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Thursday, February 27, 2014

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Chair

Mr. Daryl Kramp

Standing Committee on Public Safety and National Security

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• (1535)

[English]

The Chair (Mr. Daryl Kramp (Prince Edward—Hastings, CPC)): Thank you, colleagues. We will call meeting number 13 of the Standing Committee on Public Safety and National Security to order.

Today we are doing clause-by-clause on Bill C-479, and hopefully taking some time at the end for some future business in order to get our agenda set.

Without further ado, we'll head right into clause-by-clause. I would certainly like to thank our clerks and our analysts at this time for putting all the motions that were submitted ahead of time for the consideration and courtesy of the committee into sequence, which certainly will help us deliberate. We will certainly head down that road.

Of course, the first clause that we have before us in short order of sequence, of course, is consideration of the short title, C-479, An Act to Bring Fairness for the Victims of Violent Offenders. At this point, we have consideration from our legislative clerk here that consideration of clause 1 is being postponed pursuant to Standing Order 75(1).

We will go directly now to the new clause 1.1, and from the Liberals, please.

Hon. Wayne Easter (Malpeque, Lib.): I have a point of order first, Mr. Chair. I think both the official opposition representative and myself at the last meeting just as we were closing, and it was closed rather quickly, were seriously suggesting that we should not go to clause-by-clause today. We're not ready to go to clause-by-clause. What is the rush, Mr. Chair? The fact of the matter is, this impacts the Parole Board. We haven't heard from the Parole Board. I see now we have a letter saying they couldn't come on February 25. Could they come another day? I don't know. I can't tell from the letter. I can't tell whether the Minister might have intervened. But if we're going to do our job in terms of looking at legislation properly, then the body that is most affected by this bill is in fact the Parole Board. We need some answers from them, Mr. Chair. If they're not willing to come in their own right, I would suggest we as a committee should subpoena them.

I know there are about eight amendments here from the government, which is an indication to me I expect the Department of Justice intervened on a private member's bill that has a lot of risks in it in terms of jeopardizing the Criminal Code, so the justice department is probably trying to clean it up. That's a good thing. But

I really do not believe we're doing our job as a committee if we do not hear from the Parole Board before we do this clause-by-clause.

If you listened to the witnesses, the last witnesses, one of the things that was suggested the other day, there were quite a number of suggested amendments from the witnesses... I've got the blues, but we certainly didn't have time to prepare amendments based on those suggestions. We did have comments from two of the witnesses suggesting that this bill, as currently drafted—and I do think some of the government amendments will cure this problem, actually—could actually jeopardize, and those weren't their words, but that's what they meant, jeopardize public safety because people would get out on parole without proper hearings and they would not have the proper easing into society.

There are some real, severe implications here on public safety, and we need to hear from the Parole Board. That's my position.

The Chair: Thank you, Mr. Easter.

We have two other people up.

Mr. Garrison next, please....

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): On his point of order, I have a procedural question—

The Chair: Are you on Mr. Easter's point of order, or do you have a point of order yourself?

Mr. Randall Garrison: I just have a procedural problem here because from a point of order I can't make a motion for debate on the committee.

The Chair: That's correct.

Mr. Randall Garrison: Mr. Easter won the draw on who goes first here, but I have to echo everything he said: we did try to have a discussion about whether it was proper, in terms of good governance and good management of legislation, to proceed in this very rapid fashion with a bill that clearly has flaws in it, as indicated by the number of amendments proposed by the government to a private member's bill.

I feel the same. I had the transcript of the testimony just about 24 hours before this meeting, and not in both official languages, in which witnesses made suggestions for amendments that they thought were necessary to the bill. There was absolutely no time to make sure we could do due diligence in drafting amendments that might have reflected the sentiments presented by the witnesses. I am disappointed that we don't have a discussion of committee business first so that we could have some discussion about when it might be appropriate to move forward on the bill.

I have concerns that not only have we not heard from the Parole Board, but we haven't really heard from Public Safety, and with this many amendments coming in to this bill I have the same question Mr. Easter raised. Does this mean that Public Safety Canada or the Minister of Justice have suggested these amendments? If so, we need to have heard from them as a committee before we proceed to deal with amendments to the bill.

I am very concerned about the idea that we're going to try to proceed today in the absence of the information we really need to have in order to make sure that we have good legislation in front of us.

I'll wait for another chance.

• (1540)

The Chair: Thank you, Mr. Garrison.

Ms. James.

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

Just to address the point that Mr. Easter has made, if you've had a chance to go through the amendments that we are bringing forward today, some of the concerns that were brought forward by the witnesses in our last committee meeting will be addressed. There are a number of changes that we have put forward that will take into consideration the concerns you have just mentioned with regard to security and so forth.

On the government side, we are ready to proceed with this. We put in our amendments in the required timeframe. They were translated into both official languages—as were the Liberal Party's. Mr. Easter submitted his amendments as well. They were thoughtfully prepared, and I appreciated his getting them in.

But on this side, we're ready to proceed with this private member's bill at this time.

The Chair: Madame Doré Lefebvre.

[*Translation*]

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

I'd like to come back to the point my colleague Mr. Garrison made. We heard from the witnesses and received the blues only 24 hours ago, and the translation is not available yet. And as you know, most of the witnesses who appeared at our last meeting were anglophones. I did not have timely access to the translation, and now here we are today, being asked to do a clause-by-clause study. As a francophone parliamentarian, I feel I have been denied my rights. It is our right to have access to the information in both official languages before we take a stand on an issue.

[*English*]

The Chair: Thank you very much for your considerations.

The chair is guided by two principles right now. One, of course, is the motion to proceed with clause-by-clause examination today; however, I welcome the comments and concern from Mr. Garrison and Mr. Easter.

But I also am concerned that adequate time has not been given for translation. If that is the case, I would defer to our clerk right now to advise the chair as to whether or not adequate time was given for translation, because we cannot proceed unless adequate time is given for translation. That really is against the routine orders of this committee.

I've been advised by the clerk that the blues simply go through a matter of passage and that it is not required that they be translated within that 24-hour period. So at this particular point we can proceed on this bill. This is the indication that I have been given by the clerk on this.

Have you a point of order, Mr. Garrison?

Mr. Randall Garrison: Well, what the substantive point means is that we only had the blues to deal with. We had very technical testimony on the bill and these amendments, but we did not have a translation of the blues so that we could all work in our first official language in order to determine the detail of the amendments. It's one thing to hear a translation, a verbal presentation; it's another thing to sit down with it and see what amendments and sections of the bill would be affected and how you work with it. We did not have that in both official languages in time for this meeting today because of the rush nature.

I have to say that the parliamentary secretary made somewhat disparaging remarks saying she and the Liberals had gotten the amendments in in the required timeframe, but there was no required timeframe and there was no deadline set for amendments because there was no time allowed for the preparation of amendments.

I take exception to the implication that somehow we were not preparing amendments in a timely fashion. We were waiting to hear the testimony of witnesses and to hear their suggestions for amendments before we decided whether we could proceed with any of our amendments because they could have been something we changed our mind on or they may have been affected by the testimony of those witnesses. There was literally no time available on a very complex bill that purports to change some very important things about our parole system.

The main concern of everyone here is public safety, and it's my concern that this bill go through in a proper form that does not have a negative impact inadvertently or through errors in drafting or errors in amendments on public safety. We all know that private members' bills have a fixed schedule, so there is no urgency for us to be doing this today. This will not come back to the House any sooner because we do clause-by-clause today, so I don't understand why the government is pressing ahead with the danger that we will do a poor job of legislating here.

• (1545)

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

Mr. Norlock.

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Thank you very much.

I hear Randall's issue. The translation of the blues, which come out very soon after the meeting, is an issue that I've heard in this place before, meaning to say in public safety as well as in other committees I've been involved in. The same arguments were put forward, and the clerks in those circumstances came through the chair with the same results.

With respect to the issues surrounding more properly putting together a piece of legislation and making sure that adequate amendments are put in, I will observe, even though my friend, Mr. Easter, may interject and say I'm interpreting things wrong from his perspective, that he did put forward, as has been mentioned by the parliamentary secretary, in both official languages, some well thought out amendments. Whether or not we agree with them, that remains to be seen. We'll see how this goes forward in the clause-by-clause.

So to suggest somehow that the opposition didn't have a chance to put forward... When they saw originally the original text.... While there is some substance to it, I think that substance is rather weak, because we can go through this clause-by-clause today based on what we heard yesterday and what we've heard individually from other witnesses. I just don't see why we can't begin the process of clause-by-clause when we talk about the urgency and need to expedite things.

There are some things sitting on our plate that I think I share Randall's wish to be expedited, and that's of course our study into the economics of policing. If we can get this off our plate, I think we might be able to address that before we see some other things come our way. That's sort of my submission, because I see other things coming down the pipe that this committee will be dealing with, and I think this is a good way to expedite it. I can say that the observations that were made with regard to putting.... Private members' bills get put forward by every party and, Randall, I think we see quite a bit coming from your side of the fence, so to cast aspersions on private members' bills raises a very dangerous thing.

But here's what's happened with this bill. It was overseen by the government once the private member put it through. It does go through a screening process, and once it goes through, it goes through an even finer screening process, and the observations that the government has amended some of their members' own private member's bill legislation isn't strange. That occurs in this place very often, so I don't think that argument carries a lot of weight. I think what it shows the citizens is that the government is going through it with a finer process to make sure that it does do what it purports to wish to do and that it does meet everything from constitutional requirements, etc., including language. I think all of those aspects have been covered and I leave it there, Mr. Chair.

• (1550)

The Chair: Thank you very much.

Of course, the chair is guided by the principles of the standing orders.

Yes, Mr. Garrison.

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

I appreciate Mr. Norlock's comments and, as we clearly established before, that this committee could have made a decision

to proceed with the economics of policing report and I would like to have seen us do that. There is no reason, again, that this bill had to take precedence. There is a fixed schedule for private members' bills returning to the House so we could have dealt with the other report and then this bill. We could even have dealt with that report today and put off clause-by-clause.

What I want to emphasize again is that we had very moving and very expert witnesses appear at this committee in our last session. I'm being quite serious when I say to Mr. Norlock that I wished to consider very carefully the suggestions they made before submitting amendments. We had worked on amendments, that's true. We have some drafts. Some of those we have decided, having heard the testimony from the witness, not to introduce. Others we've decided might need changes. We brought one that we think was not affected—having read through in my best French—by the testimony of the witnesses at our last session, and we did bring that to the chair and if you force us to go ahead today we're prepared to discuss that.

But I simply haven't heard any reason why we aren't taking the time that I think this bill deserves. We've said nothing on this side against private members' bills or this bill. What we're talking about here is the process by which we make legislation and I think it's one of the most important processes, obviously, in this House. I feel that we're proceeding in a manner that could possibly lead to errors and if so, a damage to public safety. That's why I'm making—as I think Mr. Norlock is implying—a big deal out of this. I am.

The Chair: Is there any further discussion on the issue?

Seeing no further discussion, the chair is guided by the principle that a motion was made to deal with clause-by-clause today. Given no exception to that from the clerk with regard to the translation of the blues, we will proceed with that unless we have a motion to deal with it otherwise.

Mr. Garrison.

Mr. Randall Garrison: I would move to table our discussion of clause-by-clause until this committee has had the opportunity to review the testimony of the previous witnesses, and also to hear from the Parole Board and the Department of Public Safety.

The Chair: The motion is before the committee. Is there discussion?

Ms. James.

Ms. Roxanne James: We will not support that motion on this side.

The Chair: Mr. Easter.

Hon. Wayne Easter: Mr. Chair, I certainly support the motion. As I said in my earlier remarks in the point of order, I do believe that we absolutely—

The Chair: Point of order, Mr. Richards....

Mr. Blake Richards (Wild Rose, CPC): On the point of order, Mr. Chair, I may be mistaken but is a motion to table non-debatable and we must proceed immediately to a vote?

The Chair: No, if it was a simple motion you would be correct, sir, but being a substantive motion it is worthy of debate. It is a substantive motion that dramatically changes the timing and perhaps the purview of the study.

Go ahead, Mr. Easter.

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

I will just re-emphasize that there are substantial changes in this bill. We've already made the argument as to why we really need to review.

Well, I've already reviewed some of the minutes—and some of them were in French—of the last meeting. We need to decide whether other amendments should be made, based on that hearing.

What really struck me about the last set of witnesses was their suggestion that there could be an impact on public safety with the way the bill is drafted. The amendments that are put forward may or may not change that, I'm not sure. But I think that is a serious concern.

The fact is that the Parole Board is the one impacted. They were invited. We still don't know why they didn't come, whether it was just a problem with the day. I would agree that we should hear from Public Safety as well, but we absolutely must hear from the Parole Board on the implications of this bill on their body and whether or not they view certain timeframes as causing a problem in terms of public safety.

On the public safety side I think there is a government amendment here that will kind of narrow the groupings of people that this bill would impact and that is probably helpful. But we really must hear from the Parole Board of Canada, no question about that, so I certainly support the motion put forward by Randall.

•(1555)

The Chair: Fine, thank you.

Is there any other...?

Madame Doré Lefebvre.

[*Translation*]

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

I also support my colleague Mr. Garrison's motion. It is important because this bill would make changes to the National Parole Board and have implications for the Department of Public Safety. It is vital that we take a close look at the issue.

Barely 48 hours ago, we heard testimony that absolutely has to be examined. I want something rectified. I did not have access to that testimony in my first language, and that should not be the case. I cannot do my job as a lawmaker properly if I don't have access to the documentation in my first language, French. Had it been the other way around and if all the testimony had been in French, we would be having an entirely different discussion, and I wouldn't be the only one objecting so strongly. The government should understand my position here.

Mr. Garrison made a good point. We ought to know why the officials from the National Parole Board weren't able to appear the last time. We think the reason was that the date didn't work for them. It is imperative that we hear their views on the bill because they are the ones who will be administering it. We should also hear what the Public Safety Canada representatives have to say because the bill impacts public safety issues.

Look on the bright side. Even if we were to finish the clause by clause today, it wouldn't make it to the House by tomorrow morning. So we can take the time to deal with this the right way. As lawmakers, we have a duty to pass good legislation. We can take the time to study this bill properly and make the necessary amendments in due course.

[*English*]

The Chair: Thank you, Madame Lefebvre.

The chair obviously has no position to take on the issue other than, of course, to cast a tie-breaking vote on the issue.

The chair also has an expression of opinion in that there are two sides. One, the chair has a great deal of sympathy for the fact that truly we haven't had potentially adequate time for translation. That is of deep concern to the chair. However, the chair has to abide by the fact that a motion was passed to deal with that. That concern could have or should have been discussed at that time prior to the passing of that motion. It was not.

On the other side, the chair also recognizes that there have been significant amendments put in that I do think—certainly I can't pass judgment on it but I would hope that most of the participants around the table would see this as a very obvious and sincere attempt to deal with the realities of the testimony that we heard before that. So at this particular point, the chair will not discuss anything further other than to call for a vote on the motion.

An hon. member: Can we have a recorded vote?

(Motion negated: nays 5; yeas 4)

The Chair: We will now proceed with clause-by-clause.

Mr. Easter, you had the first one in the order of precedence on the issue here.

•(1600)

Hon. Wayne Easter: Yes, Mr. Chair, I'm told that the Liberal amendments 1, 2, and 3 are probably not in order and the clerk will have to determine that. But I'll tell you their—I think they could be put in order if there was unanimous consent of the committee.

Basically, when Sue O'Sullivan, the federal ombudsman, was here, she and one of the witnesses on Tuesday were concerned that the amendments we're making under section 142 are not mirrored in section 26 of the act. They felt that for clarity purposes, there should be consistency between section 142 of the act and section 26 of the act. So that's really why they're there, for the need for uniformity and I know Sue O'Sullivan was very strong on that point.

So all three, and the clerk can tell us for sure, probably require unanimous consent before they can be moved, but that's the purpose of the amendments, Mr. Chair.

The Chair: Thank you very much, Mr. Easter, for your contributions and for the manner in which they were put to the committee and for your courtesy in dealing with the issue and yes, you have been advanced information from the clerk and that has given you some indication for the record. The chair will read in the reasons that they are deemed inadmissible at this particular point.

The amendment seeks to amend section 26 of the Corrections and Conditional Release Act. As the *House of Commons Procedure and Practice*, second edition, states on pages 766 and 767:

... an amendment is inadmissible if it proposes to amend a statute that is not before the committee or a section of the parent Act, unless the latter is specifically amended by a clause of the bill.

Since section 26 of the Corrections and Conditional Release Act is not being amended by Bill C-479, it is therefore, the opinion of the chair that the amendment is inadmissible.

Mr. Easter, that would go to number 1, number 2, and number 3.

Mr. Garrison.

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

I understand the basis on which you're making the ruling, but I think it illustrates the dilemma we're in. We had testimony from Ms. O'Sullivan on the previous Thursday, which we did have time to consider, and what she's pointing out is that we're creating some kind of, at least, an anomaly—

The Chair: Excuse me, Mr. Garrison.

We can't debate the chair's ruling, however, if you have a point of order, you're free to make that.

Mr. Randall Garrison: I'd like to challenge the chair's ruling.

The Chair: Thank you.

Carry on.

Mr. Randall Garrison: I think that it illustrates the situation that we're in here where we're dealing with a bill that's very complex that deals with both corrections and parole in its implications—

The Chair: Excuse me, Mr. Garrison.

The chair has been advised as well that if you challenge the chair, there is no discussion; we just go to an immediate vote.

Mr. Randall Garrison: Am I not allowed to state my reasons for challenging the chair?

The Chair: No.

Would you like a recorded vote? How would you like this, sir?

Mr. Randall Garrison: I have been in this very committee when we've had a challenge to the chair and the challenger was allowed to state the reasons for the challenge. It's very hard for people to determine how to vote—

The Chair: Mr. Garrison, the chair has been advised by the authority of the clerk that it is not up for discussion; it is a matter of the vote.

Mr. Randall Garrison: Absolutely, I would like a recorded vote then.

(Ruling of the chair sustained: yeas 5; nays 4)

•(1605)

The Chair: We will now go to the next order of business and it is the NDP amendment, reference 6441401.

(On clause 2)

Ms. Roxanne James: On a point of order or perhaps it's a clarification, do we have copies of that amendment? I certainly do not.

The Chair: The chair has no copy of that amendment.

Could we just pause briefly as copies are being circulated?

Mr. Randall Garrison: Copies were provided to the clerk in both languages this morning.

The Chair: Thank you.

Yes, Mr. Norlock.

Mr. Rick Norlock: Pursuant to the last vote that we just had with regard to admissibility, has the chair found, after consultations, that these amendments are admissible?

The Chair: They are inadmissible.

Mr. Rick Norlock: They are inadmissible?

The Chair: Inadmissible....

Mr. Rick Norlock: Thank you.

The Chair: No, No. This one is definitely admissible.

Before I give the floor to Mr. Garrison on that, I would just note that of course, there is a line conflict with G-1. If this motion is adopted, G-1 then cannot be proceeded with.

We're clear on that point?

Mr. Garrison, you have the floor.

•(1610)

The Chair: Fine, thank you very much.

Mr. Norlock.

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

I hear Randall, and quite frankly I've given a lot of thought to this. As of last week, because of a ten percenter I sent out, I've received some very troubling phone calls from people. In this case, a five-year old child had been violently sexually assaulted by a relative and this is, Randall, why I'm saying what I'm about to say. I also heard from another lady who had been sexually assaulted as a child and has been for years and years going through therapy...and the feeling of victimization. The perpetrator of the five-year-old unfortunately received a provincial sentence because it was two years less a day.

My fear is that if we're too restrictive in what we're doing...I understand where Randall is coming from, I really, really do, but it's very difficult for me, and I'm being frank here, to accept that we limit it to only murder and designated offenders. I'm just fearful we're being too prescriptive here and that while you're afraid we will have many victims one way, my fear is we'll have many victims, you know...

I understand where you're coming from, but I just don't think we need to be that prescriptive at this particular point. I think the schedule 1 is sufficient.

The Chair: Thank you.

Now we have Mr. Easter.

Hon. Wayne Easter: It's not exactly on this amendment, Mr. Chair, so you can cut me off if you want. I took it to mean that the government recommendation I dealt with this issue somewhat. I still think I'm in line with Randall here, and I hear what Rick's saying, in that I think if we're too broad we're going to run into public safety issues that are unnecessary for us to run into. The question, I guess, is to find the balance between what I think Randall's resolution, NDP-1, is trying to do, as well as what government is trying to do. We do need to find the right balance. I understand what Mr. Norlock is saying, but if we are too broad, I believe we are going to jeopardize public safety, and that's not what we want to do either.

•(1615)

The Chair: Thank you.

Ms. James.

Ms. Roxanne James: Just to address this concern, Mr. Easter did indicate that our government amendment, G-1, does include some of what you're saying in tightening up the type of offence, but additionally to that I just wanted to remind everyone that the actual window that someone has to be heard, we're extending it to four years and also to five years. But that doesn't mean that someone can still have it heard in a shorter period of time.

We heard testimony from a witness who said they actually had to go back to one in six months. So there is some discretion within the Parole Board of Canada to make that judgment call as to when the next Parole Board hearing would be. What this bill proposes to do is to extend that window so that the maximum amount of time is longer than it is today, to prevent the situations that we heard of from the witnesses who were here with us in the committee. I do agree, their stories were very sad. I was over here myself in tears, and I can't imagine being in their shoes or having to go back to a hearing at six months, a year, two years, when in fact the Parole Board of Canada knows that that individual is not going to be released.

Again, we keep thinking that someone's not going to get the opportunity to integrate back into society and it's going to cause more victims, as you're hearing from the opposite side. I just want to reiterate that this is not the case because the Parole Board of Canada could still hear, could still have that happen. It doesn't have to wait for five years; it doesn't have to wait for four years. It could actually do it in two years. It could do it in shorter than that as well. I just want to make sure that's not what you think the contents of this bill are about.

I do agree with Mr. Easter, obviously, a government bill has changes to this section as well, so we will not be supporting that amendment from the NDP.

The Chair: Thank you, Ms. James.

Madame Doré-Lefebvre.

[*Translation*]

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

What we have heard from some witnesses, victims, especially—not just during this study necessarily but also as part of other studies the committee has undertaken with respect to victims—is a cry for help. I think we can all agree on the need to give victims more rights and services.

That is why we are anxiously awaiting the government's bill on victims' rights, a bill they promised more than a year ago. I find it unfortunate that, yet again, we are studying a bill that has a minimal impact on victims, despite the government's promise to deliver a victims' rights bill, which would be much more comprehensive, from what I have gathered. It may include—

[*English*]

The Chair: Madame Doré-Lefebvre, will you just keep your comments close to this bill, please?

[*Translation*]

Ms. Rosane Doré Lefebvre: Very well.

I will say that we are proposing this amendment because of the current situation. The testimony we have heard throughout this study underscores how difficult it is for victims to attend parole review hearings. However, nearly all the witnesses have talked about the importance of rehabilitation in order to help victims feel safe. That is something we need to focus on. Rehabilitation is extremely important to victims. They want to make sure that when the offender does reintegrate into society, they don't commit the same crimes. Various experts talked to the committee about that. And parole workers also stressed that point when I visited a number of institutions in my riding.

We are talking about a very big impact. So I think we would do well to approach the issue of access to parole review hearings with a certain degree of openness. I do not mean in terms of offences that are necessarily less serious because they are all serious. But I just think it would be a good idea to establish parameters around those crimes. That would be an important measure to include in this legislation, for victims, for those who will be administering the bill and, from a public safety standpoint, for Canadian society in general.

•(1620)

[*English*]

The Chair: Thank you very much.

Mr. Garrison, please.

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

I know we're on clause-by-clause so our discussion has to be fairly narrow, but I'd like to echo what Madame Doré Lefebvre had to say in terms of What we're suggesting is expanding the time limits on the interval for parole is something we're doing to serve victims and she makes a good point that there are many other things that might serve victims more effectively.

But what I really want to talk about is the point that was raised by Ms. James, which is the question of discretion. It's one of the reasons I very much wanted to hear from the Parole Board. I've read through the bill probably as many times as anyone else around the table, trying to make sure that it is in fact completely discretionary for the Parole Board. I think we need to hear from the specialists to know if that is true. In some places I cannot determine that.

The second question I would ask the Parole Board—which I have heard many times while away from this table—is about some of the big restrictions on the activities of the Parole Board, which are their backlogs and budgets. Right now the law requiring a hearing every two years for something up to about 11,000 offenders is the priority by which they allocate their budget resources. Because they are statutorily required to provide an opportunity for those hearings every two years, that's the first thing they apply their resources to. They have many other things they're charged with doing, such as the pardon process and other things that have huge backlogs.

The question I would ask the Parole Board if they were here is, if we change this legislation so that what is required is four or five years, will that not in fact change their allocation of budgetary resources and therefore inevitably lengthen the period? Whether or not there is discretion, it will inevitably lengthen the period between parole hearings for all those others serving offences less than murder because they simply will have to apply their resources in ways that are dictated by the legislation.

I think we may be creating an unintended consequence by giving them an instruction that now says that instead of doing these parole hearings, they should deal with the other backlog, and the other things they have to deal with, and they should let these go for up to four or five years.

That's a question I'm very serious about that I would like to be able to ask them before I am confident that we're not having this unintended consequence. We know that their resources are constrained and we know that given the current fiscal climate and the government's view, their resources are not likely to expand. So we may in fact be doing something here that has a very big impact on the practices of the Parole Board which, despite the discretion, will in fact delay parole hearings significantly and then lead to those things I talked about before—lead to people saying, “Well, there is no need to participate in rehabilitation because I'm not going to get my hearing before I get out” and it will lead to more people being released without supervision.

I'm going to continue saying today that I take the issue of public safety on this very seriously. Most people around the table know that I spent most of my professional career working in the area of criminal justice and working in and out of prison, parole, and with police. If we had more time there are a lot of people I would like to have talk to us about what the reality of this bill will do, about what it will actually do in fact, and not the theory that we're providing discretion, but the impact it will have on Parole Board practices.

The Chair: Thank you, Mr. Garrison.

Ms. James.

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

I have to comment on something that was said in the previous statement with regard to this being a private member's bill that may or should not have or should have been included in the victims bill of rights.

I have to say that I had my own private member's bill come before this committee and I was asked the questions why did you choose this, why didn't you choose something else?

Private members' bills are very personal and in this particular case Mr. Sweet has actually brought this bill forward. This is not the first time in this session that he's brought it forward. This is a personal issue to him. He has been to multiple parole hearings with a particular family who has had to deal with this very type of situation.

Are you suggesting at all that the government should not allow members to bring forward private members' bills that are personal to them in the event that government comes forward with their own legislation at some point in time? Yes, we are doing a victims bill of rights, and yes, it will be all-encompassing.

Just to clarify something as well, many of the things that our victims' ombudsman brought forward—

• (1625)

The Chair: Ms. James, please—

Ms. Roxanne James: —will appear—

The Chair: No, Ms. James, you need to keep your comments to this bill, please.

Ms. Roxanne James: Thank you.

I'm ready to put this to a vote.

The Chair: Ms. Doré Lefebvre.

[*Translation*]

Ms. Rosane Doré Lefebvre: I'm disappointed to hear the parliamentary secretary putting words in my mouth. All of us here have questions.

[*English*]

The Chair: Madame Doré Lefebvre, we're not going to get into a tit-for-tat across here. We're going to leave the discussion to this bill. If you have a comment on the bill, the chair would certainly appreciate that. If not, we will go to a vote.

[*Translation*]

Ms. Rosane Doré Lefebvre: I will leave it at that for this amendment, Mr. Chair.

[*English*]

The Chair: Thank you very much.

Okay. No more speakers? We will have the vote on this amendment.

Mr. Randall Garrison: I would like a recorded vote, Mr. Chair.

The Chair: Yes. We'll have a recorded vote on this NDP amendment, reference number 6441401.

(Amendment negated: nays 5; yeas 4 [See *Minutes of Proceedings*])

The Chair: We will proceed to the next one, but before we do that, the chair would just stop to comment very, very briefly. The chair certainly understands the emotion that's involved in this on all sides of the equation. The chair also is trying to keep this committee on track so that we don't get caught up in our emotions as much as we certainly feel that we should do that. We will just try to carry on and, if we can, keep our focus and attention on the actual amendments that are coming forward on this bill.

The next amendment before us now is an amendment from the government, amendment G-1, reference number 6437840. You have a copy of it before you.

Are there comments on this issue?

Ms. James.

Ms. Roxanne James: Thank you.

In this particular amendment that we're putting forward, we move that Bill C-479, in clause 2, be amended. We're actually dealing with three different pieces within clause 2.

I'll start with the first one. We're replacing.... I'm not going to read it unless someone wants me to read it into the record. I think we all have it in front of us. The basis for this is to clarify the definition of the offenders that these changes will impact. This ties in part and parcel to what Mr. Garrison brought forward a moment ago. Perhaps it's not exactly as he wishes, but it does clarify that.

Basically, we're changing it from "a sentence of at least two years following a review" to also include the phrase "or a sentence that includes a sentence of at least two years for an offence involving violence", just so we're tightening up the offences that would be impacted by this change in legislation.

The second part that we're modifying with this amendment is on page 2, still under clause 2. That's on replacing line 9. This is just a technical amendment to clarify that the new delay in mandatory reviews for violent offenders occurs despite the existing wording of the Corrections and Conditional Release Act, which states that mandatory reviews will occur every two years.

The third part that we're modifying is a few lines down, replacing lines 13 and 14. Again, this ties into the same thing that was amended in the first part, which adds "or a sentence that includes a sentence of at least two years for an offence involving violence". It has the same reasoning behind it that I put forward a moment ago for point (a) that was changed.

The Chair: There are three parts to that amendment. You've heard them. Is there any further discussion?

Mr. Garrison.

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

I read through these amendments. I don't see in any way how this restricts the number of offenders that it's being applied to. It still applies to the entire list of schedule I offenders that you added to.

It has in fact tightened some of the wording, but I would be interested to know which offences now have been removed. It seems to me that none have been removed from schedule I. It's still the full range of those. This simply cleans up the language about who would be captured in terms of sentencing, but all those offences in schedule I, it seems to me—the ones that are not murder or dangerous offender—seem to still be captured, even if this amendment is approved.

So it's a genuine question that I'm asking Ms. James: how does this in fact reduce the number of types of offences that would be applied to?

• (1630)

The Chair: Ms. James.

Ms. Roxanne James: Basically, it ensures that it's a serious violent offence, that it's not just simply an offence where someone has received a sentence for two years. It's one that is a violent offence.

The Chair: Mr. Easter, please.

Hon. Wayne Easter: Much along the same lines, does the government have any idea on the numbers that would be impacted by this change? Again, it comes back to not having the Parole Board here, because I do believe that there's going to be a very substantial cost to the Parole Board system as a result of this bill.

Do you have any idea of the numbers, of how many numbers less this will involve than previously? Because it is a very broad list. Now, I do think it's a good move to put in that it has to be offences involving violence. I think that certainly will limit the damage, but is it enough?

The Chair: Ms. James, would you respond to that?

Ms. Roxanne James: Thank you.

Obviously, I don't have that technical or that particular number with me. Perhaps we have some officials here who could answer some of those questions that I don't have readily at hand.

Is there...?

The Chair: Thank you.

Mr. Garrison.

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

I'm still posing the same question to Ms. James. I understand that point (a) is a technical improvement in the language, but by my reading I still don't see that it changes any of the offences that were originally listed in Bill C-479. What it does, I believe, is that it prevents inadvertently pulling someone into that net because it'll include their sentence, but it doesn't change the offences that are actually involved, so again I would pose that same question.

I would also like to go on to point (b) here. I heard the parliamentary secretary say that this was necessary because something would happen despite what it says in the Corrections and Conditional Release Act. That was the question, of course, that I had here. Is this not creating a contradiction between the two acts? As for the failure of Mr. Easter's earlier amendments, which would have coordinated some of these things, I don't know whether that has an impact in this case, but it's another illustration of how these two are very closely related.

My question to the parliamentary secretary is, is this attempting to deal with a contradiction between the two acts?

The Chair: Ms. James.

Ms. Roxanne James: One of the issues is that this bill actually modifies certain sections of the act itself, so the requirement for this is a technical amendment that has to be in there to ensure that it overrides something that may say “two years”. You may say that it's contradicting; we're saying that it's a technical amendment that ensures that this bill goes forward as the four and five years that we want it to extend it out to.

The Chair: Is there any further discussion?

Mr. Garrison, please.

Mr. Randall Garrison: I'm still going to go back.... Perhaps there's someone here who can give us some advice. Does this do what the parliamentary secretary says it does, which is to limit the number of offences and offenders to be covered by this? We still have not had an answer to that.

The Chair: Ms. James, please.

Ms. Roxanne James: I'll have to get a more definitive answer for Mr. Garrison. I move to bring some of the officials to the table so they can answer that technical question.

The Chair: Is that...?

Do you have a point of order, Mr. Easter?

Hon. Wayne Easter: No, I had a question.

The Chair: Okay.

Is the committee in agreement?

Some hon. members: Agreed.

The Chair: Would you invite the witness who you would like to come to the table, please?

• (1635)

Ms. Roxanne James: The individual who would be able to indicate what offences will be covered under this legislation....

The Chair: The chair would simply ask, before you respond, if you could please identify yourself and your title to the committee. It would be appreciated.

Mr. Daryl Churney (Director, Corrections Policy, Department of Public Safety and Emergency Preparedness): Thank you, Mr. Chair.

Good afternoon, ladies and gentlemen. My name is Daryl Churney. I'm the director of corrections policy at Public Safety Canada. With me today is Dr. Ian Broom, senior policy analyst with corrections policy at Public Safety Canada, and Mr. Michel Laprade, general counsel with legal services at Correctional Service of Canada.

In relation to the question with respect to the government's first motion to amend and the additional nuance in that sentence, really what that's trying to do is to clarify only.

The definition of a offence involving violence can be a very complicated definition. Many federal offenders can be serving sentences of imprisonment for more than one crime. They're often serving what we call “merged” sentences. They might be serving one sentence for a violent offence and another for a non-violent offence such as fraud or something of that nature.

This clarification seeks to make it very clear that the mandatory parole review changes apply only in respect of those convictions where it's a violent offence. If somebody is serving a 10-year sentence and eight years of that sentence applies to a violent offence, for example, and two years to a drug offence, that portion would not be captured.

So it's to clarify that point.

The Chair: Thank you very much.

We have Mr. Easter first, followed by Mr. Garrison with a question.

Hon. Wayne Easter: This is probably more so for the parliamentary secretary, Mr. Chair.

I'm operating under the assumption that these government amendments have been run by the Department of Justice, have they, and not just Public Safety?

Ms. Roxanne James: These amendments are all in order, and they're the ones we've brought forward to the committee today.

Hon. Wayne Easter: You can't tell us whether they've been run by the Department of Justice?

We are dealing with the Criminal Code. I think that's a legitimate question, Mr. Chair.

Ms. Roxanne James: There are no changes to the Criminal Code in this particular private member's bill.

Hon. Wayne Easter: It's a corrections act, but anyway, okay.

The Chair: Thank you very much.

Mr. Garrison.

Mr. Randall Garrison: I thank the officials for appearing here. I think it's quite helpful.

I want to go back to the question I was asking about (a) in the amendment. I believe what I heard is a confirmation that the offences originally contemplated in Bill C-479 will all still be covered; this prevents inadvertently pulling others who may be serving a sentence for another crime under the umbrella of Bill C-479.

Mr. Daryl Churney: You are correct.

Mr. Randall Garrison: So it does in fact not narrow who it would apply to, except in the technical sense.

Mr. Daryl Churney: That's right. This amendment does not narrow the scope.

Mr. Randall Garrison: There's also the question that I had asked about whether the wording in this bill overrides references to two years elsewhere, which I believe relates to (b) in the comments by the parliamentary secretary. Could I ask for a clarification of that?

Mr. Daryl Churney: Certainly. That wording, “Despite subsection (5.1)”, was included to clarify that obviously the amendments in Bill C-479 apply only to those offenders serving time for a violent offence. The lengthening of the mandatory parole review period applies only to those offenders.

For all other offenders, for the non-violent offenders, the two-year period will continue to exist. That's why we had to differentiate that the current set of rules will continue to apply for those non-violent offenders, whereas Bill C-479 will take effect for violent offenders.

Mr. Randall Garrison: The same would then apply to (c) in the amendment. It's simply a technical amendment preventing the casting of too wide a net.

• (1640)

Mr. Daryl Churney: That's exactly right.

Mr. Randall Garrison: Okay. Thank you very much. That was very useful.

The Chair: Thank you very much.

If there are no further questions to our witnesses at this point, you can certainly be excused.

Thank you very kindly. Pending further calls—

Mr. Rick Norlock: Mr. Chair, if you don't mind, just to save them playing musical chairs, maybe we should ask them if they wish to sit there.

A voice: They'd get a better view.

Hon. Wayne Easter: We'll likely be needing them again.

Mr. Rick Norlock: Yes.

It would just save some time. Why don't we just have them sit there and they can respond? It makes sense, if the witnesses don't mind.

The Chair: They're already on the record as witnesses now, and so if a question is called, they can come up immediately and deal with it.

We will now go to a vote on these. Of course, we have three sections within this reference. I will ask for a vote on clause 1, clause 2, and clause 3 that have been brought forward.

No?

Oh, it is one vote only on all three?

Fine, thank you very much. That simplifies things a bit.

We have an amendment put forward by Ms. James that is before you and is numbered 6437840.

Are we on division?

Mr. Randall Garrison: It is on division.

The Chair: It is on division. Thank you very much.

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

The Chair: We will now go to amendment G-2.

Excuse me, the chair has been reminded again that this was of course an amendment to clause 2.

Shall clause 2 carry?

Mr. Randall Garrison: I would like a recorded vote.

The Chair: It is a recorded vote.

(Clause 2 as amended agreed to: yeas 6; nays 3 [See *Minutes of Proceedings*])

The Chair: We will now go to amendment G-2. It is number 6437851 in the amendments that have been put before you. It is on page 2 of the amendments package.

Ms. James, you have the floor.

(On clause 3)

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

I move that Bill C-479 in clause 3 be amended by replacing lines 32 to 34, on page 2, with the text that is here on the page in front of you.

This is simply a technical amendment to ensure conformity with current drafting norms. It's not necessarily changing any content; it's just a technical amendment.

The Chair: Is there further discussion?

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

(Clause 3 as amended agreed to [See *Minutes of Proceedings*])

The Chair: Now we have amendment G-3, on page 9 of the bill. It is number 6437852.

Ms. James.

(On clause 4)

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

This is similar to the last amendment. We're proposing that Bill C-479 be amended in clause 4 by replacing line 1, on page 3, with the text that we have before us.

Again, it's basically to ensure conformity with the current drafting norms.

The Chair: Mr. Garrison.

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

There are really two parts here. You've only done the first part, so maybe we can discuss the first part, and then I'll let you explain the second part.

Again, I'm just trying to make sure that I understand what we're doing here, because it's quite a technical bill. Is what we're saying here simply a correction of the language to make sure that there is no misunderstanding of when these take place, or is there a substantive impact to this amendment? I can't see a substantive impact, but I'm not sure.

• (1645)

Ms. Roxanne James: The amendment, as referenced, is to ensure consistency between the new review periods. That is essentially what it's doing. It's basically to clarify it and bring it into norms consistent with the rest of the section.

Mr. Randall Garrison: I'm sorry, Mr. Chair, I'm a bit—

The Chair: Go ahead.

Mr. Randall Garrison: Again, I will say that we feel a bit rushed by the process here, but I'm trying to do my best to make—

The Chair: Take your time, Mr. Garrison.

A voice: [Inaudible—Editor]

Mr. Randall Garrison: Today is the rush....

Again, we've had less than 24 hours to go through these, and they are quite technical. We have two different reviews that are possible here, reviews conducted for full parole, and then section 129, in my understanding, is dealing with those things that are short of full parole. Is that correct?

Ms. Roxanne James: I'm sorry. I didn't hear your question.

The Chair: Could you please repeat it, Mr. Garrison?

Mr. Randall Garrison: Under section 123, those are first reviews for full parole, and I believe, as best as I can sort out here, that under sections 129 or 130 those would be reviews for the purposes of something less than full parole. Is that correct?

Ms. Roxanne James: Basically, the change that we're making right now is one line. We're replacing a portion of subsection 140(4) with it to expand to include the sections that you see before you. We're talking about point (b), which is the first review for full parole under subsection 123(1) and subsequent reviews. Then, also, we're adding point (c), a review conducted under section 129. It's basically, again, to ensure conformity consistent with norms throughout the legislation.

Mr. Randall Garrison: So it's simply....

Sorry, Mr. Chair, if I may...?

The Chair: Carry on.

Mr. Randall Garrison: It applies to the first review and subsequent reviews for full parole.

Ms. Roxanne James: Yes. That's what it's stating, actually, in the text that's before you.

Mr. Randall Garrison: Okay. I think I now understand what we're doing there.

The Chair: That's fine. Thank you for the discussion.

Mr. Regan, please.

Hon. Geoff Regan (Halifax West, Lib.): Thank you, Mr. Chairman.

On the second part of this, in your paragraph (b), which talks about "family member to observe the hearing by any means the Board considers appropriate", is it the intention here that the victim or family member would have the choice of the video in person, or is it...? It says that it's the board that decides.

What's confusing about this is that when it says "by any means that the Board considers appropriate", it could mean that there are certain means that are acceptable to the board, but then the person gets to decide. It's not clear. It doesn't say that it's at the choice of the victim or family member. That's what I find confusing about this.

The Chair: Ms. James.

Ms. Roxanne James: Perhaps in the next government amendment, I'll go through all three or multiple changes to the same clause. We haven't actually discussed the second point here, which is replacing lines 33 to 35 on page 3 with what you're discussing right now. Basically, the purpose of this is to ensure that the means by which victims may be accommodated in order to follow a parole hearing are not limited to a teleconference or by means of a one-way

closed circuit feed. It's basically expanding what would be available in that particular situation.

The Chair: That's an explanation for the second part of this, which we had not discussed but we're clear now, then.

Are you comfortable with that, Mr. Regan?

Okay. Thank you very much. We are—

Oh, Madam Doré-Lefebvre, my apologies.

[*Translation*]

Ms. Rosane Doré Lefebvre: Mr. Chair, I am really sorry, but once again, I have to ask for some clarification.

Like my colleague, Mr. Garrison—and I think the feeling is mutual on the Liberals' side—I am really having a tough time understanding the first part of the amendment. I am trying to figure out how it fits into the bill. Forgive me if I seem confused about what we are doing now.

Would it be possible to have the witnesses clarify a few things? Parts (b) and (c) of the amendment are relatively straightforward, but I want to know what the impact of part (a) would be. It is mostly a technical question.

• (1650)

[*English*]

The Chair: Consent is requested to bring the witnesses back.

Mr. Rick Norlock: Mr. Chair, may I make a suggestion? So they don't play musical chairs, why don't they just sit at the table?

The Chair: That's fine.

Let's welcome the witnesses back, please.

Madam Doré-Lefebvre, would you ask the same question? Our witnesses have heard it, of course, but would you please ask our witnesses your question?

[*Translation*]

Ms. Rosane Doré Lefebvre: My question has to do with part (a) of the amendment. I'd like to know what it would change in real terms, because it is just technical jargon to me. I'd like an overview in order to understand what it will change.

[*English*]

Mr. Daryl Churney: This is utterly technical, even for officials, so I might actually defer to legal counsel on this one. There is no substantive change here; it really is just a drafting convention.

Perhaps Mr. Laprade has more information.

[*Translation*]

Mr. Michel Laprade (Legal Counsel, Legal Services, Correctional Service of Canada, Department of Justice): It is fairly simple.

Section 140 of the Corrections and Conditional Release Act pertains to situations in which the board has to hold a parole hearing. The board makes some decisions without a hearing and others with a hearing.

The purpose of this provision, which concerns the amendments in the bill, is to include the elements related to the new subsections added to section 123, which pertain to a hearing after five years, so subsections 123(5.01) and 123(5.1).

Ms. Rosane Doré Lefebvre: That's a bit clearer. Thank you.

[*English*]

The Chair: Mr. Garrison.

Mr. Randall Garrison: With regard to the second part of the amendment—

The Chair: The (b) portion?

Mr. Randall Garrison: —yes—we've heard some I think compelling testimony from both victims and others about the difficulties that families of victims, or the victims themselves in some cases, would have in attending parole hearings. Sometimes the person is incarcerated in another province, so it's sometimes very difficult to attend.

Now, what I see here but I don't see anywhere else—I may, therefore, be proposing an amendment—is that they can observe the hearing by any means “appropriate”. I accept that. I think that's an improvement. I think we all know the sense of that, and it won't be misunderstood.

However, it's part of a proposed subsection that says, “If the Board or its designate decides under subsection (5.1) to not permit a victim or a member of his or her family to attend a hearing”. So we're only really expanding this, if we amend this section, for those who have been denied permission to attend. We're not really giving an option to those who would have trouble travelling or who would perhaps not wish to face the offender in that parole hearing. This amendment doesn't really provide the option of these other means other than to those who have been denied the right to appear at the hearing.

I guess I'm really asking the officials if I'm correct in my interpretation, and if I am, I'd like to propose an amendment to this section.

Mr. Daryl Churney: Yes, I believe your interpretation is correct in that this section really is dealing with those who have indicated a desire to present a statement at the board. The intention of the government's amendment here is really one of consistency with the existing CCRA language.

The government amended the CCRA in 2012 and enshrined the entitlement of victims to participate in parole hearings and make statements. The language that exists right now says it's by means deemed appropriate by the board. A victim may make a statement, they can read their statement, or they can participate through audio recording or teleconference.

The amendment here is really just to ensure consistency with what's already in the act. It's up to the victim to indicate the manner in which they want to participate, and every effort is made by the board to accommodate that.

• (1655)

The Chair: Mr. Garrison.

Mr. Randall Garrison: My understanding of the act, though, is that in those other cases, if they have not been denied, it would be

discretionary for the board to decide whether they would be allowed to attend by teleconference. Is that correct?

Mr. Daryl Churney: It is up to the board's discretion to decide. Sometimes it may be a matter of a particular technology that may not be available at a particular institution. If the institution is remote, for example, they may not have particular access to video conference there. In that case, it just wouldn't be permissible. Wherever possible, the board does try to make accommodations to suit the victim's preference.

Mr. Randall Garrison: If I may, Mr. Chair, perhaps we could add words to the proposed subsection to the effect that “or should a victim or member of their family choose not to attend in person, the Board shall provide for the victim or family member”, and then go into this amended language that they observe the hearing by any means appropriate.

If I'm correct that we can add that here, to me that would change from the discretionary to giving victims the right to choose not to attend and be able to observe through another means. That's what I heard victims asking for at the table; it's that broader right to be able to observe. This would take away the travel problems for them, potentially, and it would take away some of the fear problems that some people have. To me, that would be an important expansion of victims' rights.

What I'm trying to accomplish here is what I think we heard from those witnesses. I'm hoping we can do that through an appropriate amendment here.

The Chair: Mr. Garrison, you have the option of presenting a subamendment, should you wish. It would have to be in writing.

But first of all, we have Mr. Norlock.

Mr. Rick Norlock: Thank you, Chair.

The witnesses could perhaps comment, but the way I read this is that it is currently a choice. If the victim does not...for whatever reason—perhaps they feel intimidated—they can use an alternate means. Please correct me if I'm wrong, but I believe the amendment would be somewhat superfluous. It's not needed because the section already addresses the victims' choice in the manner of participation at the hearing. To my understanding, there is no prohibition for witnesses. In other words, the board doesn't prohibit witnesses from partaking in the hearing.

Am I correct?

A voice: Yes.

Mr. Rick Norlock: So it would be superfluous to put in an amendment, as this section covers that.

Mr. Daryl Churney: It does.

The board can take the statements from the victims right now, in whatever form that is. The victim does not physically have to be at the parole hearing.

Mr. Rick Norlock: Thank you.

It's superfluous.

The Chair: I understand Mr. Garrison was involved in trying in to draft this thing, but Mr. Norlock had a very, very valid point.

Based on your explanation, I think Mr. Garrison should be more cognizant of that reality in order to evaluate his decision as to whether to move forward.

Briefly, could you maybe repeat that, Mr. Norlock?

Mr. Rick Norlock: Randall, I suggested that your amendment would be superfluous, in that the current regulatory policy surrounding the attendance of victims at hearings already encompasses what you've just said. In other words, what you're suggesting is superfluous. There is no prohibition by the Parole Board, and there is a choice on the part of the victim to attend the hearing in whatever way they feel most comfortable. That's provided there is an ability to provide that, as mentioned by the witness.

The Chair: Fine, thank you.

We'll have the response, please, first.

Mr. Daryl Churney: I will quote very briefly from the existing CCRA subsection 140(11), which states:

If a victim... is not attending a hearing, their statement may be presented at the hearing in a format that the Board considers appropriate.

That is a general sort of *chapeau* piece, which permits victims to submit their statements in writing or through video conference or audiotape.

•(1700)

The Chair: It appears to be a catch-all.

Mr. Garrison, then

Mr. Randall Garrison: With respect, I believe that is not a proper interpretation of what the officials just said. The difference is that by including it in this section, it specifically mandates the choice: should the victim choose, they must be allowed to do it. It's discretionary at the present time for the board. I think there is a difference between the two, from what I heard from the official.

Second, the piece he's talking about is their statement, and what we're talking about is that we heard from the victims that they wish to observe the whole process. It makes it both mandatory and also broadens their ability to participate in that hearing. I believe that's what we heard.

I don't believe it contradicts in any way the intentions of Mr. Sweet and this bill. I think it adds an important element that we had from the testimony of witnesses.

I stand to be corrected, if I'm wrong in that.

Mr. Michel Laprade: I don't think you are wrong. When we're talking about the sections we're dealing with under proposed subsection 140(5.2) of the bill itself and the amendments that are being put forward, the objective of the amendments at this point is to deal with allowing the board to determine the means by which someone may participate or may assist, not necessarily by which they make a statement.

The statement is covered under proposed subsection 140(11), whereby a person either, under proposed subsection 140(10), can attend a hearing and present a statement, or, under proposed subsection 140(11), if they are not attending, can present a statement that will be read during the hearing itself. Does it mean that the victim can only present a statement through proposed subsection 140

(11) and not be allowed to follow the hearing by means of video conference or whatever? I think that's the point you're making.

You're making the point that under proposed subsection 140(5.2), where we're saying that if a victim is not allowed or permitted to attend, they may attend by way of other means, and the board will decide that.... But if the decision is not a decision of the board not to allow them to attend, but simply a decision of the victim that they just can't, is there a way to address that in proposed subsection 140 (5.2)? That's what you're trying to do here. These are two different things. They—

Mr. Randall Garrison: That's fine. Thank you very much.

The Chair: Okay. We will go to a vote on the amendment.

Yes, Ms. James?

Ms. Roxanne James: I actually haven't finished. There was a third part to that, under point (c). I know that we're all excited to get through this....

The Chair: Oh, excuse me.

Ms. Roxanne James: It's a very small one.

The Chair: Oh yes, it's at the bottom of the page. It's point (c) on the same amendment.

Please carry on.

Ms. Roxanne James: Basically, we're replacing line 8 on page 4 with a different phrase. Instead of having "provided for by regulation", it will be "prescribed by the regulations". This is just a simple change to adhere to modern drafting conventions, but I'm glad I got to read it out.

The Chair: Mr. Garrison, do you have a comment?

Mr. Randall Garrison: I'm not sure that's what this is, but I'll...

Voices: Oh, oh!

Mr. Randall Garrison: What we're saying is that this can be changed by regulation. My worry here is that we're opening a door. What Parliament is granting could be taken away by regulation or changed by regulation at a further date, and I want some assurance that we're not doing that in this case.

Mr. Daryl Churney: No. Really, the regulations would only be used to just specify, really more around—for the Parole Board—the administration of how the statements would be submitted and timeframes and that kind of thing, but it wouldn't be to halt their methods of participation.

Mr. Randall Garrison: So it doesn't have the broader impact. It's simply form by being in this section?

Mr. Daryl Churney: That's correct.

Mr. Randall Garrison: Thank you very much.

The Chair: Thank you very much, then.

We will now go to a vote on this clause before we entertain Mr. Garrison's subamendment.

First of all, on the amendment, reference number 6437852, with the three sections involved, are all in favour? On division? No?

An hon. member: We're all in favour.

The Chair: Okay. Good.

On division.

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

The Chair: Now we will entertain Mr. Garrison's subamendment, please.

• (1705)

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

I appreciate the assistance from the legislative clerk.

I would like to move that Bill C-479 in clause 4 be amended by replacing line 32 with the following: "hearing, or should a victim or family member choose not to attend in person, the Board shall provide for the victim".

If I may, Mr. Chair, I'm going to—

The Chair: You can present it.

Mr. Randall Garrison: —repeat. I think we heard a lot of testimony from victims' advocates and victims themselves about logistical problems, about taking time off work to travel. Sometimes—and it is true, as I know from my own experience—Parole Board dates shift and times shift due to the vagaries of Parole Board members' schedules.

If we would allow family members this broader discretion to choose to participate through whatever means.... And because we've already adopted another amendment, it isn't just video conferencing now, it's through whatever means the board considers appropriate, we have expanded, in fact, the ability of those victims to participate in a very significant way. I think this would be an important amendment to the bill.

The Chair: It's open to discussion.

Mr. Norlock.

Mr. Rick Norlock: Based on what I just heard, I think it's superfluous. I don't think it's needed because there is an opportunity for the victims to attend through electronic or other means, and that's what this specific section does. It permits them to do exactly that.

I think by adding that it's superfluous, and I don't think it's needed. I think it just confuses the issue.

The Chair: Is there any further discussion?

Mr. Garrison.

Mr. Randall Garrison: With respect, Mr. Norlock, I think what we're saying here is the section very clearly says they have those rights to observe by other means only if the board has said they can't attend. I believe the experts confirmed what I was saying, that the impact of this amendment is to give that choice to victims not to attend in person, and therefore to be able to—and again we have now changed the wording—observe the hearing by any means the board considers appropriate.

Because we have that new wording, it takes care of that problem. Maybe video conferencing isn't available, maybe it's a telephone hook-up, maybe it's whatever, but I think it does significantly expand the ability of victims to participate in the parole hearings, and I

would really urge the other side to consider supporting this amendment.

The Chair: Ms. James.

Ms. Roxanne James: Maybe I can get some clarification over here, but this section actually deals with the perspective from the board itself determining whether or not someone should be able to attend. This section does not apply to whether someone wilfully wants to come or not, or decides they don't want to come, or do want to come. So I don't think this would be the appropriate place to maybe put that type of amendment.

The other thing I wanted to mention is I know there were a lot of good suggestions and comments that were made during the testimony we heard from the witnesses, especially the victims' ombudsman. I just want to state that a lot of those considerations are being considered obviously in the greater scope of the legislation coming forward, but I don't think this particular section is where that should be amended or added to.

The Chair: Mr. Garrison.

Mr. Randall Garrison: With respect then, I would like to ask the parliamentary secretary to suggest which section she would like to see it in. We have heard from the legal expert that it can be put into this section, and it will accomplish the purpose. I haven't heard from them any downside to putting it into this section. With respect, if we have that, I'd be quite willing to consider putting it somewhere else in the bill.

We have been waiting.... Since you raised it, you opened the door on the victims rights bill that we have been waiting on for a year. With respect, the government seems determined to make sure this bill moves forward faster and sooner, so if this section is added it would expand the right of victims to participate earlier rather than waiting for a bill we still haven't seen.

I'm not trying to be offensive in stating that. I just think this is a real improvement in the spirit of the bill, and I would hope the government is not simply opposing it for the sake of opposing an idea that came from this side.

The Chair: Ms. James.

Ms. Roxanne James: If I may, are there any situations now—maybe someone can answer this—where someone cannot attend a hearing and is given a choice?

• (1710)

Mr. Daryl Churney: I would go back to your earlier statement, Ms. James, that this particular section is only dealing with those situations where attendance by the victim has not been permitted, and there are specific criteria in the act that give the board that authority. It's generally around situations of safety, or security, or where there is some clear threat the victim might pose a safety threat at the hearing. So the exclusion of the victim's participation is made on the basis of those circumstances.

Here obviously there is an intent to permit the victim to still participate in some manner, and we're leaving it to the discretion of the board to determine that manner, whatever is the most reasonable in those circumstances.

Ms. Roxanne James: Just on that we're not going to support this amendment being placed here in this particular section. I can't tell you where you need to place your amendments. I guess you can appreciate that.

Mr. Randall Garrison: You are telling me where I can place them.

Ms. Roxanne James: What I'm saying is we don't believe this is the appropriate area where that particular amendment should be placed so we cannot support that subamendment to the changes on this particular section.

The Chair: Is there further discussion?

Mr. Garrison.

Mr. Randall Garrison: Can I ask the experts at the table—and I'm sorry to put them on the spot—where an appropriate place in the bill might be other than this place?

You have just said to us—and I know we're putting you in a difficult spot—it can be put here. You have not pointed out to us any deleterious effects from putting it here so is there another section in which I should be placing this?

I'm sorry to put you in that spot, but we have had this raised. We are rushing ahead so it may be our only opportunity to add this to this bill.

The Chair: Mr. Maguire, on a point of order.

Mr. Larry Maguire (Brandon—Souris, CPC): Mr. Chair, I believe the witnesses just finished saying that this part is already in the bill. It does allow it.

I could be wrong on that, but I understood there were provisions in the bill to already allow for what has been asked for, so therefore it can proceed.

The Chair: Thank you.

I'll let you finish your response to Mr. Garrison, and then we'll move on.

Mr. Daryl Churney: Not to delay this, but could you just tell me one more time what your amendment is, Mr. Garrison?

Mr. Randall Garrison: The wording is now in the legislative clerk's hands. He could maybe show it to you. I think it's somewhat easier when it's in writing.

The intent is to add something here that does not exist. With respect, Mr. Maguire, I believe it is an addition.

Right now it's only in the case where people have been denied the right to go that they can ask for another means of participating. The amendment would say that even if they've not been denied, it's their decision as the victim as to whether they want to attend in person. If they don't want to be there because they don't want to face this person, or they have to take off from their job because they're in British Columbia now and then fly across the country, this amendment would say to them that they have that right to do so.

Right now the board has discretion to meet those requests, but it isn't obligated to allow those. It is an expansion of the right of victims to participate.

The Chair: Okay, fine. Thank you.

A brief response, please.

Mr. Daryl Churney: I think the short answer is that kind of amendment—I would have to defer to the committee clerk—could potentially be outside the scope of the bill.

As government has indicated, the Canadian victims bill of rights will be tabled at some point soon and will cover a comprehensive range of issues.

The Chair: Thank you very much.

Mr. Norlock, one last statement.

Mr. Rick Norlock: I've looked at this also. I see nowhere, when the victim has not been refused, if they feel that they cannot attend the hearing because they would feel intimidated, etc...

I'm not aware of any circumstances where the board has said that if they want to take part in the proceedings they must attend, other than where there is a limit to the board's ability. For instance, if somebody says they want it televised, if they can't have it televised, it may be viva voce. In other words, they may only be able to hear it because there aren't the facilities to accommodate that.

I am unaware of, and you can correct me if I'm wrong, where the board has simply said, "If you can't come in person, we're not going to provide you with an ability to partake or at least hear what's happening in the hearings".

That's why I suggested that I believe this to be superfluous, in that there is no reason that this should be accommodated in this section.

• (1715)

The Chair: Thank you very much.

I think we've had adequate debate on this issue and we've gone around the horn enough on it.

Mr. Rick Norlock: On a point of order, Mr. Chair, for the record, I believe my thought process there was correct. The witnesses were indicating yes to my—

The Chair: Fine, thank you. I thought you were finished.

We're not going to go on with this. Unless there are issues that are definitive, we're not going to go into repetitive points of view. We do have to move on.

Do you have another point to make, Madame Doré Lefebvre?

[Translation]

Ms. Rosane Doré Lefebvre: I'd like something clarified.

I understand how it works, but the witnesses might be able to tell me something. A victim can participate in the hearing, unless the National Parole Board decides the victim cannot do so for safety reasons. Is that right?

[English]

Mr. Daryl Churney: Yes.

Under the CCRA, the victim has the right to attend and make a statement at a hearing. The victim would obviously have to indicate to the board that they want to participate and be there; they have to make that known. Unless there is some clear information that would lead the board to believe there would be some kind of safety situation that would preclude the victim...then the victim would be allowed to participate

[Translation]

Ms. Rosane Doré Lefebvre: So in situations where there are safety concerns, can the victim participate in other ways, such as providing a written or recorded oral statement? Would that kind of thing be allowed in a case where safety concerns were an issue? Would the victim still have the right participate?

[English]

Mr. Daryl Churney: I believe the board does make those other options available.

[Translation]

Ms. Rosane Doré Lefebvre: Thank you for clarifying that.

[English]

The Chair: Thank you very much. We will take this to a vote now, please.

Mr. Randall Garrison: I request a recorded vote, please.

Ms. Roxanne James: This is on the subamendment by the NDP. Thank you.

The Chair: Yes.

(Subamendment negatived: nays 5; yeas 4)

The Chair: We are running out of time, colleagues. Do you wish to carry on with this study now or do you want to go to other business? I would have to have unanimous consent to move forward, or we'll just continue the study knowing that we have a fair bit of work ahead, by the look of things.

Mr. Rick Norlock: Mr. Chair, I believe we should continue on this. If we want to take perhaps three minutes at the end, I think that would be sufficient to look to the future.

The Chair: That gives us another seven minutes, then.

Mr. Garrison.

Mr. Randall Garrison: We've heard again and again how we have to get on with the business of the committee. If we don't move to committee business, we will place ourselves in jeopardy of losing a session of the committee next week.

With respect, I guess we're into a contradiction here if the government is saying that we are going to go ahead with this. Then we will neither conclude this—I can virtually guarantee that—nor will we get to committee business, so I would hope we would have unanimous consent to move to committee business at this point.

Mr. Rick Norlock: Mr. Chair, if I may, it's obvious that the official opposition doesn't want to go ahead with this. They'd rather talk about something else because they've said from the beginning that they're not prepared, even though the Liberals and the

Conservatives were. That being the case, we could perhaps do one more section and then look at future business. That's all I was referring to. I have no illusion that we're going to get through this whole thing today.

The Chair: But the chair is looking ahead, and we see that the next amendment is a very simple, small amendment. Hopefully we can just deal with this one very quickly and then go to future business.

You have before you no. 6430380 presented by Mr. Easter on page 4. It reads that clause 4 be amended by replacing line 5 on page 4 with the following:

their statement shall be presented at the hearing

• (1720)

Hon. Geoff Regan: Mr. Chairman, the idea here is to remove the word “may” with respect to a statement being presented and to change it to “shall”. The purpose is to make the acceptance of such statements a more mandatory requirement.

The Chair: Thank you very much.

Further discussion?

Ms. James and then Mr. Garrison.

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

I know Mr. Easter is not here, Mr. Regan, but when I read this amendment, I liked it. I thought it was important that it should be “shall” but then, upon thinking about it a little bit further, the problem that I have is what you've just said: it's mandated.

There may be a situation where it should not be read in. You could have a situation as well where there is a statement that is on record and they choose to read that one into that particular time, whereas the actual victim or the family of the victim may not have wanted it read in at that particular hearing.

I'm not comfortable with the word “shall”, as I said. When I first looked at it I thought I agreed with that one, but then when I gave it a second thought, I'm sorry, but on this side we will not be able to support that amendment at this time.

The Chair: Thank you.

Mr. Garrison.

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

At this time I would say that I completely share the sentiments of the parliamentary secretary on this one. It has a seductive look at the beginning, but when you think through the implications of it, we would also not be able to support this amendment.

The Chair: Thank you very much.

Mr. Easter, have you heard the commentary?

Hon. Wayne Easter: Yes.

The Chair: Any further comment? No. Then we will vote on Mr. Easter's amendment.

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

The Chair: At this point then we're obviously nearing the end of our string and getting close. We will suspend while we go in camera for future business.

[Proceedings continue in camera]

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