



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Public Safety and National Security

SECU • NUMBER 047 • 2nd SESSION • 41st PARLIAMENT

EVIDENCE

Tuesday, February 3, 2015

—
Chair

Mr. Daryl Kramp

Standing Committee on Public Safety and National Security

Tuesday, February 3, 2015

•(0845)

[English]

The Chair (Mr. Daryl Kramp (Prince Edward—Hastings, CPC)): Welcome, colleagues, to the Standing Committee on Public Safety and National Security, meeting number 47. Pursuant to the orders of the day, we will be doing the order of reference for Bill C-12, an act to amend the Corrections and Conditional Release Act. We will be doing clause-by-clause consideration pursuant to standing order 75(1).

Clause 1, the short title, is postponed until later in the discussion.

(On clause 2)

The Chair: Colleagues, we have an amendment from the Green Party. Does everybody have a copy of the amendment? You should.

Hon. Wayne Easter (Malpeque, Lib.): I may, but I don't.

The Chair: We'll give you a second, Mr. Easter, to come across that.

I will read it out to you for those of you who don't have a copy here, as it hasn't been provided by Ms. May.

Ms. May is right here so we will just give her a couple of seconds to get comfortable. How are you doing, Elizabeth, are you ready?

Ms. Elizabeth May (Saanich—Gulf Islands, GP): I'm sorry, Mr. Chair, I was in another committee hearing.

The proposal is very straightforward. This is a very brief bill. This proposes to replace the line that deals with the testing with:

123.1 If an offender, for whom the use of drugs or alcohol has been identified as a risk factor in the offender's criminal behaviour, has been granted parole

So the effect here is to make sure that the testing is related to a relevant factor in relation to parole. We think it would be more precise and improve the bill.

The Chair: Thank you very much.

Is there any further discussion?

Ms. James.

Ms. Roxanne James (Scarborough Centre, CPC): Thank you, Mr. Chair, and thank you for bringing forward this amendment. However, I disagree with the intent of that particular amendment. The purpose of this particular clause is to ensure that the Correctional Service of Canada reports to the board all failures or refusals of urinalysis tests between the time of parole being granted and the offender's release. Limiting it to just those who are in prison because of a problem with drugs or alcohol is not the intent of this

bill. Obviously I believe, and we believe as a government, that someone who is incarcerated should not be doing drugs, period, and therefore the intent of the amendment would be completely opposite to the intent of this bill from the beginning.

The Chair: Thank you.

Is there further conversation?

Yes, Mr. Garrison.

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Thank you very much, Mr. Chair.

I guess my argument is the opposite of the parliamentary secretary's but the conclusion is the same. While I appreciate the intent of the bill, I think it has an unintended consequence of fettering the discussion of the Parole Board. By sticking in the limiting factor, it inadvertently changes the existing practice of the Parole Board. Therefore, we will not be supporting the amendment.

•(0850)

The Chair: Thank you very much.

(Amendment negated)

(Clauses 2 to 4 inclusive agreed to)

(On clause 5)

The Chair: Yes, Mr. Easter.

Hon. Wayne Easter: I'm going to support clause 5, but just to make the point, Mr. Chair, as was said at the last committee meeting the bill really does nothing. It's more smoke and mirrors so that the government can try to portray that they're really doing something for drug-free prisons. As was very well discussed at the last meeting, we need to make every effort to ensure prisons are drug free. There's no question about that, but this piece of paper, this Bill C-12, is not going to enhance that ability in any way.

Therefore, while I'm supportive of the legislation, I also realize at the same time that it's not really going to do anything substantive. It's just smoke and mirrors.

The Chair: Thank you, Mr. Easter.

Is there further conversation?

Yes, Ms. James.

Ms. Roxanne James: Obviously I disagree with that comment, but on this committee we are all entitled to our own opinions.

The purpose of this bill is to ensure that the onus of responsibility and accountability is put on the offender. We heard that directly from the witnesses. While we on the committee are free to say what we want, and everybody has an opinion, I certainly disagree with what the member from the Liberal Party just stated.

The Chair: That's fine. Thank you very much.

(Clause 5 agreed to)

(On clause 1—*Short title*)

The Chair: We will now go to the short title and NDP amendment 1.

Thank you, Mr. Garrison. You have the floor to move that.

Mr. Randall Garrison: Thank you very much, Mr. Chair.

While we are supportive of this bill, in the many discussions we've had, as Mr. Easter indicated, the actions in the bill are about the Parole Board and parole, so I think the bill is mistitled in the short title by referring to the “drug-free prisons act”. The amendment we're proposing suggests that it be given a more accurate title.

The reason we support the bill is that it does put into law the existing practice of the Parole Board, so we think it would be better titled the “drug test failures and parole act”, and remove the reference to something it doesn't have anything to do with, which is drug-free prisons. That's the reason we're moving this amendment.

The Chair: That's fine. Thank you very much. My apologies for not giving you the opportunity at first to introduce that, but there is a draft ruling prepared for the chair by our officials, as you're aware. I will read it.

As *House of Commons Procedure and Practice*, second edition, states on pages 770-771, “The title may be amended only if the bill has been so altered as to necessitate an amendment.” In the opinion of the chair, no amendment has been made to this bill that would necessitate a change of the short title. Therefore, the chair rules that the amendment is inadmissible.

Yes, Mr. Easter.

Hon. Wayne Easter: Mr. Chair, I know you're an expert in the Standing Orders. Is there nothing in the Standing Orders, in an instance like this, whereby parliamentarians can have a way on these titles, where this is absolute, clear deception that has nothing to do with what this bill is really about? We're seeing them on everything. They bear no relation in many cases to what the bill is or what it can do. Is there nothing parliamentarians can do to ensure that the short title is the truth?

• (0855)

The Chair: The chair has been given the indication that the amendment would have to alter the intention of the title to be ruled admissible. As it does not alter the intention of the entire bill, then it is declared inadmissible. That is my understanding. Of course, I am not an expert on Standing Orders, but we have been advised of this by our senior officials here at the table.

Thank you very much.

Colleagues, we'll carry on. Shall the short title carry?

Some hon. members: Agreed.

The Chair: Shall the title carry?

Some hon. members: Agreed.

The Chair: Shall the bill carry?

Some hon. members: Agreed.

The Chair: Shall the chair report the bill to the House?

Some hon. members: Agreed.

Hon. Wayne Easter: Do it quickly, Mr. Chair. It's an important bill.

The Chair: Yes.

No reprint is necessary as there are no alterations.

Ladies and gentlemen, that is the end of Bill C-12.

The chair is prepared to adjourn for the day unless the committee wishes to consider other business at this time.

Hon. Wayne Easter: Do you have any indication what business we'll be doing next week? Do we know when Bill C-51 is going to hit the House?

The Chair: The chair doesn't know. Perhaps the parliamentary secretary could give us an indication.

Ms. Roxanne James: Yes, Mr. Chair.

I move to go in camera for committee business.

The Chair: Ok. Thank you.

The floor is open once the room has been vacated. We'll just give it a second while we go in camera.

[*Proceedings continue in camera*]

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the Parliament of Canada Web Site at the following address: <http://www.parl.gc.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante : <http://www.parl.gc.ca>