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Tuesday, March 4, 2014

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Chair

Mr. Daryl Kramp

Standing Committee on Public Safety and National Security

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•(1530)

[English]

The Chair (Mr. Daryl Kramp (Prince Edward—Hastings, CPC)): Okay, colleagues, we'll call this meeting number 14 of the Standing Committee on Public Safety and National Security together.

I would like to have consent from the entire committee to call our witnesses to the table so that we're not going to be playing musical chairs. Are we all comfortable with that?

Some hon. members: Agreed.

The Chair: Please, perhaps the witnesses would come forward and be available.

Thank you very much.

Just a little point of clarification, there was an expression of concern with regard to the validity of proceeding without having the translation. The chair was obviously uncomfortable, as well as some of the members, and we were advised by the clerk at that time of the ruling that we would be proceeding, so the clerk has provided a *raison d'être* for that ruling. I'll just read it in here briefly so that the chair and future people can be also guided by that, because the chair was uncomfortable as many other people were, and hopefully we just won't have that again.

It was from a study on Bill C-7 on June 3, 2003. It says:

I really do feel uncomfortable when hon. members do not have the transcripts. However, I am guided by the precedent of Mr. Speaker Macnaughton. I am guided by the fact that the rules are silent as to the form of printing.

Therefore I must decline to accede to the suggestion of the right hon. member that transcripts of proceedings in committee must be available before the House can proceed with a bill. It is not uncommon for bills to be called before committee proceedings have been completely transcribed and are available in both official languages let alone one.

Accordingly, while I have great sympathy, and I know there are dozens of members of the House who want to read these proceedings of this committee, I am afraid that I am not able to accede to his request. Accordingly, it would not be out of order for the House to proceed with the bill at this time, barring some other problems that may arise.

I just felt that the committee deserved to have an understanding of the reasoning behind that, of course provided by our excellent staff, because the chair was as uncomfortable as some of the other members. On the point of consideration that was put forward, I thought you were owed that response. I just table that for you here. I guess we don't have to table it, but it is here for your consideration.

We will now go right back to where we had left off on the clause-by-clause study.

We had discussed clause 4, and we were at the point of calling a vote for clause 4.

The chair will proceed.

(Clause 4 agreed to)

(On clause 5)

The Chair: The government has put in an amendment numbered 6437853.

Yes, Ms. James.

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

Again, I won't read the entire amendment because we have all of it in front of us, but it moves to amend clause 5, after line 19, on page 4, by adding three points.

On those three particular points, I don't know if you've had a chance to read them. I hope everyone on the committee has.

Those three additions that we're making will basically allow the board to remove from the transcripts any discussions that would have occurred in a hearing where observers were asked to leave; where there is any personal information about a person other than the offender, the victim, or a member of the victim's family. Additionally, it clarifies that the information contained in hearing transcripts is not publicly available information, which could otherwise be obtained by any member of the public through the Access to Information Act or Privacy Act requests.

That is the purpose of the government amendment, to add those three points into this particular clause.

The Chair: Thank you.

Is there any further discussion on that?

Okay, we will certainly wait, Mr. Easter.

Hon. Wayne Easter (Malpeque, Lib.): On the Access to Information Act and Privacy Act, what's the concern there?

The Chair: Go ahead, Ms. James.

Ms. Roxanne James: As the amendment reads under point 3:

Information discussed or referred to in the transcript of the hearing are not publicly available for the purposes of the Access to Information Act or the Privacy Act.

This particular piece of the private member's bill was not included. The government felt that it was necessary to ensure that information is not accessible.

I don't know if you require any further—

Hon. Wayne Easter: Okay, I catch it now. Great.

The Chair: Thank you very much.

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

The Chair: Shall clause 5 then carry?

(Clause 5 as amended agreed to)

(On clause 6)

The Chair: We'll now move to clause 6.

We have a government amendment, reference number 6437854.

Ms. James.

• (1535)

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

Again, I will not read the entire change to this, but this particular amendment amends clause 6 by replacing lines 20 on page 4 all the way to line 1 on page 5 with one line, which is before you, which is basically “Paragraph 142(1)(b) of the Act is”. So the entire section from line 20 all the way to line 1 on the next page has been removed.

The second part of that is to replace line 10 on page 5 with the following text, which you all probably have realized includes much of what was removed from the previous paragraph, with one particular addition that I'd like to just read out. That is (c), which says:

shall disclose to the victim any of the following information about the offender, if, in the Chairperson's opinion, the disclosure would not have a negative impact on the safety of the public:

The Chair: Thank you very much.

I'll give you a couple of minutes to digest that, if you wish.

Hon. Wayne Easter: So, Mr. Chair—

The Chair: Yes, Mr. Easter.

Hon. Wayne Easter: —is there reason to read into this that it is really the chairperson who will make the decision?

The intent of this bill in the beginning was to provide more information to the victims on a number of things. But what I'm finding with all the amendments, mainly from the government, is that it's more a “may” situation than a “shall”, if I could put it like that. I know that my own amendment on that lost, but it comes down to whether or not information will be made to the victims. It basically comes down to regardless what the legislation says, it's the chairman's opinion. Is that correct?

The Chair: Madame Doré Lefebvre, and then Mrs. James.

[*Translation*]

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

I would really like to understand. I don't know if this government amendment was poorly translated, but the information is not the same in English and in French, especially after “(b) replacing line 10 on page 5 with the following:”. I am referring to subclause (2). I don't see the same information. In French, paragraph (c) says “lui

communiquer tout ou partie des renseignements”, but, unlike the English text, it does not say who is supposed to receive the information.

Do I have to rely on the amendment as written in English instead of the French translation?

[*English*]

The Chair: At this point, then, I'll ask our clerk or analyst to give us an understanding of the difference between the French and English. Obviously I don't have the capacity as a chair to be able to translate effectively. I ask for comment.

A voice: [*Inaudible—Editor*]

[*Translation*]

Ms. Rosane Doré Lefebvre: Thank you for the clarification.

[*English*]

The Chair: Okay, we have a level of comfort there now? Fine.

I thank our analyst for the explanation.

Now, Mrs. James, please.

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

Just in response to Mr. Easter's comments, there could be situations where that information should not be disclosed, so it is up to the discretion of that particular individual. The original bill basically said everything would be given automatically, more or less. The amendment modifies the mandatory disclosure to allow the board not to disclose certain information, situations where informing the victims of details regarding an offender's release would endanger staff or the offender's safety. So we wanted to make sure that this safeguard measure was in this particular piece of legislation.

The Chair: Thank you.

Yes, Mr. Easter.

Hon. Wayne Easter: I hear what you're saying, but this says “would not have a negative impact on the safety of the public”. I know what the promoter of the bill said about providing information to victims and the need to do it, and I know that the whole thrust of the legislation was to see that this information was basically to be made available.

Now what I'm finding, with the government amendments, is that much of that is all smoke and mirrors. It comes down to a very discretionary position, in this case based on the chairman's opinion, as to whether that information will be made public or not.

This comes to my point on private members' bills. We're right back to where we started. The private member's bill has such and such an intent, but it now is being amended downward by the government so that the information being provided is really discretionary, according to the viewpoint of somebody within the system.

• (1540)

The Chair: Mr. Easter, if the chairperson, then, does not have that authority, how are you suggesting it be handled?

Hon. Wayne Easter: I'm just suggesting that the original intent of the legislation was certainly different from this. I'm just making that point. It goes to the point that what I'm seeing, with these private members' bills coming forward, is that the government basically amends them all over the place, rather than doing a comprehensive review, as the government should do, and bringing legislation forward in a more comprehensive way.

My point is this. With the government amendments, the whole thrust of the promoter of the bill's intent has been watered down by the government.

The Chair: Okay, thank you very much.

I have Ms. James first, then Mr. Norlock.

Ms. Roxanne James: Thank you.

I think everyone around this table would agree that the number one priority of any government is obviously the safety and security of its citizens. That includes all citizens. We recognize that under the emphasis in our judicial system and within our parole board system and everything else connected, victims in this country have not really had what I believe to be fair information being given to them and a role to play. However, there are situations in which certain information has to be considered, for the safety of the public in general, and that includes the offender, if they are released.

I think that anyone on this committee, had we not suggested this amendment, would have raised this issue as a concern. I just want to leave it at that.

Thank you.

The Chair: Thank you very much.

Mr. Norlock.

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

First of all, every member of Parliament has the right. I think one of the reasons our constituents send us here is to legislate and to assist in legislating. Whether a private member's bill is from the government side or from someone else, the government, if it's from another party, can make amendments, and other parties can make amendments to a private member's bill of the governing party. To suggest that the government should stymie any kind of private member's bill from its own members would not only not be appropriate, but I don't think our democracy would suffer it to occur.

But the government also has an obligation, when its members submit legislation, to see that the legislation goes through the various hands of the bureaucracy to ensure that it covers the necessary areas, and these are the linguistic area and a whole bunch of others. Then this committee looks at it again with a finer-toothed comb.

So I don't understand. It goes to the old adage: if you're the third party, then everything the governing party says is bad and everything you say is good. That's why we have the officials here to help advise us. That's why we're here. To constantly say that this changes the... Actually, I have spoken to the member who put forward the private member's bill—he was here—and he does not object to any of the amendments the government has made. So I think we've covered that territory.

Thank you, Mr. Chairman.

The Chair: Thank you very much.

Mr. Garrison, please.

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): I think this is a technical point, but it may be an important one.

The amendment in English says, “a negative impact on the safety of the public”, and in French it says “*la sécurité publique*”. Those are slightly different. Also, in English it's slightly different to say “on the safety of the public” from saying “on public safety”.

I believe the intent of this was the broader term “public safety”, which would include the safety of the offender or of public servants. When you say “safety of the public”, it's not quite the same thing. In French the amendment uses the broader term; in English it uses what can be interpreted as the narrower term.

So I would propose a subamendment to the wording in proposed paragraph 6(2)(c), to strike, after “would not have a negative impact”, the words “on the safety of the public” and substitute “on public safety”.

• (1545)

The Chair: Thank you very much.

On the subamendment, we'll hear Mr. Norlock first.

Mr. Rick Norlock: I thank Randall for that, but I'm not 100% sure that it does what we want it to do. I would ask the officials whether the current wording is, as Randall says...

Is there a discrepancy, in your view? Is the intent there? Does it require, in your view, a subamendment such as Randall has suggested?

Mr. Daryl Churney (Director, Corrections Policy, Department of Public Safety and Emergency Preparedness): I'm not a legislative drafter or a jurilinguist, but having been in the drafting room on this issue, I think we can say that it does in our view sufficiently cover the grounds we wanted it to cover.

I think Mr. Garrison is correct that it is meant to apply to a number of different scenarios. If, for example, there is some kind of a threat to the offender's safety or by consequence to a staff person, that is meant to be captured within the umbrella of this term. But we were satisfied that it captured the scenarios we wanted it to capture.

Mr. Rick Norlock: Thank you.

The Chair: You can continue, Mr. Norlock. Are you done?

Mr. Rick Norlock: Yes, thank you.

The Chair: Okay.

We go to Ms. James and then to Madame Doré Lefebvre.

Ms. Roxanne James: I actually didn't have my hand up.

The Chair: Okay, fine; I thought you had.

Madame Doré Lefebvre.

[Translation]

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

I think Randall raises an important point. The two terms do not really mean the same thing in both languages. “Public safety” and “the safety of the public” mean two completely different things. We need to agree on which definition is correct: the one in French, or the one in English. Here we have two conflicting terms that do not match. The safety of the public falls under public safety. But I don't want us to have a philosophical debate on the issue either.

What is the intent of the government amendment? Is it to talk about the safety of the public or public safety in general? We should have an answer to ensure that the intent is the same in English and in French.

[English]

The Chair: Speaking further on the subamendment, we have Ms. James.

Ms. Roxanne James: Thank you. I certainly don't want a discrepancy between the two different languages, between English and French. The English version is the correct version, so perhaps the analyst could tell us what changes would now be necessary for the French version to make it read as “negative impact on the safety of the public”.

Mr. Randall Garrison: That's not the question you asked me.

The Chair: Does our analyst have any comment at all on the translation? Are we talking about apples and apples or apples and oranges with the translation?

The Clerk of the Committee (Mr. Mike MacPherson): I think it may be better...[Inaudible—Editor].

The Chair: We've already asked the officials.

Carry on Mr. Garrison. Do you have another point?

Mr. Randall Garrison: I was just saying, with respect, Mr. Chair, that I think the question you asked the experts was different from the one we're asking now.

They confirmed that what they desired to have was the English wording. The point Madame Doré Lefebvre raised is that the French wording appears to be different from that.

The Chair: Did I not ask their analyst to compare—?

Mr. Randall Garrison: We did not ask the officials that question.

The Chair: Okay, if you wish, we will go to our analyst first and then we will go down to that.

If there is any contribution that our analyst could make to the discussion, please feel comfortable. If not, we will go to our witnesses.

Okay, we will defer to our witnesses on the question that Mr. Garrison has put forward.

Mr. Daryl Churney: The only suggestion we could potentially offer would be to instead say, in French, “*sécurité de la publique*”. That would be roughly, in my estimation, the equivalent of the English. But again, I'm not a jurilinguist.

The Chair: Thank you very much for that suggestion.

On a point of order, we have Mr. Richards.

Mr. Blake Richards (Wild Rose, CPC): My understanding is that when we are going through clause-by-clause examination, at the completion of the process there is usually a motion brought forward, as one of the standard motions, that authorizes the chair and the clerk to make those necessary adjustments to wording to ensure the grammatical changes required to deal with translational issues.

We could certainly just flag this for that point in time to make sure that it's dealt with properly.

• (1550)

The Chair: The chair has been advised that we can't do that, for the simple reason that this could, depending on the interpretation of it, be a substantive amendment. It must therefore be discussed now in order to deal with it, because it's not simply a translation issue but could be an actual interpretation issue, between “public safety” and “safety of the public”.

So the chair is still going to need to have some direction on where you wish to go.

Yes, Mr. Richards.

Mr. Blake Richards: Just to follow up on that, if we determine as a committee that we are in fact saying that the English version is the version we are agreeing to as a committee, would that not allow the translation issue to be addressed later? It wouldn't be substantive, if we're saying that the English version is the version we intend to live by.

The Chair: The chair agrees with you but needs some direction here. Are we talking about a simple translation issue, or are we talking about different interpretations of the meaning? Mr. Garrison has raised both points, and Madame Doré raised the point about translation.

Mr. Garrison based his subamendment on interpretation of the meaning. So we're both talking on the same subamendment, but the chair has to have a sense of direction.

Mr. Garrison, could we bring this to a close?

Mr. Randall Garrison: My subamendment as proposed is a substantive change.

The Chair: Yes.

Mr. Randall Garrison: If we don't wish to make a substantive change and we vote it down, I would agree that.... Whichever way we go, it becomes a translation problem to make the French match the English, since we're agreeing on the English version. We're not disputing that; we just want to make sure that at the end they match.

The Chair: Okay. Then if it's a translation issue—

Mr. Blake Richards: Chair, let me add further that I think what's being suggested here is that we need to make a decision first on whether we're going to accept the subamendment being offered by Mr. Garrison. Then depending upon which version we choose, whether it's the subamendment or the original amendment proposed by Ms. James...once that is determined, then the translation could be done based on the motion that will be passed later to allow for it.

The Chair: The chair was just trying to get us to the point at which we could have a vote on the subamendment.

We're all ready for a vote on the subamendment.

(Subamendment negatived)

The Chair: We will now go back to the amendment as proposed by Ms. James.

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

The Chair: Our next amendment is put forward by the government. It has reference number 6437855 and amends page 5 of the bill.

Ms. James.

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

We move to amend clause 6 by replacing lines 12 to 14 on page 5 with the text that is in front of you.

Basically it makes a couple of minor changes. The word “must” is being replaced with “shall”, and we're adding into the text “where practical”.

The reason for this is that the board does not necessarily know 14 days in advance where the offender is going to be released. The bill required that the information be disclosed, based on the 14-day mandatory notice period here. The government is amending it to ensure that wherever that information is not available, it obviously can't be disclosed.

• (1555)

The Chair: Thank you for the explanation.

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

(Clause 6 as amended agreed to)

(On clause 7)

The Chair: Now we will go to clause 7.

We have an amendment proposed by Mr. Easter, reference number 6430531.

Mr. Easter, you have the floor.

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

It is to proposed section 144.1. Basically it's to ensure that not only a transcript of the hearing is made available, but that any recording of the hearing be made available to those who are eligible to receive that documentation. It doesn't restrict it to just the transcript; it broadens it.

The Chair: Thank you.

We'll hear Mr. Garrison, and then Mrs. James.

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

I have a question that perhaps our witnesses can help us with.

I know that when a transcript is prepared, those sections that have information that might not be available to the public are withheld in the transcript. I have a question about how this works when we're dealing with a recording. If we end up making legislation indicating that a recording must be made available, what are the provisions for making sure that the recording doesn't contain that information?

Mr. Daryl Churney: I don't want to speak for the parole board, but my guess would be that much as they would redact the sections out of a transcript, they would do the same vetting process for an audio recording, ensuring that the tape is manipulated in such a way that those sections would be edited out before it is finalized. It would be the same vetting process.

Mr. Randall Garrison: That's good.

The Chair: Carry on.

Mr. Randall Garrison: As a follow-up question, then—I know you're not the parole board, and we had hoped to have them here—the parole board doesn't at this point release recordings, so would they, as I guess, have to establish some kind of process for doing this?

Mr. Daryl Churney: Yes.

Mr. Randall Garrison: It comes back to the problem of our not having the parole board here to talk about resources and those kinds of things.

The Chair: Thank you.

Mrs. James.

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

I'd like to thank Mr. Easter for bringing this amendment forward. I remember hearing this from one of the witnesses we had before the committee.

We're not going to support it at this time. I'll bring back what I mentioned in our previous committee, that in the greater scope of the victims bill of rights many things are likely going to be addressed, not just within the context of what the individual member who brought this private member's bill forward is trying to achieve in this bill, but in the greater scope of the victims bill of rights on many other issues and other areas of the code.

Again I'd like to thank Mr. Easter for bringing this forward. We agree with it in principle, but we're not supporting it as an amendment in this particular bill at this time.

The Chair: Thank you.

Mr. Garrison.

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

We will be supporting it, and I am going to come back to the same point we had on the amendment I proposed to expand victims' rights. We've been waiting for the victims rights bill from the government for more than a year, and this will certainly pass before that bill.

If we support this, it would actually give additional rights to victims at this point. By not supporting it at this time, the government is actually delaying victims' having this access to the information. I'm disappointed to hear that they won't be supporting it. If they think this is a good idea, this is a good time to do it.

Thank you.

The Chair: Mr. Easter.

Hon. Wayne Easter: I think Randall's assessment said it all. We've been waiting for the bill from the government for a long time. I doubt if even the government members know what is in that bill. This might be in it. Some day the government might balance the books, too. We don't know when that will be.

I think this is an opportunity for the government—

The Chair: We have a point of order, Mr. Easter.

Ms. Roxanne James: I really don't think that comment was within the scope of this particular bill that we're taking a look at.

That's all I need to say.

Thank you.

The Chair: Thank you.

Mr. Easter, you got the comment in, but now let's just move on with the bill.

Hon. Wayne Easter: Facts are facts, Mr. Chair.

I really think this is an opportunity for the government to show that they mean what they say. For the government to claim that they're going to provide for other than transcripts at some point in the future is just not enough. This is an opportunity for them to actually support something they claim to support. If they don't support this, clearly their position is that they don't support providing any information other than transcripts. We will see by the way they vote.

• (1600)

The Chair: Thank you, Mr. Easter.

Is there further discussion?

Seeing none, I will call the vote on the amendment put forward by Mr. Easter to proposed section 144.1.

(Amendment negated)

(Clause 7 agreed to)

The Chair: For clause 8 we have a new amendment. It is a government amendment, reference number 6437856.

Yes, Mrs. James.

Ms. Roxanne James: I just want to clarify that actually government amendment number 8 comes first. The order should be reversed between amendments 7 and 8, so that the actual reference is 6437857, which is the coming into force.

The Chair: That's fine. Let's deal with amendment number 6437857 first. This will be a housekeeping change, from government-7 to government-8.

We'll deal, then, with amendment number 6437857.

Mrs. James.

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

The government moves to amend this bill by adding, after line 31 on page 5, the following new clause 8:

8. Section 6 of the Act comes into force on a day to be fixed by order of the Governor in Council.

(Amendment agreed to)

The Chair: We will now go to amendment number 6437856.

Ms. James.

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

The government moves to amend by adding after line 31 on page 5 in the previous amendment, which we just did, the transitional provisions as listed on the pages in front of you under our government amendment number 7.

This clause clarifies that Bill C-479 will affect the following classes of federal offenders: offenders currently serving the carceral portion of their sentence who receive a sentence for a new offence following the coming into force of Bill C-479; offenders on parole or statutory release who receive an additional sentence following the coming into force of Bill C-479; and offenders currently serving a sentence after the first scheduled parole or detention review following the coming into force of this particular bill.

The reason for this amendment is that currently, as the bill was drafted, it would only apply to offenders who had not yet been sentenced at the time the law was changed, and in fact we wouldn't see the fruits of this particular bill until many years into the future.

The Chair: Okay, thank you.

Mr. Garrison.

Mr. Randall Garrison: Thank you very much for the explanation. We will be supporting these.

I think there is always some concern when you make measures in either the Criminal Code or the Corrections and Conditional Release Act retroactive. The government has provided that this will operate in the case of new offences or new hearings, so I think they've satisfied that standard; thus we can support these amendments.

The Chair: Thank you very much.

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

Yes, please? We have someone among our witnesses seeking the floor.

Mr. Daryl Churney: I'm sorry, Mr. Chairman, for the intervention, but I believe the committee needs to vote down clause 7 as it was introduced, because when you amended clause 5, you moved all of the narrative dealing with transcripts into clause 5 with the government motion that amended clause 5.

All of that dealing with provision of transcripts is now in clause 5; *ergo*, you need to vote down clause 7.

• (1605)

The Chair: Perhaps we can get some clarification. We'll just take a minute to study your recommendation. We might have you repeat it in a second.

Hon. Wayne Easter: May I ask a question, Mr. Chair? Which amendment did that?

Was it amendment G-4?

The Chair: Yes.

Hon. Wayne Easter: Yes, it would be amendment G-4 that did that. I see what you're saying.

The Chair: I'll ask our committee to pay a fair bit of attention to our witnesses again. We're going to have a little bit of a run-by on this.

There is a bit of confusion here. We have already passed clause 5, and if clause 5 is deemed to be repeated, we would have to have unanimous consent to remove clause 5, if its matter is already basically enacted in another clause.

I'm not sure whether this is the explanation our witnesses are trying to bring to us, but....

There is plenty of room for questions, but let's go to our witnesses once more for an explanation.

Take your time through it, and we'll pay attention.

Mr. Daryl Churney: Sure.

Clause 7, in the bill as it was introduced, makes an amendment to CCRA—proposed section 144.1—to introduce the concept of providing a transcript to the victim when he or she requests it.

In proposing the amendment that was made to clause 5, the government did a couple of things. One was to amend the wording of it to provide some more parameters around the information that can be released, but it also moved this provision out of section 144 and put it into section 140 of the act.

The reason the government did that is that section 144 of the CCRA deals with the parole board's obligation to maintain a decision registry from which people can make applications to get copies of the PBC decisions. The rationale for moving it into section 140 is that one part of section 140 deals with victim participation in parole hearings. The thinking was that if we're going to provide victims with the transcripts, they should more or less follow the same kind of reasoning that is outlined in section 140 concerning the ways in which victims can participate in parole hearings, so that you're dealing with the same set of rules, as it were.

That was the rationale for moving it up into section 140 out of section 144.

The Chair: Okay, that's fine.

Do you have a copy of the amendments before you to clauses 5 and 7, because you're using “140” and “144”. I'm wondering whether for clarity we need some association between the amendments and the bill.

Yes, Mrs. James.

• (1610)

Ms. Roxanne James: Thank you.

I'd like to thank you for bringing this to the committee's attention. I see exactly where, as you're said, it is included in the motion that we put forward, which amended clause 5, where we've expanded on the definition and the textual information supporting it.

To clarify, are you suggesting or letting us know that we should be actually removing proposed section 144.1 as another, further amendment?

Mr. Daryl Churney: Yes, I am.

Ms. Roxanne James: Okay.

You mean as it's shown here in the copy that we have.

Mr. Daryl Churney: That's right, as it's shown on page 5 of the bill.

Ms. Roxanne James: By removing it from this particular area, it has no impact.... I realize that it doesn't match the amendment that we added, which has more text behind it, but I want to clarify that removing proposed section 144.1 is not going to have an impact on anything else that follows after.

Mr. Daryl Churney: No.

Ms. Roxanne James: Okay.

Thank you.

The Chair: Mr. Easter.

Hon. Wayne Easter: There is a slight difference in section 144.1 as compared with the government amendment that we carried under clause 5. Both certainly say “the Board free of charge to the victim, a member of the victim's family”. But proposed section 144.1 also includes “or the offender”, and I don't believe “or the offender” is in the government amendment that we've carried.

Is it?

Ms. Roxanne James: It's amendment number 4, not 5.

Hon. Wayne Easter: Oh, okay.

No, amendment 4 is the one I'm looking at, Roxanne.

Is it in 5?

Ms. Roxanne James: No. It's talking about the amendment that we made to clause 5, but it's our government amendment number 4.

Hon. Wayne Easter: Yes, but what I'm saying, and maybe the witnesses can tell me if I'm right or wrong....

It is there? Okay; “provide a copy to” is in there. I didn't see that.

Thanks.

The Chair: The clarification is there. We've heard from our witnesses, and we need unanimous consent to go back and make the necessary changes.

Do we have that consent?

Some hon. members: Agreed.

(On clause 7)

The Chair: Are the clerk and analyst comfortable with that?

A voice: Perhaps you can call that question again.

The Chair: Okay.

Shall clause 7 now carry?

(Clause 7 negated)

The Chair: Thank you.

Colleagues, we're very close to completion.

Yes, Mr. Easter.

Hon. Wayne Easter: I have a point of order, Mr. Chair, that I want to make.

I expressed my concern earlier in the meeting at the haste we've proceeded with here. We didn't have time to go through the transcripts and prepare amendments based on what witnesses have said.

I had an extensive conversation on the weekend with Sue O'Sullivan, who is the Federal Ombudsman for Victims of Crime. I asked her to provide a summary of her recommendations if we had the time to include them in the bill. If we were to look at her recommendations and get drafters to draft them as amendments...but I don't expect that this will happen. It would take unanimous consent.

At the very least, though, what I'd like to do is this. She did put some work in this, and provided me with seven recommendations that certainly should at least be considered in a victims rights bill that we may get from the government at some point in time.

I'd just like to circulate these to the committee for future consideration. I expect we're too late on this bill at this point in time, but I'd certainly like to circulate them. They're in both official languages.

I'll give them to the clerk, if that's possible.

The Chair: You're certainly free to circulate whatever you wish to the committee, but first of all, of course, we'll close off this bill. Obviously your thoughts will not be relevant to the passage of this bill at this time, although certainly, given the source of your information, the committee can evaluate the recommendations.

Shall the short title carry?

Some hon. members: Agreed.

The Chair: Shall the title carry?

Some hon. members: Agreed.

The Chair: Shall the bill as amended carry?

Mr. Garrison.

• (1615)

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

We've expressed our concern about the haste with which we've proceeded, the number of amendments we've made to a private member's bill, and the fact that we didn't have at least one witness,

the parole board, who we considered essential. As well, on this side we still have concerns about the impacts from some parts of this bill, in particular the impact of lengthening the interval between parole hearings on rehabilitation processes.

That said, we believe there are important improvements for victims rights in this bill. I just want to mark our concerns that we've stated all through this. We feel that we've gone too rapidly, that we didn't hear all the witnesses we needed, and that we've been making really a large number of amendments to a very short bill. It's very difficult to see, as was just indicated to us by our experts, what we have in front of us. I know that the bill then is reprinted as amended, we'll see it at report stage in the House, and we'll have another chance to see what we've actually done, but the process has been very difficult here. We wish it had been other.

As I emphasized before, we think a government victims bill of rights may come at some day in the future. But a bill in committee is worth two in a government promise, so we will be supporting the bill as amended and sending it forward despite our reservations.

The Chair: Fine. Thank you.

Shall the bill as amended carry?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

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

Some hon. members: Agreed.

The Chair: Thank you, colleagues, for the completion of the bill.

Thank you to our witnesses for coming here today. We certainly thank you for your involvement and your assistance along the way. Thank you very kindly.

Mr. Daryl Churney: Thank you, Mr. Chair.

The Chair: We will suspend briefly while we go in camera to discuss the economics of policing draft report.

[Proceedings continue in camera]

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