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# **Standing Committee on Public Safety and National Security**

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**EVIDENCE**

**Tuesday, April 1, 2014**

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**Chair**

**Mr. Daryl Kramp**



## Standing Committee on Public Safety and National Security

Tuesday, April 1, 2014

•(1530)

[English]

**The Chair (Mr. Daryl Kramp (Prince Edward—Hastings, CPC)):** Colleagues, we will call this meeting to order.

This is the Standing Committee on Public Safety and National Security, meeting number 18 for the session.

Today we will be doing clause-by-clause on Bill C-483. I'll just mention as we're proceeding that we do have votes today, so just consider that in your time for moving forward with this bill and for any other options the committee wishes to pursue at some particular point.

Mr. Norlock.

**Mr. Rick Norlock (Northumberland—Quinte West, CPC):** Mr. Chair, to be expedient, perhaps we could ask the officials to come to the table if we have to ask them any technical questions.

**The Chair:** That's fine with me. That's certainly in order.

Mr. Easter.

**Hon. Wayne Easter (Malpeque, Lib.):** Mr. Chair, I do have a point of order that is basically in the form of a question to the clerk of the committee.

I've had an opportunity to go through the government amendments to this bill. Given the very extensive changes, I wonder whether the clerk has assured the chair that the amendments are in order and do not create a bill substantially different from the bill that was passed at second reading. I submit they do. I'll refer to page 1197 of O'Brien and Bosc, which states:

The amendments made to a private bill by a committee ought not to be so extensive as to constitute a different bill from that which has been read a second time.

I would submit that I believe they do. Having said that, I'm basically asking the clerk to give us the assurance that at least he believes the amendments to Bill C-483, if passed, would not result in a substantially different bill from that which the House approved at second reading.

I will state this as well. It is my intention, regardless of what the clerk states, that if these amendments are in fact approved, to pursue the matter with the Speaker of the House when the bill is reported to the House. Therefore, I want the record of the committee to be clear on this point as to whether the amendments from the government, if approved, will or will not, in the opinion of the clerk, constitute a bill different from that which was approved at second reading.

There's no question, in my mind, Mr. Chair, that the amendments improve the bill substantially from what the bill was, but that's not the point here. The point is that this is a different bill. The committee knows I have concerns about some of these private members' bills and the number of amendments we're getting from the government side.

I'll conclude, Mr. Chair, by saying that if the clerk has any question as to whether these amendments, if passed, would constitute Bill C-483 having been so altered as to constitute a new bill as outlined in O'Brien and Bosc, it is my opinion that the clerk should so advise the chair and that as a result, a new bill would have to be brought in.

If you go through these amendments, Mr. Chair, there is no question in my mind. Number one, as I stated previously, this bill may require a royal prerogative in that it constitutes substantial spending other than what would otherwise be the case, and it changes, in my view, the intent of the bill.

That's my point of order, Mr. Chair. I'd like to hear what the clerk has recommended.

•(1535)

**The Chair:** I will just ask our clerk to repeat what he just mentioned to me, but in essence, Mr. Easter, before I get to the chair's decision on the issue, I would just explain that where you are quoting from is with regard to a bill and not a private bill, and perhaps our clerk could just illustrate that point.

**The Clerk of the Committee (Mr. Leif-Erik Aune):** Mr. Easter, did I hear correctly, sir, that you were quoting from page 1197 from O'Brien and Bosc?

**Hon. Wayne Easter:** Yes.

**The Clerk:** I believe you were reading from the section regarding private bills and not private members' public bills, sir.

**Hon. Wayne Easter:** It's private bills, yes, private bill practice. It's the amendment at the bottom of page 1197.

**The Clerk:** C-483 is a private member's public bill. It's not a private bill, sir. Regarding the amendments themselves, the legislative clerk Mike MacPherson can advise the chair on the effects that the amendments would have to the bill.

**The Chair:** Mr. Easter, the clerk has advised the chair that it is not the clerk's role to decide whether or not it is. It does fall to the chair, so I've heard your discussion on this and I would just ask the government....

I will open this to the floor for further discussion before the chair makes a ruling. As far as your request goes as to whether or not this is relevant and if it's a dramatic difference or change from what the original bill was proposed....

Ms. James?

**Ms. Roxanne James (Scarborough Centre, CPC):** Thank you. I welcome your ruling on this. We obviously believe it is still within the same scope and the same direction of the original bill and giving victims a voice throughout the process and ensuring that the Parole Board of Canada has a say with their risk assessment process and the method they use to analyze whether someone should receive an ETA or authorize it, that they have that ability to make that decision within the last three years. I think that the principle and the foundation of the original bill are still present. I see no concern whatsoever at this point.

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

Mr. Garrison?

**Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP):** Thank you very much, Mr. Chair.

I do share Mr. Easter's concerns about committees making such extensive amendments that you could in fact have a different bill—especially when you're dealing with private member's bills. One of the few prerogatives remaining to private members is the introduction of bills.

So I do share that general concern. However I would have to say in this case, having spent a lot of time looking at the bill, I believe that the amendments by the government make changes that really amend the same sections of the Corrections and Conditional Release Act and they do it by the same means. So to me it would technically seem to meet the scope requirement. It has not moved beyond what was originally suggested.

Now I have to say I'm very happy because we raised some concerns in the questioning of witnesses and the vast majority of those concerns have been accommodated in these amendments. So I would also be in a very strange position if I said the government actually listened and then I don't think procedurally they can do that.

I recognize that, but I do think it has amended the same sections and therefore done it in the same way. So in the very narrowest of senses, in my reading of the rules, it would still be the same bill, even though there have been substantive content changes.

**The Chair:** Thank you.

Mr. Norlock.

**Mr. Rick Norlock:** Mr. Chair, there is no question that they appear to be significant, but the amendment solidifies the fact that the institutional head's authority to grant an ETA to a convicted killer will be limited. It further clarifies that the Parole Board of Canada will retain decision-making authority for ETAs for the inmates serving minimum life sentences who have reached day parole eligibility and that this is required to meet—and this is the important part—the sponsor's intended objective to ensure that the ETA decision-making authority stays in the hands of the Parole Board of Canada almost exclusively. I think the latter part is the most

important part. So it retains the essence of the bill, although it better clarifies the intent.

● (1540)

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

The Chair is prepared to rule should there be no further discussion on this.

Mr. Easter, thank you for bringing the issue up. I think if the situation were such that the bill were dramatically changed and/or the perspective of the entire bill was changed to such an extent that it would actually reflect something that is different from what was originally proposed, certainly the chair would agree with you. On this particular group of amendments that have come forward, it's the chair's opinion that the principles and the perspective of the original intent of the bill are respected at this point, so I would overrule your objection at this point and I thank you for your interjection.

We will now proceed to the study of the bill if there are no further questions. Seeing none, then we will now go to the line-by-line clause study.

(On clause 1)

**The Chair:** We have a government amendment right off the bat on number one. You have a copy of it. It is 6494493 and the chair would note as well that there is a conflict with NDP-1 and NDP-2. The chair would also note that if the government amendment is approved, then neither NDP-1 or NDP-2 could be proceeded with. They would have to be dealt with as a subsequent amendment to an amendment.

Are we clear with that, colleagues? I'm glad you're clear because the chair is a little fuzzy on the issue, but I think I'm comfortable enough to be able to move forward.

Shall the government amendment as presented carry?

Excuse me, Mr. Norlock?

**Mr. Rick Norlock:** No, I'm voting.

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

**Mr. Rick Norlock:** Good, it's passed.

**The Chair:** Thank you.

Shall Clause 1 carry as amended?

(Clause 1 as amended agreed to)

**The Chair:** We will now go to government amendment G-2, number 6494495.

Should there be any subamendment this would obviously be—

Yes, Mr. Garrison.

**Mr. Randall Garrison:** I'd like to propose a subamendment to add in what is the text of the bill in proposed section 17.1 to add paragraph (e) after paragraph (d), stating that the institutional head may still authorize escorted temporary absences for medical emergencies or court appearances.

I have a written copy for you.

**The Chair:** Yes, Mr. Norlock.

**Mr. Rick Norlock:** Are we dealing with NDP-2, 6492415?

**The Chair:** I believe that has been amended slightly. I will read the subamendment.

**Mr. Rick Norlock:** Just for clarification....

**Mr. Randall Garrison:** If I may, Mr. Chair, it's the same subject matter, but because it's now a subamendment the text of it had to be changed. So it is the same subject matter—

• (1545)

**Mr. Rick Norlock:** Right. So we're dealing with—

**Mr. Randall Garrison:** —6492415. It's the same subject matter but because it became a subamendment, the wording had to be altered.

**Mr. Rick Norlock:** I have a comment, Mr. Chair.

**The Chair:** Okay and I will just read the subamendment, just so we have clarity first of all. It says that Bill C-483 be amended by adding the following new paragraph to 17.1(1), which is (e), and it reads as follows: The institutional head may still authorize escorted temporary absences for medical emergencies or court appearances.

Yes, Mr. Norlock.

**Mr. Rick Norlock:** I don't think it's necessary because the Criminal Code, which is the parent authority for ETAs, already delegates authority for granting ETAs for medical reasons, judicial proceedings, and attending court inquests to the Correctional Service of Canada. The Criminal Code's not being changed by Bill C-483, so that authority does not change.

I think we need to rest assured that the effect of Bill C-483, after the government's amendments, will be to ensure that the warden, Correctional Service of Canada, maintains authority for granting ETAs for judicial proceedings throughout an offender's proceedings, because, quite frankly, a warden cannot disregard a court order. When an inmate attends court, there's either a subpoena or some kind of court order, and there already exists within the system the authority for granting those temporary absences for that purpose.

**The Chair:** Thank you.

Is there further discussion?

Mr. Easter, is it on this issue?

**Hon. Wayne Easter:** Yes, it's on this issue.

I'm wondering whether we have the Department of Justice or legal people here. Is it the legislative clerk? Who's giving us the legalities around this?

**The Chair:** With the permission of the committee, if there are experts in the room, I would certainly ask them to come to the table, if that would be acceptable to the committee.

**Hon. Wayne Easter:** I have one question on—

**The Chair:** While they're coming up, please carry on, Mr. Easter.

**Hon. Wayne Easter:** I have a question on the amendment and whatever happens on the motion as well. But on the amendment, given what Mr. Norlock said, that this may already be covered under the Criminal Code, is there any problem with having the amendment in place that makes it absolutely clear in terms of what's being

requested here? Does it jeopardize in any way anything by stating in this bill as well that this is the requirement?

**The Chair:** Have our witnesses heard the question from Mr. Easter? If you have, please identify yourself and respond.

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

I'm Daryl Churney and I'm the director of corrections policy at Public Safety Canada. I'm joined today by Michel Laprade, general counsel of legal services at Correctional Service Canada.

I did hear Mr. Easter's question, and I think I would just reiterate Mr. Norlock's answer, which is Bill C-483 only makes amendments to the Corrections and Conditional Release Act, as you know. However, that said, the Criminal Code is the parent authority for escorted temporary absences, so the CCRA is the subordinate legislation subject to the Criminal Code. The Criminal Code is very explicit and very clear in that the Parole Board of Canada is responsible for ETAs other than those for medical reasons, to attend judicial proceedings, or to attend a coroner's inquest. That will not change as a result of this bill. CCRA will remain subject to the Criminal Code and that explicit authority for wardens will remain in effect.

**The Chair:** Fine. Thank you.

Yes, Mr. Garrison.

**Mr. Randall Garrison:** Would it add anything by adding this for additional clarity, or would there be any advantage legally to adding it to this section?

**Mr. Daryl Churney:** It's my understanding that, no, it would not add anything. We did consult with legal counsel and we did consult as well with legislative drafters at the Department of Justice, and the conclusion was that it would not add anything of value.

I don't know if Mr. Laprade has anything else he wants to—

**Mr. Randall Garrison:** In that case, I'd like to withdraw my subamendment, then.

**The Chair:** Thank you very much for the explanation, then. I guess there's no need to duplicate, but certainly we're not there. Your concern would be most valid. Thank you very kindly, Mr. Garrison, and we at least have some clarity on the issue, and we're able to move forward.

At this particular point, the subamendment, then—

Oh, excuse me. Do we have the full consent of the committee to withdraw the subamendment by Mr. Garrison?

**Some hon. members:** Agreed.

(Subamendment withdrawn)

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

Madame Doré Lefebvre.

• (1550)

[*Translation*]

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

I would like to move the following subamendment:

I move that the following be added after paragraph (d) of the new clause 1.1 proposed in Conservative amendment G-2:

That an inmate granted an escorted temporary absence be escorted in a secure vehicle by two staff members.

[English]

**The Chair:** Fine, thank you very much.

Then this is the subamendment that was originally amendment 6494472 by Madam Doré Lefebvre. It would follow in after (d) on page 6 and it would simply be amended by replacing line 12 on page 1 with “in a secure vehicle by two staff members”.

Is there any comment?

Ms. James.

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

Thank you for bringing that subamendment forward.

We did hear some testimony from the president of the Union of Canadian Correctional Officers indicating some concerns with the security of individuals who are being escorted and not having the proper people in place, as he may have put it. However, the intent of this bill is to deal with the actual scheme of the ETA process with regard to the Parole Board of Canada versus the institutional head from Correctional Service Canada. It does not deal with the processes that are involved with the actual escorted absence from the penitentiary, so it's not dealing with the procedures or any of that sort of thing. I'd actually wonder if that would be within the scope of this bill, because it was clearly not the intention of the person who brought forward this private member's bill to deal with that aspect with regard to this particular section of the code.

Having said that, we will not be supporting that particular amendment. Again, I'm wondering if it is within the scope of the bill, but I would certainly suggest to the NDP if they wanted to create a private member's bill, to bring that forward on that particular part of this section of the code, but it's not something that we'll be supporting at this point in time.

**The Chair:** Okay.

I think there are two questions here. Obviously, one is whether or not the amendment is actually within the scope. As an example, this is basically suggesting not what they should do, but how they should do it.

So does C-483 tell us how to act or just whether to act? At this particular point the chair would be willing to hear discussion on that and perhaps we could even ask our witnesses for their opinion as to whether or not this would be in order for Bill C-483 as it is requesting that Correctional Service Canada.... At this particular place, it's basically advising them how they must staff and is that in order or is that within the parameters of the bill or would that be a matter with Correctional Service Canada within their own decision? The chair is asking for comments, certainly, from our witnesses, and we are open to the floor as well.

Yes, Mr. Churney.

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

I'm not certain that the proposed amendment would be within the scope of the bill, because it really does speak to a level of the administration of the scheme that is quite operational. I certainly take the member's point, though.

What I might suggest is that this is the kind of amendment that could be conducted by CSC, either through their own internal policy through a commissioner's directive or potentially through an amendment to the Corrections and Conditional Release Regulations, which is where you find that sort of day-to-day administration detail around the ETA scheme. I don't believe that's necessary as part of the bill or potentially within the scope, but it could certainly be done by CSC through an amendment through regulations in concert with their own policy, if they so choose.

• (1555)

**The Chair:** Fine, thank you.

Mr. Garrison, please.

**Mr. Randall Garrison:** Thank you very much, and I thank Madam Doré Lefebvre for her bringing this forward.

In the government amendment under proposed subsection 17.1(4), it says:

The Parole Board of Canada or the institutional head, as the case may be, may impose, in relation to a temporary absence..., any condition that it considers reasonable and necessary in order to protect society.

So, in fact, this bill deals with conditions and how you do the release and it authorizes already the Parole Board or the institutional head to place conditions like this on the release. So all this is doing—it's within things already discussed in the bill—is simply setting a legislative directive and in the case of those who are serving a life sentence, that they be accompanied by two people in a secure vehicle. It is very much under what's already in proposed subsection 17.1(4), as to setting any condition to protect society.

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

Yes, Mr. Norlock.

**Mr. Rick Norlock:** It is for that precise reason that I don't think it's necessary to prescribe it. I think the warden, in executing the directive, and the Parole Board of Canada will take the necessary caution, because the bill says so. If it requires four members to escort, I'm sure the warden would have that authority.

I don't like to be too prescriptive, because it takes away....We're basically saying we're going to deal with everyday occurrences. Once again, I say it's unnecessary and it pushes the bill in a direction that the drafter of the bill never intended it to go.

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

Certainly the chair has heard your discussion and Mr. Garrison, your comments were well-structured. I have also been advised by the clerk that there is a reference that says a structured plan for the absence has been prepared, which basically states that this issue is relevant should this committee wish to proceed along that way. So it is in order.

However, Mr. Norlock has also suggested that the committee would certainly not, in its mind, in his mind, proceed in that matter. That would then be eligible to come for a vote on this, so certainly this is an issue that is votable. It is in order at this point to be described.

Do we have a further comment, Mr. Easter?

**Hon. Wayne Easter:** Yes, well, I do think...I understand what Mr. Norlock is saying. You can get too prescriptive and end up taking more authority away from wardens, the Parole Board, or whomever than you want to. But I think if you go back and rethink the evidence that came from the correctional officers union that we were having such a hard job hearing on the phone the other day, you'll remember that they cited several examples that ended up in very serious tragedies where two guards would probably have made a difference.

So I do think as a committee we have to come down on the side of public safety. I will admit you always hear about the bad cases, you never hear about the good ones. But, given the evidence provided by the correctional officers and their representatives, I certainly think we should be supportive of this. I think it pushes the wardens to be more cognizant of the safety of security guards in some of these situations.

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

Ms. James.

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

I agree with my colleague Mr. Norlock on this particular issue. Going back to our colleague, Mr. MacKenzie, who brought forward this private member's bill, his original intention was not with respect to what occurs when an ETA has been approved and the offender is out on a pass. His intention for this particular bill was to ensure that the Parole Board of Canada had more of a play within the last three years so that victims had more of an opportunity to participate. As such, we will not be supporting that particular amendment in this bill.

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

Obviously, the chair has no decision on this at this particular point, unless it should come to the chair on a tie vote.

Yes, Madam Doré Lefebvre, you're still up.

[*Translation*]

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

My thanks to my colleagues for their comments on my subamendment.

I believe that Mr. Garrison and Mr. Easter have summarized the intent of the subamendment very well, specifically in terms of the testimony we have heard from the officials of the Union of Canadian Correctional Officers.

Mr. Easter reminded us of what we were told about incidents that have happened during escorted temporary absences. According to the sponsor of the bill, the main intent is to protect victims. We must also consider our correctional officers who have become victims themselves during these incidents.

I am disappointed that the government seems to want to vote against this subamendment. As members of the Standing Committee on Public Safety and National Security, we are all trying to have the best bills possible in order to guarantee the safety of the public and of correctional officers. We have to respond to the concerns of those officers when bills as important as this one affect the lives of people who work in federal penitentiaries. We have to listen to their concerns and have the best bill possible. That was the intent of this subamendment.

I will leave it in the hands of the committee.

• (1600)

[*English*]

**The Chair:** Fine, thank you. It will obviously come to a vote right now.

The chair would normally offer a comment. I suppose this is simplified. It's either we dictate how the warden will handle the transit of these individuals or a warden has discretion in his responsibility as to how he will handle it. Anyway, the motion is on the floor now, so I will ask for a vote on the subamendment from Madam Doré Lefebvre.

All in favour?

(Subamendment negatived)

**The Chair:** We are now on amendment G-2, number 6494495.

Shall it carry?

**Hon. Wayne Easter:** We're back on the discussion.

**The Chair:** Excuse me. We're back on discussion.

Then, Mr. Easter, by all means, carry on, on the amendment.

**Hon. Wayne Easter:** My question really is to the legal people on this one. This goes to my point basically of changing the intent of the original legislation, Mr. Chair, so that at least I have it in my mind correctly. I wonder if the representatives here could explain the ultimate impact of these amendments.

As I understand it, the original bill was ensuring that the warden would not be in a position to allow any temporary absences at all during the last three years of a sentence. Now with this amendment, the Parole Board will be involved in the first request for a temporary absence during that three-year period, but not anymore after that unless there is a problem with what happened on the temporary absence. Am I correct in saying that? That clearly in my view changes the intent of the bill. I think it improves it, but the wardens are still going to be involved in the temporary absences beyond the first decision by the Parole Board during the last three years of sentence.

**Mr. Daryl Churney:** Your factual summary is accurate in that the effect of the government's amendments are such that the Parole Board's authority for granting ETAs will continue once the person reaches...well, effectively the Parole Board's authority will continue throughout the entire sentence of an offender serving a minimum sentence of life imprisonment. That was the first portion of the government's amendments because the bill as it was introduced spoke only to first-degree or second-degree murder.

The Criminal Code speaks to life minimum, so the government's amendments make the CCRA consistent the Criminal Code in that respect so that life minimum applies to first-degree murder, second-degree murder, and high treason. So now the code and the CCRA are consistent, and essentially the Parole Board's authority for ETAs continues throughout that offender's sentence. But you are correct, Mr. Easter, in that once that lifer reaches the three-year window before their full parole eligibility, once the Parole Board grants a positive decision for a rehabilitated ETA and that ETA period is successful—in other words, the offender does not breach their conditions while on that ETA—any subsequent ETA decisions can then be made by the institutional head.

If, however, the offender while on that ETA breaches their conditions, any subsequent decision-making reverts back to the Parole Board. In a nutshell, that's the scheme.

• (1605)

**The Chair:** Mr. Easter, you'll be first, and then Mr. Garrison.

**Hon. Wayne Easter:** Okay, then that's fine. If we go back to the minutes—I'm going just from memory, I don't have them in front of me, Mr. Chair. If we go back to the victims who were before the committee and the victims' representatives, one of their big concerns on this issue was that they were not informed, or they didn't have the opportunity to have their say on warden releases. Under this bill, as I understand it, they still won't have the opportunity to have their say on warden releases, which was the thrust of the bill in the first place, to a certain extent.

Am I correct that they will have the opportunity when the Parole Board does its initial hearing, but for any further temporary absences that are authorized by the warden they may be informed? You can tell us on that if they are or if they may not be, but they certainly are not going to be requested by the warden, as I understand it, to give a victim impact statement, which was what all their presentations were about the other day.

**Mr. Daryl Churney:** What I can say to that is when CSC is developing a structured plan per the legislation for an ETA, CSC is required, where there is a registered victim, to consult not only with their own internal Corrections Canada victim services unit but also to seek out the views and solicit the input of any registered victim so that the victim is notified in advance before an ETA period takes place, and the victim has the opportunity to submit a statement and make his or her views known. CSC will take that into account, and that may influence CSC's decision, but victim consultation is built into the CSC process as well.

**The Chair:** Carry on, Mr. Easter.

**Hon. Wayne Easter:** On the last point, that certainly isn't what victims were saying the other day. They were basically requesting the same opportunity as they had with the Parole Board of Canada. Yes, they can send in a letter, all that wonderful stuff, but that's not what victims were asking for. The ones who were before this committee wanted the same rights and authorities as they had with the Parole Board of Canada with regard to warden releases, and that, certainly in my view, is not now in this bill.

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

Mr. Garrison, please.

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

On this amendment essentially, that Mr. Easter was talking about, we were attempting to draft a similar amendment to reduce the cost of this, while at the same time respecting the right of victims to have greater participation and greater notice, so we will be supporting this because I believe the government has struck a better balance in this bill from our discussion with stakeholders.

I do have a question regarding notice to victims. We have the legal people here, but Mr. Churney, as a policy person, could you tell me whether there's any requirement as this amendment has been done, that victims be notified of subsequent temporary absences granted by the institutional head?

• (1610)

**Mr. Michel Laprade (General Counsel, Correctional Service Canada, Department of Justice):** Basically in section 26 of the Corrections and Conditional Release Act, there is an obligation for CSC to inform victims of the potential release of an offender into the community, so they are informed in advance of these releases.

**Mr. Randall Garrison:** Okay, given that reassurance, we are prepared to support this.

**The Chair:** Fine, thank you.

Ms. James first, and then Mr. Norlock...

**Ms. Roxanne James:** Thank you.

I have just some further comments to Mr. Easter's concern. When we think back to the testimony that we heard from the witnesses and also the purpose of the bill, the biggest concern was for someone who had been declined or refused, or for whatever reason, the decision had been made by the Parole Board of Canada that, no, they should not have one, that the very next day potentially the institution has a warden who can actually turn around and authorize an ETA without any involvement from the particular victim or the victim's family, so that was the concern.

The amendment we put forward by the government actually speaks directly to that because in that last three-year period, when day parole eligibility begins, the Parole Board is the deciding factor, the deciding entity, that will determine whether an ETA is approved, and it has to be successful. If it's not successful it will not go back to the institution warden the next time. It will still remain with the Parole Board of Canada, so the point we have to make clear is that it enables the Parole Board to continue to be the deciding factor until a successful ETA has occurred, at which point it goes to Correctional Service Canada. The institution had to determine that. Now, should something be cancelled or there's a problem with that ETA, it will revert back to the Parole Board of Canada.



This amendment speaks directly to what those witnesses were asking for and the purpose of this entire bill.

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

Mr. Norlock.

**Mr. Rick Norlock:** No, Mr. Chair, the parliamentary secretary handled that.

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

Is there further discussion?

Mr. Easter, please.

**Hon. Wayne Easter:** When this goes back to the House, we'll need to know what the costs are. In the original discussion and certainly the witnesses who were before us were dealing with the original bill and not the amendments, but it was clear from the Parole Board of Canada that they were concerned. They did table some numbers about the number of reviews and Parole Board hearings that would additionally come into place as a result of this bill, which is a substantial cost.

Could the parliamentary secretary or the people that are involved give any indication to us at the committee as to how many fewer cases this will involve? What will the accurate numbers be in terms of additional reviews that the Parole Board of Canada will be required to do with these new changes to the bill? We have a responsibility, Mr. Chair, to taxpayers to look at the cost. The costs of this bill should, in my view, be accompanying it because, as several witnesses said, they could be substantial.

**The Chair:** Thank you very much, Mr. Easter.

Is there any response or comment to Mr. Easter's concern?

Ms. James.

**Ms. Roxanne James:** I don't have the exact numbers that you're asking for but we estimate that it will probably reduce the overall responsibility or number of occurrences by almost 74% for the Parole Board of Canada. I don't have the actual figure to provide that to you.

**The Chair:** Well obviously then—

**Ms. Roxanne James:** It's quite significant.

**The Chair:** That's an issue that certainly, when the bill is before the House, can be discussed at that point, Mr. Easter. But you've raised the issue now and I thank you for that.

**Hon. Wayne Easter:** Just so I'm clear then, Mr. Chair, what we're really saying is that it reduces the costs that the Parole Board indicated when they were here by 74%. That really means in effect the net consequence of this bill is that there is still a substantial cost

to the bill of 26% of whatever the number would have been had somebody in government been able to give us the numbers. I just want it made clear that there is a substantial cost.

• (1615)

**The Chair:** It's clear but of course there was little challenge to do that when we didn't know exactly where we were going at that particular point and we didn't have a definition. Now we have a bit more clearly defined sense of direction and I think the costing can be made appropriately and accurately based on that.

Is there further discussion on the amendment? All in favour...?

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

**The Chair:** Shall clause 2 carry?

(Clause 2 agreed to)

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

**Some hon. members:** Agreed.

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

**Mr. Randall Garrison:** As amended....

**The Chair:** Yes. Thank you.

Shall the bill carry as amended?

**Some hon. members:** Agreed.

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

**Some hon. members:** Agreed.

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

**Some hon. members:** Agreed.

**The Chair:** Thank you very much, colleagues. We have now completed before this committee, Bill C-483.

I thank our colleague for introducing the bill and I thank my colleagues for all their cooperation moving forward.

We obviously have a full meeting scheduled for Thursday, I would assume. We can slip into committee business right now if you wish. However, it was my understanding, as carried forward, that we would proceed with the economics of policing and that there will be other business that we could of course introduce at that particular point. Are we all comfortable with that?

Fine. Thank you.

This meeting is adjourned.





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