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# Standing Committee on Public Safety and National Security

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EVIDENCE

**Tuesday, February 15, 2011**

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**Chair**

**Mr. Kevin Sorenson**



## Standing Committee on Public Safety and National Security

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•(1835)

[English]

**The Chair (Mr. Kevin Sorenson (Crowfoot, CPC)):** I call the meeting to order.

Good morning, everyone, and welcome to meeting number 55 of the Standing Committee on Public Safety and National Security. Today is Tuesday, February 15, 2011.

This is our second meeting today. We also met bright and early this morning, and the intentions are that we'll go here for probably four hours.

As your chair, I want to commend the members of this committee and the members of our staff. They are working hard and with dedication to get things done on behalf of all Canadians.

Tonight we are considering Bill C-59, An Act to amend the Corrections and Conditional Release Act (accelerated parole review) and to make consequential amendments to other Acts. We are planning on making considerable progress on this bill tonight. Our committee members will also want to thank the many witnesses who are here with us this evening, and I would add that most Canadians will be very pleased to know that this great group of witnesses appeared on very short notice. Each one of you responded positively, and our committee appreciates this and wants to thank you.

We will have ample time to hear from each witness who wants to speak and to ask questions of you as well.

My understanding, unless our clerk has told you differently in the invitation, is that we're going to try to keep the opening statements to somewhere between five and seven minutes, so please be concise. You'll find that the chair is actually a little lenient, so if you go a little over, it's not an indictable offence, but we don't want it to drag on too long.

Go ahead, Mr. Holland.

**Mr. Mark Holland (Ajax—Pickering, Lib.):** Mr. Chair, we have quite a number of witnesses. Could we divide the time we allotted for witnesses into two sections so that we could take one group at a time? Some people can't even get around the table. It's going to become rather unruly to have everybody up there and to pose questions to all of them. I think it's just too much. I was wondering if we could do it in two sections.

**The Chair:** I've tried to allow everyone at the table just to get through the rounds of questions. If we start dividing it into two, one of the issues is where the officials will fit in. If we're going to split it at all, one argument would be that the officials should be the first

round, and we don't have a lot of government officials. One official is actually waiting just for clause-by-clause consideration; she will hold off for that, and Mr. Sapers, the correctional investigator, would be by himself, so if we started splitting it, we would have three panels.

For that reason, I just asked Mr. Sapers about it. It's not usually the way it is done and I know it has inconvenienced him, but he appears willing to be at the table and to present, so the choice isn't necessarily between one and two. It may be between one and three.

**Mr. Mark Holland:** My preference would be to split it into two sections. I don't follow why it can't be done. There may be a need to have department officials along with a couple of other people in the first and second rounds, but in the interest of expediency, let's make a decision and move forward.

It's a suggestion. If you want to canvass the will of the committee, I'm certainly okay with that approach.

**The Chair:** I think there is a difficulty with that approach. If everybody makes their presentations, we get a good sense of where we want to go; I can give a little extra time on some of the questions if you want, but if you go through the first round and then somebody says something in the second round that makes you realize you would have appreciated having a few of the others there, it becomes an issue.

Unless I'm being challenged on this, I would prefer to continue in this way. It's the prerogative of the chair, so I think we'll just continue in this manner.

Appearing as individuals are Pierre Gravel, Jackie Naltchayan—excuse me if I mess up on some of these names—and Ali Reza Pedram. From the Association des avocats et avocates en droit carcéral du Québec, we have Steven Fineberg, president, and Jacinthe Lanctôt, vice-president. From the Office of the Correctional Investigator, we have Howard Sapers, correctional investigator, and Ivan Zinger, executive director and general counsel.

From the Canadian Association of Elizabeth Fry Societies, we have Kim Pate, executive director, and from the Department of Public Safety and Emergency Preparedness, we have Mary Campbell, director general of the corrections and criminal justice directorate. She has actually stepped back and will join us on clause-by-clause consideration.

From the John Howard Society of Canada, we have Ed McIsaac, director of policy. Some of these people are sitting off to the side. From the Church Council on Justice and Corrections, we have Lorraine Berzins, community chair of justice, and Richard Haughian, the vice-president.

We welcome you.

Go ahead, Mr. Davies.

• (1840)

**Mr. Don Davies (Vancouver Kingsway, NDP):** Mr. Chair, you've twice referred to Mary Campbell as someone who's here for clause-by-clause. I want to clarify that she is here as a witness; she's listed on the witness list, so she is available for us to ask her questions as well.

**The Chair:** It is my understanding that she will not have an opening statement. She is available for questions.

**Mr. Don Davies:** Thank you, Mr. Chair.

**The Chair:** We appreciate that, Ms. Campbell.

I think we'll proceed by going right down the middle to the right, and then we'll come back to the middle and around, if that suits.

All right. Ms. Pate, please.

**Ms. Kim Pate (Executive Director, Canadian Association of Elizabeth Fry Societies):** Thank you very much, Mr. Chair.

Thank you for the invitation, and thank you for the recognition of the challenges of it being such short notice.

I appear on behalf of the Canadian Association of Elizabeth Fry Societies. I bring regrets that because of the notice I'm unable to appear with one of my board members; they are from across the country.

As many of the committee members are aware, we represent 26 members from across the country who provide services predominantly to women and girls who have been marginalized, victimized, criminalized, and who have been institutionalized.

It's in that capacity that I offer our comments. I will be very brief.

I wish to recognize that our organization does not support this bill. When you look at the reintegration potential that Corrections recognizes women have, that certainly our organization recognizes, it's a very high potential for reintegration.

In fact this bill will impact many women. According to Corrections' own research, 61.6% of those who are eligible for APR, accelerated parole review, are women. That will significantly impact the release because many of them are eligible very quickly and they have very few issues once they're released into the community. Their reintegration potential is high, very few are

breached, and when they are breached they tend to be breached on conditions as opposed to any new offences.

We have a very low breach rate, a very high reintegration rate, and a very good success on the use of accelerated parole with women. And, as one of my colleagues in Corrections said to me today, if this bill goes through, we'll probably need at least several more prisons fairly quickly to incarcerate the women who will be held for longer periods of time.

Thank you. Those are our comments.

**The Chair:** Thank you, Ms. Pate.

Mr. McIsaac.

**Mr. Ed McIsaac (Director of Policy, John Howard Society of Canada):** I thank the committee on behalf of the John Howard Society of Canada for the opportunity to appear with respect to Bill C-59.

The John Howard Society, for those of you who do not know, is a non-profit organization whose mission is the promotion of effective, just, humane responses to the causes and consequences of crime. The society has 65 front-line offices across the country delivering programs and services to support the safe reintegration of offenders into our respective communities.

The John Howard Society does not support the abolition of accelerated parole review. I have left with the clerk a copy of our position paper on presumptive gradual release, which I hope will be of assistance to the committee during their review of this legislation.

The protection of society is best served through the timely supervised reintegration of offenders back into our communities, not through the extension of periods of incarceration. The provisions of APR were introduced to assist the timely conditional release of first-time non-violent federal offenders. The available data indicates that approximately 900 offenders a year benefit from this timely supervised release and that over 80% successfully complete their period of supervision in the community.

In terms of public safety, it appears counterproductive to be contemplating the abolition of conditional release provisions that have assisted in the timely release of so many offenders. It as well appears counterproductive, with a penitentiary system that is overcrowded, to be taking a decision that will significantly increase the prison population and further limit access to correctional programming.

I urge the committee, through its deliberations, to consider the impact of abolishing accelerated parole review—the impact on both first-time non-violent federal offenders as well as the correctional process as a whole.

I thank you for your time. I look forward to your questions.

• (1845)

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

We'll now go to Ms. Berzins.

**Ms. Lorraine Berzins (Community Chair of Justice, Church Council on Justice and Corrections):** Mr. Haughian will go first.

**The Chair:** All right.

Go ahead, sir.

**Dr. Richard Haughian (Vice-President, Church Council on Justice and Corrections):** Mr. Chair and honourable members, thank you for this opportunity to appear before you.

The Church Council on Justice and Corrections is a national faith-based coalition of 11 founding churches, incorporated in 1972. We promote community responsibility for justice, with an emphasis on addressing the needs of victims and offenders, mutual respect, healing, individual accountability, and crime prevention.

In December 2010, the CCJC sent a letter to the Prime Minister of Canada expressing concern about the federal laws that are resulting in the building of new prisons. Bill C-59 is one of the bills about which we have concerns.

Ms. Lorraine Berzins, CCJC's community chair of justice, will speak to our concerns.

**The Chair:** Ms. Berzins, go ahead.

**Ms. Lorraine Berzins:** Good evening.

I'd like to say first off that we are very concerned about and not happy with the impact this bill is going to have in terms of going in the direction of putting more people in prison for a longer time and all the implications that has for our society, not only in terms of financial costs, but also in terms of social costs. However, we really do understand the public sentiment that is feeding this bill.

There is a sense of public outrage about certain kinds of offences that appear not to be resulting in a sufficient length of time in prison compared with what the sentence was pronounced to be. We understand that sense of disappointment, but it is such a shame that the solution you're proposing is going to affect a large number of others in ways that are going to be very destructive.

We wish you could propose a solution that would allow for exceptions to be made when the application of this would bring the administration of justice into public disrepute, for reasons of public sentiment around it, without affecting in such a rigid way all the others for whom it is really necessary.... It's just going in the same direction of how we use prison in this country, which is similar to how it's being used in the States. But the States have opened up to the fact that to use prison to send a message has been very, very counterproductive. We need it for public safety, in some instances, but there's a large number of non-violent offenders for whom we don't need it.

Also, there is the collateral damage it does, not only to the offenders who are in there and affected by that environment, but also to their families. The U.S. has actually documented this in a very specific way through their Pew foundation. They have documented the impact that it has socio-economically—and economically

especially—on the offender, the offender's family, and the children of the offender, and for a very long time to come.

I think we thought we had the luxury of using prison to send a message, but we don't. We have to wake up to the fact that we don't. We now know, very much so, that programs in the community are more effective, they're much cheaper, and they can provide much better satisfaction to victims.

So I think if victims are asking for more imprisonment, it's often because the other needs they have are not being met. If you would just take a step back from this blind complacency of how we use prison...this is what some of the people in the States are saying now. When they're looking at the results for them, they're saying that it should bring sadness and shame upon us and that we have to wake up from this blind complacency, this sleep of complacency, with regard to how we use prison, with all its damaging effects.

I would really urge you to find a better way to meet the needs of your constituents and the victims of crime—something that is a much more satisfying process for them than just a little bit longer time in prison for offenders when they're not an imminent danger to the community.

• (1850)

**The Chair:** Thank you, Ms. Berzins.

We'll now move to Mr. Gravel.

[*Translation*]

**Mr. Pierre Gravel (Norbourg Victim, As an Individual):** Good evening.

I consider myself to be on the other side of the fence in relation to what has just been said, because I am one of the Norbourg victims. Fortunately the parties involved in this affair did not want to go to court, because the public would have found out just how badly some had behaved, and I speak from experience.

I am here tonight to send a clear message. It is completely wrong for a person who has been handed a 12-year sentence to be getting out of prison before the victims have even been considered by the court.

As victims, we want to send a very clear message to these crooks, whether they are white-collar criminals or any other kind of criminal, which is that there is a line you simply cannot cross in our society. At this point, that message is not getting out. I hope that with the bill has been tabled in the House of Commons, we will arrive at a situation where honest citizens who become victims will be properly protected, and that there will be fewer victims.

Thank you.

[*English*]

**The Chair:** Thank you. *Merci, monsieur Gravel.*

Ms. Naltchayan....

Madam Mourani.

[*Translation*]

**Mrs. Maria Mourani (Ahuntsic, BQ):** Mr. Chairman, you forgot Mr. Pedram.

[*English*]

**The Chair:** Oh, I'm sorry. We changed chairs.

Go ahead, Mr. Pedram.

**Mr. Ali Reza Pedram (As an Individual):** First of all, I would like to thank you for giving me this opportunity to be here.

I am also one of the victims of Mr. Leon Kordzian. He defrauded over 45 people, collecting money to give interest of 20% to 30%.

In my situation, when this gentleman approached us, he showed us some kind of security, a notary's paper, to show it was legal. We went to the notary, and he put his house up as collateral, as security, if we would invest this money. He was in real estate, and he wanted to build some houses for newlyweds, couples. He fooled us into investing money to build these kinds of houses for the newlyweds.

After a while, we found out that this was all a fake, a fraud. When we asked him to give back the money, he always had excuses: that he didn't have it, that his mother was sick, and all this propaganda. When I found out that this guy had been in this kind of scam for almost 10 years, we went to the police and we claimed what happened.

Thanks to Madam Mourani, through her great help, we went through the police and we got lots of good response. We brought him to justice. We are in the case right now. Hopefully, we're going to bring justice to show him that this kind of fraud is unacceptable, and we can nail him and show the other victims that we are here for them.

Mrs. Naltchayan and I represent 45 people here, 45 victims, as a matter of fact. This guy defrauded us out of over \$1 million, including me. I am here to ask you to help us to stop this kind of scam by these kinds of people.

• (1855)

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

Now we'll go back to Ms. Naltchayan again.

[*Translation*]

**Mrs. Jackie Naltchayan (As an Individual):** I would like to thank you for giving us the opportunity, as individuals, to express the pain we have in our heart and talk about what happened to us.

I am the spouse of one of Leon Kordzian's victims. I was one of the first to discover that there was a scheme behind all of this. I went to the police, who told me they were sorry about what had happened to me. They told me there was absolutely nothing that could be done. The police didn't even have the decency to go and meet with this gentleman. They said there was nothing that could be done about this type of crime, that the guilty parties never go to prison and that the money is never recovered.

At that point, I set aside my own work and went into the community to find out more about the people this gentleman had dealings with — the people he talked to. I did a little investigative work and discovered there were 45 victims. I went to see them. Most of them are seniors, vulnerable people, women who are single parents, people who had made small investments, and who lost everything. These were not very wealthy investors, but they did have some savings. They lost everything. We had to mobilize all these people, change the culture and tell them that they shouldn't be afraid, and that they had to get help.

That was when we went to see Ms. Mourani — most of the victims live in her riding, in the borough of Ahuntsic-Cartierville — to tell her that we needed help, that the police were not helping us at all and that nothing was being done. So, people mobilized. That was how we were finally able to discover that there were 45 victims. Of those victims, there was one who spoke neither French nor English. Mr. Kordzian took that person to the bank and got him to open a \$55,000 line of credit, which he then stole. That lady is now working seven days a week at minimum wage to pay back her line of credit. Some elderly people lost everything and don't have any money left for the care they need.

And yet this gentleman is still out on the street, as though nothing had happened. He is a psychopath who planned this operation for months, perhaps even years.

As for Norbourg, he was sentenced to 12 years in prison by the judge but, all of a sudden, reality hits and we see that it takes five years to do an investigation, that you need lawyers, and so. Then, in no time at all, 11 months later, this gentleman gets out of prison. How is that possible? The judge handed down the sentence; so who actually decides? Furthermore, when he gets out of prison, this gentleman will have some \$90 million that's currently hidden somewhere in the world. He'll do a little community work, and have a good time. These people are extremely manipulative. He will go away somewhere and have the luxury of a nice retirement on the backs of people who will have to continue to work for the rest of their lives to recover what they've lost.

It isn't fair. Things don't work that way in other countries. In the United States, for example, Madoff was sentenced to 100 years in prison. In a case like that, a fraudster or thief thinks twice before committing a crime. Kordzian told me, nonchalantly, that there was nothing I could do. However, we are sitting here in Parliament today, trying to find a way of deterring these individuals.

Thank you.

• (1900)

[*English*]

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

We'll now move to Mr. Sapers. Of course, Mr. Sapers has appeared before at committees, I believe. I know him from Alberta, from a time long ago. I'm sure he's maybe just struggling about whether or not to make his return to Alberta. There seems to be so much opportunity there now.

Anyway, that's not what he's here to speak on this evening.

Mr. Sapers, please.

**Mr. Howard Sapers (Correctional Investigator, Office of the Correctional Investigator):** Thank you for that provocation, Mr. Chair.

Actually, I appreciate the opportunity to appear before your committee, Mr. Chair, and your sensitivity to the role of my office. This is an unusual presentation for us. In terms of the notice, it also was an opportunity for our office to practise its rapid response capabilities.

My purpose here is to reflect on the impact Bill C-59, the Abolition of Early Parole Act, would have on the system and on those under sentence who are serving their time in the system.

If enacted, Bill C-59 will likely lead to an increase in the incarcerated offender population managed by the Correctional Service of Canada by adding to the length of time served prior to conditional release. My office is concerned about the impact of another significant increase in the inmate population on an already burdened correctional system. An increase in the federal inmate population will affect the safety and security of institutions as well as the ability of individual inmates to receive the programs and services that will assist in their safe and timely return to their communities.

I'd like to first address the overall impact of Bill C-59. Then I'll ask my executive director and general counsel, Dr. Ivan Zinger, to speak about the specific impact of prison crowding on staff and offender safety.

Based on statistics for 2009-10 obtained from the Parole Board of Canada, in the past five years, 7,272 offenders were entitled to be considered for accelerated parole review day parole consideration at one-sixth of their sentences. Of those, 4,878 were directed to day parole. The grant rate is 67%. In the past five years, the successful completion rate of those directed to day parole was nearly 84%. Significantly, only 0.3% released on APR day parole resulted in a revocation for a violent offence, which of course is the test in the legislation as it exists. Most revocations were for administrative reasons.

Now, in the past five years, 5,255 offenders were entitled to be considered for APR, or accelerated parole review, for full parole release at one-third. Of those, significantly, 5,227 were directed to full parole. The grant rate was 99.5%, and in the past five years, the successful completion rate was 70%. Only 0.4% of those released on full parole as a result of APR resulted in a revocation for a violent offence.

It's also important to say that release on APR at one-sixth is not automatic. For example, Parole Board of Canada data for 2009-10 indicate that 947 APR releases were directed, while 545 were denied. It's important to note that PBC only releases offenders who do not pose an undue risk to society and who will be under close supervision by parole officers while they are in the community. In all cases, released offenders on parole continue to be under sentence and are monitored by the Correctional Service of Canada until their warrant expiry dates.

The purpose and principles of sentencing are described in detail in the Canadian Criminal Code. Conditional release does not undermine these principles. The Corrections and Conditional Release Act states that public safety is paramount in corrections and conditional

release decisions. It also stipulates that the least restrictive options consistent with public safety must be the guiding principles for those decisions.

The abolition of APR will result in non-violent offenders remaining in federal custody for significantly longer periods before being released into the community, this with limited net public safety benefit. It should be noted that the cost of incarceration is more significant than the cost related to offenders serving their sentences in the community under various restrictions.

•(1905)

We can also expect that the Parole Board of Canada will have to hold more hearings than before, as APR typically is conducted by a paper review.

These associated costs, in addition to significant incarceration costs, are important and need to be calculated.

Dr. Zinger.

[*Translation*]

**Dr. Ivan Zinger (Executive Director and General Counsel, Office of the Correctional Investigator):** Prison overcrowding has negative impacts on the system's ability to provide humane, safe and secure custody. It is well documented that overcrowding in prison can lead to increased levels of tension and violence, and can jeopardize the safety of staff and inmates.

When correctional populations significantly increase, timely and comprehensive access to offender programs, treatment and meaningful employment opportunities measurably diminish, resulting in delays for safe reintegration into the community.

The Office of the Correctional Investigator is also concerned about the differential impacts that Bill C-59 will have on specific populations, namely Aboriginal offenders and women offenders. The over-representation of Aboriginal people in Canada's prisons and penitentiaries is well known. Nationally, Aboriginal people are less than 4% of the Canadian population, but comprise almost 20% of the total federal prison population. For women, this over-representation is even more dramatic — they represent 33% of women in federal penitentiaries. The grant rate for day parole APR, or day parole at one sixth, is already significantly lower for Aboriginal offenders compared to the overall grant rate — 39% versus 63%.

The Office is also concerned about the potential impact on the women offender population. In the last 10 years, from 2000 to 2010, the number of women admitted to federal custody increased by 35%. The grant rate for APR — day parole at 1/6th of the sentence — is very good at 89%. Denying access to APR will have a more significant impact on women than men.

• (1910)

[English]

**Mr. Howard Sapers:** Mr. Chairman, Bill C-59 needs to be carefully understood and evaluated, as proposed changes in conjunction with other legislative proposals may have significant effects on the rate, cost, and distribution of incarceration in Canada.

We know that the majority of offenders do not appear before the parole board at their earliest eligibility. We also know that waivers and postponements of parole hearings are related to the capacity of the Correctional Service to ensure that offenders have completed their core correctional programs in a timely fashion and that case management preparation has been completed on time.

The abolition of APR will have a system-wide effect on the ability of the Correctional Service of Canada and the Parole Board of Canada to process cases in a timely fashion.

Thank you, Mr. Chairman. I'll be pleased to answer any questions committee members may have.

**The Chair:** Thank you, Mr. Sapers and Mr. Zinger.

Mr. Fineberg.

**Mr. Stephen Fineberg (President, Association des avocats et avocates en droit carcéral du Québec):** Thank you.

I'm going to speak for myself and on behalf of my colleague, Maître Jacinthe Lanctôt. We're from the Association des avocats et avocates en droit carcéral du Québec, which has existed since 1992. We represent the lawyers in Quebec who have specialized prison and parole practices.

The reasons we're opposed to the bill abolishing accelerated parole review are several.

We consider that the accelerated parole review program is one of the most important features of the existing correctional and release regime. It serves several crucial purposes. It distinguishes between violent and non-violent offenders, and this is something that Canadians have always wanted. Despite the amount of harm that non-violent offenders impose, Canadians still are preoccupied with the effect of violent crime, and they don't want the two categories treated equally.

The accelerated parole review regime removes a significant number of relatively non-criminalized, often young individuals from a destructive environment, if the board certifies that they are appropriate cases, and it removes them as early as possible, ideally before they fall in with even worse company. Accelerated parole review serves in many cases to correct the difficulties that are imposed by the needs of persons serving short sentences to build a file for the parole board to review. Accelerated parole review dramatically reduces the cost of the system. You've all seen the studies that put the average cost of incarceration of one individual at

more than \$93,000 a year. Clearly, supervision in the community is a far cheaper option.

Now we want to bring your attention to the concrete impact that a repeal of accelerated parole review will have on the function of the parole board. The parole board, until about two years ago, was conducting hearings for various matters, such as the imposition of residential conditions on people. It doesn't do it anymore because it doesn't have the time and it doesn't have the resources, so it takes those decisions in file studies. Now, this bill proposes that the resources of the National Parole Board be directed to the most obviously releasable cases, the people who it is perfectly clear to everyone are going to be released. This doesn't apply, obviously, to everyone who's eligible, but in the category of accelerated parole review, there are many individuals who are clearly non-criminalized and who should be removed as early as possible, and that's what the board will do when it finally gets to them. But from now on, it's going to be conducting in-person hearings for these cases where its energies aren't even needed.

Is this good governance? Is this a good use of our resources?

The accelerated parole review is not a gift to people. What it does is it extends the period of supervision of these appropriate candidates—supervision in the community. Supervision in the community is not a failure of the system. It's social reintegration in a structured, managed way. It's in the interest of public security. It gives us hope that these individuals will not be committing new crimes and creating new victims in the future. That has always been the purpose of supervised release, and here we're backing away from it. It makes no sense.

Some members around this table perhaps are not aware of what day parole looks like. There are various forms of day parole. Although the parole board finds itself obliged to release many people through accelerated parole review, it still determines what the day parole is going to look like, and when it deals with many of the accelerated review cases, it imposes community projects that are operated out of closed halfway houses. That means that people are obliged to perform volunteer work, unpaid, at a place supervised by Correctional Service. At the end of their working day, they have to come back to a halfway house. They're not allowed out on the way back. They can't go to a restaurant. They can't go to the bank. They can't go to their home. They can't see their families. They have to go straight back to a closed halfway house, and that's where they spend their evening. These people are not leading a comfortable life. They are supervised. If a person receives 12 years and is released at two years to a halfway house, for the next 10 years that person is supervised. People released on accelerated parole review are subject at every moment to suspension.

I had a client serving a 13-year sentence who was released at one-sixth, thanks to accelerated parole review. He did not respect his responsibilities. He stole one piece of steak from the community program he was working for. He was out one week. He did two-thirds of his sentence. The parole board revoked his release for stealing one steak from his community project and he did two-thirds of the sentence. Everyone is under that pressure and that scrutiny. It is not a good time.

• (1915)

Let's remember that when you lose your accelerated review, you're never eligible for accelerated review again. It's a one-shot deal. I could give you examples of the kinds of clients who have been eligible for accelerated review: relatively naive and innocent people who are sometimes used by organizations. They receive federal sentences despite their lack of priors because the courts insist on general denunciation of certain crimes, especially drug-related crimes.

The courts of appeal have decided that the principles of general denunciation should be given emphasis by the sentencing judges, and people receive huge sentences—although the judges understand that in some cases they're not a risk to the public—for the purpose of denunciation of the crime. These people should be brought out as soon as possible, because they don't threaten the public.

Abolishing accelerated parole review is pointless. This could be dealt with in other ways. Victims who are here tonight have a right to justice. They've been badly used, very badly used, but the kinds of people who have abused them don't need to have an automatic get out of jail free card. All one has to do is fine-tune this bill to remove from the people who are eligible for accelerated review the kinds of criminals who have abused the victims who are here today.

Large-scale fraud artists don't have to be eligible for this program. There is no need to kill the whole program for deserving people in order to target those large-scale fraud artists and other kinds of people that one does not want to see freed. Justice does not mean dealing cruelly and in a counterproductive way with the kinds of people Parliament had in mind when it adopted this program.

The last thing I would like to say is that our association—like lawyers across the country—is firmly opposed to the retroactivity that the bill is proposing. This is shocking. This is scandalous.

People plead guilty when they don't have to based on the law as it exists when they're making their decision. They consult their criminal defence lawyers. They consider what their options are. They see that accelerated parole release exists and it's one-sixth of the sentence. They don't defend themselves in court. They don't want to pay for a long trial. They say, "I'll take my pill", because there is this accelerated parole review. It's meant for a guy like me who's a non-violent person with no history of violence. But now they discover that they never should have pleaded guilty. Now they discover that, retroactively, this bill is going to take away what the government offered these people. It's shocking. It's probably unconstitutional, and I guess we're going to find out, because there are going to be countless challenges all across the country as people try to convince courts, through testimony maybe from their defence lawyers, that they pleaded guilty specifically in reliance on this law that you've now yanked away.

Whether it is unconstitutional or not, it is improper. Bill C-39 did not want this to be retroactive. Why? Not because the government wanted to do favours to people who were serving sentences, but because the government recognized that it is not right to remove this retroactively. It is not the way Canadians do things. I urge you to kill the retroactivity if you adopt this bill. That is not proper public policy.

Thank you.

• (1920)

**The Chair:** Thank you, sir.

Now we will proceed to Madame Lanctôt.

[*Translation*]

**Mrs. Jacinthe Lanctôt (Vice-President, Association des avocats et avocates en droit carcéral du Québec):** I can give you one or two examples of people who benefited from the accelerated parole review procedure. These are recent examples given to me by colleagues, particularly the example of a young 26-year-old woman who was arrested in Aruba for narcotics trafficking and importation. She was given a long prison sentence — eight years. She had come under the influence of her lover. When she was in jail, she realized that she was pregnant. She was able to be transferred back to Canada fairly quickly, given her circumstances. She benefitted from APR and was released to a halfway house. She had a lengthy term of day parole, because the longer the sentence, the longer day parole and community supervision last. So, she benefitted from that procedure, was released and was able to care for her child in the halfway house.

I have another example for you. It involves an individual, a working father who had significant financial problems and whose house was contaminated by fungi. The legal procedures were long and costly, he lost his job and things went from bad to worse. He lost, not only is job, but his spouse. He went through a marital separation. That was when he allowed himself to be tempted by a childhood friend who proposed that he get involved in narcotics trafficking and, in particular, growing cannabis. Thanks to APR, that individual was able to be released on day parole.

The young woman I referred to earlier had no history either of violence or any other type of crime.

As for the man, he had a history of simple possession of drugs and theft, but other than that, he had no other history. He was therefore able to benefit from APR and was released to a halfway house. There he took advantage of the resources available. He received help to better manage his finances and other advice, to try and get his life back on track. He would never have received these services had he remained in jail for a long period. As others stated before me, the longer people stay in prison, the greater the danger of their contamination by criminals.

[*English*]

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

We'll move to our first round of questioning.

We'll go to Mr. Holland, please, for seven minutes.

**Mr. Mark Holland:** Thank you, Mr. Chair.

At the start, let me say to each of the victims who spoke, first of all, my deepest sympathies for what you went through.

Secondly, we completely agree with the notion that large-scale fraudsters—such as the one who defrauded you—should not have access to this provision. In fact, at justice committee some two years ago, we introduced measures to make that change. We feel very strongly about that.

But our concerns rest not with large-scale fraudsters; they rest with, as I think many witnesses have identified, all of the other people who are being now caught up in these changes. We're confused as to why there is a need to lump everybody in there if the target is the type of people who defrauded the people around this table.

First, to Madam Campbell, what's the cost of this bill?

**Ms. Mary Campbell (Director General, Corrections and Criminal Justice Directorate, Department of Public Safety and Emergency Preparedness):** I think the position of the government has been that costing is considered a cabinet confidence. Consequently, I don't think I'm able to answer that question.

**Mr. Mark Holland:** Mr. Sapers, we have some 18 crime bills before us. Do you think it would be prudent of Parliament to vote on those 18 bills without some estimation of what the costs would be? I ask you in your position as a correctional investigator.

**Mr. Howard Sapers:** I think that represents a challenge for Parliament, for all members.

From my perspective as correctional investigator for Canada, I'm not in a position to comment specifically on the financial impact, but I can tell you that there's a system shock that's beginning to set in. I heard somebody use the expression “policy whiplash” in terms of the men and women who operate the system having to adjust and readjust to the pace and the rapidity of the changes that are coming. Obviously the financial part is part of that accommodation.

So the Parole Board of Canada, the Correctional Service of Canada, and all of the partners they work with in the communities, of course, are under some duress just keeping pace with the change and having then to reallocate funds and seek new funds through Treasury Board submissions, etc.

● (1925)

**Mr. Mark Holland:** I'm going to come to Madam Pate in just a moment on this question. But before I go there, one of the concerns I have with the ballooning and expanding prison population is that it gives less resources to go after the very types of people these victims are concerned about, the larger-scale, more serious offenders. The system becomes diluted.

In fact what we found through questions on the order paper—and I'm looking for you to confirm this—is that as the population is expanding, the number of dollars available for program and services to actually make people better is either staying the same or is diminishing. So in real terms, the amount of money available for rehabilitation to make people better has dwindled relative to the number of inmates.

Can you confirm that is a concern you share? What is the trajectory of that?

**Mr. Howard Sapers:** There have been some new reinvestments, particularly in the area of mental health services. But overall the capacity of the service has not expanded, from a program and intervention standpoint, at the same rate it's projected to expand in terms of bricks and mortar.

Many of the announcements we've seen have been for expanding living space capacity. We haven't seen the detailed plans on how that's going to be married to the capacity to provide an increased number of programs and the other interventions that go into good corrections.

**Mr. Mark Holland:** Madam Pate, I will come to you for a second, first on the question of whether Parliament should vote with a blindfold on. Do you think it's appropriate that Parliament vote for things when they have no idea how much they cost?

Second is on the question that I asked about diminishing services. With larger and larger populations, more and more first-time non-violent offenders spending longer periods of time...having reduced services, for somebody who is on the front lines of dealing with rehabilitation, what do you think that impact is going to have? As well, can you expand on your comments about how this bill is going to disproportionately affect women?

**Ms. Kim Pate:** Thank you very much, Mr. Holland.

I had the privilege and responsibility of being on the advisory committee when the Parliamentary Budget Officer was trying to cost out one of the previous bills. And with the difficulty they had, as Ms. Campbell has identified, in obtaining information from the government about the costs, we have a significant concern.

The last time we had a costing of the amount to keep a woman in prison, it was around \$185,000 a year. Of the figures I was provided today, I was advised this would impact approximately 910 women a year—minimum. Those are 10-year-old figures. So at that amount, we're looking at somewhere in the neighbourhood, I would say, of \$10 million, and that's for women alone.

We know that disproportionately it will impact the number of women who may be retained in custody for a longer period of time. When we're talking from one-sixth to potentially longer than one-sixth, we're talking at least one year probably, maybe longer; it could be shorter—it could be as short as six months—but nevertheless, we're talking in the millions of dollars just for women alone.

We're talking about numbers that at 910 per year could mean two more prisons at least. It could also be three more prisons to five more prisons, depending on which figures you're looking at.

**Mr. Mark Holland:** And the figures you gave obviously don't include capital costs for prison construction.

I'm interested in going one step further. The Conservatives often talk about us not talking about victims. Maybe they fundamentally misunderstand the point that if you have a lower rate of recidivism and you prevent crime, you either don't have victims in the first place or you've reduced the number of victims out there, which I think is an extremely important point.

I'm wondering about the impact, particularly when it pertains to women, which is your specialty.

Mr. McIsaac, would you respond with regard to men and the impact this bill will have on rehabilitation? If they need a translation, that means not allowing crime and reducing victimization.

• (1930)

**The Chair:** You have 10 seconds, so very quickly.

**Ms. Kim Pate:** It would have profound impact on the ability to reintegrate. Already we see those resources being cut. We see those resources being cut for those whose sentence is completed, which is likely to put them at increased risk. We also know the rate of victimization for women in particular, indigenous peoples, and for most of the individuals who are in prison.

If this would discourage major fraud, then probably many of us would be speaking in favour of it, but we know that's not what it will do.

**The Chair:** Thank you, Ms. Pate.

We'll now move to the Bloc Québécois.

[*Translation*]

Ms. Mourani, you have seven minutes.

**Mrs. Maria Mourani:** Thank you, Mr. Chairman.

Good evening to all our witnesses, and thank you for agreeing to stay so late to provide your insight with respect to this bill.

Mr. Sapers, I have several questions for you. I am trying to understand the figures you have provided. You cite statistics for 2009-2010, according to which 7,272 offenders were entitled to be considered for APR in the last five years. You also talked about the number of offenders released on day parole after serving 1/6th of their sentence, if I'm not mistaken. Those numbers cover a five-year period. That means that more than 1,000 people per year, approximately, were eligible.

If you could provide statistics on an annual basis, I would be better able to see the full picture. Are we talking about more than 1,000 inmates a year?

**Dr. Ivan Zinger:** Perhaps I could provide some clarification. When we were asked to appear, we went onto the National Parole Board's website and found its performance report. That report provides percentages, but not exact figures. We therefore asked the Board for more precise numbers. The figures we quoted today are the ones we received from the Board. They cover a five-year period. We also were given figures for 2009-2010.

**Mrs. Maria Mourani:** Which are the ones I have here.

**Dr. Ivan Zinger:** The number is about 1,500.

**Mrs. Maria Mourani:** Per year?

**Dr. Ivan Zinger:** Yes, for one year. In actual fact, 1,500 people were eligible for APR, but a little less than 1,000 were granted day parole and a little more than 500 others were refused.

**Mrs. Maria Mourani:** You also talked about 5,255 offenders who were entitled to be considered for APR — full parole at 1/3rd of their sentence — in the past five years. So that represents about 1,000 people per year.

Correct me if I'm wrong, but are you telling us that full parole will no longer exist if this bill passes, as it surely will? Will people serve two thirds of their sentence?

**Dr. Ivan Zinger:** The answer is no. Only the accelerated parole review procedure will be eliminated. Basically, that procedure is a paper review, based on the file and risk criteria.

**Mrs. Maria Mourani:** So, it is not based on the analysis of a parole officer who has met with the offender several times, done an assessment with a multidisciplinary team and has determined whether the risk of a repeat offence is high or not, and whether or not he should be released. Do you agree with me?

**Dr. Ivan Zinger:** That decision is made by the Board, not by a parole officer.

**Mrs. Maria Mourani:** He makes a recommendation to the Board.

**Dr. Ivan Zinger:** That's correct.

**Mrs. Maria Mourani:** Would you agree that if APR is removed from the Act, that will in no way change the fact that offenders will be eligible for day parole, for example, in six months' time, after serving one third of their sentence, where there is not a high risk of a repeat offence?

[English]

**Mr. Howard Sapers:** Permit me.

If we look for a moment at just the roughly 1,000 a year who currently access full parole as a result of directed parole releases through the APR process, those 1,000 cases a year, give or take, would have to go to hearings.

But what we see right now in terms of the behaviour of the Correctional Service of Canada is that most releases from a federal penitentiary today happen as a result of statutory release and not due to a conditional release decision of the parole board. One of the reasons for that is that case preparation, getting those files together so they can be presented to the parole board so a hearing can be held, is behind. We also know that there's an increased number of waivers and postponements of hearings. So even with 1,000 cases a year being siphoned off and directed through APR, there's still a backlog, and most releases are still happening statutorily as opposed to being a decision of the board. So we can speculate that if you put those 1,000 cases back into the system, you're only going to create a deeper backlog. It's really a matter of speculation.

• (1935)

[Translation]

**Mrs. Maria Mourani:** What you're saying is very interesting. Basically, it's not that these offenders will not be able to be released from prison; rather, they will have to appear at a hearing before the Board, rather than being assessed through a paper review, as is currently the case. They will have a hearing before the Board, something which could plug the system. Later, they will be assessed by a multidisciplinary team. A risk evaluation will be done, they will come before the Board and the Board will have to determine whether or not to direct their release, based on the multidisciplinary team's recommendation. So, it cannot be said that this bill will prevent people from getting out of prison. Instead, from now on, they will be assessed in a more detailed fashion by an officer and will have to

appear before the Board. The decision will no longer be based on a paper review. Is that correct?

[English]

**Mr. Howard Sapers:** You were, of course, correct that people will still be eligible under the law for some form of conditional release at some point in their sentence. The difference is when and how it's processed and considered. So the impacts are on both the Correctional Service, in terms of more men and women spending longer in custody before they are released, and on the parole board to accommodate those additional number of hearings to get people before the board for potential full release.

**The Chair:** Thank you.

Thank you, Madam Mourani. Unfortunately, your time is up.

Mr. Davies, please.

**Mr. Don Davies:** Thank you, Mr. Chairman.

I also want to express my condolences to the victims for the suffering they've experienced.

I'm going to take a risk and say something that I think is on everybody's mind here. The prospect of seeing Earl Jones and Mr. Lacroix walk out of jail after serving one-sixth of their time—after two years of a 13-year sentence—is jarring to Canadians. But also at issue here is the wisdom or not of making a policy that applies to 1,000 people a year to target two people. So I'm going to direct my questions to that.

This committee did a mammoth study on the prevalence of mental illness and addictions in the federal prison system. We found that 80% of the people in federal institutions suffer from addictions or alcoholism, and a very high percentage—I don't even think we can settle on a number—suffer from mental illness. I know that getting access to timely and effective treatment for addictions or mental illness is woeful in our federal institutions right now.

Transferring those people who are eligible—first-time, non-violent offenders—into halfway houses in the community, where they have access to far broader community services like addictions treatment, mental health resources, reintegration, connections with their families, and work, is helpful to their reintegration and rehabilitation.

Does anybody disagree with me on that?

I also want to ask about cost. It's my understanding that it costs about \$140,000 a year to keep a male prisoner in a federal institution. We heard Ms. Pate say it costs \$185,000 for a female—

**Ms. Kim Pate:** That's for minimum security.

**Mr. Don Davies:** It could be higher then.

Does anybody know how much it costs to house a male offender in a halfway house in a major city?

• (1940)

**Mr. Ed McIsaac:** The last figure I saw was in the mid-twenties.

**Mr. Don Davies:** So it's about \$25,000.

**Mr. Ed McIsaac:** Yes.

**Mr. Don Davies:** I imagine it's probably similar for women.

**Ms. Kim Pate:** It depends on economies of scale. Sometimes they're smaller houses. But it's also important to note that people are fully supervised in those settings.

**Mr. Don Davies:** So if we keep 1,000 people.... Did you have 900 women...?

**Ms. Kim Pate:** There were 910 women in 1999 to 2000, based on—

**Mr. Don Davies:** Mr. Sapers and Dr. Zinger, are these figures you're giving for both males and females?

**Mr. Howard Sapers:** Yes. The 1,000 was just for those who were released on full parole, not on day parole. About 1,500 a year who are eligible are processed for day parole.

**Mr. Don Davies:** Okay. The government doesn't think Canadians need to know how much this costs. They seem to think that Canadian taxpayers' dollars.... We can't know how much it's going to cost, but I'm going to do some math.

If we have 1,000 people a year who have to stay in prison for one-third of their sentences instead of one-sixth of their sentences and the cost differential is at least \$100,000, right off the bat you have 1,000 times \$100,000 for every person who would have to stay in prison, as opposed to being in a community. Is my math wrong?

We have a problem with overcrowding. There was a memo released a week and a half ago by Correctional Service. It estimated that just two bills of this government will result in 4,000 more offenders coming into our prisons in the next two or three years, and we will have to hire an extra 3,300 new prison staff. On top of that, this bill means that 1,000 people a year would have to stay in those prisons, so that would be 5,000 more people in our prisons in the next two to three years. That's out of a total of 13,000 prisoners. So we're going to add about 40% more prisoners.

Do we have room in the prisons to put all these people in cells in the next two years?

**Mr. Howard Sapers:** The Correctional Service of Canada is adding cell capacity. They have projected their capacity out over the next five years to, I believe—and I could be corrected on this—another 2,700 cells, and that was based on their estimates of what the legislation to that point would require, in terms of increased capacity. In the meantime, of course, crowding continues, particularly in medium security facilities.

**Ms. Kim Pate:** And that is the case particularly in women's prisons, all of which are already overcrowded, and this will impact women prisoners disproportionately.

**Mr. Don Davies:** So let me summarize. The result of this bill will be to drastically increase costs, both operational and capital. It will drive up overcrowding, which will result in more tension and more violence for both staff and inmates.

We have what sounds to me like a successful program, through which the vast majority of people who get out on accelerated parole do not reoffend. Do we have any evidence that keeping these people in jail for longer will have any positive effect?

I also note, Mr. Chairman, for the record, that there's nobody here from the National Parole Board. We tried to get someone here, and I just want to read into the record that they said:

Given the extremely short notice the Parole Board of Canada was provided to prepare for today's meeting, literally hours ago, the PBC must decline the committee's invitation to appear later today. PBC officials would be delighted to appear before the committee at a future date.

I want to ask the committee this. The Bloc and the Conservatives have joined together to ram this through Parliament in a matter of a week. Is there any urgency, based on evidence, that you can tell us about, to passing this bill today, as opposed to studying the impacts of this bill, determining the costs, finding out who it would affect, and determining the policy implications of this?

**Ms. Kim Pate:** It's quite the contrary.

**Mr. Don Davies:** Last, I just want to ask the two victims something.

You more than anybody know the impact of having your financial situation likely devastated by people. As taxpayers, do you want to know how much this would cost you before we embark on a program that would put a thousand people in prison a year?

• (1945)

[Translation]

**Mr. Pierre Gravel:** I see this from the perspective of a victim, rather than a taxpayer,

Those of you who have never been through something like this would not want to experience what I have in the last five years. Like some of the other victims, I decided, right at the beginning of the process, to forget about my money and carry on, because I was able to do so. Some 9,200 people were swindled by Mr. Lacroix. Here we're talking about 5,000 offenders. We're comparing apples and oranges.

For five years, the lives of the vast majority of these people have been completely destroyed. They waited five years for the system to finally kick in and tell them that, yes, they would be taken care of. We realized that this is the way the system works. However, that does not give us back the five years we lost. Some people committed suicide. Terrible things occurred. Things just as terrible, if not worse, than what happened to the people you referred to, who brought on these situations themselves. Here we've been talking about fraud, but we could also talk about all the other types of crimes.

I'm wondering about the arguments I've heard. It is clear to me that opinion is deeply divided at this table. On the one hand, we are told we mustn't touch this because it could have a negative impact on certain people. But if I were to do a study, I'd be curious to see how much this has cost the Government of Quebec, if you consider all the people who had to be hospitalized or received treatment, the people who died, the effect it had on their family, and so on.

I came through it all right. Why? I couldn't say. I decided to move on. But the majority of the Norbourg fraud victims could not do that. I know people who committed suicide. I, personally, know of two people. And I know about others who ended up in hospital. That is what happened to one of my friends. He spent nine months receiving psychiatric care in hospital.

These are major impacts that cost a lot of money.

[*English*]

**The Chair:** Thank you very much, Mr. Gravel. Your time is up.

We'll now move to Mr. MacKenzie.

**Mr. Dave MacKenzie (Oxford, CPC):** Thank you, Chair.

It certainly is nice to hear the side of a victim, because frequently all we hear is the other side. I'm wondering if the panel would be surprised that this passed following a unanimous vote in the House tonight. All the parties support it. Everyone in the House supported it, so to come here tonight—

**Mr. Mark Holland:** A point of order, Mr. Chairman.

**The Chair:** I will take the point of order.

Mr. MacKenzie, I think it's important to note that it's been moved to committee. They didn't just defeat it; they said that it's worthy of at least coming to this committee tonight.

Go ahead.

**Mr. Mark Holland:** On that, because it's an extremely important distinction, we have made it pre-eminently clear that we support elements of the bill that would target large-scale fraudsters. But to hold it out that we support the whole bill because we want a discussion at committee—

**The Chair:** I'll take that point. That's debate.

Continue, Mr. MacKenzie.

**Mr. Dave MacKenzie:** It did pass unanimously in the House.

I appreciate, sir, hearing a victim. I have something here that came from the Earl Jones organizing committee. They have asked me to read it, and I will:

In response to the current debate in Ottawa on the newly proposed parole law, Bill C-59, the victims of Earl Jones would like to express their support for the ongoing

efforts of both the Conservative government, and the Bloc Québécois, in their combined efforts to better protect the rights of all victims of white-collar crime.

The victims have worked hard over the past 20 months with the Conservative government in bringing forward their many crime bills, and are very pleased with these legislative efforts. We do not want to see this important piece of legislation scuttled by the opposition parties that place the rights of offenders over the rights of victims.

The elimination of the so-called 1/6th access to early day parole for crimes committed by non-violent offenders not only better protects these victims, but also serves to provide the strongest deterrent in our society against any acts of serious fraud, and theft resulting from such fraud, from white-collar criminals.

Most notably, Vincent Lacroix was recently eligible for early day parole, and has subsequently been released from prison, and is on the streets of Montreal.

We do not want to see the same thing happen to Earl Jones, and we are petitioning all political parties in Ottawa to stand up for the victims of Earl Jones, and asking them to do the right thing to act now, and support the passage of Bill C-59.

“As a victim of the Earl Jones Ponzi Scheme, I know first hand how devastating the effects that white collar crime has had on the lives of the victims, their families and their descendants. Almost every week there is a new Ponzi Scheme discovered in Canada and to date there is little incentive in our current criminal code to discourage criminals from taking this lucrative path. White collar crime is fast becoming the most debilitating crime for Seniors in the country. We have been left without our savings and have been shamed and ridiculed in the press. Time is of the essence in this matter.”

“Do you know what it feels like to be ready to retire, knowing you have enough money to enjoy your home and to do some travelling, but suddenly to have the carpet pulled from under your feet? We have gone through this because of Earl Jones and the fraud he perpetuated for so long. We have lost our nest egg, as well as the money we wanted to leave to our children. We have had to go back to work. We don't want to see this man out on parole as early as next December. This is not a good system. Please work with the other parties to come to a good conclusion for all of us that have been victims of ‘white collar crime’”.

● (1950)

**The Chair:** Could you slow it down a little bit, please?

**Mr. Dave MacKenzie:** Sorry.

“Obviously you [or] your loved ones have not been victims of white-collar crime. As a victim of Earl Jones, I can tell you that the way the law stands now, Jones will be free long before any one of us regain any semblance of normalcy and closure. It makes no sense that a man, sentenced to 11 years in jail for ruining the lives of 158-plus people will serve only 22 months in jail. I can tell you that my father died and his whole estate was stolen, all within 3 months, leaving us completely devastated. Two years later, we are still scrambling to pay Dad's 2008 taxes.... This is a very serious crime with serious long-term repercussions—the penalty should be proportionate to the crime.”

If I could ask Jackie Naltchayan, can you tell us the sense you have as a result of being a victim?

[*Translation*]

**Mrs. Jackie Naltchayan:** I feel betrayed. I feel as though I have been violated. I no longer trust people.

Based on what I have heard today, everyone seems to be very concerned about the state of mind and rehabilitation of people who did things they should never have done, but no one seems concerned about the lives of their victims, who have to carry on. All these people are very concerned. We have to rehabilitate them. But what about us? How are we going to be rehabilitated? How do you keep on going when you are suffering from psychological problems such as depression, when you see people committing suicide around you, when you see elderly people who have lost everything? No one is concerned about that.

What I think is that the Charter of Rights and Freedoms that we have here in Canada serves to protect criminals, instead of the victims or the people of this country who work and pay their taxes. I find that very frustrating.

In addition to that, we have to keep paying. We cannot even get a tax credit, because we were swindled. We are still paying taxes.

These people are concerned about overcrowding. We have to build more prisons because it's going to be the disease of the century. It won't be bank holdups, it's going to be fraud — by the white-collar criminals we hear about every day. They are coming out of the woodwork.

We have to find a solution; we have to get them to stop. We have to scare them and tell them they will suffer the consequences. That is something you learn when you're very young. You are told that there are laws you have to abide by and that, if you do not, there will be consequences. We shouldn't be giving them opportunities or saying that, for psychological reasons, we have to help them become reintegrated and all of that.

Who here is thinking about us?

[English]

**The Chair:** You have two minutes.

**Mr. Dave MacKenzie:** Mr. Pedram, could you give us a sense of what it has done to you?

**Mr. Ali Reza Pedram:** I just want to say I took this money from the line of credit that I had in the business. Since 2007 I have worked 18 hours a day just to pay the interest and service charges to the bank, and I still cannot come up with the money to pay the full amount to the bank.

Until this moment, I struggle just to pay the interest on that money I gave to Leon Kordzian. I don't know how long it's going to take me to come up with the money to pay off the bank and get free. This is part of it. Every night the family, my wife, tell me it's my fault; I shouldn't have trusted this guy. Psychologically, it affects you. Everybody's blaming me for this wrongdoing, trusting the person. It's the trust. I was trusting a person to invest money. Investment is different from being defrauded. That is the thing that comes to your mind. It affects your morale, your mind. Emotionally, you are a victim. It's like getting raped.

That's all I can say.

• (1955)

**The Chair:** Very quickly. You have about 20 seconds.

**Mrs. Jackie Naltchayan:** We're still lucky in a way because we continue to work. We're young and we're still working. What about all these elderly people?

[Translation]

The elderly and the women who don't speak our official languages, who are very vulnerable and sick, who is thinking about helping them? Who is thinking about rehabilitating them into society, so that they can carry on living?

[English]

**The Chair:** Thank you very much. Your time is up.

We'll now move to Mr. Kania.

**Mr. Andrew Kania (Brampton West, Lib.):** Thank you, Mr. Chair.

Ms. Campbell, in a response to Mr. Holland's question, when he asked you about what this bill would cost, you indicated that's a cabinet confidence and therefore you can't answer. I'm going to ask you to be a little more specific.

Are you aware of the answer and you're saying because the government says it's a cabinet confidence you will not provide it? There's a difference. Do you have that information and you can't provide it, or do you have it at all?

**Ms. Mary Campbell:** I have most of that information. It's part of my responsibility to consider costs in terms of developing legislation. Yes, I have most of that information or access to it. The issue is disclosure of it. As I said, government has indicated it's a cabinet confidence.

**Mr. Andrew Kania:** So you've provided the information to the government about what it would cost for these changes?

**Ms. Mary Campbell:** I said I have the information or access to it. I really can't talk about what I've provided the government in any detail because I think that is cabinet confidence of advice.

**Mr. Andrew Kania:** So if the government asked you, in theory, to provide it, you would be able to answer that question for them?

**Ms. Mary Campbell:** I think I'm able to answer almost all questions that I'm asked about legislative proposals.

**Mr. Andrew Kania:** Yesterday and today in the House of Commons we asked the government questions about costing and all those questions were ignored. They wouldn't provide the answers. You would agree with me that if the government wanted to disclose to Parliament, the representatives of the people, what this would cost, they could?

**Ms. Mary Campbell:** I don't think I can speak for what the government would want to do or could do. I have a position as a public servant and I've given you the best possible answer I can.

**Mr. Andrew Kania:** Mr. MacKenzie, who has stepped out of the room, was reading a very long piece there. Unfortunately, he's not here, but I'd like to say to him that I agree. We agree with that piece. Everybody here, from all parties...we have no sympathy for the Earl Jones situation. We don't want to see him released.

There's a part that he was reading where he said, "little incentive in our current Criminal Code". We agree with that as well. I think what the person meant was that the current law is not strong enough. We agree with that too.

Just so you all know, in terms of the victims, we sympathize with you, we're with you, we agree with you. The Liberal Party tried, with Bill C-21, dealing with white-collar crime, to amend the law in the justice committee last fall so that Mr. Lacroix would not be released and to eliminate the one-sixth accelerated parole for all serious-type fraudsters. The Bloc and the Conservatives voted against that. This could have been resolved last fall. It's not. That's why we're here now.

During the second prorogation of Parliament, we had a white-collar crime forum in Parliament, when Parliament was shut down. I co-chaired it. We investigated a number of things and made proposals to the government.

I'm going to ask you, do you agree with these? Do you agree that there should be more money for enforcement to avoid these kinds of situations? I assume you all agree. Anybody disagree? I don't see any hands.

More money for investigation? You're nodding your heads yes. I assume you all agree. There's been nothing about that.

Restitution orders? For those of you who have lost money, there should be automatic restitution orders. Judges should say, "This person owes you a certain amount of money. You don't have to go to court. You don't have to sue. You don't have to spend money on lawyers." The victims are nodding their heads yes. You agree with that. The government has done nothing about that.

Increased sentences? Mr. Jones received 11 years for this. Why is the maximum not 20 years, for example? Why is it not tougher? You agree with that. We suggested that during the last time. And I see all the victims nodding yes, he should get more. Well, we agree with you. He should get more.

Tax credits? Ms. Naltchayan, you mentioned that. Well, you know what? The Liberal Party said that in January 2010. We said, "Why aren't we doing something about tax credits to make sure that persons who were defrauded would get some type of treatment from CRA?" We said that. Where's that legislation? That's not here at all.

I see everybody nodding their heads. Yes, those are all good ideas. Well, we suggested that a long time ago.

After the Conservatives and the Bloc voted against amendments that would have kept Mr. Lacroix in prison back last fall, here we are now discussing this through an undemocratic method, not getting proper advice, and not having an opportunity to have a full study. That's why we're objecting to this. That's the only reason we're objecting to this.

• (2000)

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

We'll now move back to Mr. Norlock.

**Mr. Rick Norlock (Northumberland—Quinte West, CPC):** I'd like to thank all the witnesses for being here. It's always interesting to note that the Liberals would do a whole lot of things, but in the 13

years they were in government, none of these issues were approached. That's what we're trying to correct here. We're just starting.

It's interesting to note that when all the statistics were being read about the people who were eligible for parole and what it would all mean, we were thinking that these are people who are trying to get their lives back on track. But the one thing Mr. Gravelle said that really struck a chord with me was that one person caused havoc with over 9,000 direct victims, and those 9,000 victims have husbands, wives, children, and friends.

Then I listened to Mr. Ali Reza Pedram, and we heard it was about 158 people. Just dealing with the one victim, that person is eligible for parole after one-sixth of his time, but you work five, six, seven days a week, 18 hours a day. There's no pantheon of social workers telling you that you are the victim and asking what kinds of services they can offer you. You can get some services through your health plan, but you are probably too busy trying to pay back the banks what you have lost through a criminal act of a person.

Madam Jackie, you said more than once that you don't have a whole pantheon of highly paid people, both in government and advocates on behalf of the very people who have defrauded you, and pantheons of studies. All you know is that there is a huge void in your life and in the lives of many people like you.

My friend next to me just made a very good statement that we wouldn't need extra prisons and all these extra things if people didn't commit crimes. When they commit crimes, we worry so much about why they committed the crimes. We need to treat them. As I said, we have a responsibility as legislators that if we are going to put people in prison, we have to give them the tools so that when they get out of prison they don't have to go back to prison. But that doesn't mean we have to enable them to keep doing these things. We need to say, "What you did is wrong. You are going to pay your debt to society, and we as a society are going to help you get better."

Does that mean we have done everything we can do? No. Our government actually started the very study that Mr. Davies talked about. It was commissioned by our government. They asked this committee to please look at this. We're not afraid to look at it, but we're saying that before anything else happens, we have to listen to the victims. We have to know how they feel, and we have to do something about that.

I'm a practising Christian, and I don't know too many in my congregation or my wife's congregation who think we're going down the wrong path. There are things you want to say in areas like this that you can't say. But lighting a bonfire and playing the guitar singing *Kumbaya* is not going to make the world better. We will make the world better, quite frankly, when we listen to victims and try to balance the need for people to feel that they've.... You mentioned that you have figuratively been raped. That's a serious thing.

Mr. Gravelle, would you like to talk about some of the experiences that you know some of your friends have gone through as victims?

• (2005)

**The Chair:** Mr. Norlock, you've left him about 25 seconds.

**Mr. Rick Norlock:** I apologize, sir.

**The Chair:** Make it very short.

**Mr. Pierre Gravel:** I met many people who were defrauded by Lacroix. They were in a very bad situation. They still are. Where's the money?

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

Now we'll go to Monsieur Ménard.

Welcome.

[Translation]

You have five minutes.

**Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ):** Thank you. That isn't much time.

First of all, I want to quickly extend my warmest thanks to all of you for being here this evening.

Personally, I have been wondering, since 1966, what prompts people to commit a crime. I know that there are many different answers to that, but I don't believe fear of prison is the main answer, and that has been my conviction for a long time. I sincerely believe that we focus too much on prison in Canada. In any case, our incarceration rate is higher than the other countries we like to compare ourselves to. And yet, I am the one who initially tabled this bill, and I will explain why. I would like to have your agreement at the appropriate time.

We can compare ourselves to two countries. Every year, King's College in London measures the incarceration rate in 216 countries. Last year, Canada had 127 inmates per 100 000; in the U.S., whom we compare ourselves to, it was 743; for Russia, 582. Canada was ranked 123rd out of 216 countries. So, we are a little below the middle of the pack. Let's look at comparable countries. In New Zealand, the rate is 203; that is high. But let's look at the European countries: for France, the rate is 96; Germany, 88; Sweden, 78; Denmark, 71. In Japan, it is 62. The incarceration rate in Finland is even lower.

So, we could therefore place less emphasis on incarceration, although when you listen to the victims and public opinion in general, I believe we are all prepared to accept a system which is reasonable when we understand its rationale. And part of the rationale which the general public accepts is the fact that sentences are set by judges who are independent, educated and impartial, who

sentence an accused after hearing from both parties and considering either extenuating or aggravating circumstances. Furthermore, I have not heard many victims complain about the sentences handed down by judges.

Indeed, I believe it is possible to convince judges to reduce incarceration and give them the means to do that effectively, if people believe in it. However, when a judge follows the process, hands down a sentence and that sentence is then divided by six, the public no longer understands.

With the support of my party, I introduced a bill in June of 2007 aimed at abolishing the almost automatic granting of early parole. Because, that is indeed what we're talking about here. I presented that plan in June of 2007, but the government did nothing. I then tabled a bill on September 14, 2009, proposing that this practice be abolished. The government responded by introducing another bill in October of 2009, but did not follow up on it. So, I again tabled a bill in 2010, but that was not enough to spur the government into action. When it witnessed the revolt against the judicial system, a perfectly understandable revolt against the way sentencing works — and much of the revolt in Quebec is led by victims — it began to react. It's really quite something to see government members attempting to take the credit for this change in attitude.

I hear your arguments to the effect that prison is expensive and is not always effective. I agree; I, personally, am convinced of that, but that is not what we're talking about here. We are talking about a practice whereby the sentence handed down by qualified judges, after hearing the parties, is almost automatically divided by six. What we are talking about is that quasi-automatic practice.

I expect to receive your support when we begin considering other government bills, such as the one intended to prevent violent and dangerous offenders from serving their sentence at home, and which is an insult to the judiciary. The fact is that judges do not have the right to hand down sentences to violent and dangerous offenders that can be served at home. Why are they introducing a bill to do something like that? It's an insult to the judiciary. Furthermore, it will unnecessarily cause a fluctuation in the incarceration rate. It will reduce the number of sentences served at home, even though this is a very common practice in European countries and one which has a beneficial effect on crime.

• (2010)

So, I expect to receive your support with respect to these other bills. However, in this case, you have to realize that we need the public to understand and approve of an incarceration rate comparable to the one in Japan or France, something that will happen provided that the public feels that justice is being done and there is a rationale behind the decisions that are being handed down. There is no such rationale behind the practice of almost automatically dividing the sentence by six, and that discredits our entire judicial system.

[English]

**The Chair:** Thank you, Monsieur Ménard.

We'll move back to the government, to Mr. McColeman.

**Mr. Phil McColeman (Brant, CPC):** Thank you, and I thank the witnesses.

Ms. Berzins, as part of your testimony you talked about blind complacency in the use of prisons. I think it was in the context of your having many concerns with the overall direction of our government's legislation. Is that correct?

**Ms. Lorraine Berzins:** Yes, it was actually a quote—

**Mr. Phil McColeman:** I just want to know if it's correct.

**Ms. Lorraine Berzins:** It was a quote from a commentator in the United States, who used that term about their use of prisons. I am saying that we are going in the same direction.

**Mr. Phil McColeman:** You agree with it, then.

**Ms. Lorraine Berzins:** Yes, I do.

**Mr. Phil McColeman:** And you agree with the fact that our government is heading in the wrong direction with the types of bills we're introducing.

**Ms. Lorraine Berzins:** I think we use prison as a symbol without realizing in real life what it does and what it does not do to help victims.

**Mr. Phil McColeman:** Can you answer the question? Do you believe that our legislation is heading in the wrong direction, yes or no?

**Ms. Lorraine Berzins:** Yes.

**Mr. Phil McColeman:** Okay. Did you also appear before the government operations committee on February 8?

**Ms. Lorraine Berzins:** Yes, I did.

**Mr. Phil McColeman:** I'm going to read an exchange at that meeting between you a member of our party, Mr. Warkentin.

Mr. Warkentin asked you if you believed that people who rape children should be put in prison. Your answer was: "Not necessarily."

**Mr. Don Davies:** Mr. Chair, I have a point of order.

**The Chair:** Mr. Davies.

**Mr. Don Davies:** In respect of relevance, you have at various times shown no shyness in bringing questioning back to the business in hand. I would like to ask whether it is relevant to question a witness about rape at a meeting on accelerated parole, which applies only to non-violent offenders.

**The Chair:** I think Mr. McColeman is trying to see if she is an expert on crime or crime legislation.

Try to keep it within a crime perspective and the philosophy of what the crime may be.

• (2015)

**Mr. Phil McColeman:** Two points, Mr. Chair.

First of all, I hope this doesn't go against my time.

**The Chair:** The point of order doesn't, but it does from here on in.

**Mr. Phil McColeman:** Secondly, I am relating this to the testimony of this witness. I started my comment in that regard. I will tie it back to her testimony. I just want you to know that.

Mr. Warkentin asked whether or not you believed that people who rape children should be put in prison. Your answer was: "Not necessarily."

Is that correct, yes or no?

**Ms. Lorraine Berzins:** There are no—

**Mr. Phil McColeman:** Yes or no.

Madam, I have limited time.

**Mr. Don Davies:** I have another point of order, Mr. Chairman.

**The Chair:** We'll let Madam Berzins answer the question.

**Mr. Don Davies:** Mr. Chairman, Mr. McColeman is asking an inflammatory question, and to put a woman from the Christian community on the spot about a question and then not give her the opportunity to explain is totally unfair.

**The Chair:** We have to give her time. She admitted that was her testimony that day.

Madam Berzins, you may have time to respond.

**Ms. Lorraine Berzins:** I guess a yes or no answer to that question does not accurately reflect the views of the organization I work with, the Church Council on Justice and Corrections. I believe that we have a societal problem here in terms of how we use prison. We think that the only way a victim experiences justice is through a term of imprisonment. What makes me very sad here tonight is to hear about everything these victims have gone through and there has not been any help for them. The help for them should start from the moment we realize that harm has been done. If we put more money into sentences of imprisonment that are not going to help them, in terms of what they really need, and are not going to prevent a crime, we have less money to give them the real services they need from the very beginning, after what has happened to them. I think that's a priority. I think this government is not putting enough money into services for victims. We know of ways in the community that could much better provide for them, in terms of the stress, in terms of reparation, and in terms of compensation. That is far more important.

There isn't any kind of offence related to what they are talking about for which an automatic penalty of imprisonment is going to be the full answer to what they need. I would really like the conversation. In our churches as well we know that a lot of people, our whole society, culturally, has fallen for this. We need to see the example of the people in the U.S., who are realizing what a mistake it was, and wake up.

You were also talking about judges. Judges are also feeling very much compelled by public opinion that says prison, prison, prison, and that is not giving us what we need. We need much better services for the kinds of things you have been through, and we need them from the very beginning. If we do everything through the adversarial system, we're just going to keep people pitted against each other and not put money into what is most important for us as communities.

**The Chair:** Thank you.

You have 30 seconds.

**Mr. Phil McColeman:** Thank you very much, Mr. Chair.

Jackie, earlier in your testimony I believe you said that it looks and feels to you like you were raped. Is that what you said?

**Ms. Jackie Naltchayan:** Yes.

**Mr. Phil McColeman:** Can you expand on that, please?

[*Translation*]

**Ms. Jackie Naltchayan:** I had to fight against an entire system, starting with the police. The culture is such that we are not protected.

[*English*]

They're sorry for us. That's what we hear from the police at the beginning. I had to fight against the whole system alone and find all the victims one by one. This is not my job. There's a whole culture to change. You have to put everybody together and say that there's a problem here. I'm a victim, and I have to fight to protect myself and I have to fight to protect other citizens like me. That's not normal.

**The Chair:** Thank you.

We'll now move to Mr. Holland.

**Mr. Mark Holland:** Thank you, Mr. Chair.

I think what's unfortunate about this debate is that there is in fact a lot of consensus around the table. The victims who have spoken have talked about the need to not make these provisions available to the people who did crimes to them. I haven't heard anybody around the table disagree with that.

I've heard this now many times. It was actually raised in the House. When we're discussing first-time, non-violent offenders... We've already agreed that large-scale fraudsters shouldn't be included. We have things such as rape of children coming up. There was a suggestion by one Conservative member that there were members of the House who supported organizations that support not doing anything to somebody who rapes a child. This debases not only the debate but the entire House.

We've heard a number of I think constructive ideas around the table. My concern is that when we use the most extreme examples and hold them out to make broad policies that make sweeping changes, not just for the extreme examples but for all of those other individuals, there are cascading consequences that are devastating.

We have to respond to the needs of every victim, and we have to do it in an intelligent, smart way. I have deep sympathy for the people at the table and what they went through. Yes, of course, we have to respond to that, but it has to be more than just incarceration. What we do has to be more than playing games or politics with the

experiences you went through. We have to be able to deliver honest solutions that will actually make communities safer.

If I could go to Madam Pate on that point, can you talk to us about some of the things we could do? Maybe we could find common ground here in a constructive way, rather than engaging in name calling or in painting extremes.

• (2020)

**Ms. Kim Pate:** Thank you, Mr. Holland.

I appreciated the commentary, because Ms. Naltchayan talked about the victims. It may be a surprise to the committee members that in fact some of the Earl Jones victims are people who have obtained services and we have supported them through this process. They're individuals who have expressed very clearly the need for social justice reforms of the sort that our organization stands for. The notion is not lost on me that victims may feel as if they've been raped, when just yesterday we had demonstrations again across the country about the missing and murdered aboriginal women who don't obtain justice.

The issue of having resources in place for people before they're victimized and for people after they're victimized is a huge issue for our organization, and it's something that I think all of the organizations here have worked very hard to achieve. One of the things we do by putting more and more money into jailing more and more people—not just targeting the individuals we want to prevent from going on to commit more crime—is that we end up sucking the resources out of the community that allow us to support people who have been victimized, to prevent people from being victimized, and to support people who have paid their debt to society to reintegrate in a way that causes us to have a safer community overall.

So putting more and more resources into imprisonment is not making us safer. There's abundant evidence of that. Otherwise, the United States would not be retreating from its position.

**Mr. Mark Holland:** I have a question for Mr. McIsaac.

But beforehand, quickly, just for the edification of the committee, Madam Berzins, can you just tell us the churches you're representing here?

**Ms. Lorraine Berzins:** There are 11 sponsoring denominations, founding denominations from 39 years ago: the Anglican Church of Canada; the Baptist Convention of Ontario and Quebec; the Canadian Conference of Catholic Bishops; the Christian Reformed Church in North America; the Disciples of Christ in Canada; the Evangelical Lutheran Church in Canada; the Mennonite Central Committee, Canada; the Presbyterian Church in Canada; the Religious Society of Friends, the Quakers; the Salvation Army in Canada; and the United Church of Canada. All of those churches designate representatives to sit on our board of directors and have done so for 39 years, and they choose people who are particularly knowledgeable and experienced in criminal justice issues in terms of their experience with victims, offenders, and the communities they live in.

**Mr. Mark Holland:** Thank you. I appreciate that. I think that's important for the committee to know.

Mr. McIsaac, quickly, can you talk to me about the implications of this bill perhaps for the National Parole Board? The accelerated parole review has been effective at reducing overcrowding and dealing with some of the backlog. Do you have any impact you want to be able to give on that?

Secondly, do you have any input on the issue of rehabilitation, from your experience working on the front lines as you have for so many years in trying to deal with rehabilitation?

**The Chair:** Actually, your time is up now.

We'll move back to Mr. Lobb.

**Mr. Ben Lobb (Huron—Bruce, CPC):** Thank you, Mr. Chair.

• (2025)

**Mr. Don Davies:** Mr. Chair, I have a point of order. I notice that you let certain witnesses go on far longer after the time has expired and others you seem to cut off right at the five-minute mark. I would just ask for a little fairness here.

**The Chair:** What I've been trying to do is this. If I give the warning, and I didn't always give the warning.... I haven't been cutting off the witnesses, but I will cut off the members who have five minutes.

**Mr. Don Davies:** Chair, the question was asked and the witness was not allowed to answer. I noticed other witnesses can go on for up to two minutes after.

**Mr. Mark Holland:** I did take "30 seconds" to mean, "ask your question in 30 seconds", Mr. Chair. Had I known that, I wouldn't have...because I did want a response.

**The Chair:** Yeah, right.

I'll give you 30 seconds. Go ahead, Mr. McIsaac.

**Mr. Ed McIsaac:** Thank you for the time.

The impact of overcrowding in the institutions, and an increase in the overcrowding, is going to limit access to the programs that are currently being run that assist with the rehabilitation. It will slow down individuals appearing before the National Parole Board, which in turn will add to the overcrowding because there will be a delay in release.

The other point that needs to be kept in mind is that the more time the individuals spend in the institution is in fact the less time they are going to be spending under supervision in the community. I think we are best served through the reintegration of offenders into our community in a timely fashion.

Thank you for the time.

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

We'll now move to Mr. Lobb.

Mr. Lobb, you have five minutes, and that includes questions and answers.

**Mr. Ben Lobb:** Is everything fair? Have you got everything evened up here?

**The Chair:** Well, I gave Mr. Davies a lot more time than I should have.

**Mr. Ben Lobb:** Thank you. You can cut me off whenever you like.

Madam Lanctôt, I have a question for you. In your commentary you mentioned two non-violent offenders where accelerated parole had worked. I believe that's what you mentioned. One of them, you mentioned, was a drug mule who had been transferred back to Canada. The second was somebody who had fallen on hard times and decided to have a grow operation in the house. Am I correct?

[*Translation*]

**Mrs. Jacinthe Lanctôt:** Yes.

[*English*]

**Mr. Ben Lobb:** For those who are at home or who have time to read this, a few members of the opposition here are saying that we're just looking at two people here, that we're just looking at Lacroix and Jones. But in fact we have someone who has been convicted of being a drug mule and somebody who's been convicted of a drug operation. These are not people who got arrested for jaywalking. These are serious crimes, in my opinion. I don't know anybody who has been a drug mule. These are serious crimes. I think it demeans our debate tonight to say that it's just a couple of people and this has worked well. I thought we should get that on the record.

My next question is for Mr. Gravel. Feel free to answer in French.

In terms of the people who were defrauded, people like you and others you know who were defrauded, what would their thoughts be to the argument that I heard tonight from some people that it just costs too much to keep these people in prison? What would the people who have been defrauded for millions and millions of dollars, who have seen their life's work vaporize, their scraping and saving, their savings for their children's educations and their retirement dreams vaporize? What would those people here who you know say? The argument on the other side is that it costs too much money, that it would cost too much money to house these crooks.

[Translation]

**Mr. Pierre Gravel:** Unfortunately, people too often forget what the victims are going through. In the Canadian Charter of Rights and Freedoms, there are 19 sections that deal with offenders, and only one that deals with the victims of these offenders. As for the argument that these people will be missing something, I am not at all familiar with the system, but I can tell you that people like me, who were unwittingly plunged into this type of situation, would certainly not want to hear that kind of argument.

• (2030)

[English]

**Mr. Ben Lobb:** I'm not a lawyer; I'm not a police officer. I'm just a regular guy who had a regular job, probably just like you. The other thing I find just stunningly amazing is the argument that we have to get right at rehabilitating these crooks. In my mind, he's a crook. That's his only weakness. He's a crook and he was greedy. What kind of rehabilitation do you think a crook should have? Keep in mind, he has no alcohol addiction and no drug addiction. What kind of rehabilitation does a crook need besides serving time and paying back whatever he owes?

**Mr. Pierre Gravel:** It's very tough for me to answer that because I don't know how they think. This guy has maybe \$9 million to \$11 million stacked somewhere in some countries that accept that. I'm sure that whenever he has the opportunity, he's going to get out of Canada and live with our money.

**Mr. Ben Lobb:** I think you're right.

Madam Naltchayan, what kind of rehabilitation do you think a crook should have?

[Translation]

**Mrs. Jackie Naltchayan:** I think these individuals are born manipulators and that they cannot be rehabilitated. They are well acquainted with the system. When we launched civil proceedings against this gentleman, he asked for legal aid. I paid to be represented by lawyers, but he was represented free of charge, because he had access to legal aid. Now he is facing criminal prosecution and he has the best criminal lawyers there to protect him.

These people are manipulators and there is no way of rehabilitating them. They know perfectly well what they're doing and where they're going.

[English]

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

We'll now move to Madame Mendes and then to Madame Mourani.

[Translation]

**Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.):** Thank you, Mr. Chairman.

Ms. Pate, I have several questions for you, specifically in terms of distinguishing between the people who could really benefit from APR and the crooks my colleague has just described. I'd like you to give us the profile of these individuals, and specifically the women — I was particularly struck by their situation — who benefit from this administrative procedure.

[English]

**Ms. Kim Pate:** Approximately 82% of women....

[Translation]

Please forgive me for answering in English.

[English]

**Mrs. Alexandra Mendes:** Go ahead. That's okay.

**Ms. Kim Pate:** About 82% of the women imprisoned are in for poverty-related offences. So yes, a number of women who would have access to accelerated parole currently would be in for fraud-related offences, but they would not be of this scale that we're talking about. They may have carried packages across town or across borders, and not always drugs—there may be other things.

They're often recruited at social assistance centres in groups. There's certainly a number of cases that have been well documented where in fact it's because they're poor that they're seen as targets by individuals. That's a significant portion. There are some who are in for other types of offences, of course, non-violent, some drug-related, and often related to their histories of victimization.

As well, 82% of women overall and 91% of indigenous women have histories of physical and/or sexual abuse. The lack of supports for their victimization as children and as women often means they may self-medicate, so we see the cross-addiction and mental health issues, and we end up seeing them in the system.

We have women who have committed offences, who have grabbed money or asked aggressively for money on the streets, who have ended up in...who have intellectual disabilities and mental health issues that often are exacerbated. Everybody now knows the story of Ashley Smith throwing crab apples, breach of probation, ending up in custody....

We're not talking about people who are seen as.... Women are the fastest-growing prison population. As we've already heard from the research that I received from Corrections today, overwhelmingly... the number that I received was that 61.6% of those who are able to access accelerated parole are women. So this will disproportionately impact women, who already are the fastest-growing prison population and who are already overrepresented, and already the resources for them are fewer, in the community and in prison, to prevent them being victimized and to prevent them—

• (2035)

[Translation]

**Mrs. Alexandra Mendes:** The figures you have just cited were given to you today by the Correctional Service of Canada. Is that correct?

[English]

**Ms. Kim Pate:** That's correct.

[Translation]

**Mrs. Alexandra Mendes:** So, women inmates will be the most negatively affected by the abolition of APR. Is that what you are telling us?

[English]

**Ms. Kim Pate:** That's correct. To my knowledge, none of the cases that people are ostensibly trying to target involve any of these women. There are no high-priced fraud cases that I am aware of.

[Translation]

**Mrs. Alexandra Mendes:** Contrary to the statement made earlier by my colleague, Ms. Mourani, these individuals will be eligible for parole later, because that is part and parcel of the Canadian legal system; it simply means they will be spending a lot more time in an environment which is not at all conducive to their rehabilitation or treating their problem. That is my understanding.

[English]

**Ms. Kim Pate:** That's correct. Just as an example, I was before another committee on another matter related to violence against women. A woman who was waiting after her second adjournment actually got out because we won an appeal of her sentence. She would otherwise still be in prison awaiting the review, and she is someone who is not seen as an ongoing risk.

[Translation]

**Mrs. Alexandra Mendes:** We are obviously not talking about people who commit economic fraud, such as Norbourg, Earl Jones or the real estate developer we were hearing about. It's not that type of crime.

[English]

**Ms. Kim Pate:** I'm not saying that it may not be possible for some woman at some time to do that, but certainly that's not who we have in our jails right now.

**Mrs. Alexandra Mendes:** Thank you.

Do I still have some time?

**The Chair:** You have another 30 seconds, and that's for the question and the answer.

**Mrs. Alexandra Mendes:** That's fine.

**The Chair:** Mr. Kania.

**Mr. Andrew Kania:** I just want to comment, since I only have 30 seconds.

Mr. Lobb indicated that it costs too much to keep these people in prison. That's what his quote was. There is nobody around this table, including members of our party and all of you there, who agrees with that.

We do not say that it would cost too much to keep these serious persons, like Mr. Jones and Mr. Lacroix, incarcerated, but we are saying that we wish we were here today instead, Mr. Gravel, to help you to have restitution legislation, or to have tax credit legislation, Madam Pate, or something like that, so that you could actually walk out of here thinking that we were helping victims and not simply playing political games.

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

We'll now move to Madam Mourani.

[Translation]

**Mrs. Maria Mourani:** Thank you, Mr. Chairman.

Ms. Pate, let's talk about women. You said that 61% of them would be eligible for APR. Can you tell me what the average sentence is? Is it two, three or four years?

[English]

**Ms. Kim Pate:** I don't have that information. I do know that the average sentence for women has gone down. There's a polarity there. We have a number of women who have used defensive force or reactive force in violent situations, and they're in for violent offences. Those are very long sentences. Then we have a lot of women serving two to three years.

So I presume they would be mostly at the lower range—

[Translation]

**Mrs. Maria Mourani:** If I understood you correctly, you estimate that 61% of women have access to APR, and you say that they are serving two- or three-year sentences. Is that correct?

[English]

**Ms. Kim Pate:** I'm sorry, it's not my estimate; the number is from the Correctional Service of Canada. I don't have that figure, but I'm sure they could provide it to you.

[Translation]

**Mrs. Maria Mourani:** So, what are your figures? You say this will have a major impact on women. What are your figures?

[English]

**Ms. Kim Pate:** Right. The figures that I was provided by the Correctional Service of Canada are that of those who are eligible for day parole, 61%—

[Translation]

**Mrs. Maria Mourani:** No, I'm talking about your figures. Do you have any? You may not, and that's fine. Do you have any figures?

[English]

**Ms. Kim Pate:** Yes—

**The Chair:** She means your own study, I think.

**Ms. Kim Pate:** Oh.

Well, I can give you examples, but no, I don't have those figures. The Correctional Service of Canada has the actual figures that—

[Translation]

**Mrs. Maria Mourani:** All right, but what is the average for women that you are aware of who are eligible for APR? Are we generally talking about two- or three-year sentences?

[English]

**Ms. Kim Pate:** It would be anywhere from two to five years, generally.

[Translation]

**Mrs. Maria Mourani:** Between two and five; thank you.

Ms. Campbell, I would like to know whether this bill abolishes parole after serving one third of the sentence. You can give me a yes or no answer.

[English]

**Ms. Mary Campbell:** No.

[Translation]

**Mrs. Maria Mourani:** Does it abolish the granting of day parole six months prior to one third of the sentence having been served?

[English]

**Ms. Mary Campbell:** No. The regular parole regime remains in effect—eligibility dates and criteria.

[Translation]

**Mrs. Maria Mourani:** Thank you, Ms. Campbell.

[English]

**Ms. Mary Campbell:** I have numbers for women's sentence lengths, if you are interested.

• (2040)

[Translation]

**Mrs. Maria Mourani:** Yes, go ahead.

[English]

**Ms. Mary Campbell:** I have it by admission numbers and by what we call “snapshot”. I'm not sure which you're interested in.

[Translation]

**Mrs. Maria Mourani:** Is the average sentence for women two or three years?

[English]

**Ms. Mary Campbell:** The data I have show that 64% of women admitted to penitentiary custody are serving sentences of less than three years.

If you look at any one given day—a snapshot as opposed to admissions—39% of women in penitentiary are serving sentences of less than three years.

[Translation]

**Mrs. Maria Mourani:** Fine.

Ms. Campbell and Mr. Sapers. I did a quick calculation. One sixth of a three-year sentence is six months; one third, 12 months; and, two thirds, 24 months. Since the granting of day parole six months before one third of the sentence has been served is not being abolished here, it amounts to the same thing. In other words, an inmate could be released before serving one third of the sentence, after six months — which amounts to the same thing as day parole; correct?

[English]

**Ms. Mary Campbell:** Yes, for people serving three years, the time period for eligibility is identical. What would change under the bill would be the test, the criteria, that would be applied in considering day parole.

[Translation]

**Mrs. Maria Mourani:** Fine, thank you.

[English]

**Ms. Mary Campbell:** Of course, for any sentence longer than three years, there would be a difference in eligibility dates.

[Translation]

**Mrs. Maria Mourani:** Thank you, Ms. Campbell.

Here is what we can assume with respect to the costs. I'm wondering whether the costs will really be that high. I won't ask you the question, because I know you cannot say, but I do question the assertion that there will be major costs associated with this, based on simple logic. For three-year sentences, there will be absolutely no change. The only difference is that, rather than being based on a paper review, the Commission will hold a face-to-face hearing with the individual. A multidisciplinary team will make an assessment.

Ms. Campbell, or rather Mr. Sapers — you are from the Correctional Service — am I mistaken? It will still be six months in the case of a three-year sentence.

[English]

**The Chair:** Madam Mourani, summarize. You're out of time, so if you want Mr. Sapers to answer, you'd better hurry.

[Translation]

**Mrs. Maria Mourani:** That six-month period, for a three-year sentence, will remain the same. There is no difference there. Indeed, the only difference with this bill — and it's minor — is that the procedure will be different. That said, if the inmate is not at risk of re-offending, he or she will be released after six months.

Is that right or wrong?

[English]

**Mr. Howard Sapers:** Very quickly, first of all, the Office of the Correctional Investigator is independent of the Correctional Service of Canada. I'm not here representing the Correctional Service of Canada.

Secondly, there will be two impacts. One impact will be on the hearings that have to happen instead of the paper reviews. The other impact that will happen is that those figures, your calculation, are based on the assumption that offenders will get their hearing at their earliest eligibility date. In fact, most don't. So there's often a long gap. It's to the point, as I said earlier, that most releases from penitentiary now are happening statutorily. They're happening at SR, two-thirds into the sentence.

So your assumption would be correct if everybody got their hearing at their earliest eligibility, but that's not what's happening.

**The Chair:** Thank you both.

Mr. Davies, please, for five minutes.

**Mr. Don Davies:** Thank you, Mr. Chairman.

We had a little bit of evidence about the profile of women offenders, and we've had Mr. Lobb sort of stereotype the classic offender in a federal institution as being some sort of non-addict, non-alcoholic, clear-minded, multimillionaire—

**Mr. Ben Lobb:** A point of order.

**The Chair:** Mr. Lobb on a point of order.

**Mr. Ben Lobb:** That's not what I said. You can ad lib or fill in what I said, but that's not what I said, so you might as well retract it and start over.

**The Chair:** Sorry. Continue, Mr. Davies. If you're going to quote Mr. Lobb or if you're going to summarize what he says, again, let's make sure that we try—

**Mr. Don Davies:** Mr. Chairman, again, the time won't count against me.

**The Chair:** No, it never does.

**Mr. Don Davies:** I'm not summarizing; I'm caricaturing his evidence.

**Voices:** Oh, oh!

**Mr. Don Davies:** He was talking about a crook who doesn't have an addiction, doesn't have a mental illness, someone who's just raw, taking money.

Now Mr. McIsaac, Ms. Pate, Mr. Sapers, have you spent time in federal penitentiaries?

• (2045)

**Mr. Ed McIsaac:** Yes.

**Mr. Don Davies:** As guests, I'd like to clarify.

**Ms. Kim Pate:** Yes, not as prisoners.

**Mr. Don Davies:** Can you tell me what percentage of the male offender population in our federal penitentiaries would you say fits that kind of description, as opposed to—

**Mr. Phil McColeman:** A point of order.

**The Chair:** Mr. McColeman, on a point of order.

**Mr. Phil McColeman:** I challenge this type of questioning, the relevancy to this piece of legislation. What does this have to do with this piece of legislation?

**The Chair:** I think I did give a little bit of leeway on your question.

Again, the question of relevance is one to all sides. When you pose the question, it needs to be taken into account. I gave Mr. McColeman a little bit of leeway. I'll give you some leeway, but relevant to the topic.

Continue, Mr. Davies.

**Mr. Don Davies:** Yes.

Describe the male inmate population that would be affected by this legislation.

**Mr. Ed McIsaac:** I think we have already heard the profile of our federal offenders is those who are suffering from addiction, either to drugs or alcohol, and we've got a large percentage who are suffering as well from mental health issues.

Who exactly will be covered or eliminated in terms of the APR is difficult. The data I've seen from the parole board have not broken that down in terms of either sentence length or necessarily an offender profile.

But I will reiterate what was said before. If the system worked as well as we all wished it would, the impact may in fact be considerably less than we have been saying this evening. But the reality is that offenders, because they are not getting access to programming inside, because of the overcrowding, because of the absence of resources, are being put off much later in their sentences to be even considered for conditional release. So the cumulative effect of the removal of APR is going to be significant as time passes, as well as in the immediate future.

As I mentioned earlier, I think the best way to protect society is through safe reintegration into the community. The longer they spend inside, the less they're going to be under supervision on the outside.

**Mr. Don Davies:** I have one brief comment, which is that I've heard people express that people are coming out after one-sixth of their sentence. I think it's important to note that when people get a 10- or 12-year sentence, that is their sentence. The only question we're talking about here is where they are appropriately serving their sentence. A halfway house is a place of incarceration, is it not?

**Mr. Howard Sapers:** Yes.

**Mr. Don Davies:** Yes.

Now, I'd like to give the last of my last to Mr. Fineberg and Dr. Zinger. We haven't heard enough from you, so I just want to give the rest of my time to each of you to comment as you see fit.

**Mr. Stephen Fineberg:** Okay. Thank you very much. That's good of you.

With regard to short sentences, you have to understand that people do not receive parole on short sentences. APR changes the calculation. With accelerated parole review, the board has an obligation to release people at a defined point in their sentence, unless these people are problematic. Without APR, these people have to make applications to see the board. Even if they get to see the board, even if they have their hearing, they lose. The onus is reversed. The board will not release unless the prisoner can prove to the board that there have been significant and lasting changes. And you cannot do that without programs, and the programs are not available to those on a short sentence. So when we have clients who go into a penitentiary on a short sentence, if they are not APR, we know they're doing their two-thirds. They start begging for programs from the beginning. They make written requests. They make grievances. They don't get the programs. They're not available. Automatically the board is going to refuse these people. That is the reality.

Thank you.

**The Chair:** Thank you.

Your time is up in three seconds, two, one. It's up.

We'll now move to Mr. Rathgeber, please.

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

And thank you to all the witnesses for your attendance here this evening. I know it's been a long night.

Mr. Sapers, in your presentation you indicated—and I'm reading from the written notes, page 4—“It is also important to say that release on APR at 1/6 is not automatic.” In fact, you underscored “not”. My friend Mr. Ménard, in one of his questions, referred to it as automatic or quasi-automatic when it comes to white-collar criminals. I think that's an important distinction. As I understand it—and please correct me if I'm wrong—with respect to non-violent offenders, the parole board has no discretion not to release at one-sixth, and therefore it is automatic for white-collar criminals at one-sixth.

I see Mr. Fineberg is shaking his head “no”, and I may come back to him, but I want Mr. Sapers to answer first.

• (2050)

**Mr. Howard Sapers:** Thank you, Mr. Rathgeber.

In fact, it's an overstatement to say that it's “automatic”. The National Parole Board can either direct to release or not direct to release under the current legislation. If the release is directed as a result of the APR system, then that direction for either day parole or full parole will take place. But if the board, on that paper review, that first review, does not direct the release, then it will go forward for a hearing.

Last year there were 545 of those hearings, of approximately 1,000, in which release was not directed, and therefore the parole release was denied. So it's not automatic.

**Mr. Brent Rathgeber:** Mr. Fineberg.

**Mr. Stephen Fineberg:** Thank you very much.

The Quebec Superior Court has made it clear that until the Parole Board makes a decision and exercises its discretion, release is not possible. People have argued in court that because their client is a white-collar criminal and there's absolutely no sign of violence in the case, he must be released, and the court has said that's not the case, and there needs to be an exercise of discretion by the board. The board bases its decision as to whether someone represents a potential for violence in the future, not just on the current crime but on anything that is on their provincial record, on anything that comes to them through police information, even if someone has never been charged and convicted of it.

So if there's information before the board that you've been involved in brawls in bars or that you've been seen by the police for conjugal violence, even if you've never been convicted of that, the board uses that to refuse your release.

**Mr. Brent Rathgeber:** But you'll agree with me that the board has no discretion to deny a one-sixth for anything other than a propensity to commit violence?

**Mr. Stephen Fineberg:** That's correct.

**Mr. Brent Rathgeber:** Okay. So even if an individual were somehow plotting another fraud scheme inside the walls of Corrections Canada, and the parole board or, for that matter, Corrections Canada knew about it, the parole board would have no discretion to release that person if he had no history of violence and no propensity to violence, and certainly if he hadn't been communicating with anybody that he was about to commit violence.

**Mr. Stephen Fineberg:** That's why large-scale fraud should be excluded from accelerated parole review.

**Mr. Brent Rathgeber:** So you are agreeing with me that there would be no discretion to not release that individual at one-sixth?

**Mr. Stephen Fineberg:** If the parole board determines that the person is likely to commit a non-violent crime, the board must release anyway. That's true.

**Mr. Brent Rathgeber:** You've opined on the constitutionality of this offence, and that causes me some concern with respect to your prognostication.

You'll agree with me that sentence administration is the purview of the Correctional Service of Canada and it's not part of the sentence. You'll agree with that?

**Mr. Stephen Fineberg:** Yes.

**Mr. Brent Rathgeber:** I need to follow up on something my friend Mr. Davies asked. If a person is sentenced to 12 years and they get APR at two years, or full parole at a third, or statutory release at two-thirds, they are under sentence for 12 years.

**Mr. Stephen Fineberg:** Correct.

**Mr. Brent Rathgeber:** Now since the Supreme Court has said that sentence administration is not part of the sentence, what makes you think that this piece of legislation could potentially be unconstitutional with respect to the retroactivity?

**Mr. Stephen Fineberg:** Two things: paragraph 11(a) of the charter and section 7 of the charter.

There is already a case called *Abel v. Edmonton Institution for Women*, in which the court in Alberta has ruled that when APR was taken away from someone who had committed her crime when APR was available, when her crime gave her access to APR, paragraph 11 (a) of the charter had been violated, and the court in Alberta—

**Mr. Brent Rathgeber:** Sure. I'll read—

**Mr. Stephen Fineberg:** —based itself on the Supreme Court's decision in *Gamble* and on a decision of the Court of Appeal of Newfoundland.

Apart from paragraph 11(a), there is section 7. Section 7—

**Mr. Brent Rathgeber:** Okay. I have limited time, so I'll read *Abel*. Thank you. I'm very limited in my time.

**Mr. Stephen Fineberg:** Okay.

**Mr. Brent Rathgeber:** You also said that you don't believe that society wants violent and non-violent criminals treated similarly. Did I hear that correctly in your opening comments?

**Mr. Stephen Fineberg:** That's what I said.

**Mr. Brent Rathgeber:** I want to ask some of the victims how they feel about that.

**The Chair:** Last question.

**Mr. Brent Rathgeber:** How do you feel about that? We'll start with Mr. Gravel.

**The Chair:** We have time for only one answer on this.

**Mr. Pierre Gravel:** I think I already answered that. I don't have much to say about it.

**The Chair:** All right. We'll now go back to Mr. Kania.

• (2055)

**Mr. Andrew Kania:** I'll pick up with the victims.

With regard to the current system, I'd like to know whether any of you have been helped. Have you received compensation through the criminal system? Were there restitution orders?

They are nodding no.

Has anybody here received anything?

Everybody is nodding no.

**Mr. Pierre Gravel:** Yes, we did.

**Mr. Andrew Kania:** You did. Was it through the civil system or through the criminal system?

**Mr. Pierre Gravel:** It was the AMF. We never went to court, because they didn't want to.

**Mr. Andrew Kania:** Okay, that's fine. That's provincial in Quebec.

Did you receive any restitution...? Mr. Gravel, in response to one of the questions, you said you were concerned that the fraudster would leave Canada when he's released and live on your money. Is that correct?

**Mr. Pierre Gravel:** Yes.

**Mr. Andrew Kania:** Would you not agree with me that with regard to helping victims it would have been a little better if we were here today focusing on how to help victims, requiring criminals to

pay back the money before they get out of prison or something along those lines?

**Mr. Pierre Gravel:** Undoubtedly.

**Mr. Andrew Kania:** Absolutely, and I agree with that. We should be here today trying to help victims, not just pretending that the government is being tough.

The problem is to make sure that the serious fraudsters are kept in prison or pay back the victims, something like that. It is not simply to pretend that everybody under these sentences is a non-violent person to be kept incarcerated.

Ms. Naltchayan, I'm going to say the same thing that I said with respect to Mr. Gravel. You have tax problems, don't you?

**Mrs. Jackie Naltchayan:** Yes.

**Mr. Andrew Kania:** Is it because of this?

**Mrs. Jackie Naltchayan:** Yes.

**Mr. Andrew Kania:** These problems are not your fault, are they?

**Mrs. Jackie Naltchayan:** No.

**Mr. Andrew Kania:** Of course they are not your fault. We don't think they are your fault.

I wish we were here today discussing a bill that would alleviate your tax problems. Let the government bring a bill forward that will help victims.

**Mrs. Jackie Naltchayan:** I have a question. Vincent Lacroix took \$90 million, and now we're here debating. But where is the money? How come nobody is asking where the money is? We're talking about inside and outside, but where is the money? Where is the money?

**Mr. Andrew Kania:** You're right. You will recall—

**A voice:** We couldn't get it.

**Mrs. Jackie Naltchayan:** How come we don't have that power, as a government, to seize that money somewhere? We sued as a civil suit. He pleaded guilty, but there is no money, because he put it in somebody else's name, and nobody can do anything.

**Mr. Andrew Kania:** Exactly. That is the point that was raised almost two hours ago when I said that in the Liberal Party conference back in January 2010, we put forward ideas with respect to enforcement, investigation, restitution, tax relief, and various other measures designed to help victims. But none of our ideas has been picked up by the government. Rather, we're here today dealing with something that has no capacity to help any of you. It won't matter at all, and you agree with that.

**The Chair:** Mr. Lobb, you have a point of order.

**Mr. Ben Lobb:** I want to back up the notion that talk is cheap. They have had an opportunity at every step of the way to present a private member's bill on any of the things they have mentioned and they haven't said word one about it.

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

Continue, Mr. Kania.

**Mr. Andrew Kania:** I am going to respond to that, because Mr. Lobb referred to the ability to bring private members' bills. That is true, except that only the government can propose bills that spend money. So if Mr. Lobb was aware of the system, he would know that this would not be possible. It has to be a government bill. I challenge the government to bring a bill that would actually help the victims at this table.

I see all the victims nodding yes. They would like that help, and we'd like to help you, rather than dealing with these sorts of political games.

**The Chair:** Thank you.

Are you finished, Mr. Kania?

**Mr. Andrew Kania:** Yes, I am finished.

**The Chair:** All right. Mr. MacKenzie.

**Mr. Dave MacKenzie:** One of the really serious issues, which everybody understands when he talks about what the government has done and hasn't done, is that the Liberals were in power for 13 years and they did nothing.

We have a victims ombudsman. We have a variety of other things.

They could bring forward a private member's bill. It might not get through, because it needs a royal recommendation, but there are all kinds of private members' bills introduced in the House that do not—

**Mrs. Alexandra Mendes:** That you always vote against.

• (2100)

**Mr. Dave MacKenzie:** I'm sorry, if I could finish here, please.

**The Chair:** Order.

**Mr. Dave MacKenzie:** There are private members' bills that do get presented to the House, that do need royal recommendation, but they at least get debated. They've never done that, so they shouldn't take that high horse.

To the victims, I am truly sorry for what you have had to go through here, tonight particularly. You've all come here on your own at short notice. I appreciate the others too, but I do recognize that for the other folks who are here, this is part of your career, part of your job. The victims are here purely on their own, and from that perspective, we do truly appreciate your being here and telling your story.

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

I want to also thank all of you for being here, for appearing before our committee. We've had a long day here in the House and we still have at least an hour to go.

I think Mr. Kania did make one statement. He said he wishes that people would pay back their money before they got out of prison. I think that's a novel idea. If any of us have our way in being able to see that restitution is made to the victims, I can assure you we will.

This particular bill takes a step. Many other steps, many other bills, many other pieces of legislation can come forward later. I hope many of those will come forward to help address some of the concerns you victims have had.

We are going to suspend for about five minutes. That will give our witnesses the opportunity to exit. I thank you again for appearing. We'll suspend.

• \_\_\_\_\_ (Pause) \_\_\_\_\_

•

• (2105)

**The Chair:** I call the committee back to order.

Pursuant to Standing Order 75(1), consideration of clause 1 is postponed. That's the short title. That will be postponed until the end of the bill.

So we will call clause 2. There are no amendments on clause 2.

(Clause 2 agreed to on division)

[*Translation*]

**Mrs. Maria Mourani:** Please slow down, Mr. Chairman. I would like to have the legislation in front of me. Give me a few moments.

[*English*]

**The Chair:** We'll slow down a bit.

**Mrs. Maria Mourani:** One minute.

**The Chair:** One minute.

Just as an aside, I see we do have some amendments coming up on clause 5. I haven't been given any notification of any others before then.

(Clauses 3 and 4 agreed to on division)

(On clause 5)

**The Chair:** Mr. Holland is moving his amendment, and I'll allow him to speak to that amendment.

• (2110)

**Mr. Mark Holland:** Thank you, Mr. Chair. Is it required that I read the amendment, or has it been circulated?

**The Chair:** Everyone has it, I believe.

**Mr. Mark Holland:** I'll speak very briefly to the amendment, Mr. Chairman.

We have been clear throughout this process that as it pertains to large-scale fraud, we agree, the accelerated parole process needs to be terminated, but I think we've heard very compelling testimony before this committee, and frankly outside of this committee, as to the imperative need to not cancel it for everybody.

Madam Pate, along with other witnesses, talked about how this disproportionately affected women. More than 60% of the people who would be impacted by eliminating these provisions in total would be women. Many of these women are coming out of situations of poverty. Many of them would have been in abusive situations, in situations where they were being used or placed in vulnerable situations. We know that well more than 80% of women in prison face addiction issues. We know that more than 30% of women who are incarcerated are aboriginal, even though they make up only 4% of the overall population.

So this legislation disproportionately targets women, disproportionately targets aboriginal women, and, in all of those circumstances, disproportionately targets those who are extremely vulnerable. The clause that's in front of us here would, if the intent is honest, if all the discussion that I've heard around the table about going after fraudsters, large-scale fraud, is in fact honest...this should fix the problem. We can get to unanimity, and I think we can move forward quite easily thereafter.

So I would urge members to support this. I think it targets it where it needs to be. It doesn't place an unneeded, unnecessary burden on our correctional system, and it makes sure that we're not ensnaring all kinds of individuals who, from any of the deliberations, I don't think it was intended to catch.

I say this particularly given the fact that all evidence that has been given to us, not just by the Correctional Investigator but overall, has shown that the accelerated parole process has been highly effective in terms of rehabilitation. The rate of recidivism, as you have heard, is 0.3% and 0.4%, respectively, and on that basis, I think, Mr. Chairman, it needs to be supported.

**The Chair:** Thank you very much. As you know, when we come to the clause-by-clause, we look at each amendment that comes forward.

The ruling for the chair on this amendment is that it is out of order. Bill C-59 amends the Corrections and Conditional Release Act to provide for the elimination of accelerated parole review through the repeal of sections 125 to 126.1 of the act. This amendment proposes to leave intact those sections and amend section 125 to include offences under section 380 of the Criminal Code wherein the total value of the subject matter of the offence exceeds \$100,000.

As the *House of Commons Procedure and Practice*, second edition, states on page 766:

An amendment to a bill that was referred to a committee *after* second reading is out of order if it is beyond the scope and principle of the bill.

In the opinion of the chair, by proposing to retain sections 125 to 126.1 of the Corrections and Conditional Release Act, the amendment would be contrary to the principle of Bill C-59 and is therefore inadmissible.

So that amendment is inadmissible.

**Mr. Andrew Kania:** I challenge the chair.

**The Chair:** We are being challenged, and that is a non-debatable motion.

Shall the decision of the chair be sustained?

They're asking for a recorded vote. That's a prerogative they are allowed to have.

(Ruling of the chair sustained: [See *Minutes of Proceedings*])

**The Chair:** We'll now move to NDP...we'll use the last three digits of his amendment reference number, number 356.

• (2115)

**Mr. Don Davies:** Thank you, Mr. Chairman. I really will be brief.

The amendments the NDP proposes target what we believe is the real mischief at issue. We agree that the kind of fraud that Mr. Jones

and Mr. Lacroix perpetrated against many hundreds and perhaps thousands of Canadians is unacceptable. We believe those types of offenders should not qualify for accelerated parole.

But what we also know is that...and we refer to evidence that there are 1,500 offenders per year who qualify under this program and that many, many of them benefit from the accelerated parole program. It helps them not reoffend. So what we've done with our amendment, Mr. Chairman, is to add in the section under which Mr. Lacroix and Mr. Jones were convicted, as well as a number of other sections, all of which represent sort of white-collar crime offences.... To put some sort of scope on the bill, we've said that anybody convicted of these white-collar crimes where the value of the offence exceeds \$1 million would be ineligible for accelerated parole, as this bill suggests.

In this manner, it separates the wheat from the chaff. It targets those people who really shouldn't get accelerated parole while retaining the benefits for the many types of offenders who do benefit, saving the taxpayers money, making reintegration better, allowing a lot of people to get access to community services, and also lowering the repetition of their criminal behaviour.

Once again, this still preserves this accelerated parole for first-time non-violent offenders, but it makes sure that we as parliamentarians remove accelerated parole for white-collar fraudsters like Mr. Jones and Mr. Lacroix.

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

Again, in the opinion of the chair, by proposing to retain sections 125 to 126.1 of the Corrections and Conditional Release Act, the amendment would be contrary to the principle of Bill C-59 and is therefore inadmissible.

**Mr. Don Davies:** I challenge the chair.

**The Chair:** We have another challenge to the chair.

Should the chair's decision be sustained?

**Mr. Don Davies:** A recorded vote, Mr. Chair.

**The Chair:** Mr. Davies is requesting a recorded vote.

(Ruling of the chair overturned: [See *Minutes of Proceedings*])

**The Chair:** The decision of the chair has been overturned. Now we have debate on this amendment, and we will not be going until the debate is completed.

Mr. MacKenzie.

• (2120)

**Mr. Dave MacKenzie:** Well, Mr. Chair, for—

**An hon. member:** Are we going over...?

**The Chair:** It's limitless debate.

**An hon. member:** The usual debate.

**Mr. Dave MacKenzie:** Well, Mr. Chair, for all the reasons that you've ruled it out of order—while the other side have now overturned that—we would oppose it. It takes away what the intent of the bill was.

I'm a little bit disappointed that Madame Mourani saw fit to support the other side against your judgment. I thought we had talked previously and she had indicated that she didn't support any amendments. This particular amendment I think goes entirely against the intent of the bill. I don't know how I can be any clearer: what he's done here is not what the intent of the bill was from the very beginning.

It was the agreement we had, the understanding we had. Certainly, all of a sudden they put a value in, and that's not what the argument was through this process. The Bloc Québécois had an agreement with this party to move forward with no amendments, so I can't understand the legitimacy of where they have gone on this. When you put it into a value, it's not what the bill was, not intended to be, and I just think it's a watered-down version of the original bill.

I don't know whether Ms. Mourani wants to talk about it or not, but I'm extremely disappointed that this is going forward after you have made your decision.

**The Chair:** We need to be debating the amendment. So whether or not Madame Mourani...she voted to overturn the decision of the chair.

Madame Mourani, I'll give you the opportunity to speak to this, and then we'll come back to Mr. McColeman and Mr. Rathgeber.

Madame Mourani.

[*Translation*]

**Mrs. Maria Mourani:** Mr. Chairman, I challenged your decision, not for personal reasons, but simply to allow us to debate this.

I had serious doubts that your ruling was the correct one. After giving this some thought, we think the amendment is in order. So, I didn't understand why you thought it was not, particularly since there had been no debate.

However, we will be voting against it. I am not saying we will support it. We will vote against all the amendments that come forward today. There is no doubt about that; I have looked at all of them and we will be voting against them all.

That said, we were of the view that they were within the scope of the bill. This is a democratic institution, and people have a right to present their amendments and have them debated. However, I can assure you we will be voting against.

[*English*]

**The Chair:** Mr. McColeman, and then Mr. Rathgeber.

**Mr. Phil McColeman:** I will speak to the amendment. I don't believe that was the intent of the legislation to begin with.

Secondly, by putting this kind of amendment in place, we're diminishing the original intent. There are so many victims out there of white-collar crime, in particular the ones who are the hardest to deal with. We had witnesses today who are the most vulnerable people. They're our elderly people. They're the people who perhaps, like many in my community, have been able to save \$60,000 or \$70,000 in order to live out their lives with a little bit of dignity. But they're being scammed by someone who may scam only five or six people. Does that diminish their standing versus being part of a large

Ponzi scheme? I don't think so. In fact, I think they're the most vulnerable people, the ones who actually suffer the most.

We heard our witnesses, the victim witnesses in particular—the gentleman here—describe to us tonight some of the things that happened to some of these people who were shamed and lost. Perhaps it may not have been a lot of money, in some people's eyes. But they have committed suicide, or they've been in psychological treatment for years and years as a result of this. It's basically been the ruination of their lives.

So to diminish the fact that there's a distinction between someone who wants to victimize these people, who does victimize them by defrauding them...to somehow say that's less than a mega fraudster, I don't buy that argument.

This amendment would say that we're going to categorize the types of fraudsters out there. We're going to say that there are the big, sophisticated fraudsters who get away with millions—and yes, we don't want to see those people have access to early parole—but we're also going to then say that there is a lesser scale. For example, if it's in a small community, if it's a trusted person who all of a sudden turns sour, and there are 10 people in the community who might have lost less than a certain threshold of money, but it may have been all they had.... I can personally relate to some people in that category. If they lost their \$60,000 or \$70,000, it would be the ruination of their lives. They're in their seventies or eighties. They're very vulnerable.

I cannot agree to these amendments for that reason.

• (2125)

**The Chair:** Mr. Rathgeber, Monsieur Ménard, Mr. Davies, and Mr. MacKenzie.

**Mr. Brent Rathgeber:** Very briefly, Mr. Chair, as ludicrous as I thought Mr. Holland's proposed amendment was to make the threshold \$100,000, this one is even more ludicrous.

To make the threshold \$1 million would imply that a white-collar fraud or a scheme where the damages are \$990,000 is somehow minor. That defies any logic, anything the victims have told us. It's ludicrous. I think it's counterintuitive to the spirit of the bill.

I commend your ruling that it's out of order.

But since the members on the other side of the table have deemed fit to challenge the chair, I certainly take Madame Mourani on her word that she will do the right thing and vote no to this ludicrous amendment, making the bar \$1 million for the difference between a minor fraud and a major fraud.

**The Chair:** Monsieur Ménard.

[*Translation*]

**Mr. Serge Ménard:** In light of the arguments we have just heard, it is clear that committee members are against the proposed amendments. However, my previous decision is based on my conviction that amendments should come forward so that members have an opportunity to discuss them. That is exactly what Ms. Mourani felt and what she just explained.

I find it surprising to see that clause-by-clause consideration of bills in committee is a complete farce, where everything becomes a procedural issue. I believe this is within the scope — I'm still looking for the correct expression in French — of the bill. Yes, there are different choices that can be made with respect to a bill, and that's why people propose amendments. However, every time someone is not in favour of the proposed amendment or the Chair is not in favour, he rules it to be out of order. It's a complete farce. Amendments are killed off on the basis of procedure. By the way, why not do things properly, the way they're done elsewhere? When someone moves an amendment related to the subject matter of the bill, well, people discuss it and hear the members' opinions. In this case, you were told...

I fully agree with Mr. McColeman's arguments because, quite frankly, \$1 million, and even \$100,000, is far too much. Personally, I do not want to see these amendments passed. However, I will challenge the Chair's rulings when I have the sense they will place a gag on committee members who are trying to improve a bill or limit its scope, because it goes too far, or make amendments so that it will have a more positive effect. That is the principle I'm defending in challenging rulings. Obviously, if it were completely off topic and had nothing to do with the parole process, the Chair would be absolutely right to rule that is not within the scope of the bill. However, what he is saying is:

[English]

“This is within the scope, but I don't agree with it.”

[Translation]

That's why I voted against the Chair's ruling. I will also be voting against the amendment which, like you and others who spoke before me, I do not agree with.

• (2130)

[English]

**The Chair:** Again, Monsieur Ménard, so that you are clear on this, this isn't a unilateral decision that we make. We make it with our legislative experts from the House who take the proper procedure and ask if it moves completely contrary to the scope of the bill. According to the procedure, if they counsel me that it does, then I'm basically bound by their decision in their expert opinion. When my decision is overturned, then we get to debate it.

It's legislative counsel who has said that it moves against the spirit of the bill.

[Translation]

**Mr. Serge Ménard:** I am absolutely convinced that that is what they think, but I completely disagree with them. Their view is that a bill cannot be amended except by changing a comma or verb tense or correcting a spelling error. That is not my view.

If, for example, it is decided that the sentence for a particular offence should be 14 years, whereas I believe it should be seven years, I can move an amendment. That may be contrary to the stated purpose, but it is within the scope of the bill under consideration. In any case, being familiar with the way it works in other legislatures, I can tell you that I know that is the process which is followed, and it is more logical, because otherwise, there is no longer any point to clause-by-clause consideration.

[English]

**The Chair:** Thank you, Monsieur Ménard.

Mr. Davies, and then Mr. MacKenzie.

**Mr. Don Davies:** First of all, I want to thank my colleagues from the Bloc, Monsieur Ménard and Madame Mourani, for what I consider to be a principled stand and one of integrity. We may not agree on the substance of the bill, but I think it shows a respect for the process that I personally find very admirable.

I know that Mr. Ménard was a justice minister in Quebec, and certainly he has a very well-established experience with legislative drafting. So if he thinks this is in order, that opinion counts a lot with me.

I just want to say that Mr. Rathgeber uses one of the oldest tricks in the book, which is to name call. He called my amendment ludicrous. That doesn't speak to the logic of it; it's a name call.

I'll tell you where the million dollars came from, Mr. Chairman. On the million-dollar threshold, if my friend read the Criminal Code—read the sections he's calling ludicrous—which he obviously hasn't, the million dollars came from the Criminal Code. That is the standard that's extant in the Criminal Code in some of these offences. The million-dollar figure is referred to as an aggravating factor when sentences are given out; that's why we use the million dollars.

I also want to point out that the Criminal Code is filled with distinctions that seek to establish thresholds of seriousness. We have theft over, theft under.... That doesn't mean the theft of \$20 is less serious than the theft of \$200 million; only a fool would equate those two in terms of sentencing. They make a difference.

**Some hon. members:** Oh, oh!

**The Chair:** Stop the name-calling, Mr. Davies.

**Mr. Don Davies:** I didn't suggest that anybody in this room was one, but it's amazing how quickly people reacted.

Anyway, the reason we put that million-dollar scope in was to separate those large-scale frauds from lesser frauds. In this case we want to separate the crime of an aboriginal woman who may have passed bad cheques because she has an alcohol problem or an addiction or she is a victim of sexual abuse and finds herself in a federal prison.

Ashley Smith was in a federal prison. All of us in this room know that people can end up in a federal prison who are non-violent first-time offenders. I don't think anybody in this room would say that Ashley Smith should have been in the prison cells she was in. I want to differentiate an Ashley Smith from an Earl Jones.

We picked an arbitrary number. We chose one that's already in the Criminal Code.

I might point out that this language was pulled from NDP Bill C-21. We actually made amendments to lower the threshold of a million dollars, and those amendments were defeated by parties in this room.

When we talk about a million dollars, Mr. McColeman said that someone might lose \$60,000 or \$70,000. That's true. That's a serious amount of money. It doesn't take long to get to a million dollars. I mean, if you defraud 15 people, you're at the million dollars. I'm perfectly open to anybody who wants to suggest that there be a lower threshold.

My Liberal colleagues have suggested \$100,000. That sounds reasonable to me too. The point is to identify the white-collar crimes and establish a limit that separates what we consider to be a large-scale organized kleptocracy from the kinds of offences committed by people who do not fall into that category.

I also want to say, in conclusion, that these offences are by definition large-scale offences. They're filing false prospectuses. They're violating trademark for the purpose of trade. People aren't doing this to make \$60; they're doing this to have large-scale organized crime.

Again, I respect the vote. I don't want to hold things up, Mr. Chairman. We have a lot of business to do, and I would propose that we go to the vote on this, unless anybody has anything different to say.

• (2135)

**The Chair:** We do have a few left here, Mr. Davies.

Mr. MacKenzie.

**Mr. Dave MacKenzie:** I'd like to point out something to Mr. Davies. I do believe either Jones or Lacroix was sentenced under provincial securities legislation. Therefore, all your amendments relating to Criminal Code offences wouldn't apply.

I just wonder if Ms. Campbell might be able to—

**Mr. Don Davies:** Actually, Mr. Chairman, I can help my friend with that.

**The Chair:** No, that's fine. The question is for Madam Campbell.

**Ms. Mary Campbell:** I don't want to derail the proceedings. I do recall that one of the names that has been mentioned, to the best of my recollection, was convicted only under provincial securities legislation, but I can't swear to that.

If there's someone in the room who has Internet access and wanted to confirm that...

I do recall that one of them was not convicted under the Criminal Code.

**The Chair:** Continue, Mr. MacKenzie.

**Mr. Dave MacKenzie:** Even if they weren't, they could be convicted under provincial securities legislation and receive a sentence. Then this amendment wouldn't apply anyway.

**Ms. Mary Campbell:** That's my understanding.

**Mr. Dave MacKenzie:** Yes.

**The Chair:** We have a couple more.

Mr. Holland wanted to speak, and then we'll go to Madam Mendes.

**Mr. Mark Holland:** Mr. Chair, I move a subamendment to reduce the amount stated at \$1 million to \$100,000.

**The Chair:** If that's the only amendment, my understanding is that it would make it the same as the other. Is that correct? And it was ruled inadmissible.

**Mr. Mark Holland:** It is \$100,000.

**Mr. Don Davies:** Mr. Chairman, might I say that it's a different basket of offences in the two....

**Mr. Mark Holland:** It is different, first of all. It is a different basket.

**Mr. Don Davies:** Changing the figure does not make it identical, because my motion has a larger number of offences than Mr. Holland's.

**The Chair:** Again, on the same principle of the decision earlier, in the opinion of the chair, by proposing a subamendment to retain sections 125 to 126.1, it's already....

This is a new subamendment, which I would rule out of order.

**Mr. Mark Holland:** To that point, Mr. Chair, because there was already a ruling of the committee to not overthrow but to overturn you.... We would never want to overthrow you, Mr. Chair.

**The Chair:** By the end of the night, I may be....

**Mr. Mark Holland:** But we did overturn your decision. Therefore, the amendment is duly before the committee, and therefore, this amendment would be.... I'll keep it at \$100,000, because it also deals with a different basket.

• (2140)

**The Chair:** All right. If that's the case, then we have debate on the subamendment.

Go ahead, Mr. Rathgeber.

**Mr. Brent Rathgeber:** I just have a question. Have you ruled the subamendment in order?

**The Chair:** Yes.

**Mr. Brent Rathgeber:** I have nothing to say. I'll be voting no.

**The Chair:** Is there any discussion on the subamendment?

(Subamendment negated [See *Minutes of Proceedings*])

**The Chair:** Are we ready for the question on the amendment, or do you want continued debate on the amendment?

The subamendment was defeated, so we will now take the vote on Mr. Davies' amendment.

**Mr. Dave MacKenzie:** I would like a recorded vote.

**The Chair:** It will be a recorded vote.

(Amendment negated: [See *Minutes of Proceedings*])

**The Chair:** We'll go to NDP-3. The reference number is 368.

Go ahead, Mr. Davies.

**Mr. Don Davies:** Yes, Mr. Chairman.

Briefly, we heard some evidence, and I think one of the problems with the accelerated parole system is that it puts a reverse burden onto the National Parole Board to prove on reasonable grounds that the person is likely to commit a violent offence.

With this amendment we've reversed the burden so that an offender who's applying for accelerated parole would have the burden of proof on reasonable grounds to satisfy the board. That's the first thing this amendment does, reverse it back to the offender. And then it would be to satisfy the board that if he's released he is not likely to commit any offence, not just a violent offence.

Presently the system, of course, is if the application automatically comes before the parole board, the burden is on the parole board to show that the person is likely to commit a violent offence. This leaves the unacceptable situation of a person who might very well be likely to commit an offence, but they still get accelerated parole.

I thought this was a way to right that wrong and make this system accord with what I think is Canadians' sense of justice.

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

In the opinion of the chair, this amendment would be contrary to the principle of C-59 and is therefore inadmissible.

**Mrs. Alexandra Mendes:** I challenge the chair.

**The Chair:** We have a challenge to the chair.

Shall the chair's decision be sustained?

(Ruling of the chair sustained: [See *Minutes of Proceedings*])

**The Chair:** The chair's decision is sustained. NDP-3 is inadmissible.

Mr. Davies on 049.

• (2145)

**Mr. Don Davies:** Thank you, Mr. Chairman.

I think 049 should really be read with 843, because 049 amends Bill C-59, and, if I'm not mistaken, 843 would make the consequential amendment to the Criminal Code. I have no objection to dealing with these together, in the interest of time.

Mr. Chairman, this amendment does exactly what I just said the previous amendment does. It puts the onus back on the offender to satisfy the board that, if released on accelerated parole, they're likely not to commit any offence, violent or otherwise. But this is a different approach that would give the judge the discretion at the time of sentencing to determine if someone would or would not be eligible for accelerated parole. By this means we still retain the concept of accelerated parole in our country but we give over to the judges of this country the discretion to apply this.

I have heard support from all sides of this room—clearly from the Conservatives—that when a judge gives a sentence, that should be respected. So if we respect the judge's length of sentence, we should also respect that the judge is able, with their independence and

learnedness, to discern which type of first-time non-violent offender is a good candidate for accelerated parole if they meet these standards—they still have to apply and meet the burden—and which ones should be disqualified from that.

I urge all my colleagues to support this as a reasonable and intelligent approach to accelerated parole.

**The Chair:** All right. We cannot deal with the two amendments together because the other amendment deals with a later clause, so we must deal just with this one.

**Mr. Don Davies:** Okay.

**The Chair:** Again, I'm advised that this would be inadmissible, so I will rule it inadmissible.

**Mrs. Alexandra Mendes:** I challenge the chair.

**The Chair:** Again, we are being challenged. Shall the chair's decision be sustained?

A recorded vote again?

[*Translation*]

**Mr. Serge Ménard:** Am I not allowed to speak?

[*English*]

**The Chair:** You have no right to speak on the challenge to the chair.

[*Translation*]

**Mr. Serge Ménard:** That's fine.

[*English*]

**The Chair:** Okay.

(Ruling of the chair sustained: [See *Minutes of Proceedings*])

**The Chair:** There's one more on that clause.

Mr. Holland, number 367.

**Mr. Mark Holland:** I'm not going to speak to it. I'm going to move it all. Should I just read it quickly?

**The Chair:** You don't even have to read it.

**Mr. Mark Holland:** You have it. I'll wait and see your ruling with bated breath, uncertain of the outcome, and I will speak to it pending your ruling.

**The Chair:** All right.

The decision of the chair is that this amendment is inadmissible, and again we have a challenge to the chair on a recorded vote.

(Ruling of the chair sustained: [See *Minutes of Proceedings*])

**The Chair:** I think those are all the amendments to clause 5.

(Clauses 5 to 13 inclusive agreed to on division)

• (2150)

**Mr. Don Davies:** Mr. Chair, I have an amendment to add new section 13.1.

**The Chair:** Okay, go ahead, Mr. Davies.

**Mr. Don Davies:** I'm not sure if this is the appropriate time to question this amendment.

**The Chair:** Right now would be the time.

With the adoption of clause 5, this makes this again inadmissible. That's not the right word. "Nonsensical" would be the word that is used. Again, there are no sections 125 and 126.

But that still gives you the opportunity to speak to it, Mr. Davies.

Actually, no it doesn't. My decision is that this is now inadmissible because of those.... It can't even be put. So unless there is a challenge....

**Mr. Don Davies:** Could I just have one second, Mr. Chairman?

What has happened to sections 125 and 126?

**The Chair:** They have been deleted.

**Mr. Don Davies:** They have been repealed by which section?

**The Chair:** Clause 5.

**Mr. Don Davies:** That has already passed. In that case, Mr. Chairman, I have no intention of proceeding.

(Clauses 14 to 16 agreed to on division)

**The Chair:** Shall clause 1 carry? That's the short title.

**Some hon. members:** Agreed.

**Some hon. members:** On division.

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

**Some hon. members:** Agreed.

**Some hon. members:** On division.

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

We have a request for a recorded vote.

(Bill C-59 agreed to [See *Minutes of Proceedings*])

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

**Some hon. members:** Agreed.

• (2155)

**The Chair:** We are finished with the bill.

Mr. Ménard has his hand in the air and would like to speak to this. Go ahead, Mr. Ménard.

[*Translation*]

**Mr. Serge Ménard:** Just so our learned law clerks understand the meaning and logic of my votes, which are anything but contradictory, I would just like to point out that it is possible to amend a bill to improve it, to change something. However, if the bill deals with parole and amendments that are needed in terms of when a judge hands down his sentence, I think that is outside the scope of the bill. That's why I was prepared to sustain your rulings. My view is that these amendments were legitimate, even if I was not in favour of them.

[*English*]

**The Chair:** Mr. MacKenzie.

**Mr. Dave MacKenzie:** I'd just like to say thank you to everybody here tonight—the staff and all the members at the table. This has been a long day. I'm sure at times we thought we'd rather be somewhere else, but we owe a debt of gratitude to everyone here tonight. Thank you very much.

**The Chair:** Thank you again.

Ms. Campbell, thank you for appearing and sticking around until the end. Sometimes we take for granted the great expertise we have in the House of Commons here in Canada. I just want to personally thank you for all the great work you have done over the years and for what you've done here this evening.

**Ms. Mary Campbell:** Thank you, Mr. Chair.

**The Chair:** We are adjourned.





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