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# **Standing Committee on Justice and Human Rights**

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**EVIDENCE**

**Thursday, November 28, 2013**

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**Chair**

**Mr. Mike Wallace**



## Standing Committee on Justice and Human Rights

Thursday, November 28, 2013

•(0845)

[English]

**The Chair (Mr. Mike Wallace (Burlington, CPC)):** Ladies and gentlemen, thank you very much for joining us this morning.

We are here at the Standing Committee on Justice and Human Rights, meeting number seven.

The orders today are pursuant to Standing Order 81(5), supplementary estimates (B) 2013-14. Votes 1b, 5b, 35b, and 50b, which are listed in the supplementary estimates (B) under Justice, were referred to this committee on Thursday, November 7, 2013.

We are fortunate to have the Minister of Justice with us this morning, the Honourable Peter MacKay, to open up the discussion.

The floor is yours, Minister.

[Translation]

**Hon. Peter MacKay (Minister of Justice and Attorney General of Canada):** Thank you, Mr. Chair and colleagues.

[English]

I'm pleased to be with you this morning to answer questions regarding the items in supplementary estimates (B).

Mr. Chairman, as Minister of Justice and Attorney General of Canada, I'm tasked with helping to ensure that our justice system continues to meet the needs of Canadians and that it can remain relevant, fair, and accessible.

Our government has been moving forward on several priority areas in criminal justice, in particular, so that Canadians can continue to be proud of our justice system and have confidence in its operation. We have toughened penalties against offenders, such as drug dealers, criminals who use firearms, and sexual predators who prey on children, the most vulnerable of our society.

We have also implemented measures to keep dangerous and violent offenders behind bars rather than under house arrest, and eliminated the practice of double time reduction in the sentencing of criminals for time served before trials, so-called sentence discounts.

Mr. Chair, this summer I also embarked on a series of consultations across the country, during which time I listened to Canadians from every province and territory speak about how the justice system could better serve victims of crime and what they would like to see in a federal victims bill of rights, which will be introduced in the coming days.

As we have discovered, unfortunately, victims in the justice system very often feel that they are being re-victimized by the system itself. They feel that the system is failing them and doesn't meet their needs, and we need to reverse that trend. Since 2006, our government has allocated more than \$120 million specifically to victims, to give them a more effective voice in both our justice and correctional systems, through program initiatives delivered by the Department of Justice. This includes funding for new or enhanced child advocacy centres. I encourage all colleagues, if you have an opportunity, to visit a child advocacy centre in your region. They're doing amazing, compassionate work to help ease the trauma of a child caught up in the justice system. The centres help coordinate investigation, prosecution, and the treatment of child abuse, while helping abused children in a very important way.

We also need to continue to address victims' needs in other areas. I believe we have learned a great deal and we could help inform the legislation that our government intends to introduce, as I mentioned, to entrench the rights of victims into federal law.

Mr. Chair, another issue we have to tackle is cyberbullying, and we've taken steps in that direction as recently as yesterday. We have, unfortunately, seen that cyberbullying in its worst form can be life-threatening. We need a range of education, awareness, prevention, and enforcement activities to combat this scourge, including a stronger justice system response, and we intend to provide one. Governments at all levels have expedited a review of federal, provincial, and territorial law surrounding this issue, and I look forward to working with all of you to ensure that Bill C-13 is an effective criminal justice response that we can all support and move forward in an expedited way.

Chairman, colleagues, Canadians expect their justice system to keep them safe, first and foremost. Our government understands this expectation and is committed to protecting Canadians from individuals who pose a high risk to public safety. To that end, our government is introducing legislation to help protect Canadians from an accused who suffers from a mental disorder.

• (0850)

[Translation]

Our government has already introduced legislation to help protect Canadians from mentally disordered accused persons who have been found to be not criminally responsible and who pose a high risk to public safety. Our legislation will ensure that the safety of the public is the paramount consideration in the decision-making process.

[English]

There have been a number of misconceptions surrounding the intent of our legislation. I can assuredly tell members of this committee that we have no intention of increasing the negative stigma attached to those who suffer from a mental illness.

In fact, Mr. Chair, if I could pause here for a moment, the intention is in fact to designate those who are deemed high risk and to separate them from the rest who would have been given the designation of not criminally responsible. I believe if this is done properly, it will in fact reduce the stigma.

So, Mr. Chair, the Bill C-14, the not criminally responsible reform act, will only touch upon a small percentage of accused deemed high risk. In fact, those deemed within the entire criminal justice system not criminally responsible amount to less than 1%.

This effort will limit access for those high-risk accused in terms of escorted passes from mental health institutions. Again, for emphasis, this is what we're talking about: secure mental health facilities, not our classic jail system. This will be done in a way that will provide flexibility to provincial and territorial review boards tasked with reviewing these cases by giving them the option to extend reviews from the current two years up to a maximum of three years.

[Translation]

Our government also wants to ensure that our children are better protected against sexual exploitation.

[English]

Mr. Chair, we'll be introducing legislation soon that deals with the range of sexual offences, including child pornography, while ensuring that offenders receive tougher sentences when convicted of such offences.

[Translation]

Our government has always been committed to ensuring the integrity of our criminal justice system. We reiterated that commitment with the Speech from the Throne.

[English]

The items that the justice system has submitted to be tabled under supplementary estimates (B) for consideration today will further our work towards protecting Canadians and ensuring safer streets and communities, a goal we all share.

Chair, you will note that the Department of Justice's net increase is \$10.94 million, including \$996,000 in vote 1, and \$9.8 million in vote 5.

One major area of expenditure is the renewal of the funding for the aboriginal justice strategy for fiscal year 2013-14. The aboriginal

justice strategy is federally led and is an initiative that is cost-shared with the provinces and territories and supports community-based justice programs that help address the overrepresentation of aboriginal people in our criminal justice system. It provides funding to approximately 275 communities. It's a community-based program that reaches more than 800 aboriginal communities in all jurisdictions.

Chair, this is also an adjustment of \$320,000 from the Department of Foreign Affairs after our Department of Justice eliminated a position in the Canadian embassy in Paris under the deficit reduction action plan.

In supplementary estimates (B) you should also note this is to indicate a reduction in vote 1 of approximately \$374,000, which represents a reduction in travel costs by the department.

The estimates also include an overall reduction of \$7,000, as a result of the creation of Shared Services Canada, which is in part related to eliminating the Justice position I mentioned in Paris.

To conclude, I want to thank all committee members for your diligence in examination of these figures and the estimates. I thank you for the important work that you do. I look forward to working with you on a number of very important initiatives that are making their way through this committee during the fall and into the new year.

The funding that the justice portfolio has received has brought results for Canadians. I assure you I'll do my utmost to ensure that these funds will continue to be spent wisely.

[Translation]

Thank you, Mr. Chair.

[English]

I thank you, and I look forward to your questions.

• (0855)

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

I would just remind the committee we have the minister with us for the first hour, until 9:45.

Our first questioner, from the New Democratic Party, is Mr. Kellway.

**Mr. Matthew Kellway (Beaches—East York, NDP):** Thank you very much, Mr. Chair.

Through you to the minister, thank you, Minister, for joining us this morning and for your introductory remarks.

I want to focus my questions on the aboriginal justice strategy.

I was looking at the last evaluation report done on the study by the department, dated November 2011. It's very interesting in that, against all the criteria in the report, it judges the strategy to be effective. It's both relevant and effective in terms of the long-term goals of safer communities that reduce crime, incarceration, and recidivism. It also says it's an efficient program in that it's cheaper, if I could put it in those crude terms, for someone to go through that system rather than the normal justice system.

I have a couple of questions with respect to that. The department website suggests that there are 275 programs covering 600 communities. I wasn't entirely clear on that. Does that mean there are 325 communities without the program available to them, or does that mean 600 communities are covered? What isn't covered? What percentage of the aboriginal community doesn't have access to this program?

**Hon. Peter MacKay:** Thank you, Mr. Chair.

Thank you, Mr. Kellway.

Just a slight correction, 800 communities are touched by these programs, and my understanding, and I'll seek clarification on this, is that some programs can cover more than one community.

**Mr. Matthew Kellway:** Okay.

What's left over in terms of non-coverage of this program across the country?

**Hon. Peter MacKay:** I know for certain, Mr. Kellway, there are more than 800 aboriginal communities. To say what percentage of those 800 are not covered wouldn't give you the answer that you seek. I would have to get that information from Aboriginal Affairs.

**Mr. Matthew Kellway:** I would appreciate that very much, because in light of the evaluation report on the effectiveness and the efficiency of the program, it seems to me that funding becomes a very important issue and it's written throughout the evaluation document that this program is starved of funds.

One of the issues, of course, is how long the program is set for in the budget. I note that the 2014-15 projections don't seem to have any funding applied to them, and I'm wondering why that is. The reason I ask that question is that in the report, under "Efficiency and Economy" it says "...it was unanimously noted that the implementation of multi-year funding agreements had also improved the efficiency of the AJS". Why the absence of multi-year funding for the program?

• (0900)

**Hon. Peter MacKay:** You're correct to point out that it has been a very positive program. It's had positive impacts on recidivism rates. By our calculations, it has reduced court costs and overall incarceration. It's a program that has a sunset. That is the way the program was set up over the last number of years, and it was extended to March of next year. I can tell you, Mr. Kellway, it's currently under consideration for extension.

As you know, all the programs in the upcoming budget are under consideration.

**Mr. Matthew Kellway:** Well, sure, but I think these programs also depend on a more expedient consideration so there is a timeline. This is coming right up against the next year's budget. You describe

the program as successful. My read of the evaluation report is that it's a program with tremendous potential that is constrained in that potential right now by the lack of funding, by the inability of the program to spread to other communities through lack of capacity-building funding, and by the lack of a time horizon that allows the program to take seed properly.

It's also constrained because there is incredible burnout. It notes in the evaluation report that there is not enough funding—

**The Chair:** One more question—

**Mr. Matthew Kellway:** Thank you.

There's not enough funding in the program to pay cost of living to the people who work under it.

Is there a reason you can provide to us for not extending the funding earlier to a longer timeframe?

**Hon. Peter MacKay:** Well, Mr. Kellway, I agree with the premise of your question that there is a lot of empirical data. I think if you talk to anyone who was either in the program or helping to administer the program, they would speak to the positive results it renders. That is why the program has existed since 1991. In fact, our government increased the funding in this program by over \$200,000.

As I said, with many of the programs—

**Mr. Matthew Kellway:** Sorry, \$200,000?

**Hon. Peter MacKay:** Yes. Last year, just last year; it's grown on our watch.

I would suggest to you that, like many of the programs that do sunset, this one is under consideration. We're certainly hopeful, as with other programs in our budget, that they'll be renewed in the coming budget.

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

Thank you for those questions.

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

**Mr. Bob Dechert (Mississauga—Erindale, CPC):** Thank you, Mr. Chair.

Minister, thank you for appearing this morning.

Last week you tabled legislation in the House of Commons that would make it illegal to distribute intimate images without consent and would empower the courts to remove those images from the Internet and also provide for reimbursement to victims and impose a maximum penalty of five years, among other measures.

You mentioned in your opening remarks the government's attempts to redress what has been perceived by many—by many in my constituency, I know—as an imbalance between the rights of victims and the rights of offenders.

How does that legislation, Bill C-13, fit into the government's legislative agenda with respect to standing up for victims? Perhaps you could tell us if you've consulted with victims and what they've told you about the bill.

**Hon. Peter MacKay:** Thanks very much, Mr. Dechert. You've shown a great deal of initiative in this regard yourself.

As you know, this legislation is in response to what I would call a relatively recent phenomenon. That's not to suggest, however, that this has happened just within the last year or more. We've seen an explosion of activity on the Internet, some of which is positive, but some of which is also very negative. Rehtaeh Parsons, Amanda Todd, Todd Loik, and other young people have fallen victim to severe forms of bullying, harassment, and intimidation.

There was a gap in the Criminal Code, quite frankly, that was enabling this type of nefarious activity to happen. We know that in many cases the harassment consisted of using intimate images to embarrass and really cause horrible, horrible psychological damage to some young people.

We have introduced one amendment to the Criminal Code, as part of this legislation, that would prohibit the non-consensual distribution of intimate images. In order to do that effectively, you also have to empower the police to have the tools to be able to collect evidence and, as you've alluded, ultimately enable the judges to issue orders that will take that damaging and embarrassing material off the web and in many cases force the offender, those responsible, to pay for it. That is what this legislation attempts to do.

Key to all of this, and what should be of great comfort to many, is that there is a requirement for judicial authorization for the police to pursue their investigation, to go online, to examine the material, to gain access to the evidence. They require that judicial oversight, much like a police officer does in investigations that don't involve the Internet.

We have an obligation, I would suggest, to end this type of harmful activity, to do all that we can. Having said that, it will require much more than just a Criminal Code amendment and empowering police. It's going to have to involve a wider education effort. It's going to clearly involve public education, speaking to young people in a frank and mature way so that they understand the consequences of hitting "send" and putting that material out there in the cyberworld, which has no boundaries, where it can be used and extrapolated for all kinds of other purposes.

This is legislation that will receive vigorous examination, including by this committee, I know. It's interesting to note that the Privacy Commissioner has also come out with very positive words about it, as early as today.

This legislation, I believe, will provide a major step forward in our effort to protect young people but protect Canadians generally.

• (0905)

**Mr. Bob Dechert:** Minister, did you have a chance, when this bill was being drafted and prepared at the Department of Justice, to meet with any of the families of victims? What did they tell you they wanted to see in this kind of legislation? Have you had an opportunity to follow up with any of them since the legislation was tabled?

**Hon. Peter MacKay:** In fact, I did, sir. I met with the parents of Rehtaeh Parsons just last week, just days after the legislation was tabled. Amanda Todd's mother was here with us in Ottawa when the

legislation was presented, and others, relatives, friends of family members.

As you know, and as I think all members here would certainly understand, it is a highly emotional and traumatic experience to lose a child, to lose a loved one as a result of any form of bullying. This form of bullying is insidious in that it comes right into your home, right into the child's bedroom, right into the classroom. As I said, the cyberworld is something that really doesn't have the traditional boundaries that you would find in other parts of society. This legislation, I believe, will assist all efforts to curb the type of very mean-spirited behaviour that goes into the area of criminality and causes young people to feel hopeless and depressed to the point where some have taken their own lives.

This investigative power, I believe, will give police the necessary tools to find those responsible, to hold them accountable, while at the same time striking the balance. I'm quoting now from the Privacy Commissioner, Jennifer Stoddard, who said:

I think it stands to reason that in order to literally police the Internet, you do need those powers. And if you want to be effective against cyberbullying, I would understand you do need extraordinary powers, so it doesn't seem to me inappropriate.

This was in *The Globe and Mail* today.

Again, we'll have an opportunity to hear from many witnesses, to look at this legislation in detail, and ensure that we get that balance right.

**The Chair:** Thank you, Minister, for those answers.

Mr. Casey from the Liberal Party, you're next.

**Mr. Sean Casey (Charlottetown, Lib.):** Thank you, Mr. Chairman.

Welcome, Mr. Minister.

I'd just like to follow on the topic raised by Mr. Dechert and also the exchange that we had in the House yesterday, Minister, on the immunity that has been afforded to those who possess electronic records.

Is this something that the telephone companies and Internet service providers were asking for? Further to the conversation we had yesterday, what is the position of the telephone companies and the Internet service providers that have now been given this immunity from criminal charges or civil charges under this bill?

**Hon. Peter MacKay:** I would disagree with your characterization as giving Internet service providers immunity. What it is asking is that we respect the existing law, that we work closely with them, as they are in fact, to use the analogy, the highway, the infrastructure in which the information travels, so by necessity we have to work with them.

On the subject that you raised yesterday and are alluding to here again, Mr. Casey, the ability to provide voluntary access to that information still requires respecting the law. It still requires adherence to what is called PIPEDA, another federal statute. What this legislation will do is freeze in time the material which is sought out and require individuals to hold that information until such time as a warrant can be obtained. It is a preservation provision of this statute that allows police to then go about securing the necessary judicial authorization, in essence, the warrant.

• (0910)

**Mr. Sean Casey:** It also protects them from civil action and criminal sanction by producing this information voluntarily.

**Hon. Peter MacKay:** It's only if they comply with the law. They're not immune from prosecution or civil action if they go outside the boundaries of the law, that is, if they do not comply with warrants, if they do not comply with the preservation orders within the prescribed periods.

**Mr. Sean Casey:** I look forward to the conversation we're going to have with Michael Geist at committee on this. He holds a different view and is much more qualified than certainly I am, perhaps not you, to get into the finer points of it.

**Hon. Peter MacKay:** The Privacy Commissioner, too, I think will have some important observations to make, as will others. You mentioned one individual. There is obviously going to be a difference of opinion among certain civil libertarians and others who will not be satisfied with those assurances.

**Mr. Sean Casey:** Fair enough. Thank you.

In your opening remarks, you talked about what you like to call the tough-on-crime agenda. What studies, Mr. Minister, have been done about the increased costs of mandatory minimums and the criminal law policy of this government?

**Hon. Peter MacKay:** There have been numerous studies done. In fact, there was a study yesterday which I saw that was quite interesting. It showed, in fact, that the per capita population of the inmate population, as compared to the Canadian population, has not actually increased, which runs contrary to other studies that I've seen.

What we're trying to do, Mr. Casey, as you know, is demonstrate accountability to call upon those offenders who have committed serious violent offences. That is where the emphasis has been, and that is where I can speak only for myself as justice minister in this observation. That is where the line has to be drawn when it comes to sentences that truly reflect society's abhorrence of violence and sexual violence. That is where it is our view, my view, that longer periods of incarceration are appropriate. They're appropriate on a number of fronts, to protect the public from further violence, to send a message of general and specific deterrence, not losing sight of the fact that eventually, in most instances—the majority—that offender will be released.

The opportunity for rehabilitation sometimes is also assisted by a lengthier period of incarceration. This is a factor. As you know, having practised law, prosecutors will very often discuss with defence counsel the need for a person to access drug and alcohol rehabilitation, and better counselling when it comes to violent behaviour. Sometimes that takes a longer period of time. Those are

all factors that have to be considered, and this is very much behind our view—and it's perhaps a different philosophy from your own—that some periods of incarceration should be mandatory.

**Mr. Sean Casey:** Is the department in possession of cost estimates for this agenda, or not?

**Hon. Peter MacKay:** I'm not aware of what studies we have, but we certainly have empirical data. I would let our deputy minister speak to that.

**Mr. William F. Pentney (Deputy Minister of Justice and Deputy Attorney General of Canada, Department of Justice):** Mr. Chair, documents were provided, for example, to Parliament in respect to the costing of Bill C-10 at the time, in terms of requests, and we certainly continue to watch the impact of this. We don't run a comprehensive database. Over 80% of the administration of justice is done by provincial authorities. The downstream impacts of these measures will take some time to assess, but we will certainly be working with our provincial colleagues to monitor that.

I should say, as well, trying to capture, in some sort of scientific and empirical way, the impact of this in the context of a changing society, in the context of evolving crime patterns, in the context of evolving policing activities and prosecution decisions, is a complex undertaking. We have taken steps to try to bring more science and rigour to the costing. We have experts who would be happy to provide to the committee, who could talk about the all-in impacts on society of victimization and crime.

• (0915)

**The Chair:** Minister, thank you for those answers, and thank you for those questions, Mr. Casey.

Our next questioner is from the Conservative Party, Monsieur Goguen.

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

Thank you, Minister, and officials, for appearing today.

Obviously, Mr. Minister, it's a very busy schedule this week again, with the tabling of the not criminally responsible reform act. I'm wondering if you could explain to the committee how the proposed amendments will better protect Canadians and how these measures will give a greater voice to victims.

I also note your comment that, in essence, this legislation may, to some extent, take away some stigma for those accused or found to be mentally deficient in the sense that the high risk designation will be so marginally, and I guess very strictly, applied.

**Hon. Peter MacKay:** Thank you, Mr. Goguen, and thank you for all your hard work on this file and others.

I will come back to an earlier question from Mr. Casey on this. The designation of high-risk offender gives the system, hence the provincial and territorial authorities we work with and those who are tasked daily to work with individuals who have been found either responsible or not criminally responsible but have committed acts of violence.... We believe this puts further emphasis on the protection of the public and allows for greater discretion as to the length of treatment for individuals—and I want to be very clear that we are talking about continuing the treatment options for individuals found not criminally responsible—held in a secure mental health facility as opposed to a penal facility. Putting the protection of the public and the victim at the centre of this process is what we seek to achieve.

It also creates this high-risk designation, which some might say stigmatizes, but it is akin to the dangerous offender designation that applies in the regular criminal law system. This high-risk offender designation is separate from other designations of not criminally responsible. It says that this individual, because of the act committed and because of the psychiatric assessment that has been done, poses such a risk to the public or themselves—and let's not forget that is very often part of a risk calculation—that they will require perhaps longer treatment and a more rigorous examination by the provincial and territorial review boards responsible for determining the time of their release. I truly believe that de-stigmatizes others who don't have and don't carry that high-risk designation.

**Mr. Robert Goguen:** It actually rebalances the rights of both of the parties in a sense, does it not? There is greater protection of the public and greater protection of the accused because of an enhanced treatment.

**Hon. Peter MacKay:** I think it builds on the expertise that has evolved over time when it comes to making that determination. We've consulted broadly with the provinces and territories on this subject matter. I've spoken to prosecutors I have worked with in the past, and they feel this will, as you said, strike a better balance between protecting the public from individuals who can....

I don't have to remind anyone on this committee of the very high-profile cases in which not criminally responsible individuals committed horrific acts of violence. The beheading on the bus of Tim McLean is one that comes to mind. I hesitate to even mention it, because I know Tim McLean's mother is clearly still very traumatized and horrified by what happened, as everyone is.

Those are the types of cases in which we believe this provides better protection for the public and perhaps a longer period of examination for fitness to return to society.

• (0920)

**Mr. Robert Goguen:** Criminal incidents that parallel Stephen King movies are better placed in the cinemas than they are before the courts, no question.

Thank you, Minister.

**Hon. Peter MacKay:** You're absolutely right.

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

Our next question is from Mr. Jacob of the New Democratic Party.

[*Translation*]

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

Mr. Minister, thank you for joining us this morning.

In his report, the Correctional Investigator of Canada, Howard Sapers, points out that Aboriginal people account for 25% of inmates in Canada, yet they represent only 4% of the total population.

What do you actually intend to do to address that issue?

[*English*]

**Hon. Peter MacKay:** Well, it's a very complex question that is going to require an effort across many departments, including my own.

Mr. Kellway asked questions about the justice programming for aboriginals, and that is one way we're attempting to address their disproportionate representation in our criminal justice system, which you've alluded to. These are issues of very complex questions on how we improve their access to education, how we improve housing, and on-reserve access to facilities and to health.

It is really, as we all know, one of the greatest challenges this country faces. Criminality is but one part of the enormous challenge that aboriginal communities face across Canada. Their isolation, their access to things such as the Internet, their access to education, all those things that sometimes Canadians living in more urban centres take for granted.

With respect to their disproportionate numbers in our prison system, it is going to take a concerted effort to continue this programming, coupled with enormous effort in combination with many other departments of government, and perhaps more importantly, in very close consultation with aboriginal leadership.

I met with Grand Chief Shawn Atleo just a few weeks ago. We had a very good discussion. He is a leader in every sense of the word. He brought forward some very good suggestions, some specific to the issues of the aboriginal justice programs that we're going to work with him on.

[*Translation*]

**Mr. Pierre Jacob:** Thank you.

If I understand correctly, you intend to invest in targeted programs specifically to solve this problem.

[*English*]

**Hon. Peter MacKay:** We have programs now that are targeted to the aboriginal communities.

[*Translation*]

**Mr. Pierre Jacob:** Yes, but since that does not seem to work, I would like to know if you think it is important to invest more in order to solve this problem.

[*English*]

**Hon. Peter MacKay:** That's what we have been doing, yes.



[Translation]

**Mr. Pierre Jacob:** Does the Aboriginal Justice Strategy take this issue in consideration?

[English]

**Hon. Peter MacKay:** We believe it is, from the data we have and the indications of the effect on recidivism. It appears that the young aboriginals, men in particular, who have participated in these programs are far less likely to recommit.

Another program I failed to mention in my earlier response is the junior rangers program, which provides predominantly young aboriginal men, although it's not closed to women, the opportunity to participate in patrol exercises. I have some working knowledge of that from my prior portfolio, where these programs are akin to the cadet program run through the Department of National Defence. It's very much married to the traditional way of life, being on the land, hunting, being out and keeping an eye on what's happening around the communities. This is a program we have sought to expand as well.

When I said that we need to do this in conjunction with other departments, that's one example of where the justice department is working to try to expand the availability of programs across different fields.

• (0925)

[Translation]

**Mr. Pierre Jacob:** Thank you.

As you know, the Aboriginal Justice Strategy is a shared responsibility.

Do you meet with the provinces on a regular basis to discuss those programs?

[English]

**Hon. Peter MacKay:** Yes, that's correct. The provinces and territories are very much partners in the aboriginal justice strategy, 50:50 cost-sharing.

**The Chair:** Thank you for those questions, Mr. Jacob. Thank you for those answers, Minister.

Our next questioner is Mr. Brown, from the Conservative Party.

**Mr. Patrick Brown (Barrie, CPC):** Thank you, Mr. Chair, and thank you, Minister MacKay, for your comments today.

I also wanted to recognize the fact that this summer, on August 15, you did a justice consultation in the riding I represent, Barrie. I would imagine you did a lot of these round tables around the country. I know it was greatly appreciated in Barrie where you did that round table with the chief of police, Kimberley Greenwood. We had a wide variety of stakeholders in that room who appreciated the opportunity to give you their sentiments and suggestions.

One of the individuals there that day was Mackenzie Oliver, who is a young advocate for laws on cyberbullying. I think it's great that the government has led on this front.

I thought I would touch a little on that issue. Some of the critics of cyberbullying legislation have complained that it gives police new powers. I realize it is a difficult balance in terms of privacy and

addressing the fears and the very real threat of cyberbullying. Given the reality that people have multiple digital devices across multiple networks, in multiple locations, and it could be in multiple countries, how do you balance privacy with that need to tackle this new challenge?

**Hon. Peter MacKay:** Thank you very much, Mr. Brown.

I must commend your community for being one of the more active ones when it comes to the outreach that goes on. You have an extraordinary police chief and department. As well, I consider the child advocacy work that is done in the community of Barrie to be among the best.

We'll come back to your question on cyberbullying. The way you've described it is quite accurate. There have been very sophisticated efforts to exploit the Internet. Particularly of concern is this issue of exploitation of children: cyberbullying and also child pornography. There was a recent bust, if you will, in Toronto that captured a number of people involved in a pornography ring. That came about because the police are becoming more adept at investigating online.

It's necessary to give the police greater tools, greater access, and greater ability to police the Internet, to fight online crime, to match this growing sophistication and proliferation of the Internet for nefarious means, for criminality, whether it be exploiting children, whether it be for financial gain, or whether it be blackmail. All of that is to say that, in my estimation, the Criminal Code has not evolved fast enough.

What we're attempting to do is to bring crime fighting into the 21st century in allowing police, with judicial oversight and authorization, to go where the crime is happening. To do that, we have to give assurances that we are respecting privacy, that we are affording police the ability, but at the same time putting in the oversights and the traditional necessity to seek a warrant. That is the fine balance we seek to achieve in Bill C-13.

You're right. I know, Mr. Brown, you are more proficient on the Internet than many. You're very active on social media.

I heard some statistics recently. In the 1990s there were 130 websites, total, in the world. Now they number in the billions. That is how quickly we have seen this expansion in the cyberworld.

Police are facing an uphill battle, quite frankly, in being able to track the activity. Giving them the necessary support with judicial authorization, in my view, is all about protecting people. It is a fundamental goal of Public Safety Canada. We're looking forward to your input and the input from experts to ensure we get that balance right.

• (0930)

**Mr. Patrick Brown:** Since we're talking about the supplementary estimates, what types of resources have been allocated for combatting cyberbullying? What type of emphasis has been put on your department particularly to address this new threat towards Canadians?

**Hon. Peter MacKay:** To be very honest with you, we are still calculating those figures because, with the passage of Bill C-13, I will require greater financial support because the activity is exploding, as you know. Police are going to be increasingly under pressure.

That may be a question perhaps better posed to Minister Blaney when he appears on this bill. It's difficult to calculate at this point just how much more police resources will be needed once they're given the ability to do further investigations online. I suspect it will be significant.

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

Thank you for those answers, Minister.

Our next questioner is Madame Boivin, from the New Democratic Party.

[Translation]

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

I would first like to give notice of a motion, in light of what happened last week when, after the minister's presentation about the Supreme Court, we ended up sitting in camera to talk about the recommendations dealing with our part of Bill C-4. The notice of motion, which will be subsequently debated, reads as follows:

That the Committee may meet in camera only for the purpose of discussing:

- a. wages, salaries and other employee benefits;
- b. contracts and contract negotiations;
- c. labour relations and personnel matters;
- d. a draft report;
- e. briefings concerning national security; and

That all votes taken in camera be recorded in the Minutes of Proceedings, including how each member voted when recorded votes are requested.

I will now turn to the minister.

When you read the article in *The Globe and Mail* this morning, you must have been happy to see that the Privacy Commissioner seemed to support Bill C-13. Clearly, it is not enough to read the title only. At any rate, this is what she said in the article:

[English]

She said the latest version appears to be an improvement and she doesn't fault the government for linking lawful access and cyberbullying.

[Translation]

I would like to say that no one is blaming the government for linking the two. Mr. Minister, the issue that was raised yesterday is that one of the parts brings parliamentarians together whereas the other part has not yet been seriously studied in committee. That is why I am telling you once again that it is important to spend the required time on studying that part. The term "lawful access" used in this article has to do with the tools that police officers have.

Also, you must not put words in the mouth of the Privacy Commissioner. In fact, she is right in saying that a more in-depth study might reveal something else. You are not going to claim this morning that she gave you carte blanche to do whatever you want.

That said, I am very interested in the victims bill of rights, an issue you have been talking about for a long time. The same goes for your predecessors, the Prime Minister and almost everyone in the Conservative cabinet. You talked about it earlier.

Making big media announcements on some issues is one of your government's strengths. Sometimes, I would prefer it if you gave that money to the victims.

Has your department already started to think about the funds you are going to spend on advertising? Are you going to come back and ask us for additional funding for your department to promote your victims bill of rights all over the place? By the way, I really look forward to reading it.

[English]

**Hon. Peter MacKay:** Thank you very much, Madame Boivin. Thank you for your commentary yesterday, as well as Mr. Casey's.

As I said in the House, I do believe that this is an opportunity for parliamentarians to really come together and do what we do best in examining in a very rigorous way the provisions of Bill C-13. The other bill that you've referenced, the forthcoming victims bill of rights, will have very broad application, and I suspect, a transformative impact on our criminal justice system.

I've been around here and sat in opposition long enough to know that there are no blank cheques. No matter the enormity of the bill, there is always going to be a cost associated with its implementation, particularly something as broad and inclusive as the intended bill of rights for victims.

I want to come back to something that you said and referenced in the House yesterday, and that is the necessity to match this legislation and its intent with what police are going to be required to do. There will be an enormous burden placed on police and an enormous amount of new, sophisticated response required by police.

I suspect you're very familiar with the work of the Canadian Centre for Child Protection that works out of Winnipeg. They do a tremendous amount of the type of tracking that this bill envisages, and which the Privacy Commissioner is referencing. It's tantamount to that important balance that's required that you cannot allow police to be too invasive, and they can't do that under these provisions without judicial authorization. That is what I suspect many will be watching closely.

This is what differentiates this legislation from previous attempts. You're right that while the Privacy Commissioner endorses it generally, she still poses some very important questions. She recognizes that all of the aspects of privacy must be very much respected and that there is consequential legislation that also plays a role in the enforcement around cyber.... That is very much contemplated, and I know there will be further opportunity to hear from witnesses on this particular bill, but I appreciate your expression of cooperation on this.

The NDP, Mr. Chisholm from my province of Nova Scotia, brought forward a bill very much in line and in keeping with this intent. What was missing, and I say this respectfully, was the ability to empower the police to enforce the first part of this bill, which is the non-consensual distribution of intimate images. You need to have both parts working in concert to truly get the effect that we're after.

● (0935)

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

Thank you for those questions and thank you for those answers.

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

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

Thank you, Minister, for being here today. It's quite enlightening to hear what the government has planned going forward with the legislative agenda. I know that my colleagues and I are looking forward to having that legislation come to this committee.

Minister, you've been here a little longer than I have been here, and I have been here for quite a while now. I'm looking at the estimates—we go through this exercise quite frequently—and I notice that there are changes made in the preparation of the main and supplementary estimates. Basically it looks as if there's more information available. It's provided in a more usable format, and it's easier to read.

I'll give you an example. In both the published books and the online tables, various departments and agencies are presented alphabetically according to the legal name of the department or agency. It makes it easier to find the organizations, and so on.

I was wondering if you could enlighten us as parliamentarians here at the table on the importance of making these estimates not only more understandable for the general public, but also for the work that we do here as parliamentarians. I think this is an ongoing theme of openness and transparency that we've established here through various other mechanisms as well. Could you explain how this fits into that context?

**Hon. Peter MacKay:** Sure. Thank you very much, Mr. Calkins.

I know that you have been very diligent in your committee work as well as in calling upon our own government to pursue this effort of being accountable, being open and transparent in the finances of every department.

That's what this main estimates and supplementary estimates process is all about. Greater accountability has been the cornerstone of our government, greater ability to translate that to the public in a more understandable way. We're not all accountants. We're not all perhaps as well versed with finances as we should be. Certainly as

we approach tax time, this becomes more and more evident in my own household. Having more information presented in a way that the public can digest, that they can understand the line items and what they're connected to....

We were speaking earlier about programming and how that money is spent. That's true across government. People need to see the direct correlation between how money is spent and what results are achieved as a result.

As members of this committee know, this estimates process is really all about that direct accountability. Laying it out in the format as you see before you in clearer and more understandable terms is what we've sought to achieve. I appreciate your having noticed that and pointing it out. It is something that I believe all departments are working very diligently to continue to achieve.

● (0940)

**Mr. Blaine Calkins:** Keeping in that vein, and as we move forward to getting back to balanced budgets, which I know is critically important as well, you've been a minister as long as I've been here, and I came here in 2006. I know that as a minister it doesn't matter what ministry you're in, you're constantly presented with funding proposals, as I am as a member of Parliament, and with ideas and so on for various initiatives that people have.

When it comes to your department as a whole, do you review the programs and look at efficiencies and the effectiveness of the program? While I assume the answer to that question is yes, I would like to know more about how that happens.

Is it an ongoing process? Is it a batch...? Is it a pulse process that you go through? Is it something like simply responding to the Auditor General? How do those efficiencies get found? How does that effectiveness get found? Then, of course, how do the results that we just talked about in the previous question get monitored and analyzed? How does that help you make the decisions as to what programs are important?

**Hon. Peter MacKay:** Mr. Calkins, you're demonstrating a fairly acute understanding of how it works. It's all of the above. It is a continual process.

I work very closely with Mr. Pentney and Mr. Piragoff, officials within the Department of Justice, as we examine programs and program proposals to determine what we can do within the parameters of our budget. We receive, as you would expect, more proposals than we have funding to support, so we have to make informed decisions about how the money is spent.

At the same time, the backdrop that all ministers are facing right now is the commitment to return to a balanced budget in the near term, in 2015. That ever-present sentiment of restraint is something that governments have asked of Canadians and Canadians have asked of us. It is our intent, certainly at the Department of Justice, to stay within the parameters of our spending.

I'm glad to see that we've taken necessary steps to ensure greater accountability and greater transparency. For that reason, I'm able to come before you on a fairly regular basis and answer questions about spending within the Department of Justice. Moving forward, I expect that there is going to be more expectation of this, because once we return to balanced budgets, I think certainly Hon. Jim Flaherty's signal to all of us is that it's the intent to keep budgets balanced in the future.

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

Thank you for those questions and those answers.

Our final questioner, for two minutes, is Madame Boivin, from the New Democratic Party.

**Ms. Françoise Boivin:** Two minutes for me is something I can rarely achieve, but anyway....

[*Translation*]

Now I want to talk about access to justice. This interests me a great deal and it must interest you as well. This is the time when we talk about the budget, and the message that we are getting is that we have to tighten our belts. However, without justice, our society is in trouble. This lack of access can take a number of forms. For instance, the shortage of judges in Alberta and Quebec is overwhelming. The chief justice in my district, in the riding of Gatineau, said there was an expert, a judge from the Superior Court, who could be in charge of jury trials, but he will retire at the end of the year. So there will be no one to take on that task. There are also pressing needs in other districts.

How will we be able to implement all those new bills if the courthouses are burdened with incredible delays? Very smart defence attorneys will claim unreasonable delays.

Do you expect things to change?

**Hon. Peter MacKay:** Thank you for your question.

As you pointed out, having sufficient judges to deal with the number of cases handled by courts is a major issue.

[*English*]

I can tell you that in the relatively short time I've been Minister of Justice I have spent a good deal of time addressing this issue. In particular, one of the issues had to do with ensuring that the judicial advisory committees were properly assembled across the country. We have done that. We have cut in half the number of positions that were outstanding for replacement. Now, I'm going to come to your question about additional judges. We're hopeful that in the very near future we will fill virtually all of the vacant positions, thus addressing the number of positions that were vacant.

On the issue of new judges positions both in Alberta and the court of Quebec, I've spoken directly to the chief justices of both those provinces and to the Chief Justice of the Supreme Court of Canada on this subject matter. I can tell you we are undertaking to address their concerns, perhaps not fully, perhaps not to the extent that in a different fiscal time we could perhaps respond differently, but the reality is we're doing this on par across the country. We're looking at the demographics.

I spoke with the Minister of Justice in Alberta who makes a very strong case that there has been, in fact, a million new residents in Alberta in the last 10 years. That causes significant strain on the justice system, just as it would on the health care system, the social services, and other infrastructure. We're in a constant competition when it comes to the resources necessary to address that reality, but I'm very conscious of it.

I appreciate your raising that. We're going to continue to work with those provinces, in particular, to address their needs.

• (0945)

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

Thank you, Minister, for joining us for this first hour and answering questions on estimates and other topics within your ministry.

We will suspend for a moment while the minister leaves. The officials are going to stay with us for the next hour.

Thank you very much, ladies and gentlemen. We are now in the second hour.

We are joined by justice officials. Just so you know, as we know on committee, there is a potential vote or a ringing of the bells at 10:15. There could be voice votes, so the bells may not ring. I'm putting you on notice just in case that does happen. If we don't hear any bells, we'll continue on.

Based on my experience of eight years here, the second hour is not always filled with questions for officials. We will work through the normal process and then if we run out of questions, we will complete it with our officials.

Then we do have in camera business to do with a report of the subcommittee on agenda which I would like to get to. It should only take a minute, but we need to get to that.

With that, Mr. Pentney, if you want to take the lead and introduce your colleagues who are with you and if you have any opening statements, the floor is yours.

**Mr. William F. Pentney:** I have no opening statement, Mr. Chair. We welcome your questions.

I'm here with Don Piragoff, senior assistant deputy minister responsible for the policy sector. Also with me is Marie-Josée Thivierge.

[*Translation*]

Ms. Thivierge is responsible for the administration and the financial issues.

My colleagues and I will take turns talking about the complex financial issues.

[*English*]

**The Chair:** Our first questioner is Madame Boivin, from the New Democratic Party.

[*Translation*]

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

I thank the three witnesses for joining us this morning.

I always appreciate your visits, Mr. Pentney. Whenever you are not able to answer our questions, you send the information to us later. You keep your word. That is what I think you did in March after your last appearance before the committee. We always appreciate that.

We mostly talked about some bills with the minister. At any rate, additional funding is including for the director of public prosecutions. My understanding is that this request basically has to do with changing offices. However, I see that the budget of the director of public prosecutions is dropping, whereas the number of files is going up. I am just wondering if we are not going to hit a wall at some point.

Could you perhaps elaborate on the issue?

• (0950)

**Mr. William F. Pentney:** Thank you for your question.

The budget of the director of public prosecutions comes from the Department of Justice portfolio, but it is independent. It is up to him to explain and defend his budget requests. The minister presents those requests to cabinet and to Parliament, but the director prepares them himself. I am sure that Brian Saunders would be happy to come here to explain how he handles his files and budgets during this time of restraint. However, I cannot give an answer because he is independent. It would not be appropriate for me to answer that question.

**Ms. Françoise Boivin:** The question is specific. If the Minister of Justice must present the request to cabinet or defend the case, he is responsible for it.

**Mr. William F. Pentney:** Yes.

**Ms. Françoise Boivin:** The request is for an additional \$3.8 million. So I cannot believe that you are not able to tell us what it is exactly. You might not be able to talk about his plan or plans for next year, I agree, but the fact remains that you will certainly not tell cabinet that you have no idea what the director of public prosecutions will do with \$3.8 million.

**Mr. William F. Pentney:** I am not saying that I have no idea, but I am the Deputy Minister of Justice. The government decided to divide the Department of Justice into two. In fact, as soon as the government was elected, it created a separate office. I cannot speak for the previous deputy minister or for Brian Saunders, the director of public prosecutions. Our system says that he is responsible for rights management and for managing the offices of the lawyers in that team.

**Ms. Françoise Boivin:** You are actually saying that perhaps the director of public prosecutions should be at this table. Could it be noted that we would like to hear from the people who are able to answer our questions, especially when something in the supplementary estimates is fully linked to the budget of the director of public prosecutions? If not, what is the use of having witnesses who tell us that they cannot answer? I understand and respect that, but we are talking about an additional \$3.8 million. There aren't a lot of similar amounts at the Department of Justice. We are talking about a \$10.9 million portfolio.

The first point, for the Supreme Court, is linked to parking. I think everyone understood, but why \$3.8 million? Have they moved? What is the idea behind the move? No one can tell us. It is a bit odd.

If they cannot give us an answer, that's fine.

[English]

**The Chair:** Is there a question in there?

[Translation]

Fine.

[English]

Thank you for those answers.

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

**Mr. David Wilks (Kootenay—Columbia, CPC):** Thank you, Mr. Chair, and thanks to the people from Justice for being here this morning.

The supplementary estimates (B) include grants and contributions totalling \$9.8 million in funding for the aboriginal justice strategy.

Can you elaborate on some of the programs this money will be funding?

**Mr. William F. Pentney:** I would be happy to, Mr. Chair.

The aboriginal justice strategy is a long-standing program. It was established in 1991. As the minister said previously, there are 275 programs that reach over 800 communities. As was referred to in an earlier question, the origins of the aboriginal justice strategy are in recognition that for many aboriginal people, the encounter with the justice system, particularly in remote and isolated communities, was fly-in fly-out justice that didn't correspond to traditions or have the kind of long-term impact that was desired. These are community-based justice programs, often founded by people who have decided to take leadership in their communities and establish community-based, opt-in diversion programs. These programs support police and prosecutors dealing with low-level offenders, often first-time offenders. They often divert them into community encounter programs with victims and families and the family of the offender. I have been involved in some of them.

One of the most interesting things in this is that evaluations consistently show that for many offenders who have been through the justice system before, this is a harder thing for them to do, to stand before their mother and father, and the mother and father and sister and brother of the victim, and explain why they did what they did, explain the program they're going to work with in their community to try to address it, and to make reparations for what they did, which has often involved low-level theft and other things.

There are programs throughout the country, urban and rural. The question was asked before about how many communities are not reached. We can certainly look at that, but I can tell you that there are programs in the north, and programs in every province and territory, urban, off reserve, on reserve. All are supported by the aboriginal justice strategy. It has been a long-standing program that has reached many communities. It is fully cost-shared with the provinces and territories.

● (0955)

**Mr. David Wilks:** That leads me to my next question with regard to aboriginal justice and the response to be shared by various levels of government. How much do the provinces contribute, and what percentage is contributed by the federal government?

**Mr. William F. Pentney:** If we're funding a program, over the five-year life of the program, it's a 50:50 cost share. The aboriginal justice strategy is funded in five-year increments.

In many provinces, given the responsibility for the administration of justice, they're investing more in serving aboriginal communities through policing and other arrangements. The Department of Justice supports the aboriginal court worker program. We work with Public Safety on programs for aboriginal offenders in corrections and the provincial policing role of the RCMP. In the cost-shared role with the provinces there are many programs that involve outreach to aboriginal communities.

This is one part of a spectrum of programming, and the AJS is cost-shared 50:50, but I would say that provinces are investing more.

**Mr. David Wilks:** Thank you very much.

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

Our next questioner is Mr. Casey, from the Liberal Party.

**Mr. Sean Casey:** Thank you, Mr. Chair.

To the officials, first, I want to publicly thank you and your department for being so helpful and cooperative in providing me with a departmental briefing during the prorogation period. I also want to thank your department for agreeing to a further briefing on Bill C-13. It greatly helps me in what I do. I thanked you privately, but I wanted to do that on the record as well.

I want to follow up on a conversation I had with the minister in the last couple of days. I'm back on Bill C-13 now, and I'm concerned about the immunity that's being afforded keepers of electronic records within the statute. What I heard in the House and in committee today is that this immunity is only applicable where the disclosure is lawful and it's under judicial oversight. If I understand what the minister said correctly, why do they need it?

**The Chair:** I'll let this question stand. The minister opened the door by talking about legislation he's bringing forward, but we're actually supposed to be talking about supplementary estimates (B). He indicated that there's no allocation of funding for the legislation anywhere in supps (B). I'll let the officials respond, but I would try to keep the questions to supps (B) or any of the other estimates documents that relate to them. If you could relate this to one of the strategic plans in the report on plans and priorities, that would be helpful, but I'll let you answer.

● (1000)

**Mr. William F. Pentney:** First, Mr. Casey, I appreciate your public words of thanks to the department. We're always pleased to assist parliamentarians from all parties in understanding the important legislation that we support the government in advancing.

I'll ask Mr. Piragoff to speak briefly to the question you've asked. I have no doubt that we'll have further opportunities to discuss all of the elements of Bill C-13 in the coming days.

**Mr. Donald Piragoff (Senior Assistant Deputy Minister, Senior Assistant Deputy Minister's Office, Department of Justice):** Thank you.

With respect to the question about disclosure, there is a provision in the Criminal Code currently that authorizes voluntary disclosure of information to the police. That's been around for a number of years. That provision right now is worded such that it provides information to the police for the purposes of enforcing this act or any other act of Parliament. Under the common law, if people comply with the law, and they do things pursuant to law, the common law gives them civil and criminal law immunity.

The problem with the current law is the provision that says enforcement of this act or any other act is too limiting because the police do not only act pursuant to statutory powers, they also act pursuant to common law powers. For example, there's a car accident and the police find the person in the car accident. The person dies. All they may have is a telephone, some means, and they want to contact next of kin. They may contact, for example, the telephone company, because the cellphone has a number. Who, then, does the cellphone belong to, etc., in order to contact next of kin? Those kinds of powers are not crime-fighting powers, but they are typical common law powers of peace officers. The provision is being proposed to be amended to expand the authority of ISPs, for example, or anybody else, to provide information to the police for the purposes of executing not only statutory powers, but also common law powers.

Also, the new provision would propose to make it clear. What the common law already grants is that when you provide this information voluntarily, pursuant to a lawful authority, you do have immunity.

With respect to the limitations, as the minister said, there are other laws that restrict the provision of information. For example, if a corporation is governed by PIPEDA, then they have to comply with PIPEDA. This provision does not override PIPEDA necessarily. They still have to provide and comply with any other laws. That's why the minister said there are a number of different layers here.

To be short in terms of an answer, the existing law provides the authority to disclose information. The proposal is to ensure that this authority covers all police officers' duties, statutory as well as common law, and also to ensure that people who provide this information do have their common law rights of immunity.

**Mr. Sean Casey:** Okay. I'll take the advice of the chair and pursue this in conversation at our briefing, but thank you.

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

The next questioner is from the Conservative Party, and that's me.

First of all, thank you for coming.

To Madame Boivin's point, I've been active on the government operations committee, and we're talking about estimates. One of the recommendations coming from that committee is that if you're looking at the estimates and there's a specific issue that you have, it's helpful for the department to know. I used to be on the industry committee, and there was a long list of estimates. If you didn't specifically let them know that you were going to be asking a question in that area, often the staff member responsible for that area was not in the room, which was always a frustration for me. I've tried to start providing information. That's part of a report that's gone of 11 recommendations that the government has accepted and is working on.

I'm just taking my own Conservative slot of five minutes, which I have provided in advance.

The one thing I looked at is the report on plans and priorities. We talk about what the means were, which was the \$657 million, and then we look at planned spending for this year at \$748 million, which is a \$90-million change. I need an explanation of what that is. Then we go back, in planning, for 2014-15 and 2015-16, to the \$626 million and the \$617 million. I'm assuming those are what the main estimates would look like, based on that.

Could you explain those two differences for me?

•(1005)

**Mr. William F. Pentney:** I'm just waiting for the bells to start ringing, Mr. Chairman.

**The Chair:** No, no. I'm sorry.

**Mr. William F. Pentney:** Madame Thivierge will be pleased to answer the questions that you have.

**Ms. Marie-Josée Thivierge (Assistant Deputy Minister and Chief Financial Officer, Office of Assistant Deputy Minister, Management Sector and CFO, Department of Justice):** Thank you for the question, Mr. Chair.

I believe you're referring to page 9 of the report on plans and priorities. Essentially, the main estimates is actually the first of the four-stage estimate process. As you know, our funding is secured through the main estimates, the supplementary estimates (A), (B), and (C), as appropriate, as well as through funding from Treasury Board central votes. That actually cover costs incurred by departments for things like severance payments, parental leave, collective agreements, adjustments, and operating budget carry-forward.

In preparing the report on plans and priorities, we actually included what you referred to as \$90 million or so. The \$86.8 million has been accounted for, which is for the planned spending related to those central votes, those things that are tied, as I mentioned earlier, to severance payments, parental leave, collective agreements.

When you go back to the planned spending for 2014-15 and 2015-16, those amounts are not there.

**The Chair:** Are they not there because we don't plan on spending it, or because we've looked after the issues in this fiscal year?

**Ms. Marie-Josée Thivierge:** It's because it's premature for us to estimate what those amounts will be at this time because of the nature of those costs.

**The Chair:** Then I look at the public accounts, and we spend about \$750 million—I am rounding my numbers—on department stuff. Your estimate in your report on plans and priorities is basically accurate within a few million dollars. When I got here, I thought that was a lot of money, but I've discovered it's not quite as much as it was then.

Can you tell me why, when we're looking forward, we don't include what we're actually going to spend in those planned years?

It doesn't make sense that we go back to what the main estimates would be, if we know we're going to spend \$750 million.

**Ms. Marie-Josée Thivierge:** All I can say is that the report on plans and priorities is in line with our Treasury Board Secretariat guidelines. They're prepared according to the policies that are given to us, and therefore, what is here actually reflects TBS guidelines and templates.

**The Chair:** The other part in that is a forecast for staff, and the staff looks flat in terms of numbers.

Do you have a view on that? Is that an accurate projection?

**Ms. Marie-Josée Thivierge:** It is, in part, because spending has gone down, which is largely attributable to reductions in transfer payments, so that's grants and contributions, which don't impact as significantly the FTEs. Our current projection is that the FTE complement will be relatively stable over that three-year period.

**The Chair:** I haven't been picking on you because you're here and I'm on this committee; in a couple of hours I'll be picking on Immigration with the same ideas.

We have money here, transferred from one vote to another basically, based on savings that we make in a certain area. We didn't spend money on a program because we found efficiencies or didn't have the demand or whatever; we just moved the money to somewhere else.

Is that really savings?

**Ms. Marie-Josée Thivierge:** On that, I'd guess I'd say three things.

The first is that it's actually allowable to transfer funds—

**The Chair:** I know it's allowed.

**Ms. Marie-Josée Thivierge:** —within a vote to address operational requirements. The second is that savings normally are reported when there is a reduction in the fiscal framework. For us, when we report savings, it is because there has been a reduction on the draw on the fiscal framework.

That said, it's also important to remember that departments are allowed to carry forward and reprofile from one year to the other some unspent amount of their budgets, provided it is done within the limits and the parameters that are given to us.

Those three elements would be my way of addressing your question.

• (1010)

**Mr. William F. Pentney:** I have a brief supplemental response. Underlying the question is a very legitimate concern, which is, with all of the money coming and going, are there real reductions. I've been doing this job for a little over a year and I can tell you that I've signed more than 200 letters to individual staff indicating that their position is no longer in existence. We've reorganized significantly in terms of how we deliver, particularly in Marie-Josée's area, in terms of corporate support and in terms of some of the delivery of legal services. Some of those people chose to retire, and some chose to go off on education leave or otherwise, but there are real reductions happening in the department.

Related to a question that was asked earlier, in terms of what drives efficiencies, other than the program side of our department, which is almost half of our budget, the rest of our budget is operating and delivery of legal services, litigation and those sorts of things. That's all people; about 85% of that is people. About half of that is billed out to clients.

We get an appropriation from Parliament and then other departments get appropriations and we bill them. For anyone who has sent bills to clients, they know the discipline that sending.... Give or take \$300 million a year for us is recovered from clients directly for hourly bills that are provided, just as in the private sector, and there is a discipline associated with doing that.

There are real reductions. We are reducing our complement—and I'm not here to complain—and we are on a downward track. By next year, we'll have reduced by 330 staff, we'll have reduced our budget by \$68 million. In all of that, there will still be money coming and going out the door for program money for the aboriginal justice strategy, as an example, in these supplementaries and other programs that we talked about the last time we were here as well.

In terms of the core of our business delivering legal service, on that side there are real reductions that are happening, and we're driving efficiencies in our system.

**The Chair:** Thank you for those answers. I'm way past my time.

Our next questioner is from the New Democratic Party, Madame Péclet.

[*Translation*]

**Ms. Ève Péclet (La Pointe-de-l'Île, NDP):** Thank you very much, Mr. Chair.

My thanks also go to the witnesses for joining us to answer our questions.

Mr. Pentney, first I would like to say that it would be useful if you could send us the information on the various communities using the program, as you suggested. As we know, the objective has been surpassed. We should know exactly how the budget is distributed. So it would be very useful if you sent us that information.

**Mr. William F. Pentney:** It will be my pleasure.

**Ms. Ève Péclet:** Thank you very much. That is very kind of you.

The supplementary estimates include grants and contributions totalling \$9.8 million. That is vote 5b.

An additional amount of \$1.1 million is also included for the Aboriginal Justice Strategy, in vote 1b.

Could you tell us what is included in the additional \$1.1 million? What is that amount for exactly?

**Mr. William F. Pentney:** I will try to answer the question and Marie-Josée might like to add something.

There is a vote included for the funding earmarked for communities and provinces. Under vote 1b, funds are earmarked for the administration of those programs. Given how efficient our management of the program is, the amount for our team was reduced. The other vote is for the funds that will be directly given to the communities. That is the way it is divided.

Also, some items are not included in supplementary estimates (B). The A-base funding always goes to the department. We add about \$5 million to A-base funding for program development.

**Ms. Ève Péclet:** How is the \$1.1 million invested in the administration of the program? Will it go to the employees?

**Ms. Marie-Josée Thivierge:** The amount basically covers the operating costs for managing the program. That may include wages or other operating costs.

**Ms. Ève Péclet:** Okay.

I would like to talk about the Aboriginal Justice Strategy. I am sure you will not have trouble answering this question.



There has been an increase of \$10.8 million over the planned spending, the forecast. Could you tell us the reason for the \$10.8 million gap between the planned spending and actual spending? I would like to know exactly how that money will be distributed.

•(1015)

**Mr. William F. Pentney:** The program for the Aboriginal people is projected over a five-year period. That is common in the federal system. We usually ask that sunset programs be renewed. The documents we submit to Parliament show how much money we have and the money that was approved. We are here today to request that the strategy be renewed for a year. It is difficult to explain. The funding is not new as such. We are requesting the renewal of the funding so that the program can continue for another year.

**Ms. Ève Pécelet:** In 2012-2013, you spent \$20.7 million. Now, you are asking for a \$10.8 million increase because there will be a new program. Are you asking for new funding? I am not sure I really understand.

**Mr. William F. Pentney:** Perhaps I did not understand the question. This is not a new program. The same program is being renewed, extended.

**Ms. Marie-Josée Thivierge:** Perhaps I could answer this way. Basically, when the main estimates were submitted, we did not have the power to make a request for an additional \$10.8 million for the program or to renew the program for a year. The budget is made up of grants and contributions, on the one hand, and operating funds, on the other hand. The supplementary estimates allow us to request, through votes, the funds we need to keep the program going for another year.

**Ms. Ève Pécelet:** For 2013-2014, the total amount—

**Ms. Marie-Josée Thivierge:** For 2013-2014—

**Ms. Ève Pécelet:** —will it be \$10.8 million? What will it be exactly?

**Ms. Marie-Josée Thivierge:** The total amount will be about \$16 million. There is a basic budget and some temporary funding essentially to the tune of \$11 million.

**Ms. Ève Pécelet:** Is my time up?

[English]

**The Chair:** I'll give you another turn, if you want one.

[Translation]

**Ms. Ève Pécelet:** Okay.

[English]

**The Chair:** Thank you.

Mr. Dechert.

**Mr. Bob Dechert:** Thank you, Mr. Chair.

Thank you to each of our officials for joining us here this morning.

Mr. Pentney, as you know, I was on the justice committee previously, a little over two years ago, and served in the position of parliamentary secretary for a while. I have always been very impressed with the professionalism of the Department of Justice

officials. Canadians need to know what a fine job our Department of Justice officials do in helping to administer our justice system.

The minister, in his opening remarks, referred to a variance in the supplementary estimates of about \$320,000. With respect, I think he said it was to an individual posted in Paris, a Canadian mission in Paris.

I previously served on the foreign affairs committee. We heard many times about the differential in cost between posting somebody known as a Canadian-based employee or staff, versus a locally hired person at any of our missions around the world.

Do you have a view on what the cost differential is between those two ways of posting people or having people at missions abroad? Can you give us some additional information about the kinds of things our justice officials do at our foreign missions abroad?

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

First, there is a significant differential between sending a Canadian abroad, with the moving and other expenses.... Sometimes, and certainly for our purposes, someone to represent Canada abroad and act as the liaison with other justice departments, both in the Council of Europe and with bilateral relations with particular countries, helping us to facilitate issues that may arise in relation to the development of the law....

We play a very active role. Mr. Piragoff spent a significant amount of his time helping the world have things like an international criminal accord and other laws. We cannot serve those purposes by hiring a locally employed person to act.

That being said, through the deficit reduction action plan, we've looked at our presence abroad, which is very minimal as a department, I must say. We have many officials from Ottawa who travel to participate in international criminal law especially, international trade law, and other kinds of activities.

We decided we could reorganize our presence in Europe to consolidate back to having one person posted and to eliminate that position in Paris. Effectively they are our eyes, ears, and voice. They develop relationships with those countries to help advance our interests in trying to ensure that the world has a more just and orderly system in which Canadians can feel protected wherever they are, and also on bilateral extradition and other related kinds of cases, where there may just be a need for that kind of a personal discussion and explanation. We send Canadians to represent us and carry out that activity. There is no way a locally employed person could do that, because it isn't the kind of administrative or other job that someone from anywhere can do.

•(1020)

**Mr. Bob Dechert:** I've certainly heard from some of our heads of mission. There are some very well-qualified Canadians living in places like London, England, and Paris, France, for example, and a lot of Canadian lawyers in those places who might be able to fill some of those roles, so it's always—

**Mr. William F. Pentney:** My experience is that most of them are earning salaries that are not competitive with the salary we're going to pay the poor schlep we send to Paris.

**Mr. Bob Dechert:** Fair enough. I know they do important work abroad.

Based on the public accounts information, how accurate has your department been in achieving your spending forecasts over the last five years?

**Mr. William F. Pentney:** I would say very accurate. I'll let Madame Thivierge give you the details.

**Ms. Marie-Josée Thivierge:** Looking back two years, the accuracy rate has been about 96.2%, so we've come within about 3.8%. For fiscal year 2011-12, the Department of Justice has realized a 4.4% variance against its overall budget. For the year 2012-13, it's a 3.3% variance.

**Mr. Bob Dechert:** In terms of the variances, do you see those in things like the prosecutors division? Is that where the variances come from, or is there any general statement you can make about where variances typically come from?

**Ms. Marie-Josée Thivierge:** I would suggest that they come from a number of sources in our different structure. As you know, we're an organization that operates with both A-base and vote net revenue authorities. At the end of the year, on a budget of roughly \$1 billion, they will come from a number of places.

**Mr. Bob Dechert:** There was reference made earlier, I think, by Madame Boivin, to an amount of \$3.8 million. I wasn't sure if it was the same \$3.8 million—perhaps it was coincidental—but I understood it had something to do with relocation of offices with respect to the office of the Director of Public Prosecutions. Is that the same amount we were discussing earlier?

**Mr. William F. Pentney:** Yes.

**Mr. Bob Dechert:** It has something to do with the need for new offices, but you're going to get back to the committee on specifics.

**Mr. William F. Pentney:** I think the Director of Public Prosecutions would be overjoyed to have the opportunity to provide that information. I can tell you, managing a set of offices in Ottawa, that sometimes moves are delayed; other things happen to shift things, but that's a relationship with Public Works.

**Mr. Bob Dechert:** Thank you, Mr. Chair.

**The Chair:** Thank you very much. We look forward to contacting that individual for some information.

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

**Mr. Matthew Kellway:** Thank you, Mr. Chair.

I was intrigued by the response to your questions, this \$80 million or almost \$90 million in spending, coupled with your response about 200 letters going out to staff for severance, I take it, or some kind of

leave and whatnot, Mr. Pentney. Can you explain what the \$90 million is actually being spent on this year? How is that accounted for?

**Ms. Marie-Josée Thivierge:** Actually, the amount in the report on plans and priorities was forecasting that we could have expenses in these areas, provided Parliament approved the vote. The starting point was the mains, and we had that information in hand, but it was to the extent that we would move forward with additional requests through the supplementary estimates process or Treasury Board central vote. Before Parliament now are a combination of requests that actually don't account for the full amount, because it was a plan at a point in time. At this time, actually, the asks—again, the supplementary estimates and the Treasury Board central votes—are more modest than that particular amount.

One has to remember that the report on plans and priorities is a plan that is informed by what we know, which is essentially our appropriations through the main estimates, but it's also a forecast of what we expect might happen. At that time, to repeat what I said earlier, we had planned that there might be some initiatives that would move forward through supplementary estimates (A), (B), or (C), but also that we'd be securing some funding through Treasury Board central votes for things like severance payouts, parental leave, collective agreement adjustments, operating budget carry-forward and so on.

•(1025)

**Mr. Matthew Kellway:** If I understand that, at the time that the plans and priorities part gets written, you had plans to spend \$90 million on those kinds of things.

**Ms. Marie-Josée Thivierge:** On those kinds of things, yes.

**Mr. Matthew Kellway:** Those plans have now changed.

**Ms. Marie-Josée Thivierge:** They're slightly more modest.

**Mr. Matthew Kellway:** What are they now?

**Ms. Marie-Josée Thivierge:** At the moment they represent about \$63 million. That is a combination of our carry forward, under vote 25, from last year to this year; an amount, under Treasury Board vote 15, for compensation to offset collective agreement increases; as well as \$23 million, out of vote 30, pay list, to cover parental and maternity leave and cessation of services and employment.

It's a reduced amount in the order of about \$63.12 million at this time.

**Mr. Matthew Kellway:** Taking all of that into account, what does that mean in actual staff? You've said that FTEs are going to be steady over the next three years.

**Mr. William F. Pentney:** Yes.

**Mr. Matthew Kellway:** I take it that none of that counts for staff severances, then?

**Mr. William F. Pentney:** Some of it counts for staff. I would say that over time we found that a number of employees left and took retirement, as an example, and didn't get any additional payment. A significant number we managed to place either within the department or another department, so in fact they don't get severance. They get a period of time where we help them find another job for which they are qualified.

A combination of those things means that while the staff numbers are going down, and there is a real reduction in staff, the total number of people who are leaving the public service turns out to be, in some cases, less.

One of the things the government has done, as has been done previously, is to allow a kind of job swapping between departments. As an example, if I have an existing person who wants to stay in the public service, and you in your department have somebody at the same level with the same kinds of skills who wants to retire, we can flip them around so that the retirement will happen. There is a real reduction in our department, but we have preserved as many jobs as we had.

I would say that in our department we have had more of that than had originally been anticipated.

**Mr. Matthew Kellway:** Right.

To pick up a bit on Ms. Péclet's questions, last year there was spending of \$20.7 million on the AJS. This year has that now dropped to \$10 million?

**Mr. William F. Pentney:** No. We could perhaps have an offline conversation about that.

The funding for the aboriginal justice strategy has held relatively steady. The only change from last year to this year is that a little bit more money has been allocated to community programming and a little bit less money allocated to our internal administration. Otherwise the program has been steady.

We would be happy to try to help clarify that.

**Mr. Matthew Kellway:** I'll have to try to understand the \$20 million offline, then.

Thank you.

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

Thank you for those answers.

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

**Mr. Blaine Calkins:** Thank you, Chair.

You gave a very interesting response to that last question. You found some administrative efficiencies and used the money instead on program delivery for the aboriginal justice strategy, which I think is absolutely fantastic and speaks to some good leadership at some point along the line.

The question I have for you followed along that vein. I have the privilege of representing the Maskwacis Cree, four bands at Hobbema, a fairly well known aboriginal group in Canada, sometimes for the wrong reasons. I know there are a number of issues there. I know that the leadership there, the community-based

leadership and the chiefs and so on, have taken some very good steps. I believe they have had some program funding not only through the Department of Justice, but also obviously through Public Safety through the aboriginal policing directorate and so on. My questions will be along that line.

You said that a number of programs were offered. It was suggested by some at this table that not every aboriginal community in Canada benefits from that. Could you tell me if the programs through the justice strategy are push or pull programs? What I mean is that it requires an application into the program in order for the disbursement of funds. They are asking for the funds. It's not simply a matter of a per capita transfer of funding from the justice department to these first nations bands. Is that correct?

• (1030)

**Mr. William F. Pentney:** That is correct. There are two components to our programs.

If there is a pull in that sense, an indication of an interest, and we work with the provinces, the provinces have...and we have had people in the field visiting communities, talking about these programs, trying to raise awareness.

If there's an interest and not the capacity, where they don't have experience doing it, a limited investment can be made in helping them build that capacity so they can have an aboriginal justice worker or whatever and start a program.

In my experience, as well, often you will find people who are tremendous leaders in their own community, who are very entrepreneurial. If we could harness the energy they bring to try to define government programming, involvement of community members, and otherwise, in that sense it's very much a pull program of saying that we want this, we'll do the application, we'll build the program, and we'll sustain it through thick and thin, notwithstanding what's happening in our communities.

It isn't a per capita transfer. It wouldn't be an effective per capita transfer, because it really does rest on kind of the courage and the leadership of the people in the communities who are willing to do the day-in day-out grind work of getting those diversion programs running and sustaining them, doing the follow-up with the offenders who are in those programs, and otherwise.

It is very much not a per capita program.

**Mr. Blaine Calkins:** That's what I suspected and figured was the case. Obviously somebody on the ground is doing work in putting together a program proposal, finding a problem and trying to come up with a solution for it.

I'll ask you a quick series of questions and you can tie it all in.

Through the aboriginal justice program, what are the synergies with regard to the aboriginal policing directorate and Public Safety? Can you talk about the two departments? Are they working in silos, or are they working constructively and cooperatively and filling in the gaps from each other? Is there any programming through the estimates related to the hub model, which I think is being talked about quite a lot? I know that it's being implemented to a certain degree in Hobbema.

On the youth crime prevention strategy, could you explain it to me, to the rest of the committee here, and to Canadians who might be watching? Is that funding that only goes for first nations just through the aboriginal programming, or is all programming basically open for anybody who makes an application, whether they're first nations or otherwise?

**Mr. William F. Pentney:** Maybe I'll start with the last one, and then we will do a tag team on some of it.

Aboriginal justice strategy funding and other funding is not just for first nations. We provide funding to Métis communities in Alberta and elsewhere and Inuit communities in the north and off reserve. We work very closely with Public Safety.

The aboriginal justice strategy is largely supporting diversion programs. That's often police diversion. We're working very closely with all levels of policing, including the RCMP and municipal police forces, where they exist, so that there is no working in silos. There's a very close collaboration with those programs.

We also support an aboriginal court work program, which supports 180 court workers who help aboriginal accused in the court system navigate that system. We have 180 court workers supporting 450 communities through that process.

In addition, there's been a lot of concern, for example, around the issue of murdered and missing aboriginal women. That's a very important concern. There's a lot of focus and attention on that. Through our victims fund and other funds in the Department of Justice, we certainly support a range of aboriginal communities and initiatives in respect of addressing that.

There is some programming that is specifically directed towards addressing the circumstances of aboriginal offenders. There are other programs. You mentioned youth criminal justice. That's a significant transfer. Mr. Piragoff can speak about that.

**Mr. Donald Piragoff:** As Mr. Pentney indicated, there are a number of different programs trying to deal with the system holistically, both on the offender side and on the victim side.

Take, for example, the aboriginal community. Everyone talks about a disproportionate number of aboriginals as offenders. There's a disproportionate number of aboriginals as victims. In terms of violence against women, for aboriginal women and girls, their rate of victimization is three to four times higher than in a non-aboriginal population. Our programs don't discriminate. They go where the need is.

In terms of youth, our number one transfer to the provinces is youth justice programming. Our second number one transfer is legal aid. That's a straight transfer to the provinces. The provinces then use the money.

In addition to that, we also have about \$4.5 million in programming that the department uses for youth justice. That includes general crime, it includes drugs, and it also includes aboriginals. Again, it's a general program, and that is a pull; those are applications.

• (1035)

**Mr. Blaine Calkins:** Thank you, Chair.

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

Thank you for those questions and answers.

That concludes our discussion with the officials.

I want to thank each and every one of you for coming today and for providing the answers.

I appreciate the in-depth questions from committee on estimates. That hasn't always been the case in my experience.

Before we go in camera, we should vote on the supplementary estimates as a committee, which sends them back to the House after we've reviewed them.

I'll take a motion, shall votes 1b, 5b, 35b and 50b under Justice carry? Is it on division, or is everybody in favour?

Mr. Casey.

**Mr. Sean Casey:** Mr. Chair, can we speak to the motion?

**The Chair:** You certainly can.

**Mr. Sean Casey:** Mr. Chair, I'm quite uncomfortable with voting on vote 35b given what we heard here today. We are basically being asked to approve \$3.8 million. The only witnesses we've heard from have said that they really can't talk about that, but there is someone who can. I think that for us to do a responsible job with respect to that \$3.8 million, we can't vote on it until we hear something about it. There is somebody who can tell us and they're not here.

**The Chair:** Thanks for that.

I'll separate 35b to allow you to vote separately. Is that okay? I'll remind you that if supplementary estimates (B) are not voted on at committee, they are deemed approved. Whether we would have time to get the prosecutor here.... I think that to have them come to talk about the issue in a future meeting would be fair.

**Ms. Françoise Boivin:** I appreciate what you just said. I believe it should have been automatic since the director was one part of it. We all knew it was part of it, and so we expected the people who could address the issue. I don't blame anyone.

I have my answer so I feel at ease. I just wanted to discuss a couple of things with the witness. That being said, it might be nice if they could send a little information before our next meeting. We could reserve that part and vote on it on reception on Tuesday. Let's start with that at the next meeting, if everyone agrees.

**Mr. Bob Dechert:** When is the committee required to report back on the supplementary estimates?

**The Chair:** Here's how it works. There's no actual date. It is three days prior to the last supply day. I don't know when the last supply day will be. That can vary, based on House leaders' decision-making. I'm not exactly sure, but obviously it'll be in the next week or so.

**Mr. Bob Dechert:** It sounds as if it's close to observing the phases of the moon.

**Ms. Françoise Boivin:** Could I add something? I think the answer will be easy. Let's say it would be next Thursday, the last opposition day, because there's one left. Three days before would bring it....

As the chair said, if it's not voted on, it's deemed adopted. I think there's no problem with just leaving it as is. If we can vote on it on Tuesday, the more the merrier.

**The Chair:** If we don't, we don't.

**Ms. Françoise Boivin:** Exactly.

**The Chair:** The deputy minister would like to answer.

**Mr. William F. Pentney:** I was going to say, Mr. Chair, that I will go back to my office and call the Director of Public Prosecutions. I'm sure they would be pleased to provide a written explanation to the question. I'm happy to undertake that.

● (1040)

**The Chair:** We would appreciate that. Thank you very much.

Is there consensus that I still proceed with the separate votes?

Shall votes 1b, 5b, and 50b under Justice carry?

JUSTICE

Department

Vote 1b—Operating expenditures.....\$683,004

Vote 5b—The grants listed in the Estimates and contributions.....\$9,800,000

Supreme Court of Canada

Vote 50b—Program expenditures.....\$118,613

(Votes 1b, 5b, and 50b agreed to)

**The Chair:** Shall vote 35b under Justice carry?

I was going to allow them to vote separately on it or do you want to just leave it in abeyance?

**Mr. Bob Dechert:** I think we're content to go with Madame Boivin's suggestion.

**The Chair:** We'll leave it in abeyance until Tuesday.

Shall the chair report votes...? We'll wait on that. We'll do it all on Tuesday. How does that sound?

I will suspend for one minute and then we'll go in camera.

[*Proceedings continue in camera*]





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