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Chair

Mr. Dave MacKenzie

Standing Committee on Justice and Human Rights

Thursday, October 25, 2012

• (1530)

[Translation]

The Vice-Chair (Ms. Françoise Boivin (Gatineau, NDP)): Good afternoon, everyone. Thank you for being here.

I also want to thank our witnesses.

I think we should first deal with a motion.

The floor is yours, Mr. Coderre.

[English]

Ms. Kerry-Lynne D. Findlay (Delta—Richmond East, CPC): Chair—

[Translation]

Hon. Denis Coderre (Bourassa, Lib.): Thank you, Madam Chair....

[English]

Ms. Kerry-Lynne D. Findlay: —I propose we go in camera for this.

[Translation]

Hon. Denis Coderre: No, we won't go in camera. I had already started talking.

[English]

Ms. Kerry-Lynne D. Findlay: No, you had not. I asked for the chair's attention.

[Translation]

Hon. Denis Coderre: Excuse me, but I had already started.

[English]

Ms. Kerry-Lynne D. Findlay: I propose we go in camera for this.

[Translation]

Hon. Denis Coderre: I had the floor, Madam Chair. I don't see why I am being interrupted.

The Vice-Chair (Ms. Françoise Boivin): I recognize that you had the floor. I said "Mr. Coderre", and you began. Immediately afterwards, Ms. Findlay spoke up.

The question has been raised, and I would like an answer.

The Clerk of the Committee (Mr. Jean-François Pagé): Mr. Coderre should begin.

The Vice-Chair (Ms. Françoise Boivin): So go ahead, Mr. Coderre.

Hon. Denis Coderre: I would like to move the following motion:

That the Standing Committee on Justice and Human Rights conduct a study on the subject matter of the section of Bill C-45, A second Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures, which directly fall within the mandate of this committee, namely Part 4, Division 9, the Judges Act, and report of its findings to the House no later than Monday, November 5.

I call for a recorded division, if I may.

The Vice-Chair (Ms. Françoise Boivin): Let's hold the debate.

Ms. Findlay, you have the floor.

[English]

Ms. Kerry-Lynne D. Findlay: Thank you.

As Mr. Coderre may know, the Parliamentary Secretary to the Minister of Finance made a statement in the House yesterday that expressed our government's willingness to send various parts of the budget implementation act to the appropriate committees following the completion of second reading debate. As a result, I can say that the government members on this side of the table support the idea of having division 9 of part 4 of Bill C-45 studied at this committee.

However, it is our view that it is premature to pass any motions to this effect, because the bill is still at second reading in the House of Commons. I therefore encourage my honourable colleagues to support Bill C-45 at second reading so its various parts can be studied at the appropriate committee. Once the bill has passed second reading, our committee can collectively discuss how and when division 9 of part 4 shall be studied. As I say, we would support it at that time, but not now.

[Translation]

The Vice-Chair (Ms. Françoise Boivin): Mr. Jean, go ahead.

[English]

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): I was just going to propose an amendment to the beginning of Mr. Coderre's motion, to read, "That the committee shall immediately go in camera to discuss, and then continue with the motion.

The Vice-Chair (Ms. Françoise Boivin): I'll start by giving you my answer.

[Translation]

I don't think this amendment is in order, given the type of motion and the stage we are at.

That's my ruling.

[English]

Mr. Brian Jean: I had the floor, Madam Chair.

Hon. Denis Coderre: I have point of order.

Mr. Brian Jean: I put forward an amendment to the motion. We're discussing the amendment, as far as I am aware. Why would it not be in order?

[Translation]

Hon. Denis Coderre: Madam Chair, I think a point of order always takes precedence.

The Vice-Chair (Ms. Françoise Boivin): You're right—a point of order always takes precedence.

Mr. Coderre, go ahead.

Hon. Denis Coderre: There aren't two chairs here; there's only one chair.

Since we were already very advanced, I think this amendment is out of order. I don't know what the Conservatives have to hide again. We should continue debating my motion.

The Vice-Chair (Ms. Françoise Boivin): In any case, I have made a ruling, whether you like it or not. You will act appropriately under the circumstances. I said that the amendment was out of order, considering the type of motion before us and the stage we are at. The debate has actually already begun.

Mr. Jean, go ahead.

• (1535)

[English]

Mr. Brian Jean: I would challenge the chair.

The Vice-Chair (Ms. Françoise Boivin): Please do.

[Translation]

In this case, the question that arises is the following: That the decision of the chair be sustained.

We will hold a recorded division.

(Ruling of the chair overturned: yeas 6; nays 4 [See *Minutes of Proceedings*])

The Vice-Chair (Ms. Françoise Boivin): We will therefore continue the meeting in camera.

Mr. Coderre, do you wish to rise on a point of order?

Hon. Denis Coderre: The fact that the ruling has been overturned does not mean we should continue in camera. The overturned ruling means the amendment was deemed out of order. In this case, we have to discuss the amendment, and that's what I would like to do.

The Vice-Chair (Ms. Françoise Boivin): You are right. The vote was on the admissibility of the amendment, which sought to add to your motion the suggestion that we go in camera.

So let's move on to the discussion. Mr. Coderre, go ahead.

Hon. Denis Coderre: Madam Chair, I think our colleagues from across the table are very undemocratic. We have once again heard the broken record from the Prime Minister's Office. I don't see what they have to hide or what they're afraid of.

This amendment shows us that the government has been playing owner and preventing democracy from unfolding. A committee is sovereign and free in its parliamentary activities. The committee

decides what it wants to discuss and how, and that is why we can propose this amendment and overturn your ruling.

Since we have begun the discussion, I will say that I am completely opposed to this amendment. Opinions on this have been issued by the government and by the two opposition parties. I don't see what else the Conservatives have to hide. They think that democracy is practised in camera. I am completely opposed to this amendment.

The Vice-Chair (Ms. Françoise Boivin): Ms. Findlay, the floor is yours.

[English]

Ms. Kerry-Lynne D. Findlay: Monsieur Coderre may or may not be aware of this, but actually this committee—

Hon. Denis Coderre: How many years have you been here?

Ms. Kerry-Lynne D. Findlay: I'm talking about committee business and you do not sit on this committee normally, sir.

Hon. Denis Coderre: How many years have you been here?

Ms. Kerry-Lynne D. Findlay: I am talking about this committee's business.

The Vice-Chair (Ms. Françoise Boivin): Can you address—

[Translation]

Thank you.

[English]

Ms. Kerry-Lynne D. Findlay: Through the chair, I would say that this committee actually has the lowest number of times of going in camera of any standing committee in this Parliament.

We have made a motion. It has nothing to do with democracy. As I said earlier, in fact, we agree with the spirit and the idea of discussing division 9 of part 4. It's simply the timing. Our point of view is that this bill should be allowed to have second reading in the House. Then we agree that we will set the appropriate time, as we do in committee, as to when we can deal with it. I'm sure we'll do that in a timely way, and cooperatively, as we always do in this committee. Then we will move forward to discuss it at this committee.

[Translation]

The Vice-Chair (Ms. Françoise Boivin): Mr. Côté, over to you.

Mr. Raymond Côté (Beauport—Limoulu, NDP): Thank you, Madam Chair.

I dislike the fact that we were unable to resolve this issue more quickly and thus avoid wasting our witnesses' time. That's very disrespectful. Unfortunately, they will have to leave the room, and that will add to the delay.

That's all.

The Vice-Chair (Ms. Françoise Boivin): Mr. Jean, go ahead.

[English]

Mr. Brian Jean: I was just going to say that the parliamentary secretary has been very clear that she's open to this particular amendment, but just not now, and that's why she wants to go in camera. As far as democracy goes, I think democracy just had its way. If we put this amendment to a vote, it's going to have its way and then we can deal with the amendment and it can have its way with democracy as well. Democracy is here, and it's alive and well.

The reality is Mr. Coderre is not a normal member of the committee. This is the first time—

Hon. Denis Coderre: Normal? What do you mean by “normal”? I've been here for 15 years. I'm a member of the Privy Council. I've been a minister of the crown. I don't accept that kind of statement. Retract it.

The Vice-Chair (Ms. Françoise Boivin): Can you explain your word “normal” to settle the point of order here?

Mr. Brian Jean: I will. He said all that's necessary as far as my description of that particular individual is concerned. He's not a regular committee member. I don't think he's been on this committee since I've been here, which is only 15 months. Maybe he has been, but I have not noticed. The reality is, we have a regular committee, a normal standing committee, which has regular members on it who are normally on this committee.

Mr. Coderre has brought forth a motion that's not, in my opinion, in good faith. We have a situation here where democracy wants to speak, where witnesses want to come forward. We already mentioned that we are in full favour of the particular motion that Mr. Coderre has brought forward, just not the timing of it. That's why we want to deal with it in camera, so we can come up with a solution, but that's not possible, so now we have to play hard ball. Democracy will have its way.

• (1540)

[Translation]

The Vice-Chair (Ms. Françoise Boivin): Mr. Scott, you have the floor.

[English]

Mr. Craig Scott (Toronto—Danforth, NDP): I'd say that because we didn't go in camera immediately and we did have representations from Ms. Findlay, we already know the positions. Therefore, I would suggest it is a waste of time to go in camera now. If everybody could just be a bit pragmatic here, we've all had enough and we don't need to go in camera. We can vote and we can be respectful of our witnesses.

[Translation]

The Vice-Chair (Ms. Françoise Boivin): Mr. Coderre, go ahead.

Hon. Denis Coderre: I entirely agree with my colleague. I don't know why the conservatives are afraid of voting. All they have to do is reject my motion. I have been a member of Parliament for 15 years, and my idea of democracy consists in respecting members and procedures.

I spent 12 months on this committee in the past. The fact that we are replacing someone doesn't mean we are not familiar with the work.

I support what my colleague Craig Scott said. We have expressed our opinion, and they have expressed theirs. Let's go ahead with the vote, so that we can hear from witnesses. They won't even need to leave the room, Madam Chair.

The Vice-Chair (Ms. Françoise Boivin): Mr. Jacob, go ahead.

Mr. Pierre Jacob (Brome—Missisquoi, NDP): I also think that the time has come to be transparent and to call a spade a spade. I suggest that we do our job, that we let democracy speak and that we move on to the witnesses, who are waiting impatiently.

The Vice-Chair (Ms. Françoise Boivin): That's the last comment on this issue.

In any case, my ruling was overturned. So we must put the question on the amended motion, which calls for the meeting to continue in camera.

We will hold a recorded division.

Mr. Raymond Côté: I would like to clarify what the vote is about. Are we voting on the amendment?

The Vice-Chair (Ms. Françoise Boivin): The vote is on the amended motion, which calls for us to deal with the motion in camera.

[English]

Ms. Kerry-Lynne D. Findlay: Can the amendment be read—

[Translation]

Mr. Raymond Côté: Okay. So the vote is on the amendment.

The Vice-Chair (Ms. Françoise Boivin): Do you have the amendment, Mr. Jean?

[English]

Ms. Kerry-Lynne D. Findlay: —just so that we know, when we're voting yes or no, exactly what we're voting on.

[Translation]

Hon. Denis Coderre: The vote is on the amended motion.

[English]

The Vice-Chair (Ms. Françoise Boivin): Mr. Jean presented the amendment, so maybe he can read how it would fit. He's very experienced.

Mr. Brian Jean: Certainly.

[Translation]

Hon. Denis Coderre: He should read the amended motion because we will vote on the entire motion as amended.

The Vice-Chair (Ms. Françoise Boivin): Yes, that's right.

[English]

Mr. Brian Jean: I'm sorry, I didn't get translation on that.

No, Madam Chair, my amendment is “That the committee shall immediately go in camera to discuss” and then continue on with the wording of his motion. It would only be amended by placing those words at the front of his motion.

The Vice-Chair (Ms. Françoise Boivin): That's not an amendment to the motion.

Mr. Brian Jean: Of course it is, Madam Chair. It's the first sentence of the motion, so it's an addition.

[Translation]

The Vice-Chair (Ms. Françoise Boivin): Okay, that's what I wanted to know. So the request to continue the meeting in camera would be placed at the beginning of the motion.

So here is the motion on which we are voting. In its introduction, the motion calls for us to continue the meeting in camera.

So let's hold the vote on the motion with that addition.

Hon. Denis Coderre: Unless I am mistaken, we are taking what Mr. Jean read and adding the following to it:

That the Standing Committee on Justice and Human Rights conduct a study on the subject matter of the section of Bill C-45, A second Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures, which directly fall within the mandate of this committee, namely Part 4, Division 9, the Judges Act, and report of its findings to the House no later than Monday, November 5.

If I am not mistaken, this is what people want to vote secretly on.

The Vice-Chair (Ms. Françoise Boivin): Mr. Jean says that's not it.

As you have proposed the amendment, can you clarify?

[English]

Mr. Brian Jean: I did not say that. I don't believe that my honourable colleague across the way dealt with the issue of "discuss", that we would go immediately in camera to discuss. I didn't say that we would vote for it, and that's what I heard in the translation.

The Vice-Chair (Ms. Françoise Boivin): Your amendment is to say "That the committee shall go immediately in camera to discuss" and then we continue with the text of the motion. Is that okay?

Mr. Brian Jean: In camera, oui. That is okay.

The Vice-Chair (Ms. Françoise Boivin): That's satisfactory. That's why I was reversed. Excellent. Now that everybody's clear on how they voted previously, that's really nice.

[Translation]

Let's go ahead and vote.

Mr. Raymond Côté: Madam Chair, the vote is ultimately on the amendment.

The Vice-Chair (Ms. Françoise Boivin): Exactly.

Mr. Raymond Côté: That's very well.

(Amendment agreed to: yeas 6; nays 4. [See *Minutes of Proceedings*])

The Vice-Chair (Ms. Françoise Boivin): In that case, we will continue the meeting in camera to deal with the amended motion.

We will give the people who cannot be here during the in camera part of the meeting some time to leave the room.

We apologize. We will try to come back to you as quickly as possible.

[Proceedings continue in camera]

• (1545)

(Pause)

• (1545)

The Vice-Chair (Ms. Françoise Boivin): We are resuming the public proceedings.

I want to begin by thanking our guests. We apologize for the short delay. You are witnessing day-to-day democracy in all its glory.

Mr. Clerk, how much time will everyone have?

The Clerk: Everyone will have about five to seven minutes.

The Vice-Chair (Ms. Françoise Boivin): You will have five to seven minutes each to express your organization's positions on Bill C-37, which is currently before us.

Let's begin with Ms. Jong.

Ms. Joanne Jong (As an Individual): Good afternoon, members of the committee.

I would like to begin by sharing with you the experience crime victims go through. I will then give you examples of essential services victims of crime need. Finally, I will explain why Bill C-37 meets the objective of making criminals accountable.

When police officers told me my father had been murdered, I felt like someone had dealt me a crushing blow to the head. I could no longer function. I could no longer do anything. I lost my appetite and couldn't sleep. I could no longer drive my own car, prepare my meals, shop for groceries or do my housework. In short, I could no longer take care of my basic needs. I was no longer a contributing member of society. Yet that's what I had been my whole life, until that tragedy.

When someone becomes a victim of crime or loses a loved one in a murder, they immediately need a whole range of services they would not normally need. For instance, I would have needed a response team to reach out to me and help me meet my basic needs, such as preparing my meals, doing my laundry and driving my car. All those small daily tasks had suddenly become too difficult and insurmountable. Those tasks are not complicated nor do they constitute a luxury. Those kinds of services would have helped me tremendously through this traumatic ordeal.

Becoming a victim of a criminal is not a choice we make. We don't prepare for it in advance. It is a state we find ourselves in as a result of criminals' choices and actions. When a criminal harms another individual, it is logical that they should pay the price for that crime. That's a principle set out in the Criminal Code. The damage caused by criminals should not be paid by society as a whole.

All the law-abiding Canadian citizens who are victims of criminals should have the right to the same basic services. For instance, Ontario's Victim Crisis Assistance & Referral Services program sends response teams specializing in practical support for victims to help them make meals, do their shopping or do the dishes. Other basic services include crime scene clean-up, psychological services and assistance for covering funeral costs. Those services should be available everywhere—regardless of the province of residence and of the province in which the crime was committed. The federal government has shown its leadership; the provinces should do the same by providing better services.

Currently, victims are treated differently from province to province. In addition, some victims of crime have practically no access to any services. Yet, they're all Canadians, from coast to coast to coast. All the law-abiding Canadians who are victims of criminals should have the same rights. The provinces should use the federal government's leadership as inspiration. Therefore, I invite the various levels of government—federal and provincial—to find a way to agree in the interest of victims and harmonize services across the country.

In civilian life, many fines are mandatory, as judges have no discretionary privileges with regard to that. For instance, a violation of traffic regulations can easily result in a fine of \$200 or more. So I don't see why it shouldn't be the same when it comes to the Criminal Code. Accused people awaiting trial do not hesitate to raise significant funds for bail. By comparison, the victim fine surcharge is a nominal amount. I have no sympathy for criminals who have to pay it. The damages they have caused by far surpass the victim fine surcharge amount.

There is another important point. Currently, all taxpayers are paying for the damages inflicted by criminals. The victim fine surcharge covers only a fraction of the cost of assistance for crime victims. Increasing the surcharge would lighten some of the burden currently placed on all law-abiding citizens. The criticism that the \$200 amount is too high for poor criminals does not hold water, as they can work to pay it off.

As a victim, I am relieved to see that the current government is implementing legislative measures to remedy the historical imbalance between victims' rights and criminals' rights. It has the political courage to legislate in order to make criminals accountable to their victims.

• (1550)

I encourage all the members to fully support this bill.

Thank you for inviting me and for listening to my comments on this bill, which is so important for victims of crime.

The Vice-Chair (Ms. Françoise Boivin): Thank you, Ms. Jong.

Mr. Surprenant, you have the floor.

Mr. Michel Surprenant (President, Association of Families of Persons Assassinated or Disappeared): Good afternoon, everyone.

My name is Michel Surprenant. I am the father of Julie Surprenant, who disappeared on November 16, 1999. Following the disappearance of my daughter, I founded, with the help of Pierre-Hugues Boisvenu, the Association of Families of Persons Assassinated or Disappeared.

I am here to speak to you as the president of the AFPAD. I congratulate the Conservative government on Bill C-37. I want to explain why this bill is so important for victims. This piece of legislation will enable the provinces to raise the money they need to provide more services to victims.

In the wake of a crime or a disappearance, victims' needs are huge. Being a victim involves all kinds of unexpected costs. When my daughter disappeared, I had to deal with unexpected costs. Let's take psychological care as an example. Currently, Quebec covers only

20 counselling sessions. In murder cases, the province covers 30 sessions. That's insufficient for victims in that kind of a situation. Victims of sexual predators serve a life sentence. The consequences stay with them for the rest of their lives.

There is an urgent need to increase the funeral cost portion reimbursable by the provinces. Currently, the Government of Quebec pays only \$3,300 for funeral costs, which come up to about \$12,000.

There is a major need to help victims cover the costs of cleaning up the crime scene. That's why it is very important for the provinces to follow the federal government's example. They must increase the victim fine surcharges, as the conservative government is currently doing.

It's also very important for the provinces to use that money intelligently. The money should not be lost in red tape. It should be used to really help victims.

That's why this bill should be passed urgently without amendment.

Thank you.

• (1555)

The Vice-Chair (Ms. Françoise Boivin): Mr. Serre, do you have anything to add?

Mr. Bruno Serre (Vice-President, Association of Families of Persons Assassinated or Disappeared): My name is Bruno Serre, I am the Vice-President of the Association of Families of Persons Assassinated or Disappeared. I am also the father of Brigitte, who was assassinated in 2006, at the age of 17.

I want to thank the members for inviting us to testify on this important bill, which will help thousands of victims in Canada every year.

With Bill C-37, the government is showing once again, as it has been doing since 2006, that victims are a priority. This bill is greatly appreciated and applauded by the AFPAD. Our association has about 550 members. It was founded by victims and for victims. Our association provides a wide range of services to the loved ones of assassinated or disappeared persons.

In 2005, a year before the death of my daughter, Mr. Boisvenu received a \$600 cheque as compensation for losing his daughter. He was in disbelief over the fact that, when dealing with a crime, the state's only responsibility was to send a \$600 cheque.

In terms of politics, the AFPAD won a major victory when Bill 25 was passed in December 2006. As a result, compensation for funeral expenses increased from \$600 to \$3,300, and psychotherapeutic support could be provided to victims' families. The only drawback is that the Government of Quebec does not apply that measure to minors because they have not contributed to the Régime des rentes du Québec—Quebec pension plan. So, no compensation is provided in such cases.

The AFPAD applauds the new obligation whereby judges must impose a victim fine surcharge. It had become unacceptable for a section of the Criminal Code to be so unused. The fact that a component of the Criminal Code was so little used was an insult to victims and a lack of respect towards them.

Studies conducted in 1992 and 1999 showed that only 15% of victim fine surcharges were imposed and that only 2.7% were actually collected. That's too low. Victims need that surcharge to benefit from the quality services they are entitled to.

In addition, criminals having to pay a certain amount of money is a step toward their rehabilitation. That being said, regarding those who may not have the money, we feel that the criminals who do not pay should have administrative penalties imposed. For instance, the issuance of a driver's license or any other provincial administrative service should be blocked until the victim fine surcharge has been paid. I want to point out that the surcharge is not in the thousands of dollars. We are talking about relatively small amounts.

It's normal for a criminal who has murdered, raped, mutilated or assaulted another person to contribute to victim services. The more criminals pay, the less law-abiding taxpayers will have to contribute to those services. In addition, it may help make criminals accountable for their crimes.

We agree with the very healthy objective of Bill C-37—to promote a sense of responsibility and rehabilitation among criminals.

Thank you.

• (1600)

The Vice-Chair (Ms. Françoise Boivin): Thank you.

We will begin the question period.

Mr. Côté, you have the floor.

Mr. Raymond Côté: Thank you very much, Madam Chair.

Ms. Jong, Mr. Surprenant and Mr. Serre, thank you for joining us. I really appreciate your being here.

I'm very happy to have the opportunity to work on a bill that will hopefully make things better for victims of crime and their families.

In Quebec, there is an alternative justice organization called L'Autre Avenue. This organization made me realize how limited, even non-existent, the support to crime could be. We still have a long way to go. You have listed certain avenues other than the financial options, such as the victim fine surcharge. Thank you for that. It will give us food for thought and contribute to our dialogues with our provincial partners.

One of the conclusions we could have drawn from the application of the victim fine surcharge, almost 20 years ago, was that the original promises were not fulfilled. The provinces did not receive as much money as they had hoped.

We had a few concerns about this bill. One of the things we were wondering about was whether another similar deception may not be involved. We realize that some convicted criminals do not have the means to meet those obligations. They must use other ways to pay.

The bill talks about options for paying a fine with regard to programs applied in the provinces. In other words, convicted individuals could accumulate credits for the work they do. Those programs exist in certain provinces. However, that won't necessarily generate hard cash. It's almost impossible to measure what that will represent.

Is that a concern for you?

Mr. Bruno Serre: That's a small concern for me. Currently, prisoners in penitentiaries work and are paid. Instead of paying them, the authorities would just have to use that money for the Victims Fund. If the surcharge is \$400 and the prisoner is paid \$10 an hour, the money they earn in 40 hours could go to the Victims Fund.

Mr. Raymond Côté: It should be understood, however, that a prisoner who has opted for that alternative will only have time to give, but not money. In a way, they would be paying by contributing to society.

We are asking ourselves questions about infrastructure. We are wondering whether the organizations will be able to accommodate that surplus of individuals. That approach does not necessarily or automatically generate money. We don't know to what extent this alternative may be used.

Mr. Michel Surprenant: If that person has no money, they probably receive employment insurance benefits or welfare. A certain percentage of those benefits could be collected.

Mr. Raymond Côté: What do you think, Ms. Jong?

Ms. Joanne Jong: I think that only a small minority of criminals have no money. Many of them are charged for crimes other than murder. Many of them raise bail for their release. If they can raise bail money, they can afford to pay \$200—a fairly small amount.

• (1605)

Mr. Raymond Côté: The Canadian Association of Elizabeth Fry Societies estimated in 2011 that four incarcerated women out of five were serving time for poverty-related crimes—in other words, poverty had led them to crime. Although we cannot automatically assume they would be unable to pay that amount, this reality should be considered.

What do you think?

Ms. Joanne Jong: What does "poverty-related crimes" mean? Are we talking about prostitution? If so, that's a very lucrative profession. So they should have a lot of money.

Mr. Raymond Côté: That's a possibility, but we could also be talking about crimes such as shoplifting at a corner store or something like that.

Ms. Joanne Jong: Shoplifters are not usually the poorest people.

Mr. Raymond Côté: Obviously, that is your point of view.

The Vice-Chair (Ms. Françoise Boivin): Thank you, Mr. Côté. Five minutes goes by quick.

It is now over to Mr. Jean.

Mr. Brian Jean: Thank you very much, Madam Chair.

[English]

Thank you for your attendance today. I very much appreciate it.

First of all, my heartfelt sympathy to all of you for your loss. I can't imagine what it would be like, but I can imagine that it would not be fun. I want you to know that we all feel that pain here today, especially when we hear your testimony.

My dad was a World War II veteran also. Madam Jong, I know that your father was, and I know that he was also a farmer and rancher. My father was as well. He settled in Westbank instead of Quebec, hence the last name that has a ring of French in it.

You testified some time ago in relation to the Safe Streets and Communities Act. I think it was in October 2011. You said:

Sentencing serves a number of purposes, including ensuring compensation for harm caused to victims or the community. Compensation must therefore be an integral part of the sentence. However, compensation is currently optional and imposed only if the amount can easily be determined.

Maybe that's in part why we're here today. Congratulations on that, and for speaking for victims.

I was a lawyer for some period of time and I saw it waived on a continual basis and I couldn't understand why that was. Often these people would have the ability to pay, but it was waived just as a matter of principle. In fact, in up to 90% of cases, it's waived. That is troubling indeed.

What I was curious about in relation to this was what you thought of the agenda itself. There are three things in particular. We're doubling it. We're making it mandatory. We're also going to try to make sure in cooperation with the provinces that they have a fine option available as there is in Alberta.

What do you think of those three particular strategies? Are they consistent with your view of protecting victims instead of criminals?

Ms. Joanne Jong: Yes. That's a big step in the right direction because the criminals have to be made aware that they're causing damage. They might know that they're causing damage, but currently they're only sentenced to jail or to serve time. As a victim it doesn't feel right that they might go to jail but we suffer the hardship, when it's a choice that they made. They committed crimes on purpose.

As victims we're honest citizens. We try to live the best possible life. We can't be prepared for that. Their voluntary actions make us victims, so they should pay for it. They should have financial consequences like we do. If we break a window, we have to pay to have it repaired. In civil life it's the same. When we cause damage, we pay. It should be the same thing for criminals. That's what this law is going to be tending toward.

Mr. Brian Jean: In fact, it's a senseless crime, in this particular case. One was a youth convicted of second degree manslaughter, I believe, and the other was an adult who was actually acquitted. It must leave a tremendous void in your life, and based upon my experience, a feeling of complete and utter helplessness and the fact that the government is not standing up for you.

Ms. Joanne Jong: It is helplessness. Currently, people can be responsible for killing somebody and get acquitted, which is really a horrible feeling. It's not something we can understand, why they get acquitted.

• (1610)

Mr. Brian Jean: Do you believe these three changes are going to make future victims feel at least that.... It will never repay what they've lost—

Ms. Joanne Jong: No.

Mr. Brian Jean: —but it will certainly make them feel that the government is standing up for victims instead of for criminals.

Ms. Joanne Jong: Yes, and that there's some help, because we become a victim as soon as a crime is committed. The trial can take a year, if they find the culprit. As soon as someone becomes a victim, if there are some measures in place to help the victim, at least the victim would feel that the government was not just saying that it cares for victims, but that it is doing something practical about it.

Mr. Brian Jean: Thank you for your courage, Ms. Jong.

Ms. Boivin.

[Translation]

The Vice-Chair (Ms. Françoise Boivin): Thank you, Mr. Jean.

Mr. Coderre, your turn.

Hon. Denis Coderre: Thank you, Madam Chair.

Debates like this are always a bit heartbreaking. First of all, we don't know what it's like to walk in your shoes.

Second, you've been through a devastating ordeal, and yet we have a specific role as lawmakers. We cannot just act selectively. We must examine what we can do to create an environment that delivers greater justice. We must also find a way to help our fellow citizens who are struggling. With that in mind, I have a few questions.

Our compassion for victims crosses all party lines. But we may have different ideas on how measures should be implemented and what should be done.

In my riding of Bourassa, we have some problems. Mr. Serre knows what I'm talking about. Rehabilitation is also important. Can we rehabilitate while protecting and helping victims? That is my question. That is the first step, in my eyes.

The bill seeks to double the victim surcharge, the idea being to make the offender convicted of the crime more accountable. Why not raise the surcharge three, four or fivefold? How much is enough?

As a lawmaker, I personally want to make sure we actually help victims. I appreciate that some may say it is not society's responsibility to pay for everything, and yet in the meantime, you're struggling, you're dealing with awful circumstances, as you said earlier, Ms. Jong. We aren't going to wait until the criminal has finished paying.

The role of a government and a state is to ensure it gives you the tools and the resources you need. Do you think \$200 is enough? Would you say that, at least, the criminal contributed something? I don't want to get into party politics, but if we truly want to support victims, should we not give them the tools to help them through their ordeal, considering what they've been through and will continue to go through? They will never be able to fully recover, of course. Wouldn't it be better to give you the tools and the resources? We will work with the committees and agencies that will help you. We will help your association because it does incredible work.

It's a bit unfortunate that the support happens only between victims. You need more assistance. You understand, then, that progress is made on that side of things.

How do you think the government should help victims?

Mr. Michel Surprenant: If all the money went into assisting victims instead of supporting infrastructure and roads, that alone would be a big step forward. Obviously, a \$200 fine imposed on a criminal to support the victim directly is not enough. There is always an amount or a budget, but it has to go to the victims first.

Hon. Denis Coderre: The problem is that you're victimized a second time, and I'll explain why.

You become a victim when you go through the traumatic event. The person who committed that horrible crime should pay. But if that person doesn't pay or if the payment is overdue and you have to contact the provincial authorities—you mentioned deducting payments from social assistance benefits, for example—that won't necessarily work either. You will be victimized again as a result of the process.

We all have compassion for victims and we all want to help you, but if victim support is truly a priority, are we not better off doing what needs to be done and then exploring other options?

• (1615)

Mr. Michel Surprenant: Our association helps victims by referring them to the various services available, including psychological counselling. Our first goal, however, is to show them that despite what they have been through, it is possible to put the pieces of their lives back together. I don't mean erasing the trauma from their minds completely, but incorporating it into their lives in some positive way.

When we're talking about fines, clearly \$200 isn't life-changing. But knowing that the criminal is going to provide some restitution for what they have done is a big step in the right direction for the victim, psychologically speaking.

Hon. Denis Coderre: So it's not necessarily the fine or the \$200 amount that matters. The point is to find a way to make the criminal contribute.

Mr. Michel Surprenant: This fund is a budget. As pointed out earlier, if the money goes to fixing roads, then something is wrong. But if all of it goes to helping victims—some of whom need more assistance than others—it will be possible to meet their needs.

The Vice-Chair (Ms. Françoise Boivin): Thank you, Mr. Coderre.

Mr. Seeback, the floor is yours.

[English]

Mr. Kyle Seeback (Brampton West, CPC): Thank you, Madam Chair.

I want to add my voice to how difficult it is, the circumstances that you've all gone through. As a parent, I can't imagine the situations you've gone through, and, Madam Jong, of course, with your father.

Madam Jong, you made a great point and I'm going to repeat it, because I think it's important for people on this committee to hear it again. It's that victims don't make a choice; the criminals do. That's

important for us all to remember when we look at these kinds of things. That's why the term is "victim". They and their families have been victimized.

I think what we heard just now from Mr. Coderre is his complete lack of understanding of the legislation, because what we're not doing is saying that criminal A has to give \$200 to victim B. That's not what's happening. The \$200 would go into the victims fund, and the victims fund would then be used by the provinces to fund various programs to assist victims. These are great programs; I know many of them. I have a friend who works in the victim and witness assistance program in Ontario. She has a fabulous job.

While we're here at committee, perhaps we could ask all of you to comment on the types of programs these funds would fund. It's not just the doubling; the issue is that 80% to 90% of the time it was waived. There's going to be a significant increase in revenue for victims programs. If you could comment on that for me, please, so perhaps Mr. Coderre can be educated, and he will go back and tell his caucus, and they might support this legislation.

Hon. Denis Coderre: A point of order.

[Translation]

The Vice-Chair (Ms. Françoise Boivin): We have a point of order.

Hon. Denis Coderre: Madam Chair, I have always been respectful of my colleagues, and I don't think anyone should be schooling anyone else. No one should be claiming the moral high ground here, so I would ask the member to show respect for his colleagues.

The Vice-Chair (Ms. Françoise Boivin): Mr. Seeback, your turn.

[English]

Mr. Kyle Seeback: He was implying that the legislation was such that a criminal was going to pay a victim. That's incorrect. I'm trying to correct the record.

Hon. Denis Coderre: I never said that.

[Translation]

The Vice-Chair (Ms. Françoise Boivin): We could keep going back and forth, but I would prefer we turn our attention back to the witnesses. Thank you.

[English]

Mr. Kyle Seeback: Perhaps you could comment on, as I said, the programs that these funds could help, and how they would assist victims as they go through these terrible processes.

Ms. Joanne Jong: From my understanding, the money goes in a general fund, and then it is directed toward the victims to help them. My understanding is that in some provinces, the aid to victims is taken from the general revenue and not from what the criminals pay. What the criminals will be paying will be an increasing percentage of the aid to victims.

• (1620)

[Translation]

Making criminals contribute financially to victim support is highly commendable. Victims' needs are so diverse.

You become a victim from the moment the crime is committed, not just during the trial, which can take place a year later. But as soon as you become a victim, you need assistance. That is why I mentioned Ontario's Victim Crisis Assistance and Referral Services program. When I heard about it, I thought it was something that I could have used. It was an example.

[English]

Mr. Kyle Seeback: Mr. Surprenant, please.

[Translation]

Mr. Michel Surprenant: You would like examples. I can talk about the psychological counselling that is often necessary when a traumatic event occurs. Some people need just one or two sessions, simply to help them get back on their feet. Others, however, need more than that.

Some expenses are a bit more particular such as the cost of cleaning up the crime scene when necessary. We would like to be able to help victims cover that cost.

The funeral expenses are another consideration, as mentioned earlier. They can be as high as \$12,000, and the government contributes up to \$3,000 only.

I would say those three items paint a fairly accurate picture of victims' needs.

Clearly, more items will also come into play, but if we're trying to be open and receptive, that is the way to approach things.

[English]

Mr. Kyle Seeback: Mr. Serre.

[Translation]

Mr. Bruno Serre: I would say that funeral expenses pose the biggest problem in Quebec. What happened to me and to a number of families I have met is that we did not get any money, because the crime involved a minor child who had never made any contributions.

So people in that situation don't get anything else, even after receiving the \$3,300. My daughter's funeral cost me \$16,000. That was what it cost to make sure she was laid to rest with some dignity. I cannot wrap my head around the fact that a parent should get just \$3,300 or nothing at all to bury their child. It's unacceptable. That's not enough for a parent to bury their child with dignity. Some parents are forced to hold a small funeral or to cremate the body, meaning no more than a half-day service.

The Vice-Chair (Ms. Françoise Boivin): Thank you, Mr. Seeback.

It is now Mr. Jacob's turn.

Mr. Pierre Jacob: Thank you, Madam Chair.

I want to thank the witnesses for being here this afternoon.

I want to start by telling you that the NDP supports victims of crime and their families. We support the recommendations made by the ombudsman for victims. I want to convey my deepest sympathies for all the physical and emotional suffering you have been through. I understand that you will feel powerless, regardless of what you are given.

Money for crime scene cleanup, psychological counselling and funeral services will certainly help you. But, honestly, what I think will truly benefit you is an enhanced victims fund and better programs. What's more, I realize that the trial lasts longer than a month or two; it can go on from one to four years, and decisions are sometimes appealed.

So taking care of victims is important. As you so articulately explained, victims can remain victims for years, if not their entire lives. Nothing can ever make up for the person they have lost, unfortunately. But they need assistance. And I am not convinced that Bill C-37 really delivers the solutions you need. I fully agree that you need assistance, be it emotionally, physically or otherwise, to be able to move forward.

If more money were invested in the victims fund in order to deliver better programs to victims of crime, would that help you through your trying ordeal?

• (1625)

Mr. Bruno Serre: "Help" is a big word. You can't put a price tag on help when you're talking about a crime or a child. It's not about the dollar figure. I can say I need \$200,000, but when you become a victim, as I have, you are a victim for life. I was lucky that a trial took place. Because of all the media attention on the case, it happened very quickly. Some victims have to wait three, four or five years. At a certain point, they no longer receive any assistance. So they end up in trouble and it's no longer possible to help them recover, all because there is no more funding, no more resources.

Psychological support and counselling are necessary. Sometimes therapy is needed. It is extremely important to talk. When I meet with victims, I know of what I speak. I can guide them. We deliver a message of hope: it is possible to get past the ordeal. I did it, but it takes a lot of tools and a long-term approach.

Ours is a volunteer association. There are always expenses. When the money eventually runs out, we will no longer be able to operate. It would be a shame if we had to turn our backs on victims we had been working with for a year or two and tell them we could no longer help them because we were out of money. That is my biggest fear right now. We don't need millions of dollars, just a regular operating budget to keep doing what we're doing.

The Vice-Chair (Ms. Françoise Boivin): Mr. Surprenant, you have the floor.

Mr. Michel Surprenant: Further to your concern, I would say that, in many cases, because of the tremendous costs, families are forced to take out bank loans or mortgages. You talked about the trauma and asked whether this would make things a bit easier. Just having to make those payments every month prolongs the traumatic experience. It is akin to rubbing salt in the wound for years until you've paid it all back.

Regardless, if we're talking about psychological support, therapy and so forth, that would be a lot right there. Clearly, if we can help the wound heal instead of covering it up with a band-aid, it will help the victim get through their ordeal.

The Vice-Chair (Ms. Françoise Boivin): Thank you, Mr. Jacob.

Mr. Goguen, you may go ahead.

Mr. Robert Goguen (Moncton—Riverview—Dieppe, CPC): Thank you, Madam Chair.

Thank you to the witnesses for sharing their stories. I hope it doesn't force you to relive the ordeal. You've had to face incredible tragedy, and you have the sympathy of the entire committee.

The purpose of this bill, in my eyes, is to hold the convicted criminal accountable not only to the victim but also to society. Everyone knows that the bill calls for the money to go into a compensation fund to cover certain victims services. It does not go directly to victims. I gather from your comments that it is not the actual dollar figure that matters, but rather the accountability imposed on the criminal. Would you agree?

Mr. Michel Surprenant: I would add that the recidivism rate is 80%. So I think this is a good measure that could help make the criminal aware of the damage they have caused.

Mr. Robert Goguen: Oftentimes, money is wasted. At the end of the day, no money is going directly to the victims. In some cases, the money comes out of another consolidated fund and not the victims fund, as normally intended. That is why we made it mandatory to impose this fine.

Poverty is an issue that often comes up. Mr. Côté mentioned it. Convicted criminals cannot afford to pay the fine, so in some provinces, they engage in community service. That service benefits the community; it contributes to community objectives.

Would you say that is as worthwhile as a fine payment going into a compensation fund?

Ms. Joanne Jong: I think working to pay a fine is a thousand times better than what goes on right now, where the judge decides to let it go and doesn't impose the fine.

Mr. Robert Goguen: Now it is mandatory. Do you agree with that?

Ms. Joanne Jong: Yes, it's a great improvement. Even if a criminal doesn't have the money but is forced to pay the fine, that alone is a tremendous improvement over the current system.

Mr. Robert Goguen: Does that give the victim the same level of satisfaction?

Ms. Joanne Jong: Yes, it definitely does, absolutely.

Mr. Robert Goguen: Thank you.

● (1630)

Mr. Bruno Serre: As I said earlier, only 2.7% of surcharges are actually collected. We hear that the criminals are poor, but so are the victims. If you have a victim who is poor, with nothing in the bank and no assistance, how will they bury their child? The problem is still there. There is no magic bullet. As I said, there is no particular amount.

The criminal has to be held accountable for their actions, regardless of how. The criminal can repay the debt by working. That is one way to hold them accountable. They can't be sent to prison simply to watch TV and hang out.

Mr. Robert Goguen: That is more worthwhile than a financial contribution.

Mr. Bruno Serre: In my view, it could represent another form of restitution if the criminal really cannot afford to pay the fine. There is always a way to make them work and to find the money elsewhere.

Mr. Michel Surprenant: I would add that judges have the discretion to impose a surcharge or simply a fine, but they don't use it often. As I told you, the proportion that is actually collected is 2.7%. Judges aren't using their discretion enough. That is the problem.

Mr. Robert Goguen: Thank you.

The Vice-Chair (Ms. Françoise Boivin): Thank you all three for being here.

Where I'm from, we saw what happened to Valérie Leblanc. I can tell you we feel it on a daily basis. Sometimes, it is not just the family affected. The weight of the crime falls on the entire community. We sympathize with you. Nothing could ever compensate you adequately for what you have been through. Thank you for taking the time to meet with the committee.

We will now take a short break, to bring in our other group of witnesses.

Mr. Bruno Serre: I would just like to add that Valérie Leblanc's family is also involved with the AFPAD.

● (1630)

(Pause)

● (1635)

The Vice-Chair (Ms. Françoise Boivin): We will now resume the meeting. We are studying Bill C-37.

Welcome to both of our witnesses.

Thank you for being here today. You each have six to seven minutes to make your statements. Afterwards, the committee will ask you questions.

Ms. Harvey, could you start us off?

[English]

Ms. Yvonne Harvey (Chair and co-founder, Canadian Parents of Murdered Children and Survivors of Homicide Victims Inc.): I'm trying to get the sound.

[Translation]

The Vice-Chair (Ms. Françoise Boivin): Would you like us to talk to test the sound and see if the earpiece is working?

[English]

Is it working? It's very low.

Anyway, it's you we want to hear, not me.

Please be my guest, Madam Harvey. We'll start with you.

Ms. Yvonne Harvey: Good afternoon, Madam Chair and honourable members. Thank you for providing me the opportunity to address the committee on Bill C-37.

My name is Yvonne Harvey. I am the chair and the co-founder of Canadian Parents of Murdered Children and Survivors of Homicide Victims Inc.. I am here today in support of Bill C-37, which is intended to double the federal victim surcharge amounts and make them mandatory in all cases, thereby eliminating judicial discretion to waive the surcharge during sentencing.

My presentation will focus primarily on the importance of ensuring that the waiver option is removed in reference to undue hardship to the offender.

First, I would like to give you some background by addressing what represents, for victims of crime, undue hardship of a non-financial nature, and following which, I will give you tangible examples that define, for victims of crime, what is unquestionably financial undue hardship.

Few people can appreciate the true impact of murder on a family, yet any one of us could find ourselves in this position. One day we are leading a normal life and the next day we are thrust into a foreign world, through no choice of our own, having to deal with police, lawyers, courts, as well as intrusive media. Our lives are no longer private.

The day that changes one's life rarely comes with a warning, yet in an instant, the time that it takes to pick up a telephone, life as we once knew it disappears, and the future becomes a struggle between moving on and hanging on. We are left with a hole in our soul. We are now challenged with reconstructing our lives. There is no guidebook to tell us how to do this, because everyone's journey is as unique as one's fingerprint. Living in the aftermath of murder is a constant emotional and spiritual struggle. These are challenges that threaten to destabilize, and often do, the entire family unit.

What does financial undue hardship mean to us? As the mother of a murdered child and as the chair of CPOMC, I can attest to the unexpected and unpredictable undue hardship that victims of crime suffer. I will use my own experience as an example; however, let me assure you that my situation is not unique. Thousands of other Canadians who have become victims of crime have suffered worse challenges, including bankruptcy.

Immediately following the murder of my daughter Chrissy, I and my family were confronted with notable financial expenses.

It cost \$3,000 to file an affidavit in the Supreme Court of Newfoundland to secure my daughter's remains.

Travel expenses to bring my daughter's remains home to Ottawa from St. John's, Newfoundland, and funeral expenses in St. John's and again in Ottawa combined for a total in excess of \$8,000.

There was a legal bill in excess of \$60,000 in order for my brother and his wife to obtain permanent custody of my granddaughter. This was done to ensure that the person who had been charged with murdering my daughter would not have custody of my granddaughter.

I contribute to ongoing support payments of \$600 a month to help with the additional expenses that my brother and sister-in-law sustain in order to give Ireland, my granddaughter, a comfortable, stable, loving environment in which to grow.

As a self-employed nurse, I had to absorb a considerable loss of income while I tried to deal with the overwhelming grief of having lost my only child to murder.

I currently receive counselling for post-traumatic stress resulting from the murder of my daughter. I pay a rate of \$175 an hour, biweekly. That is ongoing.

These are undeniable financial hardships.

The implementation of Bill C-37, which amends subsection 737 (2) of the Criminal Code, would increase the victim surcharge from \$100 to \$200 for offences punishable by indictment. This new amount could cover one hour of post-traumatic stress counselling, but it's still a positive step forward.

• (1640)

When the court waives a federal victim surcharge, it is required to provide reasons why it is not imposed and to enter the reasons in the record of the proceedings.

In 2006 an operational review documented the imposition and collection of the federal victim surcharge in provincial courts in New Brunswick. In 99% of 831 cases reviewed where the federal victim surcharge was waived, there was no documentation of reasons for the waiver in the file. There was no documentation indicating that the offender had established to the satisfaction of the court that undue hardship would result, yet all judges interviewed consistently cited the offender's inability to pay as the reason for waiving the surcharge. Therefore, a number of judges in exercising their discretionary powers to waive the victim surcharge are not fulfilling their responsibility to justify their actions.

Once again, the victims suffer because funds that could provide them with crucial services are not being made available to them. Bill C-37 provides the opportunity to make the federal victim surcharge more effective. Therefore, I ask the committee to support these amendments and make offenders more accountable for their actions. These measures will force offenders to demonstrate concrete actions in terms of rehabilitation. This is another positive step.

In conclusion, I applaud the Conservative government's proposed amendment to the victim surcharge provisions in the Criminal Code, but once enacted, I trust that the provinces will be accountable for administering the victim surcharge and its proceeds in an effective and consistent manner.

[Translation]

The Vice-Chair (Ms. Françoise Boivin): Thank you, Ms. Harvey.

Mr. Ducharme, you may go ahead.

• (1645)

Mr. Christopher Ducharme (President, Founder, BC Victims of Homicide, BC Bereavement Helpline): Thank you.

[English]

It's going to be in English, even though I have a French last name.

The Vice-Chair (Ms. Françoise Boivin): That's quite all right, and just for the benefit of the two witnesses, you're free to answer questions in the language of your choice, even if you're asked in French or in English.

Mr. Christopher Ducharme: Thank you.

Good afternoon, Madam Chair and honourable members. Thank you very much for allowing me the opportunity to be here and to speak on behalf of victims across Canada.

To attend this meeting is an honour for me. I have carefully reviewed the legislative summary of Bill C-37, and I am in agreement with all the provisions stated in it. I would like to commend the Conservative government for honouring the issues addressed in this bill by focusing on victims' needs, acknowledging their losses, and looking at ways to serve them with the highest possible regard.

My name is Christopher Ducharme. I am both a victim and a survivor. By the age of 30, I had lost five people to homicide, both personally and professionally, through my work as a youth worker in the downtown eastside of Vancouver.

In 1996, when I was 14 years old, my mother, Patricia Grace Ducharme, was strangled, beaten, and murdered by her live-in boyfriend and former Vancouver police officer Brock Joseph William Graham. This experience was horrific and unimaginable and unmanageable for years. Thankfully, I was able to find the right people to connect with to build a support network of my own, a system that did not exist for homicide victims in Canada in the Canadian criminal justice system, and still does not to a deserving level, in my opinion.

I am the president of the BC Bereavement Helpline, an organization initiated in 1986 by a number of concerned caregivers in the Lower Mainland of British Columbia. The organization became a registered charitable organization on June 15, 1988, and has served over 37,000 callers to date. We currently work with 300 groups and agencies in 76 communities across the province of British Columbia to provide education, support, and advocacy for professionals, the bereaved, and their caregivers.

To respond to the growing requests of homicide victims, I founded BC Victims of Homicide in 2011, an initiative of the BC Bereavement Helpline. Fifty-two victims were served in the first three months of the program's operation. In addition, I was able to connect with over 400 homicide victims internationally.

Given my experience, I am honoured to relay this feedback to the government to assist with future decision-making processes about this bill and others. It is of utmost importance to adhere to the victims' voices to ensure they are getting the support they expect, need, and deserve. It may sound simplistic, even cumbersome at times, or pointless to just listen, but when I see a victim interact with another victim, there is a magical moment of release. Over time, this relationship will flower into more relationships. What was once a heartbroken group of individuals becomes a lasting community of love, hope, and direction with purpose, laughter, and even joy. Finally, validation fills the void.

Also, there is much frustration and disappointment from both victims and professionals regarding inconsistent interprovincial

policies. This incongruence and disparity of values is complicated for victims to understand, and does not rationalize their ineligibility for funding or support services.

With more consistent provincial support legislation, victims would feel they are being treated more fairly. From my understanding, provincial victim service budgets, under the Victims of Crime Act, have different mandates specific to each province. Some of these mandated allocations of funds simply do not appear appropriate or even relevant to what I see and what I'm getting feedback on from victims as being their primary need and priority.

Bill C-37 has clear intentions to solicit the resources necessary to implement victim services operations while reducing the unfairness felt by victims. It is truly actions like Bill C-37 that empower victims to find trust in humanity and government as they move forward from their victimization experience. This validation of victims' losses and needs yields most successful results.

Thank you for considering my recommendations for the betterment of the health and well-being of those who have been harmed.

● (1650)

The following concerns have been brought to my attention. It is important that each province address these issues on its own terms so that victims are treated with complete respect and fairness:

At least one peer support group should be mandated in the capital city of each province.

The counselling subsidy should be available to families even when the victim was supposedly involved in crime. It is unfair that sometimes these families are ineligible because the deceased was involved in crime.

There should be safe houses and respite homes in each capital city for when victims have to travel to other cities for hearings. There should be a safe place for them to go to get mentoring and to learn about the court system. We don't learn that from the victim service programs.

With regard to travel costs to get to hearings, the situation is different in every province. Sometimes they are funded and sometimes they're not.

The NCR—non-criminally responsible—issue is huge. I spoke just yesterday with Carol de Delley about the beheading on the Greyhound bus and justice. Victims don't ever feel as though they're going to find that justice. Their anger is actually directed toward the offender, not toward the system, but they take it out on the system. If you create a place where these victims can come together to share their stories, that is truly how we're going to help victims progress and move forward. I know this because I've gone through five murders.

In missing women cases or unresolved cases, some of those victims aren't eligible for support, which is also unfair.

There is also the issue of eligibility for support services in areas outside the province where the crime occurred. For example, in Yvonne Harvey's case, the crime occurred outside Ontario, and she was not eligible for support.

With regard to national and provincial referral systems, it took me 10 years to find support for family members of homicide victims. It didn't even exist in western Canada, except in Edmonton.

Compensation amounts vary between provinces.

With regard to applying for grant funding from the provincial victims services, I think it would be great if we could allocate a small portion to charities to apply and see what they can do, because sometimes the non-profits are more efficient. I say this with respect, because I highly respect our government, but I also respect the charities.

In the case of victims abroad, there is support, but most of the professionals, caregivers, and victims services workers don't know about it.

Provinces should increase their victims services charges to ensure that this money is collected. I don't understand how it all unfolds, but they should ensure that this money is collected.

This is just an update. In British Columbia, victims services have approximately \$12 million coming into the account. Over the past several years, they've been going into a deficit on an annual basis. Most of the funds they bring in come from traffic fines. Out of that \$12 million, a \$2 million chunk goes to the Rick Hansen organization. I highly respect Rick Hansen and the program; however, it's for neurotrauma. I think maybe there could be a reassessment. Maybe they could look at homicide victims or suicide victims specifically.

Overall, I think our provinces, as much as we're making significant progress, are also lacking as far as what we should be aspiring to as Canadians. We have an amazing country, and I think we're all very proud to be here.

I thank you for your time.

The Vice-Chair (Ms. Françoise Boivin): Thank you very much, both of you.

We'll start the round of questioning.

Monsieur Côté.

[Translation]

Mr. Raymond Côté: Thank you, Madam Chair.

I will start with you, Mr. Ducharme.

One of my most vivid memories when I took office is a discussion I had with a lawyer. He told me it was my constitutional right to access services in French. In fact, it is a constitutional right to receive services in an official language. He encouraged me to fully exercise that right so I could clearly articulate my thoughts. He told me never to feel embarrassed doing so.

You have my sincerest sympathy. You have been through a horrible ordeal. We cannot know what you've experienced. It defies comprehension.

I was in Rome on the weekend for the canonization ceremony of Kateri Tekakwitha. I spoke to many Canadian clergy members, including one who works in Vatican City. He spoke with heartfelt passion. He could not understand how a country as rich as Canada could turn its back on so many and tolerate so much injustice. His words resonated with me. That is the reason I am involved in politics. I share the feeling of injustice you have and rightly so.

If we support Bill C-37, it means we believe that every additional resource that can be made available to benefit victims is welcome. As I stated earlier, I hope it will be enough, but I have my doubts. There have been no guarantees, but that is another matter. We will examine the bill alongside our government colleagues to see if we can't do more.

In any case, the intention to increase the compensation fund for victims of crime is a long-standing commitment on our part. It's absurd that the fund should be held hostage because of other considerations, including a lack of base funding as a result of broken promises regarding the implementation of the victim surcharge.

I don't know how both of you find the money to fund your organizations and run them. How would you rate your financial standing, your ability to act, your ability to help and support victims of crime and their loved ones?

• (1655)

[English]

Mr. Christopher Ducharme: For the last four years, when I moved from Edmonton to Vancouver and I realized there was no support in British Columbia and the only group in western Canada was in Edmonton, it inspired me to say that we needed to do something. I dedicated four years of my life, sometimes 15-hour days in addition to work. It was a sacrifice, but last year we applied for a \$50,000 grant from the victims fund at the Department of Justice and we received approval for that. We're currently waiting on phase two. It is a long wait. We raised \$50,000 from the Scotiabank Group Charity Challenge, a walk and run fundraiser. I brought all my family and all of these victims together. It's a community engagement program.

I think I got to a point this year where I almost burned out. That's one thing I told Ms. Kerry-Lynne Findlay when she came into the press conference with us. It's great that victims are doing this, starting it up, and they usually have enough juice and energy to get it going, but once they get it going, it would be nice for the government to step in and say that we had done all the ground work, which is unbelievable, and give us \$50,000 a year. All we need is one staff a year.

Very simply, that's my answer.

I'd like to pass it to Yvonne.

Ms. Yvonne Harvey: Thanks, Chris.

With regard to funds, we have received some project funding from the federal government, which has been instrumental in moving us forward. First of all, we're in the process of developing an educational package that we would like to deliver across the country eventually. It is a package that deals with certain things that are very important when homicide is involved, especially the notification process, socio-economic problems, health problems, and that sort of thing. There have never been any studies or any research done, at least in Canada, on those issues as they pertain to homicide victims. As Chris said, it's a piece of project funding, and that's it.

With regard to operational funding, right now we are operating under the passion that we have to help one another. We do not have a staff. My husband acts as executive director. I'm the chair. I still work part-time as a nurse. I gave up 40% of my practice so I could dedicate time to this. We get phone calls at all times of the night, during the day and on weekends, and we make ourselves available to talk to families, to talk to survivors. We have developed the legal framework, the articles of association, so people can develop their own support mechanism in their area. Ultimately, that's what we would like to have, but it's very hard to do these things without any kind of funding.

I don't know if that answers your question, but—

• (1700)

[Translation]

The Vice-Chair (Ms. Françoise Boivin): We had it in any case.

Thank you, Mr. Côté.

Your turn, Ms. Findlay.

[English]

Ms. Kerry-Lynne D. Findlay: Thank you, Madam Chair.

To the witnesses, thank you so much for being here.

It's good to see you again, Chris. Being from B.C. as you are I know your story. I know how hard you're working and how you continue to work for victims.

Ms. Harvey, we met you about a year ago. I believe you were here testifying. At that time, among other things, you spoke of the many, many expenses that you and your husband—Gary, I think—had incurred. At the time you hadn't yet gone to the actual trial. Is that correct?

Ms. Yvonne Harvey: That's correct.

Ms. Kerry-Lynne D. Findlay: Yes. Now you're here today and you have certainly opened our eyes to the fact that you've had further costs in addition to those expenses. At that time, I think, you felt that your costs were around \$75,000. There are also the ongoing costs for your own recovery, which continues.

I want to thank both of you for being here. Not only are you advocates, but you've also lived this, and I think that's what makes you such superior advocates. We all feel terrible about your loss.

With respect to your previous testimony, Ms. Harvey, you mentioned that we all pay for this. You said that we pay for it in “taxpayer dollars, but also the loss of human life, which is immeasurable”. You also said at the time, “Equally immeasurable

is the loss of family, the loss of law and order, and the loss of faith in the criminal justice system and in our government's ability to protect society.” I understand where those comments are coming from, particularly when dealing with the subject we are discussing today: victim surcharge. We see that waiver happens in close to 90% of the cases, and then, even when it is charged, the percentage of collection is very low.

Because at the present time that victim surcharge is applied with discretion, the revenue that perhaps was hoped for—and I think my colleague Monsieur Côté said that it was a hoped-for victim surcharge system—has fallen woefully short of expectations. We know that victims need money, and the victims aren't just the specific victims, but the families of the victims.

In Bill C-37, we're proposing to remove the waiver option and make it mandatory. I'd like to know, Ms. Harvey, what you feel about making this a mandatory provision.

Ms. Yvonne Harvey: This is crucial. This legislation has been around since 1989, and some amendments were made in 2000. There was a survey done in Ontario in 1994. The survey results showed that the Ontario revenues generated by the surcharge had declined drastically since the introduction of the act in 1989. I don't think our crime rate has drastically declined since 1989. It's obvious it's not working.

I would have to look at it like we do in health care and nursing. If we want to develop a minimum standard of care and we have a certain objective we want to achieve, there are three simple things that we do. We establish the minimum level of care that we want to deliver. Then we implement it. Then we enforce it. Anything less than that is pointless.

It's the same thing with law. If you are going to create a minimum level of law in a particular area, you need to implement it and you need to enforce it. We're not saying we want to cause hardship to offenders; that's not what we're saying, but they made the choice. Why should we suffer any more than we already do? Why should, not just victims of crime, but non-victims of crime—the average Canadian—shoulder the expense of having to fund services for victims? We don't even have in this country a standard level of service in victims' services. Some provinces have virtually nothing.

When it comes to enforcing it, there are two things that are important to me. Number one is that it is enforced, regardless. Number two is that the provinces become more accountable and transparent in what they do with those funds and in ensuring they go where they are supposed to go.

It's the only way you are going to achieve what this legislation is meant to do.

• (1705)

[Translation]

The Vice-Chair (Ms. Françoise Boivin): Thank you, Ms. Findlay.

Mr. Coderre, over to you.

Hon. Denis Coderre: Thank you very much.

These kinds of discussions are always tough. We can see how much you have suffered and how hard this still is for you.

As I have said from the get-go, we cannot show partisanship and say that we like you more than others. We all have compassion for victims. But since the beginning, I have realized that you are in need of assistance.

I believe that a parliamentary secretary to a minister who is responsible for a portfolio like justice should realize that we need to start by addressing phase two, so you get the tools you need. We can't be content with simply imposing a fine on the killer. We also need to find ways to give you something that is ongoing,

[English]

what you call "sustainable funding". That's what you need, because you need help.

I've been a minister of the crown myself. Of course we don't want to bug you with constitutional and jurisdictional issues, but because there has been collateral damage from all that, what we need to do, and it's our role, is to make sure that the Minister of Justice acts as a leader to find a way to bring everybody to the table, including the provinces. That's why I'm not sure Bill C-37 is sufficient.

I believe we need to provide you with sustainable funding. You're alone. You're here as a witness. We are offering you our condolences. We feel for you. But after that, you go home and you're still stuck with the issue. We have to find a way to be responsible as legislators, and at the same time to be partners. All of society is suffering right now as a result of what happened, and in your case specifically.

With regard to my first question, I'm not sure I understood something. I believe it's not up to politicians to tell judges what to do. I believe in discretion. I believe in the justice system. Some people may be against that, but this is what I believe. You have to separate the legislative, executive, and judicial powers.

As to whether we believe we should necessarily provide a mandatory surcharge, or we should say provide a list of.... You have to understand that I'm French Canadian so maybe the tone is not necessarily accurate. But instead of saying it's \$200 for everybody, should we say that for some specific crimes those people should pay more?

Do you understand what I'm saying? Should we have a list of charges and let the judge use discretion, or is it up to us to determine the charge and that's it? I think that's a fair question to ask as a start.

Madam Harvey and Mr. Ducharme, could you address that?

• (1710)

Ms. Yvonne Harvey: I think, ultimately it doesn't matter whether it's a sliding scale. The important thing is that it be enforced. That's the key. You talk about responsibility and you talk about the government. Yes, certainly, we look to our provincial and federal governments. When you talk about responsibility and more than one person being responsible for helping victims, I think it has to start with the person who committed the crime. We wouldn't be looking for this if we hadn't been victimized. We have to hold them accountable.

We're not talking about a big dollar amount. We're talking about a small amount, which tells criminals or offenders that they have to be accountable. They have to pay this fine, unless they are mentally or physically incapacitated and can't pay the fine. That's different, but that's not the case in most cases.

We need to have some kind of administrative sentencing measures so that, first of all, with the removal of the waive option, we don't have to worry about proving they don't have the ability to pay. If this is mandatory, and there are no exceptions, then we need to have administrative sentencing measures in place at the provincial level that will be enforced. That doesn't mean incarcerating someone, because that doesn't solve any problems, I don't think, when the crimes are small. Instead, they should be denied the ability to renew their driver's licence, denied the ability to register their car. They should be denied fishing and hunting licences. They should be denied any GST rebates. Something should be done whereby they recognize that they have to be accountable in some measure.

[Translation]

The Vice-Chair (Ms. Françoise Boivin): Thank you.

Mr. Seeback, your turn.

[English]

Mr. Kyle Seeback: Thank you, Madam Chair.

As everyone has said, we feel terrible when we hear the stories, but I want you to know that we very much value the evidence you give us. We listen to it very carefully. It's very productive and helpful for us to hear it. I want to thank you on behalf of all my colleagues, for coming here to testify. I know it's no easy task.

We've had two panels of witnesses on the enforcement of collecting these fines. What I'm hearing clearly from the people who have come here today is that it is important to make sure that everyone who commits these crimes pays in every circumstance. I think both of you said that it was important for two reasons. First is accountability. Second is that it's going to add funds to the victims funds. In 90% of cases, they are not being imposed. Even if we take out collection, at 2%, it would seem that by making it mandatory, the funds available are going to go up by 90%. I'm a lawyer, not a mathematician, so my math could be very weak, but I think that's progress in and of itself.

I asked the previous panel where these funds would go, and I'm going to ask you. Where do you think these additional funds could go, and to what use could they be put to help victims? That's the key for us. We're focusing on two aspects: offender accountability and trying to find a better way to help victims of crime.

Could both of you comment on that?

Ms. Yvonne Harvey: I think this is a whole other area.

I think one of the things that fails victims in this country is the fact that there's no minimum standard of service across the country. For example, Newfoundland has virtually nothing for victims. They have a small fund to provide psychological help, and that's a sliding scale depending on the severity of the crime.

I think what fails victims right across the country is the fact that if the crime happens in one province, and the family lives in another province, then you fall between the cracks. It's what I call the gap in services. With respect to the extra funds that come in, I think we need to get the justice ministers across the country together, maybe at one of your federal-provincial meetings, and table this because I don't believe that the funds.... It's great to collect the funds, but it's really important to make sure those funds are used for the intended purpose, and I don't think that's happened. I hear the provinces are accountable, but I think there could be more accountability. I think it could be more transparent.

• (1715)

Mr. Kyle Seeback: Mr. Ducharme.

Mr. Christopher Ducharme: I had a meeting with Minister Toews back in March. One thing we discussed was the lack of discussion around what victims need. I'm learning policies in government so bear with me, but do we have a victims bill pertaining to this? Maybe we need a corresponding V-37 that focuses on where the money is. It's like a transaction; you have money coming in; you have money going out. Sorry, but I work at Scotiabank.

We're starting to see victims bills. In the U.K. there are huge changes right now, some of it based on restorative justice, which we're not talking about here. We are seeing it in New Zealand and the United States as well. There are changes looking at what victims need.

One thing that comes to mind is that probably most victim service workers in some provinces are volunteers. Some provinces have paid full- and part-time staff. There may be consistency there. In the case of a murder, the first three to six months is a stage of shock. They deal with the homicide investigators the first couple of weeks, and then they're passed on to the victim service worker. That involvement might last three to six months, but victim service workers can't keep a case file that long. I had to go back to them 15 years later. There's no mandated time that victims can work with them, but it seems a lot shorter than the victims actually need.

That's why I'd like to see three stages. The homicide investigators, and in Vancouver we have IHIT, the Integrated Homicide Investigation Team, have a victim liaison. Then the victim would go to the victim service workers for another three to six months. It should be mandated and not vague because the victims don't understand what's going on. After that the victims would be referred to the bereavement programs, such as the BC Bereavement Helpline, to get them engaged in an eight-week series of support groups and monthly drop-in groups, as they wish. A lot of them are quite willing and interested in doing that. The response rate is huge because there's no support out there.

[Translation]

The Vice-Chair (Ms. Françoise Boivin): Thank you, Mr. Seeback.

Mr. Jacob, go ahead.

Mr. Pierre Jacob: Thank you, Madam Chair.

I appreciate Ms. Harvey's and Mr. Ducharme's being here this afternoon to share their stories with us. I realize that you don't get any warning, you don't choose to be a victim.

Ms. Harvey, you talked about the hole that is left in your soul and the need to rebuild your life from scratch. The work you both do with your associations is indispensable. Victims indeed experience post-traumatic stress. They have to put their lives back together emotionally and financially. Running a victim support association is very expensive. Some victims endure long trials at tremendous expense, running up huge legal bills.

As I have said, the NDP supports victims of crime and their families; we agree with the recommendations made by the ombudsman for victims. However, I am not convinced that Bill C-37 makes it possible to access the funding needed. We need to shore up the victims fund and enhance support for victim programming.

Like the three witnesses who appeared before you, you talked about the enormous costs involved. It's not possible, of course, to replace the loved who has been lost, but it is often necessary to replace lost income. On top of that, there are funeral expenses, counselling costs and cleaning bills. No doubt, I'm forgetting some.

Do you believe it's important to make sure the funding does indeed go to victims?

• (1720)

[English]

Ms. Yvonne Harvey: What was the question?

[Translation]

Mr. Pierre Jacob: Do you feel it's important to make sure the funding really goes to victims and doesn't get lost in the system?

[English]

Ms. Yvonne Harvey: Then what's the purpose of having victim services? That's why we have victim services. We're not asking for money. That's not what we're asking for. We're asking for help.

I get referrals from police departments, not just in Ontario but in other parts of the country, to talk with survivors of homicide victims, because there's no specialized treatment. People have the support of the court and support while the investigation is going on, but what happens after? We need to have ongoing support.

Our organization is called Canadian Parents of Murdered Children and Survivors of Homicide Victims because we are not defined by the crime perpetrated on us. We're survivors. All we're saying is that we're here, and we're asking to have the surcharge increased—which is not a whole lot—and put into victim services so they have the money to hire the people, the specialists. As I say, I pay \$175. It's not a psychologist that I need. I need a specialist in post-traumatic stress. How else is it going to be available to everyone? What an administrative nightmare to try to figure out, that one person deserves this, and another person deserves that.

No. It's services that we need. We're not looking for you to cut us a cheque.

I hope that answers your question.

Mr. Christopher Ducharme: I would echo that as well.

When I first heard about Bill C-37, I was borderline reluctant to come here because it seemed to focus on just the funds, the money. That's not why I am here. I am here because I want to know where that money is going. That's all that matters to me.

I think it's great that we have this establishment so it's coming from the offenders.

To get back to the other question about the list, I know it's a bit off topic, but if I have a murder case and there's \$200, and you have something else, and I don't know the scale, but I would support a sliding scale.

I think it's great that we're getting some funds from the offenders. The Department of Justice victims fund is an amazing thing, but it's not sustainable funding. We can only apply for one year at a time right now. It used to be three years or five years.

It is hard to run an organization when you're serving victims. They are the most vulnerable people out there. It's very hard if you have to tell them you don't know if there's going to be a group in a couple of months.

I want to talk about the cost effectiveness of that too. The going rate for individual counselling is \$170 an hour, but for \$170 you could have two facilitators do a lot more work than that and multiple people would benefit.

I'm sorry if I come across as pushing the support groups, but it's what Canada is asking for. I was a national spokesperson for National Victims of Crime Awareness Week last year. Everybody at the conference, every province, stood up and said they want to support groups. That's all I need to say. I really need to stress that.

• (1725)

[Translation]

The Vice-Chair (Ms. Françoise Boivin): Thank you, Mr. Jacob.

Ms. Findlay, go ahead.

[English]

Ms. Kerry-Lynne D. Findlay: I guess that segues into my next question. I think anyone who has suffered personal trauma knows, and others can recognize, that the recovery is not a straight line to good health. It's a long road and it's very uneven. At times you cope and at times you don't cope. Perhaps even in moments like this, when you're called to testify before a group and share your personal story, it's hard to keep one's emotions in check, as determined as you are.

I am interested in comments from both of you personally in terms of your own recovery but also in terms of the groups you represent, about the need on an ongoing basis, and the length of time one needs to give victims the support that they need.

Either one can start.

Ms. Yvonne Harvey: The people I deal with, some people have been bereaved for 20 years, 18 years, 12 years. They're not any further ahead than they were back when the child was killed or other loved one was killed. Granted I am talking about homicide.

When there is a murder, there is always an element of trauma attached to that. I have learned, not only intellectually but personally, that if you don't deal with that trauma, you can't move through the grieving process. That grieving process then becomes grief upon grief upon grief and then you're faced with complicated grief. What we're promoting in this organization is we want to help people to find a sense of purpose and hope, and trust again to re-engage in their communities with that sense of hope and purpose.

We are responsible people. We are working people. We are taxpayers. We are law-abiding people. Sometimes it's very hard. Some people lose their jobs because emotionally they just collapse.

Our job is to try to create a support mechanism where we can help these people. I should mention that when Chris mentioned about having a facilitator who could facilitate a trauma group of maybe half a dozen or a dozen people, that's a wonderful concept. In fact, that's what we've been talking about over the last year. How can we do this? How can we get the funds to start a trauma group for homicide victims?

I know that they have one in B.C.—

Mr. Christopher Ducharme: They have five now.

Ms. Yvonne Harvey: They have five in B.C. We don't have anything here. We don't have anything in other parts of the country. We need to address this now. If we don't deal with it now, I'll be calling in 20 years' time because my life will still be unmanageable. I'll still be unhappy. I still won't be taking any joy in the things that I should be enjoying. That's what victims' services is for. We need them now. We need to address the problem now so that we can, for the want of a better explanation, accept and move forward.

Many people don't do that, unfortunately, and it has a far-reaching effect. It reaches the families, the siblings, the spouses.

Mr. Christopher Ducharme: I can speak to that as well.

The BC Bereavement Helpline had 37,000 callers in the last 25 years. It's their 25-year anniversary this year. Jo-Ann is a past president of the helpline; it would be nice if she were here to testify about this. The majority of the calls we get at the helpline are from people who haven't really resolved their grief. They haven't talked about it or shared it. Just having someone to listen and to talk to, I put a lot of focus on that. Talking sounds so simple. We always try to come up with scientific ways to treat people. It's not even about treating. It's about treating them like people.

If these victims of all types of crimes don't have something they can fall back on, they turn to alcohol and drugs to deal with the unresolved grief. The other bills, those that give people time off work, are great. However, if they don't have the support coupled with that and they don't have somewhere to get help, they're going to spend the money they get on alcohol or drugs. I'm not speaking for everybody, but a natural tendency for someone who's grieving is to fall back on things that are unhealthy, unless they have support in place.

● (1730)

[*Translation*]

The Vice-Chair (Ms. Françoise Boivin): Thank you all for meeting with us today.

The discussion could have gone on for hours; we can only benefit from hearing what you have to say. Beyond the laws, there are people to whom they apply and they are intended to help people. As lawmakers, we play a complementary role. Not only must we enact

laws, but we must also make sure those laws have a positive effect on your daily lives, on your work as victims advocates.

Tuesday, we are scheduled to hear from the Federal Ombudsman for Victims of Crime. We will continue our study of Bill C-37.

Thank you.

Meeting adjourned.

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