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Chair

Mr. Mike Wallace

Standing Committee on Justice and Human Rights

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• (1530)

[English]

The Chair (Mr. Mike Wallace (Burlington, CPC)): Ladies and gentlemen, I'd like to call to order this meeting of the Standing Committee on Justice and Human Rights. This is meeting number 75. We're televised today.

For the first hour, pursuant to Standing Order 81(4), we will be dealing with the main estimates and then a number of organizations under the justice portfolio. If you have questions specifically for an organization that is listed here in regard to their estimates—we're hoping they have representation, whether it's the Supreme Court or the Director of Public Prosecutions—let us know so that we can have them here on Wednesday, if there's a question that the minister may not be able to answer specifically about their estimates.

We are joined for the first hour by the Honourable Peter Gordon MacKay, Minister of Justice and Attorney General of Canada, and a number of officials from the justice department.

Mr. MacKay, the floor is yours for an opening statement.

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

Thank you, colleagues. It's a pleasure to be before you to discuss, as noted by the chair, the main estimates for the Department of Justice.

This is my 56th appearance before a standing committee as a government minister. Joining me today are the deputy minister of justice and deputy attorney general, William Pentney; the associate deputy minister, Pierre Legault; and senior assistant deputy minister of policy, Donald Piragoff; all of whom have extensive experience before committees as well and certainly within this department.

Mr. Chair and colleagues, in my role as Minister of Justice and Attorney General, I'm responsible for ensuring that our justice system remains fair, relevant, and accessible to Canadians. It also involves, of course, overseeing a significant budget, with an eye to fiscal prudence and respect for taxpayers.

[Translation]

The Government of Canada introduced measures in connection with several criminal justice priorities. Our objective is to make our streets and communities safer, and ensure that our justice system continues to bolster the safety of Canadians through our criminal justice laws, policies and programs.

[English]

Among them, Mr. Chair, we are pleased to announce that the Protecting Canadians from Online Crime Act has come into force. This law takes effect very soon and deals specifically with law enforcement online. This is a bill with which you and members of this committee are very familiar. I thank you for your work in this regard.

We've seen increased activity with regard to the subject of cyberbullying, which has had a devastating impact on many young people in Canada, affecting their reputations, their self-esteem, and their mental health. Also, it has directly contributed to the unfortunate decision that a number of young people have taken to end their own lives, young people like Rehtaeh Parsons, Amanda Todd, Todd Loik, and countless others, which is why the government acted to protect young people from malicious online behaviour, such as posting intimate images on the Internet, and the insidious and relentless harassment that often follows.

This is coupled with outreach efforts that are ongoing, and with education and the involvement of many people and organizations—such as the Canadian Centre for Child Protection in Winnipeg—which have directly contributed to the assistance of young people who are feeling cornered, hopeless, and in some cases desperate. Things such as GetHelpNow.ca and Cybertip.ca are areas in which young people are able to access information about how to remove offending material.

The Government of Canada also understands that Canadians expect their justice system to keep them safe, and we are committed to protecting Canadians from individuals who may pose a high risk to public safety. It's an obligation and a responsibility that we take very seriously.

Obviously, the evolving threat of terrorism is one those most troubling threats. In response to this risk, we introduced a bill earlier this year, which again is a bill you're familiar with, Bill C-51, to strengthen our existing anti-terrorism laws to ensure that they continue to respond appropriately to all forms of terrorism.

As you know, the bill is currently before the Senate. Among other things, such as enabling police to be more proactive in identifying radicalization and acting accordingly, this bill will fill a current gap in the Criminal Code by creating a new Criminal Code offence criminalizing the advocacy and promotion of terrorism, including those that would encourage attacks on Canadians.

Protecting victims of crime is another area in which we have been very active, as has this committee. We are moving to provide a more effective voice in our justice system as a key priority for our government. Victims of crime deserve to be treated with courtesy, compassion, and respect.

Mr. Chair, to that end, we introduced the Victims Bill of Rights. It received royal assent last month. This legislation enables the rights of victims of crime at a federal level and establishes statutory rights to information, protection, participation, and in some cases restitution. It also ensures that there is a complaint process to deal with breaches of those rights.

Again, I could mention others that this committee has been seized with, including Quanto's law, tougher penalties for child predators, and several other bills, for which I again express my appreciation for the diligence of this committee.

Mr. Chair, the Department of Justice is estimating net budgetary expenditures of \$673.9 million in the year 2015-16, which is a net spending increase of \$43.3 million from the 2014-15 main estimates. The net increase in spending illustrates the Government of Canada's commitment to maintaining, as mentioned, the integrity and the importance of our justice system in terms of accessibility to it through programs and personnel.

- (1535)

Mr. Chair, one especially important area of increased spending, totalling \$1.9 million, represents the funding in support of non-legislative measures to address prostitution. In 2014, the Protection of Communities and Exploited Persons Act came into force. This uniquely Canadian model was informed by the results of government consultations, public consultations, on the subject of prostitution in the aftermath of the Supreme Court's decision in Bedford.

That consultation received more than 31,000 responses from Canadians, in addition to the in-person round tables. This was the largest consultation, I note, ever undertaken by the Department of Justice to date, and it recognized in the legislation the significant harms associated with prostitution. In a combination of Department of Justice money and Public Safety money, \$20 million is being made available through a fund over five years for programs aimed specifically at helping those who sell sexual services to exit prostitution.

Mr. Chair, this is a compassionate and common-sense program that we are delivering, and we believe it will make a positive difference. The funding will provide services such as trauma therapy, addiction recovery, employment training, and financial literacy. It could also be used to support transitional housing, emergency safe houses, child care, and drop-in centres. I can tell you that there has been tremendous uptake on this program funding. In addition, there will be funding made available to help law enforcement agencies connect with those who want to leave prostitution and help them find emergency or long-term services, such as those I just mentioned.

The new resources demonstrate the government's commitment to meaningfully support those exploited through prostitution. We are ensuring that the laws address as well the serious harms associated with prostitution and deliver the protection that vulnerable

Canadians and communities have come to expect and deserve from this government.

Mr. Chair, in February of 2015, the government announced that it had extended its support for the aboriginal justice strategy to include an additional \$11.1 million for fiscal year 2016-17. The aboriginal justice strategy supports community-based justice programs across the country that have delivered results in reducing crime and victimization in aboriginal communities. There are approximately 275 aboriginal justice programs. There is outreach to over 800 aboriginal communities now, touching every province and territory, both on and off reserve, and in rural, urban, and northern communities.

Lowering recidivism and reducing the overrepresentation of aboriginal Canadians in our justice system is at the root. The programs are cost-effective and produce short- and long-term savings for Canadians by freeing up police, court, and correctional resources to address more serious crime. This is in addition to other programs such as the \$25 million that is directly focused on the subject of murdered and missing aboriginal women.

Although there was an effort with respect to the main estimates—an increase of \$43.3 million—there have also been decisions taken around the providing of legal services as part of our commitment to better and more effectively manage resources. Within the department, there was a review of the legal services provided to all government departments. As you know, we do a great deal of work on behalf of other departments and other agencies in government. As a result, we've identified immediate measures to reduce legal services demand and costs. There is another wave that is aimed specifically at simplifying and increasing access to legal services. It will be implemented within the coming fiscal year.

Over the next year, the department will also continue to work to meet the needs of the Government of Canada's policy objectives. They include enhancing legislation to hold offenders accountable; supporting initiatives to address such issues as security and terrorism, as I referenced earlier; working with other departments to address crime prevention; rehabilitation, treatment, and enforcement activities that relate to illicit drugs; and continuing our aboriginal justice issues. I would also add to that list the work that's done with young offenders. In particular, there are various branches of this youth justice initiative that deal with guns and gangs.

These initiatives will help the Department of Justice continue to build a system that improves access and meets the diverse needs of Canadians.

•(1540)

[Translation]

Mr. Chair, the Government of Canada is determined to protect the integrity of our justice system. We have reaffirmed that commitment through the level of funding allocated to the Justice portfolio.

The items presented by the Department of Justice for inclusion in the 2015-2016 main estimates will help to guarantee that we continue to have a fair society that respects our legislation and has an accessible, effective and equitable justice system.

[English]

Finally, the funding that the justice portfolio has received delivers results. I'm proud to say that, aided by very able officials, we'll continue to see that these funds are spent wisely while ensuring that Canadians have the fair, relevant, and accessible justice system that they expect.

I want to again thank you, Mr. Chair and members of this committee, for your diligence and determination in examining in many cases very complex bills and for the contribution you are making in that regard.

I look forward to taking your questions over this period. Similarly, I know that officials here, along with representatives from the Office of the Director of Public Prosecutions, from the Administrative Tribunals Support Service, and other officials will be attending. I believe, at the next meeting, on May 13, to answer any questions in those particular areas.

Thank you, Chair.

The Chair: Thank you, Minister, for your opening remarks.

Our first questioner is Madame Boivin from the New Democratic Party.

[Translation]

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

Minister, thank you for having come to testify before the committee in the past. You have come here quite regularly, since the so-called “law and order bills” seem very popular with your government. This is probably your last appearance before the committee, and so I am going to try to take advantage of the five or six minutes I have to go back to certain points.

You seem very proud of the amounts that have been allocated to you. From what I see the figures are not even at the level of the real expenditures in 2013-2014. Since everything was delayed by the government, this has allowed us to examine both the economic action plan and the 2015 main estimates. In 584 pages, I saw two minuscule allusions to justice. Sometimes I get the impression that your government is

[English]

tough on crime on paper, but not so much on resources.

[Translation]

We all remember that

[English]

justice delayed is justice denied.

[Translation]

Those who work in the justice system at all levels, be it the judges, crown attorneys or defence attorneys, all say that their work has become extremely complex because of the multitude of new laws and amendments to the Criminal Code, as well as insufficient resources. I am sure you have heard the same comments. There are still a large number of judges missing at several levels, for instance in Ontario, Quebec and elsewhere. There are still enormous problems in connection with legal aid. You tell us that your role is the following:

•(1545)

[English]

to ensure that the justice system is “fair, relevant, and accessible”.

[Translation]

And yet, one morning in January 2015, I read that 50 DUI cases had been thrown out by the court because the trials had not taken place within a reasonable time frame. There is a problem somewhere. You have to stop sticking your head in the sand and simply going before committees trying to give the impression that all issues have been solved everywhere. Regarding trials, the delays are increasingly unreasonable and the costs are growing.

We all know that your department spent a fortune challenging all sorts of things and going right up to the Supreme Court to ensure that justice-related laws were constitutional, only to be told ultimately that they were not. There are some major issues and we don't hear you piping up very loudly about them. I would like to know what you have to say about that.

I also have a specific question for you. Your expenditure budget mentions a sum of \$1.9 million in connection with prostitution. I am curious to know whether you have had any reports since that bill was passed and implemented and if there have been any changes whatsoever. I am very surprised to see that no additional sums have been allocated to the ombudsman for victims, whereas this was an extremely important part of your Conservative law and order platform. This is what leads me to say that you are

[English]

tough on paper, but not so much on resources.

[Translation]

Services have to be provided, but there will be no additional funds.

Forgive me, but this is probably our last opportunity to see you in committee. In light of the fact that the federal government budget is over \$300 billion, I think that what is allocated to justice should be at the very heart of the lives of Canadians, but this does not measure up.

[English]

The Chair: Minister, you have the floor.

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

[Translation]

Thank you, dear colleague, for your questions. I'm going to try to answer them quickly and directly.

[English]

With respect to the victims ombudsman, I would note that, you are correct, our government has made this a major priority. We work very closely with Madam O'Sullivan, who has appeared before this committee regularly, especially in recent days on the victims bill.

You will note that in terms of budget 2015, there is an increase in one of the most important areas of victimization, and that is with respect to child advocacy centres. There has been an increase specifically outlined in the budget in that regard, and also with regard to security around courts, including the Supreme Court, and security generally, which is in the area I would describe as prevention. Those are important areas in terms of the impact on criminal justice.

In no particular—

Ms. Françoise Boivin: Those are the only two in the budget. I'm correct to say that those are the only two paragraphs, the two that you just mentioned, that are in this budget. It doesn't go very far to support...to have more judges, to have more crown attorneys, prosecutors, around the country.

Hon. Peter MacKay: I'm glad you mentioned judges, because as you would know, while not referenced in the budget specifically, there was an increase in budget with respect to the number of judges now in Quebec, with respect to the number of judges in Alberta. That is, without a doubt, a very important area of expenditure. Certain challenges that you're aware of—we won't go into detail here—have delayed the ability to appoint some of those judges. That issue has now been resolved at the Supreme Court. The judge in terms of a transfer has now taken place and we can move forward.

You also referenced impaired driving. Look, I appeared regularly in provincial court as a prosecutor. Sadly, then as now, we are still seeing far too much carnage on the highways. Far too many of these charges take up an inordinate amount of time in the court. I note with interest that some provinces have proceeded with a provincial administrative approach, which has accelerated the ability in those provinces to deal with that volume of cases. We're looking at that. We're working with our provincial partners to see if there are things we can do at the federal level as well.

With regard to overall expenditures in the area of justice, many areas of criminality are in decline. That is of course something we are tracking very closely at the department. I referenced the child advocacy centres, because that is an area where we are seeing an increase, sadly, in terms of the volume of cases, and more importantly in terms of victimization.

To that end, you can never lose sight, in terms of these budgetary matters, of the overall picture, which is that we're making record transfers to provinces like yours and mine. In the case of Nova Scotia, there is a 31% overall increase in funding transfers that go to areas of the criminal justice system, that go to areas of health, and that go to areas of education, all of which intersect around many of these issues.

I mentioned cyberbullying. We are seeing a more active approach taken across the country with regard to how the education system is now allowing kids to get more direct information on how these very insidious activities online affect them, and where they can get help. That's also important in our—

• (1550)

Ms. Françoise Boivin: What about prostitution? I talked about prostitution. You didn't say a word about it. Did you get some stats?

Hon. Peter MacKay: Pardon me?

Ms. Françoise Boivin: Prostitution. Do you have some stats, since it's—

The Chair: I have to interrupt this lovely conversation—

Hon. Peter MacKay: As you know, we put money specifically into the area of helping prostitutes—I mentioned that in my opening remarks—exit prostitution. That disproportionately, as you know, is a concern in a province like Quebec.

Of course, that is money for the very first time, I know, coming from any federal government specifically aimed at helping prostitutes exit the practice.

The Chair: Thank you for those questions and answers.

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

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

Thank you, Minister, for being here today and sharing your comments with us.

You mentioned in your opening comments, Minister, the Protecting Canadians from Online Crime Act, formerly known as Bill C-13. You mentioned that it's come into force, which is good news. I understand that you have been visiting some schools across Canada and talking to young Canadians about the dangers of cyberbullying and other forms of online predatory actions. In particular, I note that you will be coming to my city, Mississauga, later this month, visiting a school and speaking to students about this very important issue.

I wonder, Minister, if you could explain both the importance of the passage of Bill C-13 and discuss some of the experiences you have had with students in some of your meetings across Canada.

Hon. Peter MacKay: Thank you very much for the question, Mr. Dechert.

You've been intimately involved in our efforts to bring this legislation forward, and the consultations and the outreach, which, in addition to the bill itself, I would describe as of equal importance. The legislation, as you know, specifically hones in on this subject of the non-consensual distribution of intimate images. That is part of the concern.

Obviously a young person very often feels completely devastated by these images that are sometimes taken in circumstances that are regrettable, that may involve alcohol abuse, sexual abuse, and may involve circumstances that are out of context; yet here is that image haunting that young person, potentially for the rest of their life. We've seen the devastating impact that can have.

Passing the legislation was important. It sends a message, as criminal justice bills tend to do, of deterrence and denunciation. It's also important that young people are aware of those consequences.

But to come back to your question, we need to reach those young people, and the education system, the schools, have been more amenable to having those discussions. In fact, we've been contacted and invited to come and have these discussions at schools. We will very often have members of the local police department present, people like Lianna McDonald, who has headed up an incredible effort, not only nationally but internationally, to make young people aware of the assistance available to them. We've advertised online. You may have seen some of these very pointed, and I think quite impactful messages that are available on television and at movie theatres, but most importantly, in that realm of online communication.

You asked for some of my reflections on this. Every time I've been to a school, and I've been to a number of them now, I learn something new. Young people are very dialled in to what's happening online. They're talking more openly and frankly about how this is happening. They're aware that this is going on around them to other students, and we're encouraging them to take a good Samaritan approach and stop it, confront it, when it's happening. We are also encouraging them to reach out to the person who is often the victim and report it, and to know where to get help, that there are programs and personnel who are prepared to work with them to in some cases remove the offending material.

It's complex to say the least. Much of this is happening from outside of our own country. In some cases our laws do not allow us to go into the IP service provider's jurisdiction to try to remove that material. But there's work being done in that regard. I was here previously talking about our alliances with other countries where there is a similar phenomenon. I'm quite heartened by the very focused attempt that many countries, including our own, have taken to try to save young people, and anyone for that matter. It doesn't apply only to youth, but that's where this impact is perhaps being felt most acutely.

• (1555)

Mr. Bob Dechert: It certainly appears that the national debate that was sparked by the Protecting Canadians from Online Crime Act has become well discussed across Canada. You hear teachers, parents, and students talking about it. I hear a lot of discussion about it with online groups on radio and television. I know you mentioned that the government has done some advertising on this. It's very important that all young people know about the dangers that are out there online, and how to protect themselves. That sounds like it's going very well, and I commend you for that.

I also want to ask you about the Victims Bill of Rights. You mentioned that as well in your opening remarks, and that has recently received royal assent. That is quite revolutionary legislation,

as you know, and I know that you put a lot of effort into bringing that bill forward and having it passed in Parliament.

I wonder if you could tell us a bit about the Victims Bill of Rights, and in particular how the victims fund at the Department of Justice correlates with the bill of rights in enhancing services to victims.

Hon. Peter MacKay: Once again I thank you, Mr. Dechert. This is an issue that I think is personal for most, and you, like many members of this committee, have had an opportunity to hear from victims and their families.

This legislation is groundbreaking in that it entrenches in federal law for the first time, as you know well, those rights to which victims will now be able to really point, in the way that those who are accused of serious crime now have legislation they can depend on. Now these are encapsulated in the victims bill.

Madam Boivin mentioned the victims ombudsman's office. That was also the creation of our government. We have been funding that office's ability to assist and, looking towards the future, to help see that these rights will be respected and given due course and consideration.

We have also put in place funding that is attached to victims, that is attached to the programs that victims can avail themselves of, and I'll refer to those specifically. I think the transformation, and I don't think that's too grandiose a word, will be felt by victims in the common best practices that will emerge when that victims bill is fully adopted and embraced, as I expect it will be. Victims will have a much greater sense of import and involvement in their own case. They will have a greater sense of respect from all of the actors within our criminal justice system. The victims fund itself does put in place additional resources. It will allow us to give meaning to those victims' rights. It will be part of the initial commitment that we made when we came to government in 2006. This is a victims fund that is very much aimed at helping with counselling, with compassionate support that is often required by victims in the aftermath in particular of violent crime. It is there for youth, for their families. It also involves, of course, working with the provinces on a strategy to see that victims are given the type of support, not just financial support but real support, that helps them move past the crime and move on with their lives.

The lingering effects of crime we know are very real. We know that it has an enormous impact in terms of lost productivity and wages. Overall programs are aimed at diminishing that, but it's estimated that the overall impact in our country amounts to about a hundred billion dollars, borne substantially, 85% or 90%, by victims themselves.

These programs are beginning to have an effect. They won't turn around overnight, but victims will feel far more valued and legitimized within the justice system.

One of the more shocking revelations I heard in the consultations was by victims who said, "I wouldn't go through it again. I wouldn't report it. I felt revictimized." We're turning that tide.

• (1600)

Mr. Bob Dechert: Thank you.

The Chair: Our next questioner is Mr. Casey from the Liberal Party.

Mr. Sean Casey (Charlottetown, Lib.): Mr. Minister, I want to ask you about the Carter case, in which the Supreme Court of Canada unanimously ruled unconstitutional the laws that deal with physician-assisted death.

I'm sure you'll recall, Minister, that shortly after the case was handed down by the court and a 12-month delay in the implementation of its effect was decided upon, an opposition day motion was presented by the Liberal Party, which set forth a framework for the development of a response to the Supreme Court's decision.

You will undoubtedly recall, Minister, that the government voted down that motion and that framework. The government suggested at the time that it would adopt its own framework, that the framework wouldn't involve a parliamentary committee at the planning stages, that it wouldn't involve opposition members of Parliament, it wouldn't be a bipartisan process, and that it might or might not involve going back to the Supreme Court to ask for an extension of time.

Mr. Minister, can you provide us with any more information on what process the government has decided to adopt, where it is in the process, and what resources have been allocated to it?

Hon. Peter MacKay: Thank you very much, Mr. Chair.

This issue that Mr. Casey has raised is certainly one that we are well seized of. The Supreme Court's decision in Carter is one that has a far-reaching impact, to say the least. Many groups have already expressed themselves in terms of their concerns.

Some would call it a divisive issue. It is very much a human issue that impacts disability groups and faith-based groups, and certainly the legal and medical communities will be involved in the consultation. The consultation, while not formally announced, has begun and we have already, without soliciting, received input on the subject matter.

When the Supreme Court struck down the sections of the Criminal Code on the prohibition of physician-assisted dying as constitutionally invalid, this in effect removed those sections from the Criminal Code, but there was a suspension of 12 months as to the effect. As we've done previously, we will consult broadly. I mentioned some of the areas and some of the groups that by necessity will be part of that conversation.

This is not to suggest that there won't be further discussion, parliamentary discussion, as there will inevitably be when a response is tabled, but this will be a national discussion that will involve many in the country. As I referenced in my opening remarks, we've done this in response to the Bedford decision, so we have a working model, in effect, that will allow for broad consultation. We'll do so in a way that's respectful, that's inclusive, and that will in some degree try to emphasize the inclusiveness of this and not necessarily the partisan aspects. There will be an extra-parliamentary consultation

that we intend to undertake. I'll have more to say about that in the very near future.

Mr. Sean Casey: So there has been no call for formal consultations in the process, which you will have something more to say about in the near future and which may or may not look like the same process that was followed with the prostitution case. Is that what I'm to take from what you just said, Minister?

Hon. Peter MacKay: Well, you can take from it what you wish. I said what I said.

We're going to involve very broad and sweeping consultations that will be extra-parliamentary within the country. We intend very much to ensure that we do this in a respectful way that does not presuppose an outcome. On the decision taken by the Supreme Court, while they've given us a year to respond, members here will know that some 12 years-plus after Rodriguez, the Supreme Court took a very different view of what the Supreme Court had previously said. It took 12 years to come to a different conclusion, giving the government of Canada 12 months to respond.

So we'll take the necessary time to do this properly, and in the middle of all of this, as we know, there's this other consultation that's taking place called an election.

• (1605)

Mr. Sean Casey: Staying on the topic of court cases, Mr. Minister, the government has spent \$425,000 with respect to litigation around safe injection sites in the Vancouver downtown eastside, \$350,000 with respect to the Nadon reference, and \$1 million with respect to the health care refugees case.

There has been some coverage of it, certainly, through the media. Here's my question for you, Mr. Minister. Given that all of these cases and all of these expenditures relate to the government's attempted defence of a violation of charter rights, is this a good use of federal money?

Hon. Peter MacKay: Well, I disagree with the premise that it is in defence of charter violations, for starters.

We've actually lowered, in some cases, the number of ongoing litigation cases that are making their way through the court. We're looking at ways, obviously, in many instances, to settle cases rather than have them drag on. The reality is that the vast majority of cases in which the Government of Canada—and our department directly—finds itself are not initiated by the Government of Canada.

That said, we still have a very laudable success rate in terms of defending positions that we take on principle and that we take because we believe it's in Canadians' interests and in taxpayers' interests.

Mr. Sean Casey: A case that may not have been initiated by the Government of Canada but one that's being prolonged by virtue of the Government of Canada's appeal is the Ishaq case involving the niqab at the citizenship ceremony. Can you give us some sense, Mr. Minister, of how much that case has cost the taxpayer to date and whether you have an envelope set aside for the future proceedings in that case?

Hon. Peter MacKay: Well, obviously not.

This is a case that's before the courts and so for that reason, as Attorney General and Minister of Justice, I'm not going to comment on cases that are still before the court.

These are cases like others that make their way through the courts. They are a direct response to an issue that is, in our view, of importance to Canadians. It deals with fundamental values and rights that do sometimes come into conflict and like previous governments we've taken the position that we will advance and will do so through the courts in a transparent way.

Mr. Sean Casey: Mr. Minister, in the planning and priorities report from the department, on page 38, there's an indicator that the department's going to be able to save \$1.7 million by the sunset of the missing and murdered aboriginal women initiative.

I know you referenced this topic in your opening remarks, but is that a good place for the government to be saving money?

Hon. Peter MacKay: We're actually increasing money in this regard.

It's a situation where there was previously determined sunsetting, but in terms of the actual money that will be devoted to this important issue, there will be an increase through our department, the Department of Justice, and that's in addition to the funding that is coming from the Status of Women and Public Safety.

Year over year, dollar over dollar, our government has significantly, I mean substantially, increased both resources, programming, and personnel availability for more support on and off reserves. That's without getting into the area of the DNA data banking, the unidentified remains, and other subject matters that impact directly on what we all want to see, and that is justice for murdered and missing aboriginal women and their families.

Much of that is, of course, the arrest, prosecution, and holding to account of those responsible.

The Chair: Mr. Wilks.

Mr. David Wilks (Kootenay—Columbia, CPC): Thank you, Chair, and thanks to the witnesses for being here today.

Minister, in your opening remarks you spoke about the aboriginal justice strategy and about your passion toward related issues among aboriginal communities. You mentioned 275 aboriginal programs through 800 aboriginal communities.

Could you discuss the importance of these types of initiatives within the aboriginal communities and speak some more about the aboriginal justice strategy.

• (1610)

Hon. Peter MacKay: The strategy, in my view, is having the desired effect. It is ongoing. There is a very challenging and troubling scenario that we're all aware of, given the disproportionate number of aboriginal people, young aboriginal people in particular, who find their way into the system and are incarcerated. The numbers are staggering.

There are programs and outreach and the ability to provide alternative programming. This programming is arrived at, in many cases, through consultation with first nations, because the sheer size of the country and the diversity among different bands in different

parts of the country necessitates that we not take the one-size-fits-all approach. Some communities are obviously focused more on addressing issues of addiction, for example, or issues that relate to gang violence or issues of domestic violence.

The programs, as I mentioned, are very diverse and are tailored in many cases to those communities. We think they are tailored in a way that involves first nations input, first and foremost, but that also allows us to respond in a pre-emptive and preventative way as opposed to simply reacting. These programs are borne out through great efforts on behalf of people working not only in our department but also at Indian and Northern Affairs, those who are working to help with employment issues, for example.

I take an example from a community in my own constituency, the Pictou first nations. A lot of the effort now is aimed at engaging young people coming out of high school to get them into the workforce and to do so in a way that respects their heritage and culture but allows them to be gainfully employed and to pursue areas of employment that are of interest to them, including their own businesses.

It's an approach that I think is having a very important effect on reducing that overrepresentation, lowering recidivism rates, and embracing community responses to criminality. The aboriginal justice strategy was renewed for that very reason. It was renewed in a way that is designed to get to young people before they find themselves involved in the criminal justice system. You, as a police officer, know about that early engagement and about building trust. Aboriginal policing is an important part of that strategy, and having members of the RCMP and local police forces there also creates employment opportunities, thereby adding legitimacy.

In my view, it also creates a greater sense of trust when the response to justice issues is handled primarily by first nations people themselves, so their delivery of these programs that we're funding is also, I think, one of the keys to success. I think the programs themselves have also proven to be cost effective and they produce the types of results that have a lasting impact on communities and on everyone, frankly.

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

You're also involved with many initiatives to keep our streets safe and to keep the crimes rates down. Often this means supporting various preventative initiatives. Recently, you launched a call for nominations for the 2015 Minister of Justice National Youth Justice Policing Award. As I understand it, this program recognizes innovative approaches taken by police officers and using measures provided under the Youth Criminal Justice Act to deal with youth in conflict with the law.

Could you elaborate on this program and talk about how it fits into our government's approach to tackling crime and keeping our communities safe?

Hon. Peter MacKay: Again, I think these are programs that you, having been so closely associated with policing for much of your life, would celebrate. These awards are aimed at recognizing police officers and youth who engage in some of these programs. They are provided very much in collaboration with organizations across the country, such as the Canadian Association of Chiefs of Police and the Canadian Police Association itself. They work closely with us, and it's about promoting some of those underpinnings and the values of the justice system—fairness, inclusiveness, citizen engagement, everything that we would want to promote and embrace. It's a holistic approach, not just to justice but to policing as well, which is very much the sharp end. It's that enforcement that is sometimes most challenging.

The award is now presented every year, usually in the fall, August or September. It's done, as I mentioned, in close association with police themselves, and it helps recognize those who are doing the heavy lifting in our justice system, such as police groups, our front-line officers, community groups, and other justice participants. It's open to the public to nominate and to engage and to recognize people who are deserving and who make a real difference in their communities.

Thank you for the opportunity to promote this. I hope we will see some great nominations this year.

•(1615)

The Chair: Thank you for those questions and answers.

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

[*Translation*]

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

Thank you, Minister.

My first question is about Bill C-23, which was passed and which transfers the Elections Canada Office of the Commissioner of Canada Elections, responsible for investigations and the management of federal elections, to the office of the Director of Public Prosecutions. However, I believe that the 2015-2016 main estimates do not contain any funds or increases specifically for the management of the Office of the Commissioner of Canada Elections.

I would like to know if a budget is planned for the administration of the office of the Director of Public Prosecutions and if so, what that amount is. I do not know what type of budget he had before, but I would like to know if that has been drastically reduced.

[*English*]

Hon. Peter MacKay: I'll be very honest with you. I do not have the specific budget allotment. I understand that the Director of Public Prosecutions, the deputy, will be appearing before you later this week and could provide you with that specific amount. I'm not going to pretend that I have that figure with me.

You're correct, though, that the responsibilities are coming over to us from a new department. I suppose that the costs associated with that move would essentially be absorbed by our department. The staffing and any specific responsibilities will be assumed by the Department of Justice internally. To date, it isn't a new allotment or a

new cost. For that same reason, there wouldn't be a great deal of casework that would have emerged thus far.

The officials specifically responsible for that new office will be here and can answer that question, and I will undertake to get a more specific answer myself and provide it to the committee.

[*Translation*]

Ms. Ève Péclet: Thank you very much, Minister.

My second question is about the administration of the Victims Fund. We discussed this fund at length when we studied the bill on the Victims Bill of Rights. One of the elements of that charter was that a part of the services was to offset the victims' surcharge.

However, since the 2015-2016 main estimates contain no significant increase in the amounts available to the Office of the Federal Ombudsman for Victims of Crime, I would like to know whether the contributions from the Victims Fund will increase proportionally.

[*English*]

Hon. Peter MacKay: There are in fact additional funds in the 2015-16 budget year. Additional resources in the amount of \$1.79 million will be received to address what we think are significant harms that flow specifically from prostitution.

In the overall picture, when it comes to increased funding, there is a victims fund that will see dollars set aside and accessible for groups, and even individuals, who are working in support of victims across the country. There's an application process that is to be followed.

The overall budget, as far as the victims strategy, has been ongoing since 2006. In fact, there was some \$158 million provided over the past almost 10 years that was accessible through the victims fund as part of the broader strategy of grants and contributions that are made to provinces, territories, and non-governmental organizations. They deliver programs that are designed specifically to meet the needs of victims groups.

In short, there is more money available. There is money that is now specifically earmarked.... I spoke earlier of the funds that are available for prostitution-related exit strategies. I know for certain that there have been numerous applications from Quebec. I've met with some of those groups in Montreal and Quebec City. Those funds will start to flow as a consequence of decisions made on criteria, and they'll start to flow in this budget year.

I believe I enunciated earlier that there is also money in that particular pool from Public Safety, in addition to that from the budget of the Department of Justice.

•(1620)

[*Translation*]

Ms. Ève Péclet: I see here that there is a \$1.6 million cut due to the expiry of funding to support victims' services and the prevention of violence in aboriginal communities, and to increase national support for missing persons investigations.

Could we have some details on the expiry of that funding? Will the Department of Justice be renewing it?

[English]

Hon. Peter MacKay: In fact, this is an example of a program coming to a conclusion, and there will be additional funds. The overall pool of funds will be larger than it was in previous fiscal years.

It's an issue that has to do with a sunset program that was earmarked for five years and that was specifically aimed at addressing many diverse issues around the murdered and missing. There was a strategy involved in this by taking immediate steps to improve the response of law enforcement. Some of these planned actions, such as delivering a new National Centre for Missing Persons and Unidentified Remains and the public website, have been completed and funding has been put in place.

[Translation]

Ms. Ève Pécelet: What amount will be allocated?

[English]

What will be the amount for that particular program you're talking about?

Hon. Peter MacKay: In the new action plan that was announced by the Department of Justice, our department will be putting \$2 million through the supplementary estimates. That's the increase I'm referring to, and that is in addition to the overall program funding. There is also the commitment that has been made of a larger pool of funding that comes from outside the Department of Justice, and that's administered by the Department of Labour, Minister Kellie Leitch's department.

So it's \$2 million from Justice.

The Chair: Thank you for those questions and answers.

Our last questioner is our visitor today to the committee.

Mr. Menegakis, the floor is yours.

Mr. Costas Menegakis (Richmond Hill, CPC): Thank you, Mr. Chair, and thank you, Minister, for your testimony before the committee.

Minister, as we all know, our government has placed considerable focus on bringing forth legislation that will continue to keep Canadians safe on their streets and in the communities in which they live.

You and your department are tasked with delivering a wide range of justice programs while at the same time ensuring that we spend within our means. A lot has been said with this latest budget about the importance of balancing the books. Can I ask you to elaborate on the balance that must be struck, Minister, between delivering an effective and robust justice agenda and being fiscally prudent with taxpayers' money?

Hon. Peter MacKay: I think that is an important consideration, and I thank you, Mr. Menegakis, for stating the obvious.

Quite frankly I think it's expected that all departments deliver the services, the programs, the results that are expected, and Justice is no exception. They do so with a mind to ensuring responsibility, accountability, of that program spending. Part of that is transparency, as we're exhibiting here. Part of it is also doing examinations from

time to time of what actual efficiencies can be delivered when it comes to those programs.

It's no small consideration to keep in mind the taxpayers' money that is being used to deliver these programs and the results we are talking about here. I think there is an expectation on the part of Canadians that we balance the budget, that we get back to a place that is important for Canadians. There is an expectation that we'll be able to achieve savings through innovation where possible, and it was a very strong commitment that we made.

Coming out of a recession, it's clear that we are one of the few countries, frankly, on the planet that have been able to do this and lower taxes and keep the budget balanced, in spite of some of the unexpected things that have happened in a very turbulent time around falling oil prices.

Not to get too far afield but to answer your question, we're very mindful of that fact at the Department of Justice. As all ministers will tell you, we've been asked to be very prudent in our requests this year—as in previous years—when we go to the Department of Finance and say that these are the programs we're delivering.

We've set certain priorities where we've increased spending. Child advocacy centres are one of them. Ensuring that we have safety and security around justice facilities is another important area where we sought increases. To come back to a question from Madame Boivin with respect to legal aid, this is an ongoing concern. Where in other areas of justice we have had to reduce, we have managed to keep this funding stable. We've kept the funding stable, which does result in a net increase when calculated over time.

Of course, when we transfer significant dollars to provinces for the delivery of many of the justice programs and services, I would describe that as a direct contribution that the federal government is making to the delivery and accessibility of justice nationwide.

• (1625)

Mr. Costas Menegakis: Minister, last summer you articulated the government's response to the Bedford decision, both to this committee and Parliament, and throughout Canada. The result of those efforts, and the passage of Bill C-36, was a built-in-Canada model, which was widely applauded by law enforcement agencies across the country, and I might add by the York Regional Police service in the region that I live in. With this bill, our government demonstrated our support and compassion for the women who are trying to get out of prostitution to stop this circle of violence in their lives.

Minister, the passage of Bill C-36 was coupled with a funding commitment to help those who are trying to leave the practice. In these estimates, there is an increase of \$1.9 million in support of non-legislative measures to address prostitution. Could you talk a bit about this funding commitment, please?

Hon. Peter MacKay: Thank you, Mr. Menegakis.

I would also be quick to point out that, through the good work of many of the police agencies, the investigators, those on the front line, we've actually seen, as a result of some of this legislation, that they have now been able to make some arrests of perpetrators, of those who prey on vulnerable people. Quite frankly, they were the target of these changes. Perpetrators, pimps, johns, those who are purchasing, that's where much of this focus is and should be.

We also announced, you're right, a complementary fund of \$20 million over the next five years to help with the compassionate work of helping those who are vulnerable to leave, to exit, prostitution, which is an inherently dangerous way to make a living, if I can put it that way. We've directed these funds to deliver some of the front-line services that are happening now. Make no mistake about it, there is a lot of incredibly important work being done. This will buttress those efforts. It may allow for some new programs to emerge that will be available to those who wish to exit. With that overall approach of targeting programs to help those who are in danger and those who are most in need to leave, to find employment, to go through retraining, sometimes it's as simple as having a place to live, accessing child care, and being able to find a safe place to regroup and emerge with a better way of life.

That additional funding is part and parcel of the bill itself. To return to some of the other questions, it comes as a result of a number of overlapping areas on which we're trying to focus on the preventative side, whether it's addictions issues or whether it's people who were victimized themselves at a very young age, who are impoverished, who lack the opportunity and the ability, in some cases, to walk away from that life. Human trafficking is of course very much associated with this issue. We've had targeted efforts in that regard as well with certain legislation. People like Joy Smith have been leaders in the country. The online aspect of exploitation very much impacts in prostitution, as does the advertising. It does require that very holistic, far-reaching approach. The programming for the exit strategy is a piece of that.

As I mentioned, we're starting to roll out now those specific funds, because they've been, and I say this with some regret, over-subscribed. I wish I could report to you that there wasn't the need. There is massive need in this regard. We'll have to look in the future at that targeted amount and also be able to report to your earlier question with regard to how efficacious we've been in delivering and getting results.

•(1630)

The Chair: Thank you, Minister, for your answers.

Thank you, committee. That is the time we have with the minister on the main estimates. Just so you know, we will be dealing with this item again on Wednesday for the first hour, when our friends the officials are here.

I'll give a little heads-up to the officials that I will be doing a little bit of a comparative of the plans and priorities from last year to this year. I'm looking forward to our discussion.

With that, we'll suspend for two minutes.

•(1630)

(Pause)

•(1630)

The Chair: We'll call this meeting back to order for our next hour. Pursuant to the order of reference of Wednesday, October 8, 2014, we're dealing with Bill C-590, an act to amend the Criminal Code on blood alcohol content.

Mr. Pruden is joining us from the Department of Justice, if we have any questions at all.

This bill is a private member's bill. It has one clause. To get started, I will call clause 1.

(On clause 1)

The Chair: Mr. Dechert, I know you'd like to speak to this. The floor is yours.

•(1635)

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

I would like to propose an amendment to subclause 1(1) of the bill.

I hope the committee members have it before them.

The Chair: We're handing it out right now.

It's slightly different from what came in the mail—slightly, slightly different.

Mr. Bob Dechert: Right. Previously the amendment had two paragraphs in it, (a) and (b). I will not be moving (b).

Can I read it to the committee?

The Chair: You can read it.

Mr. Bob Dechert: It says replace lines 13 to 21 on page 1 with the following:

of blood

(a) is guilty of an indictable offence and is liable to imprisonment for a term not exceeding 10 years and

(i) in the case of a first offence, to a fine of not less than \$2,000 and to imprisonment for not less than 60 days, and

(ii) in the case of a second or subsequent offence, to imprisonment for not less than 240 days; or

(b) is guilty of an offence punishable on summary conviction and is liable

(i) in the case of a first offence, to a fine of not less than \$2,000, and

(ii) in the case of a second or subsequent offence, to imprisonment for not less than 30 days.

The rationale is that while we all support higher penalties for those who drive with a high blood alcohol concentration and for those who drive while impaired and cause bodily harm or death, there are concerns regarding the specific proposals for change in Bill C-590.

Accordingly where proposed in this amendment subclause 1(1) of the bill proposes an indictable offence for having a blood alcohol concentration exceeding 160 with a mandatory minimum penalty of \$2,000 plus 60 days imprisonment and 240 days on the second offence.

The concern is that these very significant penalties, particularly for a first offender, could lead to many cases where the driver simply refuses to provide a sample because the penalty for the refusal offence has a mandatory minimum penalty of only \$1,000. This was raised by a number of members of the committee during the examination with witnesses last week.

Part (a) of the motion therefore proposes that the offence of driving with a blood alcohol concentration of more than 160 would be a hybrid offence, so on indictment the penalties would remain as proposed in the bill and on summary conviction the mandatory minimum fine for a first offence would be \$2,000, which is double the minimum fine for impaired driving, and for a second or subsequent offence the minimum penalty would be 30 days in prison.

By making these changes we believe that in most cases where the driver has a blood alcohol concentration of over 160 but there's no injury or death the \$2,000 fine combined with the mandatory prohibition on driving for one year would be a sufficient deterrent. The very severe penalties on indictment should at the discretion of the prosecution be reserved for the most serious cases, for example, where the blood alcohol concentration is well above 160 or where the driver caused significant property damage.

For those reasons, Mr. Chair, we're proposing and we'll support this amendment.

The Chair: Okay. Thank you very much.

There's an amendment on the floor.

Madame Boivin.

Ms. Françoise Boivin: Just to be clear the one we have received we can rip up. It's no longer good.

Mr. Bob Dechert: Yes.

Ms. Françoise Boivin: Excellent.

[*Translation*]

In fact, you mention a hybrid offence punishable on summary conviction. That is what we understand.

I would like to put a question to the Department of Justice expert.

Last week, we shared a fairly important point with the sponsor of the bill. We indicated that there could be all kinds of shady goings-on in the wake of his bill.

For instance, take the offence of refusing to breathe into a breathalyzer when asked to do so by the police; this will mean that the individual would have a far lesser sentence. So there could be attempts to avoid the impact of Bill C-590.

What does the department have to say about that? Is there not a type of injustice there? Indeed, word will get around. This will make Bill C-590 completely useless. Repeat offenders and people who drink very heavily will spread the word so that they do not go beyond the 160 milligram threshold mentioned in Bill C-590. They could simply and consistently refuse to blow into the breathalyzer.

• (1640)

[*English*]

Mr. Hal Pruden (Counsel, Criminal Law Policy Section, Department of Justice): First, thank you for the question.

I think it's fair to say that most of the offenders, perhaps even with refusal offences but certainly with impaired driving and over a milligram's offences, are first offenders. They're not people who have repeatedly committed the offence of impaired driving, and I doubt very much that they would be looking at the offence and saying that, for a hybrid offence if the motion is to pass, the minimum fine is \$2,000 if I'm over 160; and the fine, if I refuse, is a minimum of \$1,000 if the crown proceeds by way of summary conviction, which they do in most first offender cases.

For the vast majority of offences, it would be my sense that, no, the change in the motion will not lead to more people saying that they're going to refuse because it's \$2,000 on summary conviction, instead of \$1,000—

Ms. Françoise Boivin: Just so I make sure I understand your answer, you're saying that the majority are first offenders and as such would not be too familiar with the system. That being said then, isn't there a danger in the case of the people we want to get with Bill C-590, with the jurisprudence that the Supreme Court of Canada just set with the Nur decision concerning the mandatory minimum sentence? Because isn't there a chance that maybe somebody who could have pleaded something to the court, maybe a bad decision... We've all been young at some point in time and...

[*Translation*]

I'm not saying that it is okay to make this mistake. It is a mistake that may cost dearly.

Isn't there a potential risk—and we should see these things coming—that an absolutely pathetic case will go before the courts and lead to a situation where stricter minimum mandatory sentences may be deemed unconstitutional and inconsistent with the Canadian Charter of Rights and Freedoms, or considered to be cruel and unusual punishment under sections 7 or 12? I do not remember the exact number of the section concerned.

[*English*]

Mr. Hal Pruden: I want to be very clear that I'm not in a position to provide charter legal advice to the committee. That being said, it might be fair to simply point out that the change proposed in the motion is to have, instead of the current minimum fine of \$1,000, a minimum fine of \$2,000.

The Chair: Mr. Casey.

Mr. Sean Casey: Thank you, Mr. Chair, and I'm sure the members opposite never thought they'd hear this from me, but I welcome this amendment, which provides some discretion to the prosecution in these cases. I'm particularly glad to see it come from the government, because it has a much better chance of passing.

My question for you, Mr. Pruden—and I hope and expect that you saw the transcript or that you were present when Mr. Hoback testified—is the same question that I posed to him. It's about the practice that's grown up in at least some of the provincial and magistrates' courts where the prosecution gives notice as to whether they're going to be relying on the subsections within section 255 that impose a jail sentence.

What I mean is that a practice has grown up, whether it's by guidelines, whether it's by professional courtesy, or whether it's because there is some jurisprudence that requires them to do it, that the prosecution will give a heads-up to the court and to the accused if they intend to rely on the fact that what's before the court is a second offence or a third offence and therefore will attract a jail sentence. In many instances they exercise their discretion not to give such notice and have the case proceed as if it weren't a second offence.

My question to you is the same one I asked Mr. Hoback. Are you familiar with that practice, and if so, can you give us some sense how it has grown up, and is there anything in this bill that will have any impact on it?

• (1645)

Mr. Hal Pruden: The short answer is, yes, I am familiar with the notice that is required of the crown before it seeks a higher penalty based on a person's prior convictions. That is statutory, so it's not just a practice. There is a requirement in the Criminal Code in section 727 for the crown to give that notice.

That having been said, it's very important to know that the provinces and the attorneys general of the provinces and of the federal government will typically have policy manuals that include guidelines on when the crown should use a look-back period, which means how far I look back before I tender that notice seeking the higher penalty. In some cases it might be 10 years. I'll look back 10 years and if the person is clear for a certain number of years, then I won't file my notice seeking a higher penalty.

The judge is always required to fashion a fit and proper sentence based on all the factors whether they're mitigating, or whether they're aggravating. Interestingly, in Canada, the crown as well as the defence may launch an appeal against the sentence if they believe the judge has not given a fit and proper sentence based on all the circumstances. One can conceive of situations where the notice is not filed because of the policy, but nonetheless the prosecution is asking for more than the minimum penalty based on all the factors surrounding the current offence.

Mr. Sean Casey: Thank you.

The Chair: Thank you.

Further to the amendment.... By the way I should have mentioned the amendment is in order. I should have said that right up front.

Any further questions or comments on the amendment?

(Amendment agreed to)

(Clause 1 as amended agreed to)

The Chair: Shall the bill carry as amended?

Some hon. members: Agreed.

The Chair: Shall the title carry?

Some hon. members: Agreed.

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

Some hon members: Agreed.

The Chair: Shall the committee order a reprint of the bill, as amended, for the use of the House at report stage?

Some hon. members: Agreed.

The Chair: We're done now with Bill C-590. I will report that back to the House tomorrow.

We do now have visitors coming to see us at five o'clock for those who can hang around. They are from the delegation from the Parliament of Ukraine. You have a notice on who's coming. They are a fairly senior legal group that wants to come to see us. If you could hang around, that would be great. If you can't, I fully understand.

We will suspend until five o'clock.

• (1645)

_____ (Pause) _____

• (1650)

The Chair: Good afternoon, ladies and gentlemen. Welcome back to our Standing Committee on Justice and Human Rights.

For our committee members, the interpretation isn't simultaneous, so you have to say a few words and then wait for the translation.

Welcome to our Ukrainian friends. I saw the program that you have laid out, on which you're about halfway now. It's been very extensive and we want to welcome you to Parliament Hill.

The responsibility of this committee, the justice and human rights committee, is to mostly deal with criminal justice legislation. Bills that are passed in the House of Commons at second reading are referred to standing committees that have the specific responsibility of reviewing the legislation and inviting witnesses to present on whether they like or dislike it, and to make suggestions to committee members for proposed changes.

On this side we have government members and on the other side, the first three members are from the New Democratic Party, the official opposition, and the third opposition party, the Liberal Party, is represented by Mr. Casey.

We appreciate the fact that you wanted to see us. We thought that we would open the floor for you to ask us questions if there are issues on which you'd like to have some understanding. If you have something specific, we will ask our members to introduce themselves and then be able to answer, but let's go through and introduce ourselves just so you have an idea.

We'll start with our parliamentary secretary, Mr. Dechert.

• (1655)

Mr. Bob Dechert: *Dobry den.*

Welcome. My name is Bob Dechert. I'm a member of Parliament from the Toronto area, specifically the city of Mississauga. If you came through the Toronto airport on this trip, you have been to my city of Mississauga.

I also serve as the parliamentary secretary to the Minister of Justice. I have visited Ukraine many times. In my former capacity as parliamentary secretary to the Minister of Foreign Affairs, I had the opportunity to visit Kiev, Lviv, and Kharkiv.

We all stand in solidarity with the people of Ukraine in standing up to Russian aggression and the occupation of the eastern lands of Ukraine.

Mr. David Wilks: My name is David Wilks, member of Parliament from the province of British Columbia, which is at the other end of the country.

I'm retired from the Royal Canadian Mounted Police and have sat on the justice committee for approximately two years.

Mr. Blaine Calkins (Wetaskiwin, CPC): My name is Blaine Calkins. I've been a member of Parliament for almost 10 years. I'm from Alberta.

I am a former conservation officer and national park warden. I represent a large rural area. I have a very large Ukrainian diaspora in my riding, most of whom have been in Canada for many generations. I welcome you here today.

● (1700)

Mr. Ted Opitz (Etobicoke Centre, CPC): My name is Ted Opitz. I'm the member of Parliament for Etobicoke Centre. I've been an MP since 2011.

I'm a former soldier, among other things. I'm also the chair of the Canada-Ukraine Parliamentary Friendship Group. I've been to Ukraine many times over the past few years for many elections. In fact, I announced some funding for assisting in the judiciary and moving the judiciary forward.

Canada stands with Ukraine. Ukraine will be victorious.

Slava Ukraini.

Mr. Costas Menegakis: My name is Costas Menegakis. I'm the member of Parliament for Richmond Hill, Ontario. I'm the Parliamentary Secretary to the Minister of Citizenship and Immigration.

The greater Toronto area, where I live, is home to thousands of Canadians of Ukrainian descent. Thank you for joining us today. We look forward to hearing from you.

The Chair: Madame Boivin.

[Translation]

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

I welcome the members of the delegation.

My name is Françoise Boivin and I am the member for the riding of Gatineau, which is located on the other side of the Ottawa River, not very far from Parliament. I am also the justice critic for the official opposition, the New Democratic Party. My work is to carefully monitor the work done by the Minister of Justice.

Welcome to our home, which is also your home.

Ms. Ève Pécelet: Good afternoon, my name is Ève Pécelet and I am the member for La Pointe-de-l'Île.

[English]

It is situated in the east end of Montreal.

[Translation]

I work on justice matters with my colleagues of the official opposition. I support my colleague, Ms. Boivin. I'm very happy that we have this opportunity to have these discussions today.

[English]

I'm looking forward to our discussion.

[Translation]

Mr. François Pilon (Laval—Les Îles, NDP): Good afternoon, my name is François Pilon. I have been a member of Parliament since 2011. I am from Laval, the second largest city in Quebec, located north of Montreal. Before being an MP, I was a municipal public servant, and I worked for about 10 years for a union.

[English]

Mr. Sean Casey: My name is Sean Casey. I am a member of Parliament from Charlottetown, Prince Edward Island.

Prince Edward Island is Canada's smallest and nicest province, and I'm a recovering lawyer.

The Chair: Ms. Ponomarenko.

Ms. Olena Ponomarenko (Chief of the Secretariat, High Qualification Commission of Judges of Ukraine) (Interpretation): Good day. It is great to be here.

My name is Olena Ponomarenko. I am the head of the secretariat of the High Qualification Commission of Judges of Ukraine.

It's a body that oversees judicial appointments, specifically for those being appointed for the first time as well as those judges who want to transfer to a different court or to a different level of court. As you may know, a judicial appointment is a two-phase process in Ukraine. An initial appointment is for five years. Whenever there's a second appointment, it's for life. We also administer the second appointment for life.

Another function the commission performs is a disciplinary review whenever there is a complaint. Jointly with the National School of Judges of Ukraine, we are also responsible for providing training and professional development to judges.

Thank you.

● (1705)

Mr. Victor Korolenko (Head of the Office for Representing the Interests of the President of Ukraine in the Courts, Administration of the President, Parliament of Ukraine (Verkhovna Rada)): Hello. My name is Victor Korolenko, and I'm the head of the department of the President's administration to represent the interests of the President of the Ukraine to the courts.

I also manage one of two working groups that have been set up by the council on judicial reform that was set up by the President of Ukraine. One of the working groups is in charge of drafting amendments to litigation and legislation, and the other one is to amend the legislation on advocacy in Ukraine.

Thank you very much for inviting us to the meeting.

Mr. Vasyl Yanitski (Deputy Head, Supreme Rada Parliamentary Committee on Legal Policy and Justice, Parliament of Ukraine (Verkhovna Rada)) (Interpretation): Good day, dear colleagues.

My name is Vasyl Yanitski, and I'm a member of the Parliament of Ukraine.

I was elected in the 155 electoral district, which is in western Ukraine. I am part of the bloc named after Petro Poroshenko, which is called Solidarity.

I'm deputy head of the Parliamentary Committee on Legal Policy and Justice.

Thank you.

The Chair: For the next 20 minutes or so that we have the committee here, were there specific questions that the delegation wanted explore?

Mr. Vasyl Yanitski (Interpretation): Can you briefly outline what you do specifically as a committee, as well as what issues you see in the draft legislation that comes before you, and what is your workload as a committee member in addition to just being a member of Parliament?

The Chair: Does somebody want to answer that?

You might get a variety of answers.

We'll start on the government side with Mr. Dechert.

Mr. Bob Dechert: Thank you for your question.

We're all members of Parliament, as you know, and most people on the committee are lawyers. We also have some former police officers on the committee.

Our government has actually put forward a significant amount of legislation in this Parliament in the area of criminal law, so I think my colleagues would agree with me that we've been very busy over the last three and a half to four years reviewing, amending, and sending that legislation on to Parliament for further approval.

We have dealt with many different issues, such as cyberbullying, where young people especially are often bullied over the Internet and forced to reveal intimate images of themselves, and there are terrible repercussions for them when that happens. We have had to deal with a response by our Supreme Court to a number of cases. For example, in the area of prostitution we introduced a bill that substantially changed our laws in Canada toward prostitution, adopting something similar to the model they have in the Scandinavian countries. We've also significantly strengthened penalties for criminals who use guns when committing crimes, violent personal offences, violent assault. We also examined a bill, which was passed, that gave significant new rights and powers to victims of crime.

From time to time we also do studies on the law, for example how the legal system treats accused persons who suffer from fetal alcohol syndrome. We just completed a study on that issue.

•(1710)

The Chair: Madame Boivin.

Ms. Françoise Boivin: On our side, on the opposition side of course, we hold the government to account. When we receive the legislation, when legislation is first presented in Parliament at first reading, it comes to my desk and my job as justice critic for the official opposition is to study the bill and get back to my colleagues from the official opposition. With the help of research and a few experts, I make a recommendation on whether we should support the bill for more study at committee, or if we should oppose the bill. Then I get what we call the "notes" ready for debate, from which my colleagues can find some inspiration for the brilliant speeches they make every day in the House.

I agree with my colleague, Mr. Dechert, that we have been super busy at justice committee. Not as a reformed lawyer, because I'm still a very proud lawyer, this permits me to keep my trade up-to-date pretty much every day with the vast legislation agenda of this government.

You were also asking if that was it. No, because we have a lot of things to do in the House. We have other legislation that sometimes is not under the justice portfolio but in which we take part as debaters, plus all the work we do in our constituency offices. All in all, it's a pretty busy life I would say.

The Chair: Mr. Casey.

Mr. Sean Casey: My role would be very similar to what you've heard from Madam Boivin, being in the third party.

We attempt to give voice to those who feel the government's bills and legislation could be improved or should be defeated. Because we have a majority Parliament where one side has more than half the seats, the voice of opposition, or of critique, is a voice that rarely results in meaningful change, but it's an important voice just the same.

•(1715)

The Chair: Just as an overview, all legislation goes to a committee once it's passed its second reading in the House of Commons. This allows members to review the legislation, regardless of whether it's a justice committee, a finance committee, a natural resources committee, an environment committee. The committees are structured by the function that the legislation relates to.

The other important function of all committees is—and we were doing it earlier today, actually—to review the budget aspects of the department that reports to this committee. Today we had the Minister of Justice come in to defend his spending for the next year.

I would say that the committees only meet four hours a week, two hours at a time, but there's lots of preparation time prior to each meeting, and many members have more than one committee to go to.

Blaine.

Mr. Blaine Calkins: Thank you, Chair.

I think everybody's done a very good job of identifying the things the committee does. Committees in the House of Commons of Canada are also masters of their own destiny, so when we're not busy with legislation or budgetary oversight, we can study any aspect within our purview that we deem reasonable. As an example, this committee, I think for the first time ever, has been part of a vetting of a judicial appointment, and these kinds of things haven't traditionally happened, but because we can do different things from time to time, this has been a recent development in our Parliament.

The Chair: Okay, another question.

Ms. Olena Ponomarenko (Interpretation): We've heard at our meetings today and earlier that if such an unfortunate occasion happens that the committee of the council of judges of Canada recommends that a judge's judgeship be revoked, this letter go to the justice committee.

• (1720)

The Chair: I don't think it has ever happened.

Ms. Olena Ponomarenko (Interpretation): No, it has never happened, but what is the procedure?

The Chair: To be frank with you, I've been around 10 years and I've never seen a letter come in that way. It may be part of the procedure but it doesn't happen.

Ms. Olena Ponomarenko (Interpretation): Just to clarify, there were a few cases, we were told, when actually there was a recommendation from the council of judges that a certain judge be fired, but normally they would resign. It never happened, actually, but the letter would go here to the committee, theoretically speaking.

The Chair: Maybe in theory it is supposed to come here, but I have never seen it.

The other thing you should know is that the committee itself is not involved in the appointment of judges.

Do you have another question?

Mr. Vasyl Yanitski (Interpretation): My question is whether a position in the Canadian Parliament has enough authority to put forward draft bills and to see them through, so that they are actually adopted by the Parliament.

The Chair: We'll start here, and I'll fix the answers to both.

Mr. Bob Dechert: It's a very good question. Private members of Parliament do have the ability to put forward private member's bills, including in the area of criminal justice legislation, as they often do. In fact, we just dealt with one earlier today.

It was a bill put forward by a member of Parliament from the province of Saskatchewan to increase the penalties for impaired driving. It passed through the committee today with an amendment.

Ms. Françoise Boivin: I would add to this, because this of course is the view of the government, which is interesting and okay. But at the same time the question was about whether there is sufficient.... We are limited in the scope of bills that we can present, as members of the opposition.

A private member's bill, be it from the government side or from the opposition, first of all, goes by lottery. You get a little number, and if you are lucky, you get pretty much one per legislature. I have not been lucky, because I was number 290-something, so we are going to be in an election without having a chance to really pass one.

You are limited in scope, in the sense that it cannot be a monetary bill. It cannot force the government to spend money, so you have to be careful how you present your bill. It can be a motion, also. When there is a majority and you are in the opposition, let's say that it is a bit harder and trickier.

I would just say that if we do a survey of the last four years, maybe four or five bills from the opposition have been adopted at second reading to go to committee. I don't think any really went to the last stage, so that tells you all. Maybe there was one.

• (1725)

The Chair: We did have our researcher check on your previous question.

A letter is sent from the council to the Minister of Justice who could pass it on to the committee for review, but I think the system is so good, in terms of vetting who becomes a judge, that we have very few issues with judges. When we do, they seem to quit before that happens.

Do you have another question?

Mr. Victor Korolenko: After the meetings in Canada for the past week that we have been here, we became familiar with the achievements of the litigation in Canada. It's obvious that the litigation has gone far ahead, but at the same time I would like to ask if there are any draft bills to amend the legislation over litigation to improve it and to guarantee on a high level the right to access to a fair trial, to the arbitration, and to the terms of reasonable time for the trial.

Ms. Ève Pécelet: Can I answer this?

The Chair: Sure, you can answer this one, Madam.

Ms. Ève Pécelet: It's a good question, and I want to address the panel to talk about the fact that those are all principles that are dealt with by the provinces. In our federation, the provinces are responsible for the administration of justice. Here at the justice committee we would deal with legislation to legislate over criminal infractions depending on the law, but the administration of justice is dealt with by the provinces. We would not have legislation that could legislate over how litigation happens.

The access to a fair trial is a constitutional right, which is in the Constitution, and there is also the fact that Parliament is independent from the judicial system. Parliament can only legislate on law, but the application of the law has nothing to do with either the government side, or the official opposition, or Parliament itself. The administration of justice is provincial, and the application of the law and the administration of justice is independent—as it should be—from the government and Parliament, which is also a constitutional principle in the Canadian Constitution.

•(1730)

Mr. Victor Korolenko: Thank you.

The Chair: Mr. Casey would like to respond also.

Mr. Sean Casey: I think your question was primarily directed to non-criminal litigation, so civil litigation and administrative proceedings. I agree with Ms. Pécelet that civil litigation is within the domain of provincial jurisdictions in this country. It is notoriously slow and extremely expensive. It's because of that we have seen a dramatic growth in alternative dispute resolution, mediation, and conciliation, sometimes done by retired judges. There are many making a good living at resolving disputes outside the court process.

Ms. Pécelet is quite right that under the Charter of Rights there is a constitutional right to a fair trial within a reasonable time. That constitutional right to a trial within a reasonable time applies only in criminal circumstances.

The wheels of justice in this country tend to move a lot faster in matters of criminal justice than in civil matters.

The Chair: We have a question for you from Mr. Opitz.

Mr. Ted Opitz: It's a two-part question really. You mentioned that you were getting some mentoring from Canadian judges. I think it's written here about eight times or so. I was interested, from your perspective, to see how that's going and the effectiveness of that mentoring.

In one of your footnotes here, you're talking about commercial disputes. One of the things Canada would very much like to have with Ukraine is, of course, a free trade agreement. Our representatives are talking to each other on this, but one of the important parts of these kinds of things are dispute mechanisms within the courts of each respective nation.

A lot of your comments here are talking about local business disputes within Ukraine, with Ukrainian companies, but are you building the mechanism in place to deal with international types of commercial disputes on a trade level?

Mr. Vasyl Yanitski (Interpretation): First of all, let me express my sincere gratitude to you for taking the time to meet with us and that we have this wonderful opportunity to actually talk to each other, and to be here within the framework of the Canada-funded project regarding judicial education for economic growth in Ukraine.

As you may know, Ukraine is in the process of developing all kinds of reforms, some of them are very substantial, one of them being constitutional reform. Changes to the Ukrainian constitution are being developed as we speak. They will deal with the devolution of powers, the decentralization of powers, from the central government to regional and local governments, oblast level and city

level. A significant part of this reform includes the reform of the judiciary, the courts.

Many people in Ukraine express dissatisfaction with how the judicial and court systems work. Therefore, these are very important changes that are being developed and contemplated right now. One of the most important parts is to strengthen the independence of the judiciary.

•(1735)

We want to improve the funding arrangements for the system as to bring back the trust of the people into the system.

The current parliament is very busy. We have already adopted a number of laws that deal with different aspects of the judicial system and a great number are still under development.

We also mentioned commercial courts. Again, there is a lively discussion in the society. Many views are being voiced and some of those views are that we don't... In Ukraine we have separate administrative courts and separate commercial courts. Some people have said that we should do away with this specialization, but in recent laws that dealt with the judicial system, they have remained.

We've been here for a few days now and I can see that our systems are very different. I like many things about the Canadian judicial system. I like the fact that whenever a case is initiated and filed, it stays in the same city and province all through the appeal process.

In Ukraine, in many cases when a case is first heard and there is an appeal, it moves to a different city. For example, it would have to go to a different oblast. Then, of course, the final appeal is at the supreme court of Ukraine, which is located in Kiev. There are many more movements for the parties involved. I wish we could streamline it somehow, as well.

There was a sort of philosophical question, whether we should do away with the specialized courts, like commercial and administrative courts. The prevailing thought is that the legislation is so complex that it's good to have specialized commercial and administrative courts.

There are many discussions that are still ongoing.

•(1740)

The Chair: I want to thank you for joining us today. It was an honour to have you here today.

We're sorry we have to cut this short because we actually have to go and vote in a few minutes.

Enjoy the rest of the week in Canada. I hope you take away as much as you are giving here to us in the Canadian judicial system.

The meeting is adjourned.

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