggestion is that we're really not interested in rehabilitation, and of course, this is actually a part of the rehabilitative process. I think you articulated this, and I wonder if you wish to expand on it.

Mr. David Sweet: That's exactly correct. The Parole Board of Canada is there. If I can quote to you a document that was made to explain the 1992 provision of the new Corrections and Conditional Release Act, it says:

One of the most significant aspects of the CCRA is an articulation, for the first time in legislation, of the purpose and principles of corrections and conditional release. As expressed in the Act, the primary purpose of the federal correctional system is to contribute to the maintenance of a just, peaceful and safe society. Further, the first principle to guide the CSC in achieving this goal states that the protection of society is the paramount consideration for all decisions relating to release and treatment of offenders.

Then it goes on to say that the CCRA also takes into consideration the rehabilitation of offenders and the safe release of offenders, so that in fact they can become contributing citizens and be builders of Canadian society rather than detractors.

The Vice-Chair (Mr. Randall Garrison): Thank you very much, Mr. Sweet.

Now we'll turn to Mr. Easter for seven minutes, please.

Hon. Wayne Easter: Thank you, Mr. Chairman.

Welcome, Mr. Sweet. Let me say that I have attended parole board hearings as well, and it can certainly be a traumatic experience, there's no question about that. I don't think most people realize the professionalism and the amount of work that parole board appointees really put into a hearing. What you see at the hearing itself is the tip of the iceberg in terms of what they do and what correctional officials do in terms of preparing the homework before you have the hearing.

To begin, Mr. Sweet, you know my concern with the avalanche of private members' bills that are coming forward from backbench Conservative members. I think there are something like 16 that impact the Criminal Code.

You are members of the government. It sounds like the parliamentary secretary, who is the representative of the minister here, is fully supportive of this bill. What I can't understand, for the life of me, is why these discussions on these private members' bills aren't done in a comprehensive way within the governing party and brought forward as comprehensive amendments rather than one-offs to the Criminal Code of Canada.

One error on our part as a committee, on a private member's bill, could in fact have the opposite effect of what was intended. I know that your intent here is value. We've had experience with this before. One private member's bill that was just dealt with at the justice committee had six amendments, on a five-clause bill, coming from the Conservatives. I just lay that out, and I guess I would ask....

Mr. MacKenzie has a bill as well, Bill C-483, and he has taken the position in his bill that the parole board, rather than the warden, be responsible for all temporary absences. He's taken responsibility from the warden, in that bill, and passed it over to the parole board, which means more work for the parole board. Your bill is going somewhat the other way in terms of, I think, trying to lessen the workload of the parole board.

Is there any contradiction between the two? Was there any discussion within your caucus to determine if there's a conflict here?

•(1615)

Mr. David Sweet: Thank you very much for the question, Mr. Easter. You can please accept my commendations for taking the time to go to a parole board hearing. It's a long, arduous meeting. I know that, because I've been in them, and you leave, even as a bystander, a very different person.

Let me also say that although I know you have this position, and you've characterized it that way...and that's okay. You're allowed your opinion. But all of us are allowed to have our name in a lottery. Most of the people in the public don't know that this is how we end up being able to get a private member's bill: our name is pulled out. The first time I think I was number 206, which is why my bill didn't make it. I was fortunate to be I think number 99 this time.

The private member is then allowed to pursue something that they're really dedicated to in order to make this a better Canada. Most of us ran for office because we were idealists. We wanted to make this a better country. We wanted to protect the innocent and bring to justice those who would purport to do people harm, or would actually do people harm. My pursuit of this bill was a personal endeavour to help victims. I'm just glad I'm with a party that is of that same mind and has championed the rights of victims.

At the same time, you should also note, Mr. Easter, that I come from a community, Hamilton, where significant investments have been made by the National Crime Prevention Centre, Human Resources and Skills Development Canada, and by such organizations as St. Leonard's Society, Living Rock, and Liberty for Youth to help reintegrate those who have offended as well as keep youth from crime.

There have been significant investments in that regard, and all these initiatives to protect victims. We want to make sure we keep youth away from crime, because if we can prevent that, then people aren't victimized later as well. I think there's a good balance between what the government's doing and also my right as a private member to pursue something that I am concerned about.

Hon. Wayne Easter: You'll get no argument from me on prevention. I think that's where the government is going so wrong. They're not putting enough into prevention.

Mr. David Sweet: I can mention several examples of where we were investing, Mr. Easter.

Hon. Wayne Easter: I would go to your bill—

•(1620)

Mr. David Sweet: I don't understand how we could be going wrong here.

Hon. Wayne Easter: Yes, I heard what you said, but when you look at the overall position of the government, I would question them.

Ms. Roxanne James: On a point of order—

The Vice-Chair (Mr. Randall Garrison): We have a point of order from the parliamentary secretary.

Ms. Roxanne James: —we're actually here discussing a private member's bill. I think the questions coming from all sides of the table should be directed to that private member's bill.

Leave your personal opinions with regard to other government legislation out of this committee for this time being.

The Vice-Chair (Mr. Randall Garrison): Thank you very much, Ms. James. I don't believe that's actually a point of order, so I'll return to—

Hon. Wayne Easter: I don't think that's a point of order, Mr. Chair.

The Vice-Chair (Mr. Randall Garrison): —Mr. Easter, and I'll extend his time.

Hon. Wayne Easter: But anyway, with regard to the bill, Mr. Sweet, Bill C-479, under clause 2, proposed subsection 5.01 says that “the Board shall conduct another review”, and the key words are, “within five years after the later of the day”, and it goes on from there. Mr. Norlock raised this question earlier.

We know that the maximum the bill proposes is five years. What's the minimum period that the parole board could act on? Is it two years? Is it three? Is it four? Does this really mean much when it says “within”? It doesn't say “five years”; it says “within”.

Mr. David Sweet: Yes, absolutely. I think it means a lot.

Right now, the parole board has discretion at the hearing—the hearing time within two years, as it is—and sometimes they actually do what is called a “paper review”. I don't know if you've experienced that. The hearing is one aspect of what they can do, but the parole board can actually do a paper review.

We had this circumstance. If you've noticed the gap between the times I visited the parole board, we had a hearing, the offender was denied day parole, and then, in a subsequent paper hearing, was actually given day parole. They have a lot of latitude in regard to their operations. This simply gives them the capability of, by statute, not having a review within two years, so they can make that judgment.

You mentioned all the great work and the preparatory work they do. That gives them a good idea about where they want to go with regard to how to deal with the offender and how to stream them into the community in the best way, so that they're not going to reoffend, they're going to be rehabilitated successfully, and the community will be safe. It's a win-win-win situation.

Hon. Wayne Easter: So you—

The Vice-Chair (Mr. Randall Garrison): Thank you very much, Mr. Sweet.

I have extended your time already, Mr. Easter.

We'll go to Mr. Rousseau for five minutes, please.

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

[*Translation*]

Mr. Sweet, thank you very much for joining us for the in-depth study of this bill and especially for being open minded to the various amendments that may be proposed on both sides. That is much appreciated.

We also want to support victims and families and work with them by providing services and support, in addition to adopting certain measures. We should be receptive to what those people have to say at hearings.

Can you tell us what this bill's underlying motives are? These legislative measures are often part of private members' business. Whose idea was it to make amendments, especially amendments to parole?

[*English*]

Mr. David Sweet: I think there are nine separate provisions in the bill that cover a number of things. The discretion around the parole board hearing came from multiple sources. One of them, of course, was my experience. Another one was a move that had been afoot. I think if you ask the ombudsman in the next hour, she would be able to tell you, but I think it's over the last 15 to 20 years that victims' advocacy groups were asking for the Parole Board of Canada to have more discretion and a longer term between hearings.

In terms of the other provisions in regard to the information being available, I'll tell you about the first place I heard that from. The Toronto Police Association called me and told me about the terrible tragedy that happened to Constable Michael Sweet. It was the murder in that case of a six-year veteran of the Toronto police force, which was so heinous. He was flagged down by someone who was able to get outside of a what I believe was a delicatessen—it was some kind of public store—where the two Munro brothers were holding hostages.

Of course, as any good policeman would when everybody else was trying to run away, he ran into the situation and was shot twice. Then the Munro brothers held him hostage and denigrated him and allowed him to bleed to death in front of all of the people who were held hostage. Unfortunately, the police weren't able to get their SWAT team there fast enough and get in to extricate him. They shot the two Munro brothers. They took the three of them to the hospital. The two Munro brothers survived and Constable Sweet died.

The Sweet family stayed pretty silent through the whole thing. It devastated their family so much. But the one thing they did ask for was that they could get some information about the inmates' progress and their correctional plan so that they would feel that their family member did not die in vain. That's all they wanted. They spoke up after years and years and just said that this isn't a privacy issue. This is an issue of public concern.

The persons shot her husband in public, he died in public, and they were tried in public and convicted in public. She and the family were simply saying that this information about the persons' rehabilitation should be made public so that the public and the family that was harmed could rest assured that all efforts were being made to rehabilitate and they would feel that then at least their loved one didn't die in vain.

• (1625)

[*Translation*]

Mr. Jean Rousseau: Unfortunately, one of the problems in our prison system is the fact that rehabilitation programs are not applied thoroughly. We could talk about this for a long time.

The extension to five years has an undesirable consequence for inmates who don't have a long-term sentence. As for the terms, couldn't this lead to unwanted consequences in cases where offenders sentenced to shorter terms would have only one hearing and would have no follow-up? In those cases, victims would have no recourse.

I would like to hear your comments on that.

[*English*]

Mr. David Sweet: The Parole Board of Canada has quite a number of tools and capability. The only reason why they would extend a hearing and certainly the only intention of this bill would be that they felt that the offender, the inmate, needed to make more progress on their correctional plan. If they haven't made appropriate progress in their correctional plan and didn't warrant a hearing, they certainly wouldn't be eligible or wouldn't qualify as ideal candidates for conditional release.

The Vice-Chair (Mr. Randall Garrison): Thank you very much, Mr. Sweet.

I'm going to have to cut you off there.

So I'd like to thank you very much for appearing before the committee. Our committee will hear additional witnesses and deal with your bill as expeditiously as we can. Thank you very much.

Just before we suspend, I believe the parliamentary secretary has a motion that would affect the timing of our next session.

Ms. Roxanne James: Thank you.

I was actually going to save that to the end of the committee but we can do it while the committee is suspended. I actually move to go in camera to discuss future committee business—

The Vice-Chair (Mr. Randall Garrison): At the end of the next session....

Ms. Roxanne James: —at the end of the next session.

The Vice-Chair (Mr. Randall Garrison): Is there any other discussion?

Ms. Roxanne James: Basically we need five minutes—

The Vice-Chair (Mr. Randall Garrison): At the end of the next session for committee business....

I see everyone nodding yes, except one. I believe it does not require unanimous consent, so we'll have a vote.

Hon. Wayne Easter: A recorded vote, Mr. Chair...?

The Vice-Chair (Mr. Randall Garrison): We will have a recorded vote.

(Motion agreed to: yeas 8; nays 1)

The Vice-Chair (Mr. Randall Garrison): We will briefly suspend for two minutes to give people a chance to get up from the table, and we'll reconvene as quickly as we can.

• (1630) _____ (Pause) _____

• (1630)

The Vice-Chair (Mr. Randall Garrison): We will reconvene.

We have our second witness on Bill C-479. We'd like to welcome Sue O'Sullivan, the Federal Ombudsman for Victims of Crime and ask her to make an opening statement of 10 minutes. I believe members have it in front of them.

Ms. Sue O'Sullivan (Federal Ombudsman for Victims of Crime, Office of the Federal Ombudsman for Victims of Crime): Thank you very much.

Good evening, Mr. Chair and members of the committee. Thank you for inviting me here today to discuss Bill C-479, an act to amend the Corrections and Conditional Release Act.

I would like to begin by providing you with a brief overview of our office's mandate. The Office of the Federal Ombudsman for Victims of Crime was created in 2007 to provide a voice for victims at the federal level. We do this by receiving and reviewing complaints from victims, by promoting and facilitating access to federal programs and services for victims of crime, by providing information and referrals, by promoting the basic principles of justice for victims of crime, by raising awareness among criminal justice personnel and policy makers about the needs and concerns of victims, and by identifying systemic and emerging issues that negatively impact victims of crime.

The office helps victims in two main ways, individually and collectively. We help victims individually by speaking with victims every day, answering their questions, and addressing their complaints. We help victims collectively by reviewing important issues and making recommendations to the federal government on how to improve its laws, policies, or programs to better support victims of crime.

I would like to begin today by thanking Mr. Sweet for his work on this bill and for his efforts to recognize the valuable role that victims of crime have to play in the Canadian criminal justice system.

As mentioned, my mandate is to assist victims of crime in Canada. During my previous and current term as ombudsman, I have had the privilege of hearing from hundreds of victims across this country. I

have found that victims are most concerned about their treatment, both within the criminal justice system and beyond. More specifically, I have found that, while the needs and concerns of victims are unique and do vary, on the whole victims want to be informed, considered, protected, and supported. It is clear to me that the intention of Bill C-479 is to further consider and include victims of crime in our criminal justice system. I fully support these aspects of the bill.

I think this bill puts forward some valuable changes to the Corrections and Conditional Release Act that would significantly enhance victims' treatment and consideration in the process. Many of these changes are, in fact, in line with recommendations that our office has made in the past. That being said, I think there are some minor modifications that would further strengthen the bill, and I would like to share these with the committee today.

Bill C-479 aims to address the lack of information victims receive by providing them with more information about the offender who harmed them. This is done in part through the bill's proposal to shift the onus on the Parole Board of Canada, or PBC, from providing the information to victims on a discretionary basis, to ensuring that victims shall receive it. I strongly support this amendment; however I would suggest a modification.

As written, the bill suggests that only certain items currently considered discretionary become mandatory. I would suggest, as a further modification, that all of the information currently listed as discretionary be given to victims automatically, unless there is a relevant safety or security reason not to. If the principle of the bill is to provide victims with greater access to information, then I see no reason not to include all of these items.

Additionally, the proposed list of information to be provided to a victim includes information relating to the offender's correctional plan. We have often heard from victims who wish to know more about the offender's progress towards rehabilitation. Through the Safe Streets and Communities Act, Bill C-10 in 2012, some information about the offender's program participation and serious disciplinary offences report, or the PPDO, was made available to the victim at the discretion of Correctional Service Canada, or CSC.

However, the PPDO provides very little information for victims outside of the names of the programs offenders may be taking, their status—for example, whether they are complete or ongoing—and blanket descriptions of the programs' overall goals. The PPDO does not provide information relating to the offender's risk, progress, and overall rehabilitation. This is the information that victims are most interested in obtaining.

The correctional plan, on the other hand, provides much more comprehensive information that would be more meaningful for victims in understanding the risks an offender may pose, how those risks are being addressed, and what progress, if any, he or she is making toward rehabilitation. Given this, I fully support Bill C-479 in its proposal to provide victims with more information relating to the offender's correctional plan.

As an additional note, many victims have expressed the desire to be informed of the commission of any new criminal code offences by the offender while under the supervision of CSC. Therefore, I would recommend that Bill C-479 be amended to include this information.

Finally, as a further modification to this area of the bill, there is an important technical oversight that could nullify the proposed benefits of the bill, once passed.

- (1635)

The bill proposes to expand the type of information provided to victims. It includes an amendment to section 142 of the CCRA, authorizing the parole board to provide information related to the offender's correctional plan. The correctional plan is a document under the control of CSC and is used to manage offenders over the course of their sentences. Accordingly, our office recommends that CSC rather than PBC be authorized to provide this information, through an amendment to section 26 of the CCRA rather than only section 142.

Further, the same pertains to notifications to victims related to the date and destination of certain absences and releases, as well as whether the offender will be in the vicinity of the victim while travelling to the release destination. This is all information that is currently provided to victims by the Correctional Service Canada under section 26 of the CCRA, which is not provided for in the bill. In other words, I recommend that the bill be amended to mirror the proposed amendments to section 142 of the CCRA in section 26 as well.

While ensuring that victims are properly informed is essential, it is equally important to create opportunities for victims to participate in the process and to create an environment to encourage that participation. This means providing choices and options for how victims can choose to participate in the criminal justice system without feeling intimidated or fearful, and without causing significant disruption to their lives and finances.

One example of this is the parole hearing. Parole hearings can be extremely important to some victims, given that it is often the first opportunity since sentencing for the victims to learn more about the progress, if any, that an offender has made towards rehabilitation. While some victims will find it important and even necessary to face the offender in person, others may find this idea intimidating or generally undesirable.

In the current system, attending or observing the parole hearing in real time is the only way that victims can attain the most complete information about the offenders who have harmed them and the progress the offenders may have made. For those victims who are fearful of encountering their offenders, for any number of reasons, including fear of retaliation, there is a distinct lack of options for

observing a parole hearing. Only in exceptional circumstances can victims request that they attend the hearing via video-conferencing technology or closed-circuit television. Attending a hearing by secure webcast or audio feed is not an option.

Bill C-479 aims to address this gap, by proposing that in cases where a victim or a member of his or her family has been denied the ability to attend a hearing, the board shall provide for the victim or family member to follow the hearing by teleconference or by a one-way, closed-circuit video feed.

I would recommend two modifications to this. I recommend that the wording be amended so that it doesn't merely permit victims to follow the hearing but allows them to participate by reading their prepared victim statements, and that the option for a victim to observe and/or participate in a parole hearing via teleconference, one-way circuit video feed, video conferencing, or other technology, be extended to all victims, regardless of whether they have been denied attendance. We must keep in mind that for some victims it is work commitments, child care, caring for elderly parents or family members, financial restraints, or their own emotional anxiety about being within close proximity to the offender that may prohibit them from attending a hearing.

While the proposals in Bill C-479 are well intentioned to provide victims with greater access to the hearings, they neglect to take into account the fact that for many victims attending a parole hearing is not always an option, regardless of whether their attendance has been approved.

The lack of options for attending a parole hearing wouldn't be as problematic if a victim who did not attend a hearing had choices and options for reviewing the proceedings at a later date. However, the reality is that there are no alternatives for victims in these cases. There are no transcripts provided, and victims cannot access an audio recording, even when it exists. The only further material available to a victim who is not able to attend a hearing in person is a copy of the decision registry, which outlines the decision taken and main supporting reasons. It is in no way a full depiction of the information that is provided during the parole hearing.

Bill C-479 recognizes this need and attempts to address it by providing that if a transcript of the hearing has been made, on written request, a copy of it shall be provided by the parole board free of charge to the victim, a member of the victim's family, or the offender. Unfortunately, while this clause has the victims' needs in mind, our office understands that it is not currently the practice for transcripts to be made. Instead, audio recordings are kept as records of the parole hearing proceedings. As such, this legislative change would not result in further access for victims to the proceedings of any given parole hearing.

•(1640)

Previously our office has recommended that victims be granted access to listen in, not keep, audio recordings of the parole hearings, and that there be potential funding support, as necessary, to travel to the locations at which these recordings are stored.

As such I would recommend that the wording of the bill be amended to state that victims, members of the victim's family, and the offender have access to, at no charge, any recordings, be they audio, audio-visual, or otherwise, of the parole hearings.

In addition to increasing the information victims receive and their role in the system, Bill C-479 proposes to increase the time between parole hearings for violent offenders who are denied parole or who have parole cancelled or terminated.

In 2010 our office released a report entitled "Toward a Greater Respect for Victims in the Corrections and Conditional Release Act", which recommended that the time between hearings be extended to five years for those serving life and indefinite sentences if an offender's request for conditional release is denied.

The Vice-Chair (Mr. Randall Garrison): Ms. O'Sullivan, may I ask you to conclude your remarks?

Ms. Sue O'Sullivan: In conclusion, I would like to reiterate my support for Bill C-479 and to commend the bill's efforts to address some of the gaps in information, participation, and consideration that exist in our current system for victims of crime. I feel that with the modifications I have suggested today, the bill could significantly help to enhance the treatment of victims of crime in Canada. I would encourage the committee to seriously consider my amendments and suggestions for technical modification to make the bill as sound and as effective as possible.

I thank you for your time.

The Vice-Chair (Mr. Randall Garrison): Thank you very much.

We will turn first to Mr. Payne, for seven minutes.

Mr. LaVar Payne (Medicine Hat, CPC): Thank you, Chair, and my question is through you.

Thank you for coming today, Ms. O'Sullivan. I noted in discussion that when Mr. Sweet was here, he did say that he talked to a number of members of the parole board. I'm wondering if you were one of those individuals he talked to in gathering information to help craft his bill.

Ms. Sue O'Sullivan: As a matter of fact, we had a technical briefing by Mr. Sweet, yes.

Mr. LaVar Payne: All right, thank you.

I know that during discussions Mr. Sweet did talk about attending parole board hearings and about the difficulty that victims have had. I'm wondering if you could tell us about some of your experiences with the victims attending these parole hearings, and some of the difficulties that Mr. Sweet expressed—your comments on those.

Ms. Sue O'Sullivan: I too have had the opportunity to attend parole hearings, obviously, and have spoken with victims. I think Mr. Sweet spoke very eloquently to some of the experiences that he has had. I can reflect on some similar experiences. I would go further

to say that we often talk about the day of the hearing and the emotion and all that's attached to it.

When you speak to families and family members who do feel that obligation to attend because they're representing a person who can't be there, they'll talk not just about the day of the hearing but about the months in advance, the year in advance. Are they going to apply for parole? Is the hearing going to actually take place? Is it going to be cancelled? Do I need to amend my victim impact statement? It's not just the day of the hearing. Then, of course, once the hearing takes place, it's the "after" of that as well. This is a huge toll that takes place.

Of course, one of the things that this bill is trying to address is—if I were to say it and use those four words—that victims are looking to be informed, considered, protected, and supported, so those are a lot of the pieces of this.

Number one, victims need information. They need information on the offender who harmed them—and a lot of the pieces are here—and they need to know if the offender, while in the institution, is taking proper steps toward rehabilitation, not just that he was taking a course and that it was completed but was he engaged in that?

Also, what are the risks that have been associated with this offender? Are the responses toward rehabilitation appropriate? Conversely, if in fact they're not, the victims may want to take extra steps when the offenders get back into the community. When they're released back into the community, be it on a pass or be it on parole, they want to know and need to know what conditions are attached to that. If there's a condition that says the offender is not to communicate with the victim or their family, they need to know that. If there is a geographic specification, they need to know that. It really comes down to their right to be informed so that they have the information they need to feel safe.

When this talks about, for example, the parole board considering a victim's safety in their decision-making and looking at that, this is something we hear from victims—how do I know those board members have considered my safety when they are making that decision around release? I think a lot of the things that this bill is bringing forward...

If we were to look at the specific amendments, for example, we would see that when we talk about the Corrections and Conditional Release Act, section 142 gives direction to the Parole Board of Canada, and section 26 gives that authority to Correctional Service Canada. You have those two sections over two federal agencies that both are involved with the offender, both on the management side and in the correctional plan, as well as the conditional release issues.

What I'm seeing is that there are some things, for example, such as a work release, and it's a decision of the warden, through Correctional Service Canada, to issue one of those. We should really have reflected in section 146 and section 26 that the governing authorities should have the ability, because they can only give the victim what the legislation says they can. When you look at something like a correctional plan... As I said in my earlier testimony, I've listened to victims who heard for the first time at the parole board hearing about how or whether an offender has been returned, which might be 15 or 20 years down the road....

What they're saying is that Correctional Service Canada has that correctional plan early on, so if they have the authority to give that information to the victims earlier in the process, they can assess those risk issues and whether the offenders are engaged towards their rehabilitation. It would make sense in these modifications we're recommending, in that sections 26 and 142 grant both of those authorities the mirror ability to give that information to victims of crime.

•(1645)

Mr. LaVar Payne: That does make a lot of sense. Certainly, we have heard over and over about victims and the difficulties they've had, particularly upon release or temporary release, so that's really important.

I wonder if you could touch a bit more on the video piece. You talked about a one-way closed circuit video feed or via video.... How do you see that whole thing working for the victims? I know that travel certainly might be an issue for individuals. In particular, how do you see that working to help the victims?

The Vice-Chair (Mr. Randall Garrison): Just a brief response, please.

Ms. Sue O'Sullivan: Our recommendation is that every victim or family member who wants to attend a parole hearing should have a choice and an option about how they wish to attend. That can be in person, or they may choose to attend by video conference or by another use of technology. They should have a choice to do that.

[Translation]

The Vice-Chair (Mr. Randall Garrison): Thank you very much.

I now yield the floor to Ms. Doré Lefebvre, who has seven minutes.

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

I want to thank Ms. O'Sullivan for joining us today to discuss Bill C-479 and victims' rights.

I know you are doing a great job as ombudsman for the rights of victims of crime. I would like to thank you for that.

I think your presentation was cut short. Unless I am mistaken, you were talking about amendments to the terms between parole hearings.

Before I begin with my questions, would you like to add anything on that topic? Would you like to summarize what you did not have time to say over the last few minutes of your presentation?

[English]

Ms. Sue O'Sullivan: Our office has recommended that when it comes to people charged with murder and people with indeterminate sentences that it be five years. What was added to this legislation was schedule I. I am not an expert in offender management, but it's my understanding that when some people are released back into the community, obviously it can be beneficial to be under supervision.

However, this bill also does say "within five years", so if the board is cognizant that some of those benefits...but I would certainly defer the best approaches to offenders being back in the community to people with that offender management expertise.

•(1650)

[Translation]

Ms. Rosane Doré Lefebvre: Thank you very much.

I do think that victims have good reasons to attend some parole hearings. That is a good thing in cases where the offender is likely to return to the community where the offence was committed and where the victims still live. That is also a good thing in cases where the victim asks that the offender's release be subject to special conditions, such as non-communication orders.

The New Democrats are prepared to support some of the amendments proposed in this bill. More specifically, we will support the amendments that would give victims access to parole hearings—which we consider extremely important—as well as the amendments that would enable victims to attend hearings by videoconference or teleconference. I think this is a great idea, especially for victims with reduced mobility or, as you said in your presentation, those who work or have young children. I am a young mother. I can understand that our time can be very precious.

It is important to examine this legislative measure. I have the same question for you as I had earlier for the bill's sponsor. The question has to do with the Victims Bill of Rights promised by the Conservative government.

Do you think that bill should have been part of a broader legislation for victims' rights? Shouldn't the Victims Bill of Rights have been part of a more comprehensive piece of legislation?

[English]

Ms. Sue O'Sullivan: I think we're all waiting to see what the victims' bill of rights will contain. I don't have that, so I can't speculate on that.

What I can say is that this bill does address, in part or in many ways, some of the recommendations we have specifically already made. When I go back to my comments, this as an opportunity to put in legislation—as was said earlier, some things might be in policy—and really to start to recognize that this is about informing them, it is about considering victims, and it is about supporting them.

You've raised—and I thank you for that—some excellent points around a choice in options for victims. So would we like to see comprehensive looks in all legislation, ensuring there's a victim's lens to make sure they are informed, considered, protected, and supported? Yes. So we look forward to and are waiting to see the bill of rights once it's tabled.

Our office has, as you may be aware, made our submission on the upcoming victims' bill of rights, which is available on our website, along with some of the videos that I think were mentioned here earlier. We held a national forum.

When we talk to victims, we say they're not bystanders in the criminal justice system. They have a right to meaningful participation. So this bill does address directly some of the recommendations we have made, and we look forward to seeing that the victims' bill of rights will, hopefully, as well, address many of the needs, issues, and concerns of victims of crime.

[*Translation*]

Ms. Rosane Doré Lefebvre: Excellent.

In 2013, you published a report titled *Moving the Conversation Forward*. Mr. Sweet mentioned this in his presentation. I would like to quote what you said in the report.

Despite best efforts, victims attending a parole hearing may find themselves using the same entrances and/or without a separate waiting area to avoid the offender prior to the hearing.

What types of measures should be implemented to ensure that victims feel safer when they attend the parole hearings?

I know that you touched on this briefly in your presentation, but I would like you to elaborate further.

[*English*]

Ms. Sue O'Sullivan: I just want to be sure of your question. You're asking what steps we can take to ensure they feel safe?

Ms. Rosane Doré Lefebvre: Yes.

• (1655)

Ms. Sue O'Sullivan: One thing is that they need to be informed at all parts of the process so that when there are upcoming dates, they have that information in an appropriate amount of time and they're aware of what's required. For example, some victims who have never given a victim statement at a parole hearing.... They have to prepare their statement ahead of time. It has to be submitted ahead of time. Then once it's submitted, they can only read it; they may not deviate from that statement. They may read only what is written at the time of the parole hearing.

There are many issues that have been brought forward to our office from victims in terms of both parole hearings and simple considerations. For example, parole hearings take place in institutions; they're all different. So one thing could be making sure that you consider the victim and put yourself in a victim's perspective. If the offender is to be walked right by the victim on the way to the parole hearing, and in close proximity, put a lens on in terms of considering the impact to the victim.

We've dealt with everything from where the victim is sitting within the room where the hearing is taking place to looking at, if

there is a video impact statement being given, where it is and whether the offender can see it or not.

It's to really consider all of the information, the proximity issues, and the respect issues, treating those families and those victims with dignity and respect in terms of that hearing, and making sure that through all stages, they are informed, they are considered. That's going to go a long way toward their feeling safe.

Also, I think the modifications we've recommended here.... Give them those choices and options, because as I said in my testimony, some may very much want to be there in person, and some may not be able to but will still want to participate. For example, one of the simple modifications was that even if they're denied attendance for safety reasons, if they're denied that attendance they should be allowed to follow. They should be allowed to give their statement using the technology, not just follow.

The Vice-Chair (Mr. Randall Garrison): Thank you very much, Ms. O'Sullivan.

Now Mr. Richards, for seven minutes, please.

Mr. Blake Richards (Wild Rose, CPC): Thank you.

I appreciate your being here today to talk about this legislation. It was good to hear a little bit about your mandate as well. Certainly, ensuring victims' rights are put as the top priority in our justice system has been one of the things that I have focused on in my time here in Parliament over the last five years, and certainly in my personal charitable pursuits as well. I think it's important that the priority of victims is at the very top. I'm glad to see it in the mandate of your office and clearly hear it in your comments and in your commitment. I commend you for that.

Ms. Sue O'Sullivan: Thank you.

Mr. Blake Richards: I do want, of course, to get to the bill at hand here. I appreciate that you've given a lot of thought to it and have suggested amendments that would be helpful. It's very much appreciated that you've taken the time to fully prepare in that way.

I have a couple of specific questions I'd like to ask. The first one really centres around the fact that these processes often are almost a further victimization for the victims of crime or for the families of victims of crime. I think that would be a fair way of putting it. It's a very difficult situation that they're put through. You've spoken to that, as others have, as did Mr. Sweet with his examples, so we don't need to go into that any further.

But what I would like to try to do for the committee, if you could help us with any information you might have in terms of statistics, is to try to quantify how many victims are further victimized each year by these kinds of processes. Are there any stats that you could share with us to give us a sense of how many families go through one of these situations—maybe on an annual basis or even per offender for various types of crimes? Are there any stats that would help to quantify the numbers that we're talking about here, families that are victimized in this way?

Ms. Sue O'Sullivan: Again, I'm not the Correctional Service Canada, but I think it's roughly in the nature of 17,000 who are in custody. I believe there are about 6,000 to 7,000 registered victims.

When you look at that, first of all we talk about information available to Canadians. If in fact you want the information that the legislation says you can have currently about an offender, you must register as a victim with the Parole Board of Canada or Correctional Service Canada. Unless somebody makes you aware of that, you wouldn't know it. Otherwise, you can't have access to any of this information.

What we also know is that some offenders will have more than one registered victim. To give you a concrete...the number of parole hearings a year. I don't have the exact number with me today and I apologize, but I can get that for you. What I can tell you is that within our mandate as the federal ombudsman, we do take complaints from victims across this country, and particularly in relation to the CCRA or issues around Correctional Service Canada and the parole board.

When you asked me how many exactly, we deal with certain victims who contact our office, or through different opportunities that I have when I'm out in different communities across the country to speak to victims about these issues. I always say I don't tell their story; I amplify their voice. Those are the issues that I'm bringing forward here, based on the input from the victims and the families that we speak to on a regular basis about issues that they've confronted.

I don't know if that answers your question.

• (1700)

Mr. Blake Richards: Yes, that's helpful, and if there are other statistics or information you can provide, that'd be great.

Ms. Sue O'Sullivan: I can certainly get some.

Mr. Blake Richards: But certainly in terms giving me a sense of how many registered victims there are, that does tell a pretty good story to this committee as to the number of people affected by these very tragic circumstances, which they have to relive over and over again with these hearings. It leads a little bit into the next question I have, which really centres around information. From everything I've heard from victims and from individuals like yourself, it seems as though the lack of information is one of the things that's most difficult and troublesome for victims and their families in these kinds of situations.

I wanted to know if you could comment a little bit on the clause in the bill that requires the 14-day notice for the victim to be able to receive information regarding parole conditions, location, and time of release. Even more importantly it requires an ongoing duty to disclose that information following the initial request, because often what can happen is that the victim or the family doesn't really know when, or how, or why to ask for that information. So it's difficult to know unless there's that ongoing duty to disclose. Could you maybe comment on that particular provision of the bill?

Ms. Sue O'Sullivan: You've raised some excellent points, because really people need to be informed at every stage of the process. We can never forget who's suffered the harm and the loss here. So of course they need to have information about when they're

being released back into the community. I think it was referred to in one of our videos here where the victim has quite clearly said, here I am in an area where they've been released on a work release where I could have come across them, not knowing that.

It just makes sense that we have a system that's going to provide this information to victims and their families so that they are prepared for when the offenders come back to the community and they know what those conditions are. In many cases some offenders are released back into the same communities as victims, and some are very small communities. They may come across these people. You've raised some excellent points about the importance of them being informed.

Mr. Blake Richards: It only seems like common sense to me that we would ensure victims have access to that information.

Ms. Sue O'Sullivan: Many victims would say they'd like to see more than 14 days, but I realize sometimes—

Mr. Blake Richards: Certainly. But it just seems like common sense that the victim should have that information. It would be hard to imagine anyone opposing victims having access to that information to ensure they would not be victimized again.

If I still have a little bit of time, I'd like to touch on another subject. You did talk about it briefly in response to an earlier question from Mr. Payne, and you actually had some comments on it in your opening remarks as well in terms of some changes you'd like to see. You talked about the offender's correctional plan. I wanted to hear a little bit more about how important it is and why it's so important that the victim be made aware of the offender's correctional plan. Again, this goes to the information that needs to be there for victims to understand the situation. Can you tell us a little bit about why that's important?

Ms. Sue O'Sullivan: Thank you for that opportunity. If you look at the PPDO, you could think of a transcript from high school or university that says you took this course and completed it. Victims want more. They want to know what were the risks associated with this offender, what programming is being put in place to mitigate those risks, and whether they have really engaged towards their rehabilitation. That's why the correctional plan is so important.

The correctional plan is really a tool used by Correctional Service Canada, and that's why the modification or amendment that we're recommending is of course that the correctional plan would become, as you head toward the parole hearing, available to the parole board. But in terms of having that information available to victims and having a right to have that information earlier on, it would make sense that the modification, the amendment, be made so that section 26 and section 142 would be reflective. Again, the Parole Board of Canada and the CSC can only give a victim what the legislation allows them to.

The Vice-Chair (Mr. Randall Garrison): Thank you very much.

Now we'll turn Mr. Easter for seven minutes.

Hon. Wayne Easter: Thank you, Mr. Chair.

Thank you, Ms. O'Sullivan, for a very good presentation with a lot of good suggestions.

You suggested a number of amendments. Have you or has anyone prepared any such amendments—we can go to the Library of Parliament and have some prepared for sure—that you think would tidy up the areas where you're suggesting amendments are needed?

• (1705)

Ms. Sue O'Sullivan: Just what I've prepared here verbally today, only those modifications. Thank you.

Hon. Wayne Easter: That's fine.

I want to come back to the section that you didn't have time to complete and give you a little more time to expand on it. As I read it, there may be a problem in that some people could be released into society without supervision, and that would be a fairly substantial problem for public safety if people were released without supervision.

You do say that we should discuss this issue with the appropriate subject matter experts. Do you have any suggestions? I do think that is a concern, something that may have just been overlooked.

Ms. Sue O'Sullivan: My testimony, when I responded to questions, was in terms of the risks and effectiveness of parole. It's my general understanding that there are benefits to providing offenders with the opportunity to reintegrate in the community under supervision.

Having said that, our recommendation for people convicted of murder and people with indeterminate sentences is that it be increased to five years. What's been added with this piece of legislation is schedule I, which is mostly offences—like sexual assault against children, for example—that can carry lesser sentencing.

Again, offender management is not my area of expertise, but I will say this. Every victim I speak to says they don't want what happened to them to happen to anyone else, and they understand that offenders will be coming back into the community. So this is something from a victim's lens. They want to make sure offenders don't reoffend. Again, I would refer to maybe Correctional Service Canada or the Parole Board of Canada, who have that expertise with regard to offender management.

Did that answer your question?

Hon. Wayne Easter: Yes, thank you.

On the correctional plan not being provided to victims, what's the reason given at the moment for its not being provided? As Blake said, it only makes sense, both from the point of view of victims having the understanding that the proper rehabilitation is taking place and some of their issues are being dealt with, and for the offenders to be pleased about some of the progress they've made. What's the reason? Is it a privacy issue, or what is it? Do you know?

Ms. Sue O'Sullivan: There might be two reasons. The correctional plans that are made for offenders carry personal information such as personal health information. We're not recommending that people's private personal health information be

given out. This is a conversation to have with Correctional Service Canada about what portions of that would be relative to victims. Obviously, I'm not here supporting that people's private health information be given out or information that could cause risk to someone's safety. These are the kinds of things that would have to be considered in what information in a correctional plan is released to a victim.

Hon. Wayne Easter: You certainly would be in favour of releasing the broad details of correctional plans and what offenders are doing in terms of rehabilitating their lives to make them better people in society.

Ms. Sue O'Sullivan: Absolutely.

Hon. Wayne Easter: That should be possible to work out.

Ms. Sue O'Sullivan: Yes, absolutely, and what the risks are, what efforts are made to mitigate, what kind of programming, whether they are engaged in that programming.

Hon. Wayne Easter: The other area you mentioned and suggested amendment for was section 26 of the Corrections and Conditional Release Act, rather than just what the bill amends, which is section 142. Can you expand on that?

Ms. Sue O'Sullivan: Sure. If you look at section 142, you'll see it's really giving direction to the Parole Board of Canada about information. It says:

142. (1) At the request of a victim of an offence committed by an offender, the Chairperson

(a) shall disclose to the victim the following information....

Then there is paragraph (b) “may disclose”. This bill is recommending that portions of the “may disclose” become mandatory. What we're recommending is that those mandatory portions are reflective basically, giving direction to Correctional Service Canada. We're suggesting that they mirror each other. One of the simplest examples I can use is that it's important—for example, that video—when somebody's being brought back into the community on a work release. That's under Correctional Service Canada, so in order for Correctional Service Canada to give that information, we're saying it should be the same as is reflected here. That information should be allowed to be given and should be made mandatory.

Our recommendation is that all items under “may disclose” should be made mandatory as well.

• (1710)

Hon. Wayne Easter: Okay, this is my last question then, Mr. Chair.

I agree with you 100% that if people can't attend the hearing, and there are lots of reasons.... But I'm sure what must drive some people nuts is when a hearing is established and people get prepared for it, and then all of a sudden the offender decides not to go to the parole board hearing or whatever. What is the main reason video is not made available?

Ms. Sue O'Sullivan: It would be no surprise to hear that I meet with the Parole Board of Canada and Correctional Service Canada on a regular basis. Some of the reasons given are that they are worried about the failure of the equipment; for instance, a victim is set up through a video conference and the technology fails. That's one reason. I understand that most of this equipment is available at the different facilities.

These are just some of the things that have been brought forward.

As you may be aware, parole hearings are audiotaped, but because they weren't gathered for the purpose of sharing.... One of our amendments is that they should at the very least be allowed to listen to that audio recording. You could go to a regional office and listen to it. We're not saying to give it to them, but they could make arrangements to go listen to it.

There is currently a fund from the federal government that allows a victim and a support person to be funded to attend a parole hearing. That fund could perhaps be expanded for people to attend the offices to listen to the audio. Even if they attended the hearing in person, they may have been so emotional as to not fully grasp all of the information. They may ask if they could listen to the audio recording because they couldn't grasp everything that was there. Currently, they can't. We're saying that they should be able to and that it should be funded as well.

The other thing I want to flag is that if there are people who have accommodation issues, such as a hearing impairment, then obviously a transcript should be made available.

The Vice-Chair (Mr. Randall Garrison): Thank you very much, Ms. O'Sullivan.

Monsieur Rousseau, you have five minutes.

[*Translation*]

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

The real issue I have with this bill is that it creates a single category of offenders, of criminals. Offenders serving a sentence of less than five years could end up with only one opportunity for a parole hearing, under the bill. Consequently, if their first application was rejected, it would be fairly likely that they would serve their whole sentence and be released unconditionally. I think that would constitute a risk for public safety. For instance, a reckless driver who was arrested for driving while impaired by alcohol and found not criminally responsible for a death would serve three or four years of their sentence even if they are a repeat offender. In cases of domestic violence, some men who are repeat offenders may serve a sentence and be released without having a hearing or being subjected to a rehabilitation follow-up.

With Bill C-479, how can the system rehabilitate those who are serving a sentence of less than five years and help victims find closure? In my opinion, those offenders will always be a risk to public safety.

What do you think about that?

[*English*]

Ms. Sue O'Sullivan: That's a very large question, in terms of the whole issue of rehabilitation. There are certainly people who have

much more expertise than I do on that. However, I will say that this bill does state "within five years". In relation specifically to this bill, I think the board still has leeway to exercise its authority; it says "within five years".

If you're talking about the bigger issue of rehabilitation in general, I don't think in the next three minutes that either of us can cover that. It's such a huge issue. You've touched on such important issues. You've touched on something that many victims talk about. As you say, not everybody is rehabilitated. People do come back. We know there are offenders who go back into communities with high-risk notifications on them and that they are at a high risk to reoffend. These are the challenges that we have as a society.

● (1715)

[*Translation*]

Mr. Jean Rousseau: Do I have any time left, Mr. Chair?

The Vice-Chair (Mr. Randall Garrison): Yes.

Mr. Jean Rousseau: Similarly, should protection measures be adopted in anticipation of information disclosures under Bill C-479? Will measures be implemented to protect victims from retaliation by offenders who would learn that the victims sought information about them, since they will have the right to that information?

[*English*]

Ms. Sue O'Sullivan: This is something where we all need to be talking. Correctional Service Canada, Parole Board of Canada, and victims, all need to be talking about it. If there's any information that comes up and poses a risk, then safety planning and information for victims is obviously going to have to be undertaken.

In terms of this legislation, I think in addressing it from a victim's lens—and I talked about that in my testimony—some may fear retaliation. Some may fear going in person. This is why these choices and options are important, to give them whatever they're comfortable with in terms of their level of participation, be it in person, by video conference, or other technology.

I think if we were to look at the modifications that we put in here, that would be helpful for victims, to have those choices and options.

[*Translation*]

The Vice-Chair (Mr. Randall Garrison): Thank you, Mr. Rousseau.

[*English*]

Mr. Maguire, you have five minutes, please.

Mr. Larry Maguire (Brandon—Souris, CPC): Thank you.

I want to thank you, Ms. O'Sullivan, for your passion, the same as Mr. Sweet's, in regard to the presentation on Bill C-479. We can certainly appreciate your direct understanding of the need for a bill like this. I sense that you have a desire to see greater victim rights here as well, obviously.

With the multiple media stories we've heard lately and over time regarding victims and victims' families, where they're shocked, maybe even horrified in some cases, about the release of offenders, about offenders receiving parole and being released close to their homes, do you feel that the measures in this bill will help to prevent that situation from occurring and prevent situations where they'll be placed in a detrimental position?

Ms. Sue O'Sullivan: I think a lot of the measures here, if the modifications are adopted, will significantly address the treatment of victims within the criminal justice system. They'll go a long way, but I think we still have work to do. I think our office has many other recommendations out that we're hoping will also be brought forward, either through the victims' bill of rights or other legislation in terms of addressing these four main issues, but particularly with regard to the consideration. When I talk about victims feeling protected, it's exactly what you're speaking to, which is that they need to know their safety has been considered by the decision-makers in the criminal justice system. That includes the Parole Board of Canada.

How will they know that their safety is considered? I think sometimes people say, well, of course it is, we factor that in. But when people are making decisions, they have a right to be heard, in terms of their considerations and their concerns, through their victim statements. If they're given choice and options around how to do that, that will go a long way to ensuring that they feel the board has heard what their concerns are.

I think there will always be issues in relation to decisions that are made. Certainly our office continues to hear from victims on many of those issues. A lot of the recommendations that come out of our office come directly from complaints and issues that are brought forward to us. As a matter of fact, our recommendation for the five-year increase came directly from victims who brought those issues forward to our office.

Mr. Larry Maguire: Thank you.

I know the legislation is geared to providing victims with a greater voice in the whole parole process. I think that's key to this whole thing—exactly what can we do to enhance the victim's input into the process? Part of the reason for doing it is that there's a healing process, obviously, that they go through.

You've outlined in your passionate presentation today many areas of improvement and concern in the bill, and backing Mr. Sweet's presentation. Do you think the recommendations he's put forward today will enhance that healing process? Is it enough to enhance the victim's healing process in this whole endeavour?

Ms. Sue O'Sullivan: I think when it comes down to what helps victims in, as you say, their healing process, as I commented in my testimony, every victim is unique. There are many victims for whom

sentencing is a huge issue. For others it's restorative justice, family remediation. Along their journey, those choices may change.

If we put in place through legislation and through how we do business, if you will, through policy and the rest, the measures that will respect victims, that will ensure they are heard and considered, that ensure they have input and meaningful participation in this process, that will go a long way. Victims need to be respected and treated with dignity in this process, with legislation that allows them to have the information they need in a timely way, that will inform them, that will ensure they have the information about the offender who harmed them and know whether or not they're making every sincere effort to rehabilitate.

I think these steps in the proposals, particularly if the amendments or the suggestions are accepted, will go a long way towards that.

● (1720)

Mr. Larry Maguire: So you feel that this bill as put forward will do that?

Ms. Sue O'Sullivan: I think it will lend itself to healing many of the things that often....

As you know, the direct services to victims of crime are the responsibility of the provinces and territories. For many victims, the healing process is also just about things like counselling and having opportunities for people to support them through the process. Many times when you talk to victims about their needs, it is a lifelong process that goes well beyond the criminal justice system.

The Vice-Chair (Mr. Randall Garrison): Thank you.

At this time, having had questions from three government members and three opposition members, I'm as the chair going to thank Ms. O'Sullivan for her valuable contributions to our deliberations on this bill.

Ms. Sue O'Sullivan: Thank you very much for the opportunity.

The Vice-Chair (Mr. Randall Garrison): Also, I know that while I've been on this committee, she's been here many times and has been of continuing assistance to us. Thank you very much.

Ms. Sue O'Sullivan: Thank you for the opportunity.

The Vice-Chair (Mr. Randall Garrison): We will now suspend for two minutes to go in camera.

Members' staff may stay.

I'm just going to say that I've checked with the clerk, and according to the rules, the committee may allow Mr. Sweet to stay, if he'd like to stay for this. If I see no objection, I will invite Mr. Sweet to stay with us for the in camera session.

[*Proceedings continue in camera*]

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