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Chair

Mr. Ed Fast

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● (1530)

[*English*]

The Chair (Mr. Ed Fast (Abbotsford, CPC)): I call the meeting to order.

This is meeting number 37 of the Standing Committee on Justice and Human Rights. Today is Tuesday, November 23, 2010. You have before you the agenda for today. We're continuing our review of Bill S-6, an act to amend the Criminal Code and another act, dealing with the faint hope clause.

Before we move to Bill S-6, your steering committee met earlier today, and a copy of the report is in front of you. Is anyone prepared to move adoption of that steering committee report?

Moved by Mr. Dechert.

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

The Chair: Moving on to Bill S-6, to assist us in our review we have one witness with us in the first hour, Mr. Patrick Altimas, director general of the *Association des services de réhabilitation sociale du Québec*.

Welcome. I think you've been told you have ten minutes to present, and then we'll open the floor to questions from our members. Please proceed.

[*Translation*]

Mr. Patrick Altimas (Director General, Association des services de réhabilitation sociale du Québec): Thank you, Mr. Chairman. I can guarantee you that this will take less than 10 minutes. I don't intend to overwhelm you with statistics, which you most certainly already have, and I will keep my comments brief.

First of all, on behalf of the Association des services de réhabilitation sociale du Québec and its 60 member community organizations, I would like to thank you for your invitation to share our views on Bill S-6.

Established in 1962, our association now represents some 58 community organizations that work closely with the adult offender community in practically every region of Quebec, as well as two umbrella organizations. The community network that I represent is made up of 800 skilled employees and more than 500 volunteers actively involved in crime prevention and social rehabilitation of offenders.

Our organizations are recognized and accredited based on rigorous standards by the different user services. From an economic standpoint, their activities represent almost $50 million a year. Year after year, this network serves a total of approximately 35,000 individuals subject to judicial control, some of whom were sentenced to life in prison.

If you were to ask me to make one brief comment on Bill S-6, which will eliminate the faint hope clause, it could be summarized with the following question: why? Indeed, in terms of our experience with this clause since it was introduced in 1976, compared to the goals set at the time, it is clear that it has been a success. So, why change something if it's working? As the saying goes: If it's not broken, don't fix it.

As I said earlier, I do not intend to go over all these statistics that have already been provided to this Committee. I will simply say that they clearly show there has been no abuse, considering that, according to the figures that I have seen, only 180 cases have come before a judge and jury out of a possible 1,067, which represents 17%. Of that number, 33 were rejected, or barely 3% of total eligible cases. Finally, the vast majority of offenders released following judicial review continue to live as law-abiding citizens. And, even more importantly, there have been no cases of recidivism involving murder. So, why do this?

One of the interesting features that will be removed if judicial review is no longer available is the opportunity for community representatives—in other words, jury members—to comment on the potential rehabilitation of a member of that community. Naturally, the issue of victims' rights and concern for victims is a point often raised by the government in its own arguments and rationale for this. Yet it seems that the government is more interested in fuelling the clash between victims and offenders than it is in appeasing the two sides in order for healing to occur, if I can put it that way.

As regards the victims and their families needing and having the right to services and assistance throughout the legal process, everyone agrees with that, including our association. However, we should be questioning exactly how the elimination of the faint hope clause will in fact help victims or their families. How does keeping people in jail beyond a certain period, which has been considered acceptable since 1976, contribute in any way to appeasement of the two sides—offenders and victims and their families—and will it result in healing?

● (1535)

The experience of the ASRSQ's member community organizations, in terms of their experience with offenders affected by the faint hope clause, reflects in all respects the duly noted success associated with this clause.

The ASRSQ therefore sees no valid reason to eliminate it, and recommends that the Committee propose that Bill S-6 be withdrawn.

Thank you for listening and I am now available to take your questions.

[*English*]

The Chair: Thank you.

We'll move to questions. Mr. Kania, you have seven minutes.

Mr. Andrew Kania (Brampton West, Lib.): Thank you, Mr. Chair. I doubt that I'll need seven minutes, but I will start with this question.

Sir, have you had occasion to speak to prison guards or their representatives, in terms of what they believe the benefits of this bill may be? Do you have any information on that?

Mr. Patrick Altimas: Not recently. I haven't spoken to any prison guards recently, no.

Mr. Andrew Kania: That's fine, thank you.

On page 1 of your presentation, the first sentence ends with.... I'm going to read this and I'll ask you to comment about it. You state:

> In fact, the AQAAD is of the opinion that the bill is unfortunately part of an election strategy that makes false promises to enhance public safety.

Obviously you're probably referring to the Conservative Party, and I'm wondering if you could provide some examples and speak about that a little bit.

● (1540)

Mr. Patrick Altimas: I'm sorry, I did not submit a brief, so I don't know what text you're referring to.

Mr. Andrew Kania: I have this.... Is it not yours? A brief submitted.... I thought this was your document.

Mr. Patrick Altimas: The document I brought in today was not translated, so I don't know which document you're referring to.

Mr. Andrew Kania: It says "Brief submitted..."

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): No, it's the Association québécoise des avocats et avocates de la défense.

[*English*]

Mr. Andrew Kania: Oh, sorry.

Mr. Patrick Altimas: That is why I was a bit confused.

Mr. Andrew Kania: No, that's fine. I'm not on this committee. I'm referring to a document that was provided to me that I read, so I'm looking at this brief and it made that comment.

Do you have any comment on that?

Mr. Patrick Altimas: I'm sorry, could you repeat it?

Mr. Andrew Kania: Sure.

> In fact, the AQAAD is of the opinion that the bill is unfortunately part of an election strategy that makes false promises to enhance public safety.

Do you have any comment on that?

Mr. Patrick Altimas: Not really. I don't have any comments on that because I think it's a question of opinion. I don't deal with opinions; I deal in facts.

Mr. Andrew Kania: So in terms of your facts.... And once again, I'm not on this committee, so I'm not offering an opinion, I only want to know what your opinion is. You think this is a bad bill, obviously, because you've asked for it to be withdrawn. Can you speak to why you think this bill was introduced?

Mr. Patrick Altimas: To my recollection, when it was introduced in 1976 it was introduced in the context of the government deciding to withdraw the death penalty from the books. In the discussions that occurred in the House of Commons in those days, there was a compromise that with the withdrawal of the death penalty, there was the inclusion of the 25-year minimum, which was considered in some cases to be maybe too much. In other words, there may be some cases where a person could be considered eligible before 25 years without representing a risk. It was also a question of offering these people who are sentenced for 25 years with a certain hope that they could come out, and that hope would help in maintaining—how would you say.... I'm better in French on this. Sorry.

[*Translation*]

The idea was that this would give them hope and might result in better conduct during those years. It was to act as an incentive, if you will, to good behaviour.

If that hope is removed, that could create an even more dangerous situation in terms of inmate behaviour inside the institution.

Furthermore, the concept of rehabilitation and the idea that a person can change are very much a part of our Criminal Code and our laws.

[*English*]

Mr. Andrew Kania: That's why I asked you about prison guards, wondering if you had any such discussions. You mentioned about conduct within the prisons, and I'm wondering if you have an opinion about how these changes would affect the security of prison guards and other persons who work within such institutions.

Mr. Patrick Altimas: Well, I would say it's very difficult to predict with certainty. However, one could suspect that if someone is without hope for 25 years and therefore has less incentive to maintain acceptable behaviour, the changes could increase the level of violence in the institutions.

Mr. Andrew Kania: Can you identify the existing problem that you think the government has attempted to solve? What's the problem out there that resulted in their bringing forward this legislation at this point in time?

Mr. Patrick Altimas: I don't see a problem per se. My colleague from the John Howard Society remarked, if you will allow me to quote what he said to this committee, that "What we appear to have here is a proposed solution in search of a problem". That's basically our position also.

● (1545)

Mr. Andrew Kania: You are aware of the fact that the current legislation was amended by a previous Liberal government to make it a little harder for persons to apply, that someone has to go in front of a judge and get approval and there are then juries and they have to be unanimous. You are aware of all of that system, right?

Mr. Patrick Altimas: Yes, I am.

Mr. Andrew Kania: Do you find that to be an easy system for a person who was convicted and is trying to get early parole?

Mr. Patrick Altimas: I don't see it as an easy system, given the work that has to go into preparing the case before a judge and jury. Actually, just going before a judge and jury itself is a challenge. I think that once a case is before the judge and jury, there has been a very, very serious evaluation done by a lot of people at the Correctional Service. To me it's never an easy situation when you end up before a judge and jury and you have to demonstrate that your conduct is such that you maybe could be considered eventually for parole. Then if you do get a positive decision from the judge and jury, you still have to go through the parole board process to obtain parole. That also, in my experience, is not an easy process.

Therefore, it's a very rigorous and very serious process, and I think the statistics show that it's been very rigorous and very serious over the years.

The Chair: Thank you.

We now move to Monsieur Ménard for seven minutes.

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Do you have any personal experience with the application of the faint hope clause?

Mr. Patrick Altimas: No, not directly. In terms of preparing an inmate to appear before a judge and jury, no, I have never done that. I have worked in correctional services, but at the time, there had not yet been any cases to refer to a judge and jury. So, I never have had to actually refer cases.

Mr. Serge Ménard: Of the many organizations which you represent, are there any that look after victims?

Mr. Patrick Altimas: The mission of the organizations which we represent is, first and foremost, to rehabilitate offenders. However, that does not mean that these organizations are not concerned about victims or that, in certain cases, they do not contact organizations that assist victims. It's just that that is not their primary mission.

Mr. Serge Ménard: In carrying out your duties, does it ever happen that you encourage victims to contact prisoners or that you support victims who agree to do that, as a way for offenders to make amends for what they've done?

Mr. Patrick Altimas: There is at least one ASRSQ member organization that supports victims and offenders. However, victims do not meet the offender directly.

This is done through the Centre de services de justice réparatrice, which is located in Montreal. In Montreal, and possibly in Quebec City as well, there is an effort to bring offenders and victims closer together. As far as I know, though, offenders do not directly meet with their victims, because that is fairly complicated. It's not easy to organize something like that.

Mr. Serge Ménard: In any case, that would not be possible with inmates convicted of murder, because they are in prison.

Mr. Patrick Altimas: To my knowledge, of the occasions where victims and offenders did meet, some had been convicted for murder. It may not have been the majority, but some had been in prison for quite a long time and were sufficiently aware to be able to take part in such meetings.

Mr. Serge Ménard: Did the victims who met with offenders convicted of murder have connection to the people who had been murdered?

Mr. Patrick Altimas: To my knowledge, no, that was not the case.

● (1550)

Mr. Serge Ménard: Well, I fully understand your position and, quite honestly, I fully support it. Here we really are talking about a solution looking for a problem.

But isn't there something more than that? This solution would put an end to something which you see as a positive feature of the Canadian prison system.

Mr. Patrick Altimas: Indeed, we are of the view that eliminating the faint hope clause would bring an end to something positive which has proven to be a success. There is no evidence of abuse and public safety has never been endangered as a result of this clause.

Mr. Serge Ménard: In spite of that, is there something we could add to it in order to lessen the feelings of stress felt by some victims as they get closer to the time when the individual responsible for murdering their family member could apply for a judicial review under this legislation?

Mr. Patrick Altimas: It is easy to understand that for some victims' families, this can be an event that brings back all kinds of difficult feelings and memories. These people need support at that time and that support should be available to them. I believe there are programs out there that provide support to such victims, but they may be inadequate. We fully acknowledge the fact that they require support. We know that the most difficult thing for victims is the fact that the offenders involved in the crime are not necessarily the ones who secure a judicial review. Some offenders will be given neither a judicial review nor parole after 25 years.

The question really is: are we making laws for individuals or for society and the people of Canada as a whole?

Mr. Serge Ménard: As I understand it, according to the results, there is a very small percentage of individuals convicted of murder who have actually applied for and been given this final chance to shorten their prison sentence.

Mr. Patrick Altimas: Earlier I was saying that 17% of those eligible actually apply for a judicial review.

Mr. Serge Ménard: Thank you.

[*English*]

The Chair: Mr. Comartin, for seven minutes.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Thank you, Mr. Chair.

[*Translation*]

Thank you, Mr. Altimas, for being with us this afternoon.

You were saying that there are not enough programs available to help victims' families when they are facing a judicial review process by the offender. Do you have any suggestions as to how to improve our programs?

I agree with you, there are programs out there but they are inadequate. Is there something else we could do, particularly to help and protect victims' families?

Mr. Patrick Altimas: I know that the Correctional Service of Canada has taken a number of different initiatives aimed at victims. There are already some core programs that need to be improved and better funded. Whether they go through the Correctional Service of Canada or other organizations that help victims, funding should be available to help these people. I know the government is making an effort in that area and that effort should be pursued so that these people are not left to cope on their own when these events occur.

Mr. Joe Comartin: Do you think that this bill, if it passes, will significantly reduce the harm done to victims' families by offenders?

Mr. Patrick Altimas: That is a question of perception and opinion. In my view, whether a person remains in prison for 10 years, 15 years, 20 or 30 years, that does not eliminate the harm that has been caused and the pain that families may feel. I don't think that is what would lessen the harm done. I think there are other, more positive solutions through which that could be achieved.

As I was mentioning earlier, by removing such provisions from our laws, we are exacerbating the clash between victims, victims' families and offenders. Should we not instead be focusing on appeasement and try to achieve reconciliation, or what I referred to earlier as quote unquote "healing". I say "quote unquote" because Mr. Boisvenu would say that we shouldn't be using those kinds of terms, but I have yet to find a better one.

● (1555)

Mr. Joe Comartin: You will hear the Conservatives say the same thing in a few minutes. Mr. Head, from the Correctional Service of Canada, told us that there should be closer communication between the Correctional Service and victims' families.

Are you in favour of more information being provided to victims' families? Would that help them?

Mr. Patrick Altimas: It depends on what kind of information we're talking about.

Mr. Joe Comartin: I will give you an example. At the present time, if an individual, after serving 15 years in prison, or at the first opportunity to make an application, decides not to do so, victims' families are not given that information. If they received that information, they would know that for at least two years or five years, if certain amendments are passed, they would not have to deal with any such application.

Do you think that giving them this information would help them to carry on after losing their loved one?

Mr. Patrick Altimas: Yes, it could certainly help to ease their stress at the idea of having to go through a process involving a judge and jury. That's all, it seems to me, because it won't ease their pain or reduce the harm caused; however, it will reduce the stress they may feel at having to go through that. Also, I imagine that people's reactions vary from one family to the next or one individual to the next. The way people cope with these kinds of situation varies a lot from one person to the next.

Mr. Joe Comartin: I would like to continue in English.

[*English*]

Have you seen any studies at the international level, where they don't have the faint hope clause, that analyze the stress and suffering that families of victims go through elsewhere as being any different from what happens in Canada, where we do have the faint hope clause? Have you seen any studies like that?

Mr. Patrick Altimas: No, unfortunately, I haven't. I couldn't tell you.

Mr. Joe Comartin: Okay, those are my questions, Mr. Chair. Thank you.

The Chair: Mr. Woodworth, for seven minutes.

Mr. Stephen Woodworth (Kitchener Centre, CPC): Thank you very much, Mr. Chair.

Thank you, sir, for attending today at our committee.

I was somewhat surprised when you asked the question, why eliminate faint hope? I don't know whether to take you seriously on that or not. Are you telling us that you genuinely do not perceive the reasons the government wishes to eliminate the faint hope clause?

Mr. Patrick Altimas: When I asked why, it's not that I don't perceive the reasons for the government wanting to withdraw it. The only reason I asked why is that I like to work on evidence-based justice, and the evidence shows me there is not a problem per se that warrants the elimination of the clause at this point.

Mr. Stephen Woodworth: Let me approach it from that perspective then.

Are you familiar with Ms. Susan O'Sullivan?

Mr. Patrick Altimas: Yes, I am.

● (1600)

Mr. Stephen Woodworth: You're aware that she is the Federal Ombudsman for Victims of Crime.

Mr. Patrick Altimas: Yes.

Mr. Stephen Woodworth: Are you aware that she set out to gather evidence from victims on the bill that is now before us?

Mr. Patrick Altimas: I'm not aware of any studies she did, but I am aware that some families of victims have said they would like the clause to be removed.

Mr. Stephen Woodworth: May I suggest to you that when we are speaking of murder, the families of those murdered are certainly victims, along with the murdered person?

Mr. Patrick Altimas: I agree.

Mr. Stephen Woodworth: So rather than speak of families of victims, I'm going to speak of victims as including families. Can we proceed on that basis?

Mr. Patrick Altimas: Sure.

Mr. Stephen Woodworth: If I were to tell you that Ms. O'Sullivan, having spoken to victims and gathered that evidence, concluded that victims felt that this bill was justified, would you at least agree with me that there is some evidence on which the government might proceed?

Mr. Patrick Altimas: I believe you're saying there's some evidence out there that some victims are saying that, and there are probably a lot of other victims who are not saying that, but we're not hearing from them.

Mr. Stephen Woodworth: So you're suggesting that the federal ombudsman for victims did not conduct her research appropriately or completely.

Mr. Patrick Altimas: That is not what I'm saying, because I would not be so pretentious to say that.

Mr. Stephen Woodworth: So when she comes to us and says she is there to speak for victims and has spoken to victims, and she is reporting—

The Chair: We have a point of order.

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): I believe the member is mis-characterizing the statement of the ombudsman. In fact, Ms. O'Sullivan said that she did cursory consultation with a couple of individuals and one or two groups. She was not able to do it in-depth, but based on the consultation she was able to do she recommended that the faint hope clause be repealed going forward.

The Chair: That's not a point of order.

Continue.

Mr. Stephen Woodworth: Sir, do you accept that the ombudsman, in speaking for victims and in telling us that this legislation was strongly supported by victims, was in fact providing us with an evidence-based approach?

Mr. Patrick Altimas: I accept that the ombudsman for victims speaks for victims and has gathered information from that angle.

I am not coming to you from an angle where I represent inmates or victims. I am here as a representative of community-based organizations that work in crime prevention and criminal justice, with both in mind when they do their work. I come from the point of view that criminal justice legislation and policies should be evidence-based on more than just one piece of evidence.

Mr. Stephen Woodworth: I agree. In fact, I very much understand that your work involves you in concerns about rehabilitation for offenders, whereas my work as a legislator requires me to consider not only the rights and interests of offenders, but of victims also.

Have you considered, for example, the impact on victims of the present system under the faint hope clause, which means that after the 15-year period has passed, victims must wait day by day to learn whether or not, and when, an offender will make an application for faint-hope early release?

Mr. Patrick Altimas: Yes I have, and I'm sure that for certain families and certain people close to the victim it can be *anxiogène*, as we say in French. It can be stressful and very difficult.

Mr. Stephen Woodworth: If you have the opportunity, I would highly recommend that you examine Ms. O'Sullivan's evidence, because she presented three principles under which she felt this bill was supportable—accountability, transparency, and compassion. If you were to read her evidence, I think you would gain some insight into why it is that victims do support this bill, and why the government is pursuing it.

I have no other suggestions for you. If I have some time left, I would be happy to share that with Mr. Dechert.

● (1605)

The Chair: Mr. Dechert has less than one minute to go.

Mr. Bob Dechert (Mississauga—Erindale, CPC): I'll simply ask you one question, Mr. Altimas. Are you aware that in 1997 the faint hope provisions that existed then were amended to remove the faint hope possibility for multiple murderers like Clifford Olson, Paul Bernardo, Robert Pickton, Russell Williams? Are you aware that the law was amended in that way by the previous government?

Mr. Patrick Altimas: Yes.

Mr. Bob Dechert: Okay. Did your organization make any submissions at the time that bill was before the committee?

Mr. Patrick Altimas: I couldn't tell you, because in 1997 I wasn't on the board, nor the executive director. I couldn't tell you.

Mr. Bob Dechert: The association did exist then, didn't it?

Mr. Patrick Altimas: It existed, yes. We've been there since 1962.

Mr. Bob Dechert: Are you aware if the previous government that introduced that amendment put forward any study done on victims at that time? Presumably, they had the same concern about victims that we have today.

Mr. Patrick Altimas: I'm not aware. As I say, in 1997 I was more involved in the day-to-day operations of an organization.

Mr. Bob Dechert: I just—

The Chair: We're out of time.

Ms. Jennings.

[*Translation*]

Hon. Marlene Jennings: I have five minutes?

Thank you very much for your presentation. I really appreciated it. I also appreciate the approach taken by your association, which is to base its views on facts and science—"evidence-based", as you said.

There are two parts to this bill. One has to do with certain controls over the application process for an inmate sentenced to life in prison. A 90-day period would apply after an inmate had served 15 years in prison.

We have heard quite a lot of testimony, including from officials with the Correctional Service. According to their testimony, even though the majority of applicants had adequate time to obtain and complete all the documents in support of their application for early parole, it could happen that circumstances beyond the control of the inmate might prevent him or her from completing the application in the 90-day timeframe.

On that specific point, would you agree that the period for applying should be extended?

Mr. Patrick Altimas: Yes, absolutely. If you look at the timelines that are laid out—I did not study the bill in detail because that was not the purpose of our particular exercise—it is clear that they are quite restrictive.

Hon. Marlene Jennings: Liberal members will be moving an amendment to give the judge the discretion of extending the period from 90 to 180 days if the inmate can demonstrate that circumstances beyond his control prevented him from meeting the 90-day deadline.

I fully understand your opposition to the government's amendment abolishing the right of inmates convicted of first degree murder to apply under the faint hope clause from the day the bill is passed and subsequently. Your reasons in that regard are very clear.

You asked a question of my colleague, Mr. Comartin, regarding the idea of notifying victims' families that the inmate did not exercise his right to apply and that the next time he would be eligible to exercise that right would only happen five years later, on a specific date. I'm sorry, but I did not understand whether or not you were in favour of that.

● (1610)

Mr. Patrick Altimas: Yes, we certainly are.

Hon. Marlene Jennings: Fine, I have no further questions.

Thank you very much.

[*English*]

The Chair: Thank you.

The Bloc has said they don't have any further questions.

Do we want to go to clause-by-clause, Mr. Dechert?

Mr. Bob Dechert: We can go to clause-by-clause if everybody is agreed.

The Chair: All right.

I'm going to thank Mr. Altimas for attending and I'll allow him to leave.

I'll ask our justice department officials to take their place at the table.

We'll now move to clause-by-clause consideration of Bill S-6.

Consideration of clause 1 is postponed, so I'm calling clause 2.

I note there are some amendments that have been submitted, and those are on clauses 3 and 7, and then the short title.

The question is on clause 2.

Mr. Comartin.

Mr. Joe Comartin: Can we have some discussion?

The Chair: Yes, you may, if you wish.

(On clause 2)

Mr. Joe Comartin: To start off, so that we're clear, I'll be voting against this and I want a voice vote on each section. Clearly, I'm voting against it, as we heard from the last witness based on all the evidence that we heard. Of all the bills that I've considered as the justice critic, and looked at all the systems we have, this is as close to any system that has worked the way it was designed to work and is close to the absolute results that we wanted as any system within the criminal justice system we have.

To look at this bill on the basis of what.... You hear allegations that it's a methodology of doing away with the faint hope clause to protect victims. It simply doesn't do that. It's not going to do that if this bill goes through. The same stress that they're faced with will continue. There are ways of alleviating that stress and that suffering, by having a better communication system within the corrections systems, with better information and education of the victims, the families of victims, and the friends of murder victims. That would go a long way to actually resolving it. This isn't going to do anything, because that stress of knowing that at some point they're going to be faced, if they choose to follow through, with an application for parole at the 25th year is no different, no substantive difference from what we're faced with now in reality.

As we heard the evidence, it is somewhere between 21 years and 25 years before anybody gets out.

Starting with the title, the whole communication from the government around this is that in some way it's going to provide victims with relief, and that's basically false. That's not going to be the result at all. We're misleading them into believing that and augmenting their suffering when they are confronted with the reality of what they're still going to be faced with. On the other hand, by putting in place better communication, education, and process both at the initial time of conviction and then subsequent to that, at the times when there are possibilities of the person being released, it would go a much greater distance to relieving that suffering that the victims have from the murder.

Having said that, Mr. Chair, I will be voting against the entire bill and will be supporting the Liberal amendments, but I do want a voice vote on each one of the sections.

● (1615)

The Chair: By voice vote, are you calling for a recorded vote or simply—

Mr. Joe Comartin: A recorded vote, yes.

The Chair: A recorded vote. All right.

Anyone else on clause 2? Mr. Lemay.

[*Translation*]

Mr. Marc Lemay: I won't have an opportunity to say this again, but as a criminal lawyer, it is my opinion that we are in the process today of destroying a system that has always worked extremely well and has proven itself. I hope that you will remember that and that all of you, especially Conservative Party members, will recall the following sentence: “What if a lack of hope were to destroy a convict's desire for rehabilitation, resulting in more violence and more problems in our prisons?” That is exactly what we are about to do. So, it is obvious that we will be voting against this bill. However, we will be supporting the amendments, because we see it as the only way to lessen the shock that will be felt here.

My final comments are for the Liberals, who are preparing to demolish a system that they themselves implemented in 1976, by abolishing the death penalty. Ladies and gentlemen, you will be responsible for the elimination of a system that has really worked very well. In recent days and weeks, every witness we have heard from has provided evidence that this system really was extremely successful. And yet you are now preparing to sacrifice it on the altar of politics to avoid having to deal with some political problem.

But I'm going to stop there. I will continue to believe that the current system properly protected the victims. I am deeply convinced of that, whatever my Conservative friends may think, and I will be reiterating that view at every possible opportunity.

[*English*]

The Chair: Thank you.

Ms. Jennings.

Hon. Marlene Jennings: Thank you, Mr. Chair.

The Liberal position on Bill S-6 is that the desire of the government and some stakeholders to put effective controls on the system for current offenders with life sentences for first-degree murder on their application for the faint hope clause is not objectionable. The government is not removing or attempting to remove a right that is already being enjoyed by inmates who have been convicted of life sentences without the possibility of parole before 25 years but who would benefit from the faint hope clause that allows them to make an application for early parole after they've served 15 years.

Therefore, the Liberals do not in any way find this government's attempt to put in controls objectionable, in the sense of saying that inmate X has that right after 15 years. There should be a window during which time the inmate can make that application. We feel, and we heard testimony, that the delay the government is offering is too short in some cases, and perhaps there should be a little more flexibility. That's why Liberals have tabled amendments on the issue. I'll speak to that when those amendments come forward.

On the issue of repealing the faint hope clause for those convicted on the day of or after the coming into effect of this piece of legislation, Liberals do not support that. However, the Bloc knows very well, as does the NDP, that neither one of them.... One has no pretensions or desire to form a government; the other has never formed a government and probably won't, at least in the near future. Also note that the repealing of that clause will only take effect 15 years from the date the legislation comes into force. So there has to be a little bit of honesty on that as well.

The Liberals don't support clause 2, but we will abstain from voting because we believe there will be a window of opportunity of 15 years in which to correct that piece of legislation.

I agree with Monsieur Lemay and thank him for his comment that this was one criminal justice procedure that actually worked well, and it was put into place by Liberals—exactly. And in the repealing of the faint hope clause going forward, hopefully Liberals will one day have the confidence of the Canadian public, form the government, and overhaul not only this but the whole criminal justice system to bring it into the 21st century.

On that note, as I said, the Liberals will not vote in favour of or against clause 2. We will be abstaining.

● (1620)

The Chair: Thank you.

Monsieur Ménard.

[*Translation*]

Mr. Serge Ménard: I don't intend to repeat what Mr. Comartin and my colleague, Mr. Lemay, have already said, but I fully agree with them. I am still very surprised to see the position the Liberals are taking on this.

You are asking us to vote on something that will demolish a system that you believe to be fair, and you are telling us that, in the relatively near or distant future, it will be possible to correct the legislation. I absolutely understand your motivation and what is behind all of this; it's the fear of demagoguery. Indeed, you know full well what the Conservatives are capable of when it comes to demagoguery. I, too, am well acquainted with that attitude. We see it even in the title of the bills they bring forward, and when they put out their propaganda. That demagoguery is a common feature in North America.

However, it seems to me that if we are convinced that a system is working well, then allowing a bill to pass which will have the effect of destroying that system is not an advisable position to take. By abstaining, you are allowing it to pass. That is what you are doing. You say that we will have an opportunity subsequently to restore a system that will basically be eliminated by this bill. To be perfectly honest, I find that to be a ridiculous gamble.

[*English*]

The Chair: Thank you.

Mr. Dechert.

Mr. Bob Dechert: I just want to make one comment. I was very interested to hear Madam Jennings' comments, and I just wonder if she could clarify for the committee if restoring the faint hope clause for the Criminal Code will be part of the Liberal election platform in the next election.

Hon. Marlene Jennings: Wait for the press to drop.

Mr. Bob Dechert: All right. It sounded to me as though that's what you were saying. Thank you.

● (1625)

The Chair: We're not in the election right now. Let's focus on the bill before us.

We have clause 2 before us. We'll call a recorded vote on each clause, as requested by Mr. Comartin.

(Clause 2 agreed to: yeas 5; nays 3)

(On clause 3)

The Chair: We have two amendments on clause 3, first of all LIB-2.

Ms. Jennings, are you going to be presenting that one?

Hon. Marlene Jennings: Yes, I will.

As I explained to the witness who was here just before we moved to clause-by-clause, much of the testimony we heard with regard to the procedures and controls that the government's Bill S-6 would put into place might inadvertently deny an offender from being able to apply for the faint hope—not in most cases but in some cases—and the bill as currently written provides for absolutely no flexibility and no authority on the part of any individual institution to extend the deadline in extraordinary or exceptional circumstances that are beyond the control of the inmate and which prevent the inmate from being able to make an application within the window that the government has put out in Bill S-6. Therefore this amendment by the Liberals would give a discretionary authority to the appropriate chief justice or his or her designate to extend the 90-day limit by a maximum of 90 days if the person, due to circumstances beyond his or her control, is unable to make an application within the 90-day limit.

Clearly that person would have to bring solid evidence to a chief justice or his or her designate to demonstrate why he or she was unable to meet the 90-day deadline, and then that chief justice or his or her designate would weigh whether or not those grounds and reasons provided were sufficient to allow for a prolongation of the delay. Then the chief justice might say “Okay, I give you 15 more days” or “I give you 30 more days”. But in any case, the maximum that the chief justice or his or her designate would grant under this amendment would be 180 days, which means he or she would only be able to extend the 90-day deadline by a further 90 days maximum.

We believe that this is perfectly reasonable. We hope the government would support this. It is based on evidence that we heard, and as I've said, it would apply only if a judge was convinced that there were circumstances beyond the control of the inmate, and then that chief justice or his or her designate would determine by how much time that deadline should be extended.

The Chair: Okay. Thank you.

Is there any further discussion on the amendment? You've heard it.

Mr. Dechert.

Mr. Bob Dechert: Yes, thank you, Mr. Chair.

I would oppose the amendment for the following two reasons. One is that we were told by the Correctional Service of Canada that they remind each offender to whom the faint hope clause might apply one year prior to the date. So at year 14 they are sent an official notice reminding them they have a year to apply to be released under the faint hope provision. Then they lead them step by step through the process at the taxpayer's expense.

We also heard in the Senate committee from the Correctional Service of Canada officials that they will be adjusting their internal procedures to reflect the new legislation. In other words, they'll now be informing the offenders 90 days earlier, so it will be a year and 90 days prior. So I guess it will be at thirteen and three-quarter years into their sentence that they'll be reminded they have a year and three months to file their application for early release.

In my view, that's a sufficient period of time to prepare their application. I can't imagine a first-degree murderer sitting in prison for 14 years and not thinking about the possibility of release. It seems to me they have plenty of time to do that.

The second reason is simply that making any significant amendments to this bill will require this bill to go back to the Senate for approval of the changes, and that will result in a significant delay. We think this is timely legislation that needs to be put into place as soon as possible.

Every day or every week, unfortunately, in this country, people are murdered. I don't want any of those offenders to have the right going forward to make this application, because I think it's not in the interests of Canada and it's not in the interests of victims and it's not in the interests of maintaining the faith of the Canadian people in our criminal justice system.

For those reasons, I will be opposing the amendment.

● (1630)

The Chair: Okay.

Mr. Comartin.

Mr. Joe Comartin: Thank you, Mr. Chair.

I have a question for the officials on this. Just so that it's clear to us, if this amendment passes and becomes law, this 90-day or 180-day period will apply to the applications that are being made between the time the law becomes final and the 15-year run before those murderers can apply. Is that correct?

I don't know if my question is clear. Is this going to apply immediately to immediate cases? This section is not going to apply just 15 years from now.

Ms. Catherine Kane (Director General and Senior General Counsel, Criminal Law Policy Section, Department of Justice): It would be preferable if we saw the wording of the amendment to comment on it.

Mr. Joe Comartin: I would have thought the parliamentary secretary would have given you a copy by now.

Ms. Catherine Kane: We don't have a copy.

Mr. Joe Comartin: Can we take a short break so the officials can have a look at the amendment?

The Chair: Could someone give copies of the amendments to our officials?

We'll suspend for one minute.

● _____ (Pause) _____ ●

The Chair: Okay, Ms. Kane, you've had a chance to review it.

Ms. Catherine Kane: In response to Mr. Comartin's question, yes, it will apply to all of those persons. The extension of the time period would apply to anybody who's currently serving a sentence, or who has committed an offence but hasn't yet been charged, or who has been charged and hasn't yet been tried.

Then when they reach the 15-year mark, they would have 90 days, plus this extended period if they couldn't meet the 90-day period of time. I would assume there will be more awareness of those who are now caught in that particular scenario and the need to bring forward their application within that period.

Mr. Joe Comartin: Just so that it's clear to us and we address Mr. Dechert's comments, the reality is that they're going to be faced with this.... Anybody, let's say, who is a few months from the 15 years is going to be faced with this 90-day or 180-day requirement if this bill goes through in the next six months. Is that fair to say?

● (1635)

Ms. Catherine Kane: Yes.

The Chair: Ms. Jennings, do you have a comment?

Hon. Marlene Jennings: Yes, I want to respond to Mr. Dechert's reasons for the Conservative members not supporting the Liberal amendment on extending the current deadline from the 90 days proposed in the Bill S-6 to a possible 180 days.

He said that it would delay this bill, that it would require the bill to go back to the Senate, and that the bill was timely and important and that this needed to be done.

I would ask the member, if this bill is so important and is such a priority for his government and cannot be sent back to the Senate for a couple of days, why did this government wait 99 days at first reading before a minister or parliamentary secretary stood in the House to move second reading and allow debate to begin on this bill in the House and ultimately for it to go to committee? The opposition did not delay this bill at second reading. After 99 days, once the government finally moved it at second reading, we only debated this bill in the House for two days. So I would say his first reason for not supporting this amendment is specious.

As for his second reason, that we heard testimony from the Correctional Service that they notify inmates a year before their fifteenth year comes up, he's correct. But we also heard testimony from witnesses who actually assist inmates in preparing their application forms, like Kim Pate, who said that in some cases—not a lot, but in a few cases—because of the complexity of the issue and of getting documents and having them translated, and getting responses from jurisdictions other than where the inmate is serving their sentence, she has been involved in cases where it's taken more than a year. It's taken in some cases two years to complete the file and to be able to submit an application. So the second reason not to support this is specious as well, as far as I'm concerned.

I would call on the government to rethink its position, given that its argument on the timeliness of the bill doesn't fly. They let it sit for 99 days at first reading in the House before moving second reading; and with the cooperation of the opposition parties, we saw to it that it only was debated at second reading for two days, before referring it to committee. I would say the government might want to rethink its position and think about supporting the Liberal amendment.

Thank you, Chair.

The Chair: Thank you.

We have Mr. Lee on the speakers list.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): I wanted to agree with Mr. Dechert that it might be dangerous to send any bill back to the Senate these days, given the demise last week of the House bill that wasn't even debated before it was nuked by the Conservative majority in the other place.

Some hon. members: Harrumph.

Mr. Derek Lee: It was good to get that out.

The Chair: Is that your comment?

Mr. Derek Lee: No.

Again, in debating this, for accuracy, I just want the record to indicate that Mr. Dechert described the one-year lead-up, the year-14 notice, as a kind of a limit of a year, but it really isn't. It's not a limitation period at all. It's a one-year notice to an inmate that he or she will have an opportunity to make a faint hope application to adjust the parole eligibility restriction, though 83% of inmates don't ever bother to make a faint hope application. It is a notice that they could begin to prepare an application if they wished. That's a fair statement.

Thank you.

The Chair: Thank you.

Are there any other comments?

We're dealing with amendment L-2, so I'll call the question on the amendment.

(Amendment agreed to: yeas 7; nays 4)

● (1640)

The Chair: We also have a second Liberal amendment. It's actually Liberal amendment number 3, but it's to the same clause.

Ms. Jennings, do you want to introduce that one?

Hon. Marlene Jennings: Yes. This is the Liberal amendment that follows from the testimony that we heard from the federal ombudsman for victims of crime, Sue O'Sullivan, to the effect that she would support notification to the families of victims when an offender does not exercise his or her right to apply for the faint hope clause. And we did hear that from other witnesses representing victims as well. Mr. Dechert, Mr. Norlock, and other members of the Conservative team here on this committee have said repeatedly that some families of victims live in a great deal of anxiety once the fifteenth year begins to approach, knowing there is this faint hope clause.

Based on that, we believe it would be reasonable to bring into play the requirement that when an inmate does not exercise his or her right to apply for early parole under the faint hope clause and the deadline has expired, the chief justice in the province where the conviction took place, or his or her designate, immediately notify in writing a parent, child, spouse, or common-law partner of the victim that the convicted person did not make an application. And if it's not possible to notify one of the aforementioned relatives, then the notification shall be given to another relative of the victim; and in addition, that the notification shall specify the next date on which the convicted person will be eligible to make an application.

The notification of the next date is precisely based on comments that we Liberals have heard from witnesses, but also from the Conservative members, when they've stressed the anxiety that families of victims have, not knowing if and when an inmate would apply for early release under the faint hope clause, as it now stands, because there is no deadline. Therefore, we are proposing this amendment. And we hope to have the support of the Conservatives, the Bloc, and the NDP on this.

The Chair: Thank you.

Monsieur Lemay.

[*Translation*]

Mr. Marc Lemay: Mr. Chairman, if the amendment we are currently debating were to pass, a new subsection would be created. This would no longer be subsection (2.7) under section 3, but rather, subsection (2.8). I think that should be indicated and it should obviously be inserted after subsection (2.7).

[*English*]

The Chair: Yes. My advice is it's adjusted automatically.

[*Translation*]

Mr. Marc Lemay: Well, that's really impressive!

[*English*]

The Chair: Mr. Comartin.

[*Translation*]

Mr. Serge Ménard: I did not hear what departmental officials said about this.

Is the Chair's conclusion correct?

[*English*]

Ms. Catherine Kane: The numbers would be adjusted accordingly.

● (1645)

[*Translation*]

Mr. Serge Ménard: It's done automatically?

[*English*]

Ms. Catherine Kane: If both amendments are passed, the bill would have to be reprinted and it would have to be sorted out. So this would be subsection (2.8), and it would follow in the proper spot.

The Chair: Typically, it follows as a matter of course that the paragraph numbers are adjusted.

Mr. Comartin.

Mr. Joe Comartin: I'll wait until we get to.... Oh, wait a minute, I'm sorry.

The Chair: We're dealing with Liberal amendment 3.

Mr. Joe Comartin: I want to make a comment when we get to proposed subsection (2.4) in amendment 3, the government bill.

The Chair: What clause are you referring to?

Mr. Joe Comartin: Clause 3, but then proposed subsection (2.4).

Have we skipped over that? If we have, I want to make a comment about that.

The Chair: We'll deal first with Liberal amendment 3, then there'll be debate on the amended clause when you can make your comments, and then we'll go from there.

Mr. Joe Comartin: Okay.

The Chair: All right?

So dealing with Liberal amendment 3, any further discussion?

Mr. Lee.

Mr. Derek Lee: It's kind of a question. I certainly intend to support the motion, but upon reading it, I'm assuming that within this amended subsection there's ample ability of the chief justice or designate to access the kind of information necessary to locate a victim described here. I'm assuming they would find the means to do it.

And second, I'm assuming that in the case of a 25-year parole ineligibility period there would be two notifications: one following the 15-year window and one following the 20-year window. Then after 25 years, when an inmate could apply for parole any time, there wouldn't be an actual "faint hope" application. It would just be a parole application after 25 years. Is that a fair assessment of the impact of this?

Ms. Catherine Kane: If I could begin with your first question—with respect to the obligations that this proposes on the chief justice—I appreciate the intention behind this provision to give victims notice, but I do not think this information would be in the possession of the chief justice of the province where the offence took place. In fact, what occurs now is that victims register with Correctional Service of Canada after the offender has been convicted, so they will have notice of all the information they're entitled to and CSC will have their contact information. Perhaps they want it to go via somebody else or to be sent to a box number or whatever or by e-mail. All that information is kept in their registry. It's not in the hands of the chief justice.

I wouldn't want to suggest that the Correctional Service of Canada would have an ability to automatically advise the chief justice of the province in which that offence was committed that the 15-year mark is coming up. So perhaps this could be achieved another way. I think it is achieved to some extent now through the notification that CSC provides to registered victims. Without having an opportunity to inquire of our colleagues at CSC and of associations of chief judges as to whether this is possible, it may be problematic to put such obligations on them. That's with respect to the first part of the question.

In terms of when this notice would be provided—assuming there is eligibility at the 15-year mark—any notification would have to be provided to the victims before the 15-year mark, although from some of our discussions with victims over many years, they say that date is etched in their memory. They are made aware of 15 years, and it approaches them more quickly than they'd like it to. But it would be done at the 15-year mark, and then again if the next application was five years later.

The Chair: Thank you.

Mr. Lee.

Mr. Derek Lee: Are you saying that CSC would notify a registered victim of the 15-year mark in any event, and if this were passed there'd be a second notification that would come from the chief justice saying that the offender had passed on the opportunity to make an application after the maximum time has expired?

Ms. Catherine Kane: What I'm saying is that currently those victims who register receive from the Correctional Service early on in the process some information about the management of the offender's sentence. Then if they are registered they get information about upcoming possible release provisions. Those who don't register would perhaps miss that information. But the point I'm trying to make is that I cannot say with any confidence that a chief judge of the province would have that information available to them in order to fulfill this obligation.

● (1650)

The Chair: Thank you.

Mr. Comartin.

Mr. Joe Comartin: I just want to take issue with one fact.

Ms. Kane is correct in terms of the information that's given out with regard to the situation in which the prisoner—the convicted murderer—is making the application. But there is no information given out at this point if the person signals to the corrections people that he or she is not going to be applying. That's what Ms. Jennings' amendment is doing.

I wonder if she would entertain an amendment to take the authority away from the chief justice, to remove that part of the section and simply direct that Mr. Head, the Commissioner of Corrections Canada, be mandated to give that reporting. Because they're already doing it if the application is made. If the application is not made, they're not doing it.

Ms. Jennings is signalling that she would agree with that amendment, Mr. Chairman.

The Chair: Is that a friendly amendment? Can we do that by consent? All right. We'll do that by consent then.

Hon. Marlene Jennings: So it would then read....

The Chair: We need the exact wording of that. It's going to replace “Chief Justice in the province in which the conviction took place”—

Hon. Marlene Jennings: Yes, “or his or her designate”. That would be removed and it would say “the Commissioner of Correctional Service of Canada or his or her designate shall immediately notify”.

The Chair: Mr. Comartin.

Mr. Joe Comartin: I'd like to speak to the amendment.

I don't know if members recall, but Mr. Head indicated that Corrections Canada was in fact reviewing their policy with regard to the level of communication they had with victims and families of victims, more extended than the immediate ones as defined here. They are looking at that.

It's quite clear that it's part of an overall review, but I think it behoves us to deal with it. Again, this is one of the methodologies that we can put into place, as opposed to what the government claims throughout the rest of the bill, that in fact will relieve some of the stress of the family members. Knowledge is a great assistance in alleviating that stress. So this would go a long way, especially when you look at the numbers where you've had almost 84% of all of the first-degree murder convictions never applying. It would go a long way to say to the victims that they don't have to worry about this, he or she didn't apply, and that gets that part of it off your back.

The Chair: Thank you.

Is there any further discussion on LIB-3, as amended, with that friendly amendment?

(Amendment as amended agreed to yeas, 6; nays, 5)

The Chair: We will now deal with clause 3 as amended.

Mr. Comartin, I believe you had some comments to make.

● (1655)

Mr. Joe Comartin: Yes, they're with regard to proposed subsection 745.6(2.4). I don't know whether the government appreciates this, but given the pattern that we saw from all of the solid evidence we got, there is going to be an unintended consequence here of earlier applications than the existing pattern shows.

If you look at the statistics for the people who were released and the length of time it took to occur, and particularly if you recall the evidence of Mr. Sauvé concerning how long it took—he was one of the early applicants, that is, shortly after the 15 years—it took him about two years.

If you look at that pattern, what's quite clear is that the inmate, the convicted murderer, quite clearly at somewhere close to the 20-year mark—in the 18th or 19th year—is in the period of time when they consider applying. But many of them in fact do not apply until the 23rd year. That's the point at which the vast majority of them are.

Just do the math: the average stay is 25 years, and it takes about two years before they get out—that's what it was in 2009. It meant that the average person incarcerated for first-degree murder in this country did not make the application until the 23rd year.

The effect of putting in that you only can apply once—in effect, that you can only apply once at the five-year mark after the 15 years—is that you're going to get many more people applying earlier: they're going to say that because they're getting up to the 19th year they're going to do it now; otherwise they have to wait until the 25th year. We're going to see, I suggest strongly, and all of the evidence points this way, a great many more applications not at 23 years but at 20 years. Presumably, the vast majority of those who apply will, as now, be treated the same way: a certain percentage will be rejected at that point, but the majority of those who apply will in fact get out somewhat earlier than they would have but for this subsection.

It's because of the kind of approach taken by the government when they don't look at the facts and at the actual evidence in front of us that we end up with this unintended consequence. That's certainly not the consequence they want; they want people held for the full 25 years. This is what's going to happen; it's really inevitable that, rather than as in 2009, when the average person got out at 25 years, we'll see it go down to 22 or 23 years as an average.

The Chair: Thank you.

Is there any further discussion?

(Clause 3 as amended agreed to: yeas 11; nays 0)

(Clauses 4 and 5 agreed to: yeas 8; nays 3)

● (1700)

The Chair: We'll go on to clause 6.

Are you open to applying the vote on clause 5 to clause 6, in the interests of time?

No? All right, we'll call the question.

(Clause 6 agreed to: yeas 8; nays 3)

(On clause 7—*Existing applications*)

The Chair: Moving on to clause 7, we have two Liberal amendments. We'll do Liberal amendment number 4 first.

Ms. Jennings, do you want to present it?

Hon. Marlene Jennings: This is just to bring the rest of the bill into conformity. It was based on hopes that there would be sufficient support in this committee to extend the 90-day deadline to a possible maximum of 180 days. Given that the amendment was in fact adopted by the majority of the committee, this follows logically in clause 7 as it now stands. As clause 6 talks about the 90-day deadline, this simply corrects it to the 180-day deadline, as does the Liberal amendment number 5.

The Chair: Mr. Dechert.

Mr. Bob Dechert: Mr. Chair, since they both have the same effect, could we deal with them by one vote?

The Chair: I think the request was that we deal with them as separate votes. They are separate amendments, so let's deal with them separately in the interest of consistency.

We have Liberal amendment number 4. Is there any further discussion?

(Amendment agreed to: yeas 6; nays 5) [See *Minutes of Proceedings*]

The Chair: We'll move on to Liberal amendment number 5, which, quite rightly, has the same effect.

Is there any discussion on it?

Hon. Marlene Jennings: I think it speaks for itself, Chair.

The Chair: All right.

I'll call the question on Liberal amendment number 5 to clause 7.

(Amendment agreed to: yeas 6; nays 5) [See *Minutes of Proceedings*]

(Clause 7 as amended agreed to: yeas 11; nays 0)

(Clause 8 agreed to: yeas 8; nays 3)

The Chair: We'll move to clause 1, the short title. There is an amendment submitted, which is LIB-1. I have a ruling to make on it.

The amendment seeks to make an amendment to the short title. The second edition of *House of Commons Procedure and Practice* states at page 771: "The title may be amended only if the bill has been so altered as to necessitate such an amendment".

In the opinion of the chair, no amendment has been made to the bill that would necessitate a change to the short title, and the proposed amendment is therefore inadmissible. That ruling is consistent with previous rulings I've made.

So that particular amendment is out of order. That means we move to a vote on clause 1. Shall the short title carry?

This is a recorded vote.

(Clause 1 negatived: nays 6; yeas 5)

The Chair: This means the bill is left without a short title.

We'll move to the title itself. Shall the title carry?

(Title agreed to: yeas 8; nays 3)

(Bill S-6 as amended carried: yeas 8; nays 3)

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

An hon. member: No.

The Chair: Surely we can agree on something here.

Do you want to do it on division?

An hon. member: No.

The Chair: You want a recorded vote. Okay.

(Question agreed to: yeas 8; nays 3).

● (1705)

The Chair: Thank you all for that discussion.

Just before we adjourn, I note that at our next meeting we're dealing with Bill C-21. The clerk has requested that, if at all possible, you have your amendments to Bill C-21 to her by noon tomorrow so that we can review them and hopefully get them to our counsel as well.

Mr. Rathgeber.

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Thank you, Mr. Chair.

I was just curious to know whether Mr. Lemay and Mr. Comartin wanted a recorded vote as to whether we should adjourn.

The Chair: We're adjourned.

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