



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Justice and Human Rights

JUST • NUMBER 065 • 1st SESSION • 41st PARLIAMENT

EVIDENCE

Wednesday, March 20, 2013

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Chair

Mr. Mike Wallace

Standing Committee on Justice and Human Rights

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• (1530)

[English]

The Chair (Mr. Mike Wallace (Burlington, CPC)): Ladies and gentlemen, I'm going to call this meeting to order. We're the Standing Committee on Justice and Human Rights. This is meeting number 65. It's a televised meeting. Pursuant to Standing Order 81(4), we are on the main estimates 2013-14. These are votes which we're able to vote on at the end of today's meeting, if we have time: votes 1, 5, 10, 15, 20, 25, 30, 35 and 50 under Justice, referred to this committee on Monday, February 25.

For the first hour, from 3:30 to 4:30, we have Minister Nicholson here to talk to us about the main estimates. He is joined by witnesses from the Department of Justice in the finance area. Then those witnesses from Justice will continue with us from 4:30 to 5:15. I remind members that bells will be going at 5:15. We will have a marathon voting session in the House of Commons this evening.

With that, Minister, the floor is yours.

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada): Thank you, Mr. Chairman.

I'm pleased to appear before the members of the committee to answer questions regarding the main estimates in areas that fall under my jurisdiction as Minister of Justice and Attorney General of Canada. I'm pleased as well to be joined today by William Pentney, the deputy minister and deputy attorney general, as well as Daniel Schnob, the chief financial officer.

Mr. Chairman, the Department of Justice has the responsibility of supporting the finest justice system in the world and making it as fair and accessible and efficient as possible.

[Translation]

Part of the support provided to the justice system consists in restoring Canadians' confidence in that system. That is a high priority for our government.

[English]

We thank the Department of Justice for assisting our government in holding criminals accountable and putting victims first, protecting our children, and making Canada's justice system more efficient.

Our government began by establishing tougher penalties for a range of crimes related to everything from white-collar crime and identity theft to street racing, auto theft, and elder abuse. We also pass laws that acknowledge the rights of victims and law-abiding Canadians.

The Tackling Violent Crime Act toughened the sentences for criminals who use guns, raised the age of protection, and made it easier to keep dangerous, violent, and repeat offenders behind bars.

The Truth in Sentencing Act eliminated the practice of double-time reductions in the sentence of criminals for time served before their trial, except in exceptional circumstances.

The Safe Streets and Communities Act eliminated house arrest for serious and violent crimes, toughened sentences for drug dealers, and increased penalties for criminals who commit sexual offences against children. This legislation also addressed the issue of violent young offenders and eliminated pardons for serious crimes like sexual offences against children.

Most recently, the Citizen's Arrest and Self-defence Act came into force on March 11, 2013. This legislation clarifies the rules related to citizen's arrest, defence of property and persons, and expands the existing power to make a citizen's arrest in circumstances when it is not feasible for a police officer to make the arrest.

Our government's reforms have also helped the victims to play a more significant role in our criminal justice system through enhanced funding of the federal victims strategy, among other things.

Perhaps no better project illustrates the value of the victims strategy than the child advocacy centres initiative. So far, child advocacy centres have been funded in 17 cities or municipalities across Canada, and another four projects are currently in various stages of development.

At each centre, a team of professionals helps young victims and witnesses and their families to cope with the trauma they've experienced and to navigate the criminal justice system and ultimately build the public's faith in the system.

[Translation]

Mr. Chair, we have made significant progress in increasing Canadians' confidence in our justice system, but there is still much more work to be done.

• (1535)

[English]

As the Prime Minister said recently:

Despite years of unceasing effort, there remain many areas requiring determined action in our criminal justice system.... When it comes to keeping our streets and communities safe, we will not rest, for there is much more to be done.

As we implement the next phase of our plan for safe streets and communities, we will continue to focus on tackling crime, victims' rights, and a fair and efficient justice system. We will make additional progress in these three areas.

First, we will take further steps to tackle crime by holding violent criminals accountable, particularly those who commit sexual offences against children. Accordingly, we will be introducing comprehensive legislation later this year to crack down on criminals who commit sexual offences against children and those who continue to violate their conditions while at large.

Second, we plan to further enhance the rights of victims of crime. We intend to bring forward legislation to implement a victims' bill of rights, which will entrench victims' rights in a single law at the federal level.

The third key is ensuring the efficiency of our justice system, for example, by aiming to make the bail and extradition regimes more effective and efficient. As we move forward, our government will build on our successes to make additional progress in ensuring that Canadians have safe streets and communities in which to live.

To conclude, Mr. Chairman, I would like to express my thanks and appreciation to you and to your committee members for the important work that you do. The funding that the Department of Justice has received has brought results for Canadians, and I will continue to do my utmost to ensure that these funds will continue to be spent wisely as we continue with our plan for safe streets and communities, and in creating a fair, relevant, accessible justice system that reflects Canadian values.

Thank you, Mr. Chair.

The Chair: Thank you, Minister, for that opening statement.

Now we'll go to questions. Our first questioner is from the New Democratic Party, Madame Boivin.

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Thank you, Mr. Chair.

Minister, thank you for joining us.

[*English*]

For those main estimates, on the eve of the budget, are you reasonably confident that this is basically going to be what we'll see in the budget, or are we doing all this for absolutely nothing?

Hon. Rob Nicholson: All the work that you do at this committee, Madame Boivin, is important, and it all contributes to the best interests of Parliament and of Canada.

Ms. Françoise Boivin: So you don't expect any surprises.

Hon. Rob Nicholson: Again, I'm not the finance minister. I always say to people on the eve of the budget to be patient. It's going to be brought down tomorrow at four o'clock, as you know, but I can tell you just from experience, I've been very pleased with the budgets that have been tabled by this finance minister and very appreciative of the project. So if the past is any guide to the future, again I think we'll all be very, very pleased.

Ms. Françoise Boivin: I'm a bit surprised to hear you're happy with that budget. If I were Minister of Justice, with everything that

you stated, with all the bills that are in front of Parliament, I'd be a bit scared. What I see in Justice is a decline in your budget. In certain aspects it's going to hurt. I'm not too sure it's going to be positive. You're a good cheerleader for the government; I'll give you points for that.

My question is as such. I'll just take, for example,

[*Translation*]

the Office of the Director of Public Prosecutions. Recently, I was reading the office's 2012-13 Report on Plans and Priorities. I expect 2013-2014 to be fairly similar.

In 2011-2012, the Office of the Director of Public Prosecutions had \$141.5 million. In 2012-2013—the expiring fiscal year—expenditures totaled \$156.3 million, which included the additional budgets allocated during the year. For 2013-2014, \$144.2 million is projected. That is almost equivalent to the actual expenditures from 2012-2013.

However, the Director of Public Prosecutions says that his organization's workload is increasing by roughly 2.5% a year. His office receives a huge number of requests for the services of lawyers who prosecute criminal cases throughout the country and crown prosecutors who enforce the vast majority of federal laws. You can't tell us that you are happy to see the budget reduced to this level or—after telling us about the great measures the government is implementing in the area of youth criminal justice—to see that the government is also cutting over \$30 million from the grant budget for young offenders programs. It seems to me that the government is contradicting itself.

You may be happy with the bills you are introducing, but when it comes to walking the talk, I am not sure your budget is in line with your government's ambitions in terms of law and order.

● (1540)

[*English*]

The Chair: Minister, if you'd like to respond.

Ms. Françoise Boivin: You've got five questions there.

Hon. Rob Nicholson: Thank you very much, again.

I'm pleased. I think I'm picking up that you agree and support expenditures in the area of public prosecution and support expenditures in the area of justice.

The main estimates that you have before you indicate that the estimate is \$162 million. Again, we have been supportive of the public prosecution office. In fact, it was this government that set it up, Mr. Chairman.

Yes, we are very careful with the expenditure of money, but we have made a major commitment to the Director of Public Prosecutions.

As I indicated to you, we in fact set up the office. I'd ask you to go through the details of this and we'll all be awaiting the results of the budget tomorrow.

Ms. Françoise Boivin: Basically, their budget is going down and they're saying the number of files they have to address are going up steadily with all the new infractions. They even mention it in their 2012-13 report. They reference Bill C-10 which they will have to deal with, which will come into full force, or is already in full force.

I think we'll see you coming back often for supplementary budgets. I'm wondering if it's a good way to budget, by presenting something and then coming back constantly to get a hike, because these guys will need to be able to perform if you want to complete your agenda.

Hon. Rob Nicholson: Mr. Chairman, I'm glad that the honourable member will be looking forward to seeing me come back to this committee. I'm sure that anybody who's been before this committee as often as I have been.... That being said, I'm always pleased to accept your invitation.

Again, there is a substantial commitment by the Government of Canada. In this upcoming year it's \$152 million. That's a substantial commitment by the Government of Canada, and we've demonstrated that commitment over the years.

The Chair: Thank you, Minister, and thank you, Madame Boivin.

Our next questioner is Mr. Wilks from the Conservative Party.

Mr. David Wilks (Kootenay—Columbia, CPC): Thank you, Mr. Chair, and thank you, Minister, for being here today. I think that you and your department have done a great job over the years to ensure that we recognize victims of crime over those who are behind bars.

Having said that, on March 11, 2013, you announced that Bill C-26, the Citizen's Arrest and Self-defence Act, had come into force. This was great news for all Canadians. At our committee we had heard from many witnesses who urged the swift passage of Bill C-26, and congratulate this government on its work to better victims' rights.

Could you please explain how this particular bill will enhance victims' rights in our country?

Hon. Rob Nicholson: I'm very pleased to do so, Mr. Wilks, and thank you for your contributions and the interest that you've taken in this issue, as well as many others in the criminal justice field.

When we had a look at the laws with respect to self-defence, they appeared, I think, to all reasonable individuals that they were out of date. Quite frankly, an analysis of that would show that in fact the main wording, and there were some changes over the years, was brought in, in 1840, in the colony of Canada West; in fact, it was Upper Canada at the time, before it became Canada West.

When you looked at it and you saw how complicated it looked, it was time to review that so that people would know what it is they are able to do to protect themselves, their families, and their property. That's exactly what the bill has done. In addition, we clarified the provisions with respect to a citizen's arrest, so that an individual has a reasonable period of time to apprehend someone they see who is committing a crime against them.

Both of these, I can tell you Mr. Wilks, have been well received. Again, much of the analysis sometimes is on how much this costs. Once you clarify the law so people know what it is they can do and

what they can't do, the justice system works better for everyone. It's in everyone's interest. On both those counts, we have made improvements to the laws.

A little over a week ago, I was very pleased to be in Toronto to present Mr. Chen with a copy of the bill that his problems helped initiate.

Again, it's been well received, and it was an idea whose time had come. I'm very pleased and proud that the government got behind that as quickly as it did and we got it passed.

• (1545)

Mr. David Wilks: Thank you very much for that.

I, for one, would say that you'll find huge cost savings in that.

Hon. Rob Nicholson: Again, you make a very good point. When you bring about efficiencies in the criminal justice system, many times people ask how much it is costing. I say that if the system runs better, it's more cost effective. I'll give you an example.

I was told by provincial attorneys general that the practice of giving two for one credit to individuals who were detained in provincial facilities awaiting the outcome of their charges was a huge cost to the provinces. I shouldn't say two for one credit, because I appreciate that in some places it was three for one. They were all unanimous in telling me that this was clogging up the provincial courts and the provincial remand centres. Provincial resources were being directed toward that.

I was only too pleased to indicate to them that the Government of Canada was very much interested in doing something about that. So, yes, we did bring in that bill, as I mentioned in my opening remarks. The system works better when we address issues like that. We listened to our provincial counterparts on that, and that was a success as well.

Mr. David Wilks: Thank you very much.

The Chair: Thank you, Mr. Wilks.

Thank you for that answer, Minister.

Our next questioner is Mr. Cotler from the Liberal Party.

Hon. Irwin Cotler (Mount Royal, Lib.): Thank you, Mr. Chairman.

Thank you, Minister, for appearing before us once again.

I appreciate that the Department of Justice has to bear its share with regard to certain cost-cutting approaches, but I want to ask you about three approaches on which I'm querying the judgment.

The first is a decrease of \$5 million from the sunset of the funding for the initiative in support of access to justice in both official languages. In my view, this is an important initiative on both a symbolic level and a substantive level. Coming at a time that in Quebec we see Bill 14 itself prejudicing minority rights, it's almost inappropriate with respect to the federal government being involved in this kind of cost-cutting measure.

Hon. Rob Nicholson: I appreciate that, and I agree that it's important on a number of different levels to be supportive of both official languages in this country. You're correct in the sense that the particular program sunsets as of the end of this month. That being said, I will be watching to see what is contained in the budget. As you'll find with a number of sunset items, a decision has to be made about moving forward, and of course that's contained in the upcoming budget.

As Madame Boivin pointed out, I'm here today and the budget is tomorrow, and—

Ms. Françoise Boivin: You'll be back.

Hon. Rob Nicholson: I'll be back.

Hon. Irwin Cotler: I hope we'll see it in the budget.

On a related matter that's part of these measures, again, grants and contributions spending will be reduced by \$38.8 million by 2014. The biggest reduction is associated with, and Madame Boivin has mentioned it, the youth justice services funding program.

Given the importance of crime prevention and given the importance you're attaching with respect to victims' rights, this significant cut seems to be undermining the government's own objectives regarding crime prevention, public safety, and rights of victims.

• (1550)

Hon. Rob Nicholson: Again, we were all bound by budgetary constraints, across the board. I'm pleased that we've made permanent the funding of \$141 million that is being transferred to the provinces for youth services funding programs. That's the largest transfer, quite frankly, from the Department of Justice.

That being said, as you are probably aware, we have made a number of commitments at the federal level to directly get involved with victims funding, starting with the Federal Ombudsman for Victims of Crime. There are millions of dollars going into the guns, gangs and drugs component of the youth justice fund. There is the drug treatment component of the youth justice fund, the intensive rehabilitation, custody, and supervision program. All of these are federal initiatives that go toward supporting victims of crime.

I had the opportunity in question period today to mention that there are record levels of money being transferred to the provinces. The provinces aren't getting any less money. Indeed, over the life of this government it's increased approximately 50%, up more than \$20 billion. Again, we're transferring more money every year to the provinces, and it goes to those areas of responsibility that are provincial. One of them, the administration of justice, for the most part is paid for by the provinces.

I am among those who are quite pleased to see each year this increased commitment and this increased transfer to the provinces.

Hon. Irwin Cotler: I have one short question, Minister, given the time available.

Why do the 2013-14 estimates provide \$2.9 million for the aboriginal justice strategy fund, while the previous estimates, including supplementary estimates and the actual expenditures for 2011-12, total about \$12 million?

Hon. Rob Nicholson: The budgetary process has been such that some of these come through supplementary estimates. I've indicated to this committee that there are many positive aspects with respect to the aboriginal justice strategy. We're about 24 hours away from the budget, so we'll have a look in the budget.

Hon. Irwin Cotler: Thank you, Minister.

The Chair: Thank you, Mr. Cotler,

Our next questioner is Mr. Albas from the Conservative Party.

Mr. Dan Albas (Okanagan—Coquihalla, CPC): Thank you, Mr. Chair.

I'm very happy to be here with you today, Minister, because I think sometimes we forget how much has been done in making sure that we have a system that stands behind both victims and law-abiding Canadians. I think it's good for us sometimes to stop and take a look at what's been done, but as you noted in your opening statement, Minister, there still is a lot of work that needs to be carried out.

Specific to that, in my riding of Okanagan—Coquihalla, in the 1990s and 2000s there were some very high-profile cases that alarmed a lot of people in my riding. When the Prime Minister and you were in Burnaby announcing that there had been some legislation tabled regarding the not criminally responsible, certainly I received a lot of input from people in my riding, and very supportive feedback.

That being said, Minister, I think just as Mr. Wilks mentioned about the coming into force of the Citizen's Arrest and Self-defence Act, sometimes it's good for us to review what things have been done and what things are going to be worked on.

On February 8, Minister, you introduced Bill C-54, the not criminally responsible reform act. The introduction of this legislation is part of our government's plan for safe streets and communities, which is one of the four priorities the Prime Minister has identified.

How will this legislation ensure that not criminally responsible accused people who are found too dangerous to release are no longer a threat to their victims or to Canadian communities? Minister, I'd like your analysis on that, please, if you wouldn't mind.

Hon. Rob Nicholson: I was very pleased to introduce that bill. As you pointed out, I was pleased to join with the Prime Minister in meeting with a number of victims, as you remember, of course, as you yourself were there that day.

I think this brings forward some needed changes to the whole area. We made it very clear that we're coming up with, among other things, a high-risk category that will be determined by the courts. We're talking about a relatively small number of violent individuals, or individuals who have been involved with very violent activities. Again, this in no way compromises their rights or their abilities to get treatment for what they suffer from, but that being said, we want to make sure that people maintain confidence in the system and that we properly take victims into consideration.

With that legislation, one of the components that you will see is that we'll do a better job of informing victims as to what's happening, in giving the board the ability to set parameters, when the time comes, if and when an individual is released, so that the victims are better able to know what's happening and better able to cope with the situation.

If you have a look at the legislation we have brought forward, this has been a consistent theme of what we've done, taking into consideration who the victims are, how good a job we're doing representing their interests. You'll remember the bill on white-collar crime. We made it a little more user friendly in terms of victims making an application for restitution. This was in no way an attempt to take over provincial jurisdiction with respect to lawsuits that can arise from transactions that have gone very wrong in this area. We're not saying that. We're saying that victims need one more way to access the system and try to get some justice.

What we're doing in the not criminally responsible reform act with respect to victims, what we do in the various pieces of legislation that we have brought forward, is consistent with that theme, to make sure that victims and their concerns are at the forefront of our criminal justice system, or in the system of the not criminally responsible, to make sure that their interests are looked after. We owe that to them. Again, those are the individuals I meet with on a regular basis across this country. They're consistent in the sense that they like the direction we are going in, and they encourage our continuing along this route. This is one more step in that direction.

• (1555)

Mr. Dan Albas: Minister, earlier my colleague, Mr. Wilks, mentioned the Citizen's Arrest and Self-defence Act. In his prior life as an RCMP officer, obviously he had to engage with a variety of situations. I was a martial arts instructor for a number of years.

In your earlier comments you talked about how important it is that people have a good understanding of what the law is and about making things more user friendly. I certainly don't encourage anyone to take any vigilante kind of action or put themselves at risk, but one of the things I found in my experience was.... I would talk to police officers, judges, etc., and ask them what reasonable self-defence is. I would just point out that giving people workable certainty as to what the law is and how they can protect themselves is empowering and helpful.

Mr. Chair, you've been helpful by giving me the time to finish talking, so I want to thank you.

The Chair: Thank you, Mr. Albas.

A short answer, Minister.

Hon. Rob Nicholson: Again, you make an excellent point. You don't want to victimize these people again. People who have been threatened, or if they themselves or their families or property have been attacked, don't want to be victimized again by unnecessarily having to deal with the judicial system.

I remember talking to one police officer who said that area was so complicated. He said to let the courts figure it out. That's not a solution. The law has to be clear so that individuals know exactly what it is they can or can't do. By clarifying the law, we're all better off. Again it goes to what we are talking about and the concern of

some of my colleagues about making sure that the criminal system works, and that it works efficiently. That is another excellent example of that. I thank you for raising it.

The Chair: Thank you, Minister.

Our next questioner is Mr. Marston from the New Democratic Party.

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Thank you, Mr. Chair.

Welcome again to the minister and the officials. It's good to see you back before us.

Minister, in your remarks you were clear that the government has been very committed to an aggressive justice agenda, and from this side of the House we don't disagree with you on that. In fact, if you take into consideration the bill you were just talking about, it started from the NDP with the Lucky Moose story where the member for Trinity—Spadina, Olivia Chow, put it before the House. So we're on the same page in some areas. In some other areas, of course we'll have philosophical differences.

One of the things that comes to mind is we're living in a stagnant economy right now. I'm not going to point fingers. I'm not going to seek to blame, but it's a reality, so the question that comes to mind that follows on what Madame Boivin was talking about is it looks like we're facing a kind of across-the-board adjustment or cuts. When you look at where you believe things are situated, are there areas you would be giving extra consideration to if you had the opportunity?

What I'm really leading up to is if you've had an effective justice agenda where you put a number of folks behind bars, then we have to have an agenda for rehabilitation to ensure that when they come out they will go back into society as productive members.

I am just curious about whether we can expect that to become a priority one day soon.

• (1600)

Hon. Rob Nicholson: First of all, I'm very encouraged that the NDP is coming on side and supporting our justice agenda. This is wonderful news.

Mr. Wayne Marston: I did point out we have some philosophical differences—

Hon. Rob Nicholson: I guess I got too excited on that.

Mr. Wayne Marston: —but an effective justice system is something we need.

Hon. Rob Nicholson: That being said, I've very much appreciated some of the areas into which we have moved and in which we continue to assist.

I mentioned the child advocacy centres. It wasn't just a coincidence that I put that in. On my travels across this country I heard about this concept and a description of what these child advocacy centres do. They're one-stop places in a child friendly atmosphere where there are all the services for a child who has been sexually exploited. The services come to the child as opposed to the child going everywhere else.

I may have indicated to you, and I certainly have to others, that I remember hearing about this in Edmonton. I thought it was an excellent idea. I was pleased to hear that one opened in St. Catharines, which is next door to my constituency. I remember visiting it and frankly it was just after I'd heard about the one in Edmonton. When I asked how they were financing it and how they did it, they told me they were getting funding from police services and some of the municipalities and that there were charitable donations, but that there was no funding at the federal or provincial levels.

So I was very pleased, and I have said to my colleague Mr. Flaherty how pleased I am, that in two of his recent budgets he's included funding for child advocacy centres. Again, these are steps forward. Somebody could make the argument that these are generally provincial services that are provided, but I'm pleased that the federal government has done that.

I indicated the different funds to you as well and said that we have been supportive of these. I did mention the national anti-drug strategy, for instance. All of these are meant to get the message out to people to not get involved with this kind of activity and that if they do get involved with it, we want to help.

If the Minister of Public Safety were here, he would indicate to you that tens of millions of dollars go towards assisting individuals with mental health issues in the federal penitentiary system. I'm supportive of that, because some day those individuals will be released, so you want them to get the treatment and the help they need. I know that's a priority for my colleague, the Minister of Public Safety, and certainly among the issues within my purview, these are a priority as well.

Thank you for the question.

The Chair: Thank you, Mr. Marston.

Thank you for the answer, Minister.

Our next questioner is Mr. Calkins from the Conservative Party.

Mr. Blaine Calkins (Wetaskiwin, CPC): Thank you, Chair.

Thank you, Minister, for being here today. It's much appreciated.

I too was getting a little excited when I heard my colleagues across the way indicating their forthcoming support for all of our legislative agenda when it comes to criminal justice.

I do want to remind Mr. Marston and others that it's not just about the incident that happened in Trinity—Spadina in Toronto. These kinds of issues, when it comes to self-defence and to protecting one's property, have happened all across the country. You may recall that I have spoken to you about incidents that happened in my constituency when a citizen was awakened in the middle of the night and went out to defend his property and ended up being charged and had higher penalties than the three people who came onto his property and attempted to deprive him of his property. He used some force to try to prevent that and to secure his property again and initially ended up facing higher penalties. I'm glad that it was appealed and some common sense was applied and a semblance of justice was brought back. I want to thank you on behalf of that family and all of the constituents who raised hundreds of thousands of dollars for his legal defence fund in order to bring a sense of

justice and to make it clearer for the police and the courts to better interpret what self-defence and the defence of one's property actually are. It's absolutely wonderful. Thank you for your leadership on that.

You mentioned you heard of some issues in Edmonton and so on. One of the things I like about our government is how proactive we are at engaging people, whether in budget consultations or other types of round tables.

I had a number of round tables in my riding dealing with justice issues. Up in Lindale and in remote rural areas we have a lot of cases of breaking and entering. Folks are very frustrated with the years of neglect by our justice system in actually addressing some of the serious consequences of property crime and so on. We heard loud and clear from there that a lot of crimes are even going unreported simply because they're so frustrated with the weak penalties that people used to get traditionally and the revolving door and so on.

I wonder what other things, notwithstanding the agenda you've laid out for us with your three initiatives, you have been hearing at the round tables you've conducted throughout Canada as our Minister of Justice.

•(1605)

Hon. Rob Nicholson: Again, these have been very helpful to me, Mr. Chairman.

Thank you, Mr. Calkins, for your interest in this area. It's much appreciated. I know how supportive you are of the measures that we have taken.

You hear different perspectives from different parts of the country. Sometimes you hear about different crimes, and you hear less about it in some other parts of the country. What is consistent, though, are the meetings I have and the input I get from victims in this country. I'll give you a good example of that.

I heard from many victims across this country about what it was like when the individual who murdered a member of their family came up for the possibility of early parole at 15 years.

I remember introducing the legislation in Parliament. At the scrums that sometimes take place here, I was asked a legitimate question, I guess: do you think that by getting rid of the possibility of early parole people will stop committing first degree murder? I said, "That's not what I'm saying with respect to the introduction of the legislation; it's the hope of everybody that nobody would commit first degree murder, but I do know this for sure: we will be reducing victimization in this country." I have been told at these round tables by victims that when that 15-year period rolls around, they're victimized again. They're victimized again in wondering and worrying whether the individual is going to be back on the street.

You're familiar with that section that is now gone, thankfully, from the Criminal Code. It didn't stop there: it was at 17 years, 19 years, 21 years, 23 years. For these people, they tell me, it never ended. It just was on and on. That came out of those discussions with them. I was completely confident, as I am to this day, that by getting rid of that, we reduced the victimization in this country. Those are the people that I worry about. Those are the people that you worry about, I know, the people who have been victimized and have found themselves in this position. You are supportive of those measures that reduce the possibility of further victimization.

The Chair: You have one minute, Mr. Calkins.

Mr. Blaine Calkins: I appreciate that, Minister, and I appreciate your strong leadership on this. The message that I have is very sellable back home in my constituency and in my home province of Alberta, of course, when it comes to these particular matters. You're absolutely right, and I would like to follow up with you on that.

Can we expect anything further? You've highlighted that you want to bring forward a victims' bill of rights. I believe you've been asked to elaborate a little on this already. Back home in my riding, and in Alberta, as I've said, folks are really happy about the fact that our justice system is now focusing also on the needs of the victim and the right to protect the victim and that those who are most vulnerable in our society are getting the attention they finally deserve. Is there anything you can tell the committee and Canadians about what they can expect from the government's forthcoming agenda on this?

The Chair: A short answer, Minister, please.

Hon. Rob Nicholson: I've indicated that we're going to move forward in the area of better protecting children from those individuals who would sexually exploit them and those individuals who would attack them. I've indicated that we are going to move forward in that direction.

As you indicated, putting together a victims' bill of rights, compiling those areas that are there to protect victims, bringing them together and clarifying those areas in federal legislation I think will be a big help, just as when we put the form into the Criminal Code with respect to victims who have suffered at the hands of white-collar crime, and who have had their money taken away from them. We made it easier for them to find out where to go. This is consistent with what we have been saying.

A victims' bill of rights is consistent with that and makes it easier for the victims to find out what it is they can do, or what's available to them. That's the thinking and the philosophy behind this, Mr. Chairman, and that's the direction we're going in.

• (1610)

The Chair: Thank you, Minister.

Our next questioner is Mr. Mai from the NDP.

[*Translation*]

Mr. Hoang Mai (Brossard—La Prairie, NDP): Thank you, Mr. Chair.

Minister, thank you for joining us today.

I wanted to ask you about the \$5-million cut to the funding for the Initiative in Support of Access to Justice in Both Official Languages.

We know that many cuts have been made in the public service. We know that was done to the detriment of bilingualism. We know that was also done to the detriment of francophones' right to work in their language. We know that, especially in certain departments, requests are being made to reduce the number of documents that have to be translated. Francophones are also being asked to draft documents in English. It's a bit sad to see this happening, especially since today is the Journée internationale de la francophonie—the international day of la Francophonie.

I know that a budget will be tabled tomorrow. The Minister of Finance will decide what that budget will contain. However, as Minister of Justice, what do you think about the cuts made in the area of access to justice in both official languages?

[*English*]

Hon. Rob Nicholson: I don't think it's correct to characterize something that is sunseting as a cut. Nonetheless, as you heard in my response to, I think it was Mr. Cotler, we wait for that. Just so you know, there are ongoing funds in the amount of \$2.8 million that continue to be available to support official language minority communities in Canada, to address the issues related to access to justice in both official languages.

All of us have a stake in making sure the justice system in this country works in both official languages. You may remember, or perhaps it was before you entered Parliament, we brought forward a bill having to do with justice efficiencies. It dealt with the question of translating documents and witnesses in one language, and in trying to clarify that to make sure the system works in a fair way for people who have either of the official languages of this country. Even though it was technical in nature and in some ways difficult to explain, I was pleased that we moved forward with it. In any case, we have ongoing funding, and the funding you referred to is up to and including the end of this month.

[*Translation*]

Mr. Hoang Mai: Okay.

I know you're saying that the Minister of Finance makes budget-related decisions, but do you support that initiative as Minister of Justice?

[*English*]

Hon. Rob Nicholson: I support access to justice in both official languages. I was able to give you a couple of examples. With respect to the efficiencies bill that I talked about, I remember asking the departmental officials how long it had been around. They told me it was the fourth attempt in 10 years. I was absolutely committed, and I told them that we had to get it through. There is ongoing support for official language minorities in Canada, quite apart from the budget. We don't have to focus entirely on that. The \$2.8 million funding is ongoing. If I didn't agree with it, it wouldn't be continuing, but I certainly do agree with it. Again, we all have a stake in making sure people are comfortable in either of the official languages when they appear before the courts or any other part of the justice system.

[*Translation*]

Mr. Hoang Mai: Thank you.

A \$60.2-million decrease has also been the result of the savings identified as part of the federal budget 2012 spending review. Can you explain to us how those decreases were produced and, especially, tell us how many positions have been or will be affected?

[English]

Hon. Rob Nicholson: I'd like the deputy to give some of the details on that. This is part of the ongoing efforts of all agencies, departments, all aspects of the federal government in terms of holding the line and doing what we can to ensure that the fiscal situation of this country remains healthy. All of the budgets have been consistent with that. That being said, and as was pointed out by your colleague, part of that is with respect to youth transfers to the provinces. I made the comment to her and I'll make it again to you that overall, the provinces are getting considerably more money from the federal government. That has been the case every single year we have been in government. It's approximately 50% higher today than when we took office in 2006. The amounts to the provinces have increased to over \$20 billion. We recognize that our provincial counterparts have responsibilities in these areas, and one of them is, for the most part, the administration of justice. This is all part of that package. Overall, they are getting more money, so you can rest assured they're better off as a result of these transfers.

• (1615)

[Translation]

Mr. Hoang Mai: I understand.

You talked about certain transfers, but they account for only part of that reduction. When you are a member of the Standing Committee on Finance and you ask the Minister of Finance for further information on cuts and reductions, it is very difficult to obtain an answer. Even the Parliamentary Budget Officer says that the government has not provided any studies on the direct impact on jobs.

You talked about reductions, but could you tell us what kind of cuts have been made in terms of positions? Will any jobs be cut as a result of those reductions?

[English]

The Chair: Keep it short, sir, please.

Hon. Rob Nicholson: I've always found the Minister of Finance to be as forthcoming as possible and consistent with his responsibilities in terms of preparing and tabling a budget. I think you would have to admit, as would be conceded by all my colleagues, he's been very responsive and open to suggestions that have been made not just by my colleagues, but by groups and individuals from across the country. That is part of the process.

I'll ask the deputy minister to provide some further details.

[Translation]

Mr. William F. Pentney (Deputy Minister of Justice and Deputy Attorney General of Canada, Department of Justice): There are about 5,000 employees across Canada, and 330 positions will be cut. So far, 95 people have decided to retire, go back to school or leave the public service. An attempt was made to find 130 employees another position elsewhere in the public service. Some positions have been cut, but new ones have already been found for 130 people. That is a testament to the quality and

professionalism of the employees who were working for our department. We are doing the same for the remaining employees. Some of them are thinking things through, and they have 90 days to decide. We will help those who want to stay in the public service and those who want to leave—either to retire or for any other reason.

[English]

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

If somebody wants to follow up on that... We have to move on to the next questioner

Mr. Armstrong, from the Conservative Party.

Mr. Scott Armstrong (Cumberland—Colchester—Musquodoboit Valley, CPC): Thank you, Mr. Chair, and thank you, Minister, for being here.

Minister, my background is in education. For 18 years I served as a teacher, a vice-principal, and a principal. I can tell you, from meeting my colleagues at many conferences, that it was very frustrating for educators across Canada to know that many of their students were accessing provincial services, from justice, from health, from community services, as well as education, and these were particularly victims of crime. There were all these gaps in the system. In fact, one hand didn't know what the other hand was doing. They wouldn't even know sometimes that a particular child was receiving services or interventions from another department, even though both were going on simultaneously.

You and I had the experience of doing a round table together recently in Halifax. We heard loud and clear the positive impact that child advocacy centres were having on the lives of children. I know this is something for which you, personally, have taken the initiative in supporting the funding.

I'm wondering if you could elaborate on what you, as the Minister of Justice, have seen as far as positive impact is concerned and why you believe we should continue to place a high priority on funding these centres.

Hon. Rob Nicholson: I've been told over the years, going back to the period of time that I practised law in the early 1980s, how difficult it is in the system for the children who come forward with the allegation that they have been abused. You'd often hear stories about people who had to visit the police station, and they were visiting the crown attorney, and they had to have medical services. On all of this, people were unanimous that being involved with something like this would further hurt the child in terms of traumatizing the child. When I heard for the first time this idea that you could have a centre where all those services are brought to the child, it immediately made sense. Most people would agree, regardless of where they are on many of the issues that face us in the justice area, that this is a good idea.

In the years since, I've had a look at this. There are quite a few of these centres in the United States. Quite frankly, the U.S. is further ahead in terms of the development of these centres. It concerned me when I visited the one in St. Catharines that you want as much as possible for the funding to be there, to be available for this, because this is a good idea. They go out of their way when you go into one of these centres. You're aware of them because of our discussions. They are in fact child friendly. They make it as comfortable as possible, not just for the child but for the parent or the guardian who is there with the child. It works on every level.

I was very pleased that the federal government has gotten into this area and that we have provided money through a couple of budgets now for these centres. This is money well spent. Reaching out to the most vulnerable people in our justice system, which has to be children who have been abused, is very positive.

It is certainly my hope that right across this country people will explore this. Again it's not just a question of waiting for government funding. I've been pleased, over the years, to see private interests move forward to try to get these centres going. I've been pleased to approve feasibility studies for people looking into building one of these centres.

I remember visiting with our colleague Greg Rickford in northern Ontario. One size doesn't fit all. It doesn't necessarily have to be one building in one place. There can be adaptations of that, but the main and important concept is to make it as child friendly as possible and to do what we can to bring those services to the child. These are very important.

This is something you're going to see in this country for a long time to come. I appreciate we're only relatively recently getting into this area, but this will be a staple, this will be a component right across Canada for dealing with children who have, unfortunately, become victimized. Again it is certainly consistent with what we're saying, about doing what we can to help victims. It is one of the things we can all be very proud of.

• (1620)

The Chair: Thank you, Mr. Armstrong.

Thank you, Minister.

The next questioner is Mr. Jacob from the New Democratic Party.

[*Translation*]

Mr. Pierre Jacob (Brome—Missisquoi, NDP): Thank you, Mr. Chair.

Minister, thank you for joining us this afternoon.

My question is somewhat related to what Mr. Cotler was saying earlier.

Spending for grants and contributions will be cut by \$38.8 million by 2013-2014. The biggest reduction will affect the Youth Justice Services Funding Program. Could you describe that program briefly? By how much will the annual funds available for that program decrease?

[*English*]

Hon. Rob Nicholson: The annual funding, Mr. Jacob, will be \$141.7 million. Just so you know, this is permanent, built-in funding

that is not part of the sunset. It goes hand in hand, quite frankly, with the other areas where the federal government reaches out on its own, quite apart from....

That \$141 million is the biggest transfer this department has, and again, that's quite apart from the overall increase that the Minister of Finance and our colleagues transfer to the provinces each year.

That being said, I've been very proud of and very pleased with the initiatives we have taken in reaching out to victims and young people. I mentioned the guns, gangs, and drugs component of the youth justice fund, the drug treatment component of the youth justice fund, and the intensive rehabilitation, custody, and supervision program. All of these have received millions of dollars of funding from the federal government.

I think they're good investments, because they're reaching out to children and young people who have become either involved with the law or unfortunately become addicted. These are the kinds of things we have to have. I'm very pleased with and proud of that. Again, the largest transfer we have is to the provinces. That's one component of the assistance that we give to the provinces.

• (1625)

[*Translation*]

Mr. Pierre Jacob: Prevention, rehabilitation, social reintegration and restorative justice are investments and not expenditures.

Why make cuts to that particular program?

[*English*]

Hon. Rob Nicholson: It is the largest transfer that we do have at the federal level.

One of the things that I am pleased about, and I watch for this, quite frankly, in every budget, is I'm pleased to see that the transfers to the provinces have gone up. They have attained record levels. As I indicated, we're up to a \$20-billion increase.

I think it was you, Monsieur Jacob, who at one time said to me that we can't be in the business of telling the provinces what to do and what they can't do.

That being said, we know they have important areas of responsibility within the Constitution of this country, whether it be health care, education, or the administration of justice. I've been very pleased that over the years we have steadily increased, to record levels, the amount of money we have given to the provinces. I think they're good investments. I understand that they have important responsibilities within the Constitution, so I've been very supportive of that.

As you indicated, the money we are putting toward victims, victims funds, rehabilitation programs, these are investments as well. I believe they do pay off in the long run. The extent that we help individuals get off drugs or help individuals stay away from drugs, to the extent that we help children who find themselves caught up in the criminal justice system, I believe they're good investments. This is why I have been so supportive of them over the years.

[*Translation*]

Mr. Pierre Jacob: Since I have a bit of time left, I will ask a question about the Canadian Human Rights Tribunal.

Can you tell me what the specific impact of repealing section 67 of the Canadian Human Rights Act will be on the Canadian Human Rights Tribunal's workload?

[English]

Hon. Rob Nicholson: The main estimates, with respect to any changes that have taken place to the Canadian Human Rights Act, indicate an increase in funding of \$0.04 million for the particular implementation of the section that you just indicated, Monsieur Jacob. There is money set aside for that.

The Chair: Thank you, Mr. Jacob, and thank you, Minister.

We have one minute left. I'll turn it over to Mr. Goguen from the Conservative Party for a question and a quick answer.

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

Thank you, Minister, and your officials for appearing.

I noted from your comments that victims' rights are very important to this government. We know we've made great strides in this area, and we know we're in a period of fiscal constraint.

Minister, I take it from your comments that I'm correct in assuming that supporting victims' rights will continue to be a priority of this government.

Hon. Rob Nicholson: I know it is a priority of yours, Mr. Goguen. Thank you very much for all you have done in the years you have been here in support of this. I am pleased that you are continuing your responsibilities as Parliamentary Secretary to the Minister of Justice.

You have it quite correct that whenever we introduce legislation, whenever we take initiatives, the first question from individuals like yourself is how it affects victims and what it is doing for victims in this country. I have been very proud over the years to be able to confirm that, yes, we are better protecting, better focusing on and highlighting their interests. We are better reaching out to those individuals who have unfortunately been caught up in the criminal justice system. We're on their side, and we're doing everything we can to assist them.

Thank you for your input.

• (1630)

The Chair: Thank you, Mr. Goguen.

Thank you, Minister. Thank you for spending the hour with us.

We'll suspend for one minute while the minister leaves and then we'll continue on with officials.

• (1630)

_____ (Pause) _____

• (1630)

The Chair: We'll call the meeting back to order.

We have officials from the Department of Justice with us. Thank you very much for staying. We have them for 45 minutes.

We do have to vote, ladies and gentlemen—well, we don't have to—but there is an opportunity to vote on the votes that are presented here in the main estimates. That will take no more than five minutes.

Just a reminder that on Monday, we are having our meeting again on Bill C-394. On Monday we hope to do clause-by-clause study of Parm Gill's bill, the bill we were dealing with on Monday, so if you have any amendments, give them to the clerk by Friday. That would be appreciated.

Let's start with Madame Boivin.

[Translation]

Ms. Françoise Boivin: Thank you, Mr. Chair.

Gentlemen, thank you for joining us and spending an enjoyable hour reviewing your budgets with us.

As I told the minister, I think much of the review is totally pointless, as the situation could change tomorrow. However, let's assume that it will remain the same.

I have a few questions for you.

Regarding the federal government's contribution to help the provinces in terms of legal aid, I see that there are no major changes in Main Estimates 2013-2014. That's not where you will be making cuts. However, I don't see any increases either. I know that we are going through a period of fiscal restraint in many areas. That is what the government is saying. However, I am also very aware of the extremely urgent nature of the situation. This issue has been raised unanimously in all federal, provincial and territorial meetings between justice ministers. I even think that the Minister of Justice knows about the huge needs in legal aid and about the fact that we should work on improving that situation.

Regarding your department's proposal, I understand that the access to justice issues—in areas such as legal aid—will not be resolved in 2013-2014. In short, the federal partner will not take care of this.

Have I understood the document properly?

• (1635)

Mr. William F. Pentney: Thank you for the question.

Mr. Chair, it's true that there hasn't been a large increase in the federal contribution in this area, but \$120 million will nevertheless be set aside for legal aid in this year's main estimates. That includes \$11.5 million in temporary funding for legal aid—for immigration and the refugee situation—with an additional \$500,000.

Although this is not a huge increase, it's not entirely true that no money has been added, as temporary funding has been allocated. That was a way to recognize the many needs in the area of immigration and refugee issues. Given the legal reforms and related requests, the government will allocate \$11.5 million and an additional \$500,000.

Ms. Françoise Boivin: How do you explain the fact that, in 2012-2013, you expected to allocate \$108 million for legal aid in the current fiscal year?

That's always a concern for me. What I am interested in is comparing the items from last year's main estimates with those from this year's main estimates. We sometimes see major changes from one budget to the next. Is that because the Department of Justice manages the budget poorly?

Or is it simply because reality is catching up with you and you have no choice but to make adjustments along the way? If that's the case, I'm wondering what the point of having main estimates is, when we know perfectly well that the budget objectives regarding certain items will not be reached. That doesn't make sense.

I am looking at some of the items, and I am really wondering how you manage to operate within those budgets.

Mr. William F. Pentney: Thank you for the question.

Your question, which concerns Parliament's budget management methods, is too broad for a poor deputy minister like myself to answer. For now, the amount set out in the budget is \$694 million. You can see in the estimates that we have spent \$119 million so far on legal aid and that we expect to spend \$120 million next year. It's not perfect, but....

Ms. Françoise Boivin: That's not what you projected last year. The figure was \$108 million.

Mr. William F. Pentney: Yes.

Ms. Françoise Boivin: There is quite a difference between \$108 million and \$119 million.

Mr. William F. Pentney: We are talking about \$108 million on a permanent and ongoing basis and, as it was just mentioned, those are supplementary estimates that have been approved. All planned expenditures have to be approved by the Treasury Board before the money is spent, so that we can be accountable for sound resource management. I agree that it's not perfect, but we have obtained \$108 million on a permanent basis. We have been successful. We submitted formal requests to the Department of Finance to obtain a bit more money for immigration and refugees.

Ms. Françoise Boivin: I was about to say that.

Mr. William F. Pentney: Yes.

Ms. Françoise Boivin: That has more to do with immigration legislation than with requests made by the provinces.

Thank you.

[English]

The Chair: Thank you, Madame Boivin.

I am going to ask the next set of questions. I'm taking a Conservative slot for this.

This is my first time reviewing the estimates for Justice, so I'm excited about it. Not too many people get too excited about it.

My questions are technical in nature, just so I understand what's going on.

I do like the new format of the estimates. I appreciate that. I understand the 2011-12, in the mains, votes 1 and 5.... But the estimates to date, I cannot add up anywhere. I looked at supplementary (C)s. I cannot get to the same number.

I want to know what makes up the estimates to date. The numbers do not correlate.

• (1640)

Mr. William F. Pentney: I'll wait for Mr. Schnob to find his tab.

My understanding was that it would represent mains and supplementaries and—

The Chair: It does not, if you look at supplementary (C)s, which we just approved. So I went back to the supplementary (B)s, because the supplementary (C)s probably wouldn't be in it, and the supplementary (B)s were not in it either.

Mr. William F. Pentney: No.

The Chair: I want to know what “estimates to date” means. I'm not picking on Justice; this is the same thing for everyone.

Mr. William F. Pentney: It's a fair question. We'll get back to you because obviously my understanding is not the correct one. I understood that with the format that was being....

Mr. Daniel Schnob (Chief Financial Officer, Department of Justice): My understanding is it includes the supplementary estimates (A), (B), and (C). We had supplementary estimates (B) and (C) voted in the last fiscal year, 2012-13.

The Chair: For estimates in 2012-13, which we're dealing with, we're approving supplementary (C)s tonight. So if you're telling me that... And I have supplementary (C)s with me—

Mr. William F. Pentney: No, you wouldn't have supplementary (C)s in there.

The Chair: If you look at supplementary (C)s and if you look at supplementary (B)s, they're not the same number. If you could get back to me on what makes up that number, that would be appreciated.

Mr. William F. Pentney: Yes, I will.

The Chair: Very briefly, there was a discussion previously with the minister and you about sunseting. Realistically, a department cannot refund a sunseting item unless it's approved by Parliament. Is that not correct?

Mr. William F. Pentney: That's correct.

The Chair: So it would be impossible, it would be illegal for you to put in your estimates that we were going to continue this program if it has a sunseting date. Is that not correct?

Mr. William F. Pentney: That's correct.

The Chair: I just want it to be clear to the members here that it's not a cut. It's not a cut. It's because there's been a date established in law that this program is ending on this date. For it to be approved, you can't put it in your estimates, because that would be illegal for you to do. Parliament has to vote on it to be reinstated.

Mr. William F. Pentney: There was a period of time in federal budget management where a significant amount of grants and contributions were put on a five-year sunseting renewal—this goes back some time—as a way of trying to control and regularly review expenses. What it does lead to is these ups and downs, when in fact sunseting programs very rarely actually see the sun go down in many cases.

The Chair: You're right. That's rare.

Mr. William F. Pentney: Your point is exactly right in terms of what must be included in the estimates.

The Chair: I'm going to take you to the last paragraph at the bottom of page 197. In the first sentence, you talked about 2008-09, total authority available to use is \$773 million. So I looked. I actually have the estimates for that year; I keep them in my office. I went back to supplementary estimates (A) in 2008-09 because I couldn't find the main estimates. I could not find this number. I'm not sure if it's cumulative of everything that was spent that year, including supplementary estimates (C). Then you compare it to \$657 million, which is in the main estimates this year. In my view, for it to be accurate, it needs to compare main estimates to main estimates, not cumulative money in 2008-09 to a main estimate this year. Would you agree with that?

Mr. William F. Pentney: I would agree absolutely that the fairest comparison would be, on one level, main estimates to main estimates, and perhaps another comparison would be estimates to date, assuming that we understand what estimates to date are.

A point is made in that paragraph as well about net voting authority, which is—

The Chair: Can you explain that to me?

Mr. William F. Pentney: Net voting authority is an authorization we have from Treasury Board for a portion of the legal services we provide to other government departments on a cost recovery basis. We have a base which is appropriated to us, and we also have authority to provide legal services to clients for which they're going to be billed and for which they'll transfer money to the Department of Justice.

The Chair: That's all internal, but is that charged back to different departments?

Mr. William F. Pentney: That's right.

The Chair: My final question is to deal with the plans and priorities document. I'm dealing with the main estimates. We're at the end of this year, and we're into the main estimates for next year. I know they're not out for next year yet, but I know they're coming, hopefully. When we're saying there is a significant reduction in internal services in these main estimates, in past books I've noticed we've budgeted something. Last year we spent \$142 million and we budgeted \$90 million. What is happening to shared services in internal services? Is that a big piece of work that Justice did that got moved out to shared services, and is it reflected in the change that we have here?

• (1645)

Mr. William F. Pentney: I'll let Mr. Schnob speak to that.

Mr. Daniel Schnob: When shared services was created, they looked at the funding we were spending on the items they would be accountable for. Our budget was reduced by that amount and the shared services budget was created by that amount—

The Chair: That's right.

Mr. Daniel Schnob: —from a series of departments. Most of that funding would have been removed all across the board. A lot of it would have been from internal services but it would have been—

The Chair: That change that's already taken place is not reflected in these main estimates because it was reflected in previous years.

Mr. Daniel Schnob: It was replaced last fiscal year.

The Chair: Okay, thank you very much.

Mr. Daniel Schnob: So it wouldn't be an issue in these main estimates.

The Chair: That's my time on this turn anyway. Thank you.

Mr. Cotler from the Liberal Party, it's your turn.

Hon. Irwin Cotler: Thank you, Mr. Chairman.

In the previous round when I only got one question, I was able to ask the minister about the wisdom of reductions in three areas: access to justice in both languages fund, youth justice services, and the aboriginal justice strategy fund, and the minister responded. Now I'm going to look at the other side of the ledger, namely projected increases. I think that demonstrates that the cuts need not be uniform, that they are in effect a judgment call.

I support this first increase, but that's \$14.4 million for the renewal of funding for the delivery of immigration and refugee legal aid. I have no problem with that. I know why it's done, and I support it. What about the overall federal contribution to legal aid services for all Canadians, on both the criminal and the civil sides? Has funding been increased or decreased?

Mr. William F. Pentney: I believe funding has held steady for ongoing baseline funding for legal aid.

Hon. Irwin Cotler: Okay. Given the increased demands, I would hope there would be an overall increase, but we'll go to the second question.

Maybe Donald Piragoff can help on this, because this is his area of expertise.

What is the projected budget with respect to the International Criminal Court? Is there a projected increase, a projected decrease?

Mr. Donald Piragoff (Senior Assistant Deputy Minister, Policy Sector, Department of Justice): We don't have a particular budget line for the International Criminal Court. The support we provide to it is part of our operational budget in terms of mutual legal assistance, providing any information that the court may request of us. It's part of our normal operating budget that's allocated to that part of Justice that deals with providing mutual legal assistance to other countries or to international tribunals. There's no specific budget line.

Hon. Irwin Cotler: But there is some allocation that is made with respect to—

Mr. Donald Piragoff: It's an internal allocation within the department. It's not an allocation that Parliament has given us as a certain amount. It's us moving money around within the department to serve certain needs.

Hon. Irwin Cotler: But at the end of the day, there has to be some sort of determination made by us as parliamentarians on whether or not the International Criminal Court treaty, which we implemented, which was a priority in our policy, is being sufficiently supported.

Mr. Donald Piragoff: That would be the responsibility of DFAIT, and that would be part of their budget. Any membership fees or dues that we pay to the court as being members of the court would be handled by DFAIT as part of their allocation by Parliament.

Hon. Irwin Cotler: Let me put another question to you. You might easily tell me, Donald, this is also—

• (1650)

Mr. Donald Piragoff: You save the hard questions for me, I noticed, as opposed to the minister.

Hon. Irwin Cotler: It's because of my respect for you. I mean that candidly. We've worked closely together.

Something you just mentioned prompted this question, which is on the whole question of mutual legal assistance. It happens that yesterday I met with an ambassador who was indicating to me that he was hoping to have a mutual legal assistance treaty with his country and so far it has not been authorized. My own sense is that it probably wouldn't make sense to do that, but I'll leave that out, but only because a larger issue that he mentioned was that there seems to have been a freeze on the whole approach to mutual legal assistance agreements.

I think these mutual legal assistance agreements have always been helpful, in my view, with regard to the pursuit of international justice, generally speaking. Have we frozen our approach on that?

Mr. Donald Piragoff: Yes, Mr. Cotler. There's a general policy in the department that goes back to sometime in the 1990s. Due to the cost implications of treaty negotiations for extradition, and mutual assistance, the deputy minister at the time put a moratorium on seeking new treaties both in the extradition context or the mutual legal assistance context, unless there was an exceptional case. Basically that's the situation we've been under now since sometime in the 1990s—I don't know the date—when the moratorium was put on negotiating new treaties, except in exceptional cases.

Hon. Irwin Cotler: I think we may have, if it was a moratorium, breached it in certain cases.

Mr. Donald Piragoff: As I said, there are exceptional situations. The ICC was an exceptional situation, for example.

Hon. Irwin Cotler: I have one last question. You have an increase of \$7.5 million in the funding for activities that support the national security inadmissibility initiative and division 9 cases under the Immigration and Refugee Protection Act. I think I know what this is for, but could you expound on that?

Mr. Donald Piragoff: That money is to support work by the Department of Justice in support of the Immigration and Refugee Protection Act, particularly division 9 proceedings, as well as the security certificates provision. This money goes to support the Department of Justice in providing legal services in respect of the Immigration and the Refugee Protection Act and the security certificates process.

It also goes to fund the special advocates program. As you recall, the special advocates program, the process, was created by Parliament to provide a means for the interested person to be represented in closed hearings to protect national security information.

Also, a certain portion of the money allocated by Parliament goes to pay for legal aid for individuals who are subject to these proceedings.

The Chair: Thank you, Mr. Cotler. And thank you for those answers.

It's a Conservative round and I'm taking it again. I just have one question though on the internal services piece.

When I look at the main estimates this year under internal services, it's at \$83 million or so. The main estimates for 2012-13 are \$91 million. The year before actuals for 2011-12 are at \$145 million. I look back and we're always around \$108 million, \$100 million, somewhere in that range. Why in 2011-12 did we have a 50% increase? What did we spend the money on internally? Why is it so much higher than what it has been in previous years and what we're asking for in this future year?

Mr. Daniel Schnob: I think it was basically an accounting issue. What we were doing as of that year is the central votes that we get during the year for collective agreement funding, for people on disability, etc., were all included under the internal services banner, when they were not previously. I will verify that and confirm that.

The Chair: So you think that has changed, then, and that it was a one-time event.

Mr. Daniel Schnob: It was an adjustment in terms of how we did the accounting to make sure that what should have been aligned to internal services was properly aligned to internal services and has continued ever since.

The Chair: I appreciate that answer. It was one of the numbers that popped out at me.

Are there any other questions from the Conservatives? Okay, we'll move on.

Monsieur Mai.

• (1655)

[Translation]

Mr. Hoang Mai: Thank you, Mr. Chair.

Gentlemen, thank you for joining us.

I would like to put my questions to Mr. Pentney.

[English]

You spoke about the cuts. Can you repeat them again in terms of the numbers? I think I had 5,000. Could you go further in terms of which positions, in terms of departments, and things like that?

Mr. William F. Pentney: I'd be happy to.

[Translation]

There are about 5,000 employees across Canada. In last year's economic action plan, we promised to cut 330 positions. We are using a combination of measures to achieve that goal.

We are improving our computer system. Consequently, we have reduced the number of people in charge of bill payments, since we are a national organization with very large and highly active regional offices. We have merged the positions from the two centres, and we will be able to use the computer system better, instead of transferring all the paperwork from one office to the other. All that will be done electronically.

So we have reduced the number of people and created two centres of expertise—in Ottawa and in Edmonton—to complete the process. We have merged a few legal services in departments. There were a few small legal services. We have eliminated one management level and combined a few groups that were working in the same area. We decided to create a few centres of expertise in order to provide common services within the government more efficiently. Instead of having many lawyers who do a small part of their work in a specific area, we will create a few centres of expertise so as to have fewer people doing the work more often. They will handle cases and provide advice more efficiently.

Those are some examples. Services are being merged, and the computer system is being utilized better. Those are some of the changes in the way we practise law. That's being done through centres of expertise, mergers or some other reductions. We're talking about effective internal measures.

Mr. Hoang Mai: When you say mergers, does that mean you will get rid of existing services in the regions, for instance, in order to centralize them? Are you just talking about certain positions within the department?

Mr. William F. Pentney: It's a combination of the two. Some people will stay. For instance, people who provide IT support will stay in the regions. They will provide virtually the same services but will report to Ottawa. We have eliminated some task overlaps between the regions and Ottawa.

Mr. Hoang Mai: Questions have already been asked about some of the lines in the budget to find out what the cost increases will be in cases where the government has to go to court to defend a bill. This directly affects the Department of Justice. Could you tell us what the figures are and discuss those costs? Have they increased and by how much approximately?

Mr. William F. Pentney: That has to do with our number one and number two strategic objectives, regarding

[English]

a fair and efficient justice system.

[Translation]

We provide the provinces with money for legal aid so that they can assist people who are appearing before the courts. The money is also intended for youth services and the delivery of government services. It's true that there is a level....

Mr. Hoang Mai: ...constant.

Mr. William F. Pentney: Yes, the level of litigations is constant. We are responsible for about 5,000 litigation cases, across Canada. In most cases, we're talking about legal action taken against the government. We defend the government's actions and the laws.

• (1700)

Mr. Hoang Mai: My question is a bit more specific. It's not about transfers.

I want to talk about situations where a province or a first nation takes legal action against the government and where the case has to be brought before the Supreme Court, for instance.

What part of the budget is that in and on what line?

Mr. William F. Pentney: That has to do with our second strategic objective. We don't have any exact figures regarding that because we provide departments with legal advice. We provide legal services to all departments and regional offices to help them with their operations, and with bills and policy-making. That includes other people who are in charge of litigations and defence here, in Ottawa.

That's not on any specific line. We have about 2,500 lawyers, and approximately 90% of them provide assistance to departments—be it in terms of legal advice, policy-making or litigations.

[English]

The Chair: I'll give you one more minute.

Mr. Hoang Mai: Just to know, do we pay for private services, such as lawyers representing the government in terms of when the law is not constitutional, for instance, or things like that?

Mr. William F. Pentney: There are some cases in which departments or the Department of Justice will retain outside counsel, particularly in areas of expertise that are quite specialized. For cases that are quite large and often in remote areas where we don't have lawyers, we also provide services, as we talked about earlier, under the net vote authority and for which clients pay. A significant amount of litigation is done on that basis.

Mr. Hoang Mai: Can you tell us whether or not in the last years it has gone up in terms of cost, not just the outside counsel but government spending in terms of representation or going to court?

Mr. William F. Pentney: Yes, the spending for the department has gone up. It's certainly levelled off in the last few years. If you go back over, say, five years, spending for legal services in government went up both because of the increase in complexity and number of cases and related to salary increases and just the cost of hiring and employing staff. Demand has gone up, and the cost of delivering the services has gone up. That is true.

The Chair: Very good.

Are there any other questions for the staff that we have with us tonight?

Seeing none, thank you very much. Thank you for being here.

We will move now to the vote on these items.

Ms. Françoise Boivin: May I just say something?

The Chair: Yes.

Ms. Françoise Boivin: You asked for some documents. I think they were very brilliant questions, personally. I'm really looking forward to getting the answers before.... There's no rush to vote on this. I think we are good until May.

The Chair: Yes.

Ms. Françoise Boivin: If we want to be logical, otherwise we're asking—

The Chair: As chair I was just bringing it forward that we could vote on it.

Ms. Françoise Boivin: I understand your enthusiasm. Thank you.

The Chair: Anything else, then?

Just a reminder that any amendments to the private member's bill which we'll be dealing with on Monday must be with the clerk by Friday. That would be great. We'll be dealing with that item. We'll be dealing with the private member's bill from the Senate next Wednesday. We hope to do that one all in one day: witnesses and clause-by-clause study.

With that, we'll see you next week.

The meeting is adjourned.

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