



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# **Standing Committee on Public Safety and National Security**

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SECU • NUMBER 158 • 1st SESSION • 42nd PARLIAMENT

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**EVIDENCE**

**Monday, April 29, 2019**

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**Chair**

**The Honourable John McKay**



## Standing Committee on Public Safety and National Security

Monday, April 29, 2019

• (1530)

[English]

**The Chair (Hon. John McKay (Scarborough—Guildwood, Lib.)):** I am calling this meeting to order.

I see that the minister has his coffee, so clearly he is ready to provide his testimony.

This is the 158th meeting of the Standing Committee on Public Safety, and pursuant to Standing Order 108(2), we are studying the subject matter of Bill C-93, an act to provide no-cost, expedited record suspensions for simple possession of cannabis.

With that, I want to welcome the minister on behalf of the committee, and I would anticipate that he will introduce his colleagues.

**Hon. Ralph Goodale (Minister of Public Safety and Emergency Preparedness):** Thank you, Mr. Chairman, and good afternoon, once again, to the committee.

I am glad for the opportunity to discuss Bill C-93 this afternoon, legislation that will make it much easier for people convicted of simple possession of cannabis to clear their records and move on with their lives.

I am pleased, Mr. Chair, to be joined by Angela Connidis, from the Department of Public Safety; Ian Broom, who is with the Parole Board of Canada; and Jennifer Gates-Flaherty, who deals with criminal records at the RCMP.

[Translation]

In the old system, when cannabis was illegal, Canadians were among the biggest, and youngest, consumers of cannabis in the world, to the delight of criminal organizations. Last autumn, we fulfilled our commitment to put an end to that ineffective and counterproductive ban.

However, a number of Canadians still have a criminal record for simple possession of cannabis. With Bill C-93, they will be able to rid themselves of it expeditiously.

[English]

For people convicted solely of possessing cannabis for personal use, this legislation will simplify the process of getting a pardon in several ways. Ordinarily, applicants would have to pay a fee to the Parole Board of \$631. We are eliminating that fee entirely for these purposes. Applicants also face a waiting period of up to 10 years to

become eligible under the usual system, and we are getting rid of that waiting period too.

As the law currently stands, the Parole Board can deny applications based on a variety of subjective factors, such as whether a pardon would provide the applicant with a “measurable benefit”. Under Bill C-93, such factors would not be considered in the context of this legislation. In addition to the measures in the bill, the Parole Board is taking further steps, such as simplifying the application form, creating a 1-800 number and an email address to help people with their applications, and developing a community outreach strategy to encourage as many people as possible to take advantage of this new process.

We're doing all this in recognition of the fact that the criminalization of cannabis had a disproportionate impact on certain Canadians—notably, members of black and indigenous communities. We are doing it because we will all benefit when people with criminal records for nothing more than simple possession of cannabis can get an education and a job, find a place to live, volunteer at their kids' schools and generally contribute more fully to Canadian life. They are impeded in doing those things because of that criminal record.

There were several points raised about the bill during second reading debate and in public discussion that I would like to address. Let me say also that I certainly commend the committee for taking the initiative of holding these hearings with respect to Bill C-93 to do a prestudy and to deal with this matter in as expeditious a manner as possible.

First, there is the question of why we're proposing an application-based system instead of pardoning people's records generically and proactively as has been done, for example, in certain municipalities in California. Unfortunately, doing that same thing in Canada on a national scale is simply a practical impossibility.

For one thing, Canadian conviction records don't generally say “cannabis possession”. That's not the language that's used in the records. They say something like “possession of a schedule II substance,” and then you have to check police and court documents to find out what the particular substance was. The blanket, generic approach is not all that obvious, given the way that charges are entered and records are kept in the Canadian system. Doing this for every drug possession charge that potentially involves cannabis would be a considerable undertaking, even if all the documents were in one central computer database.

● (1535)

In reality, that is not the case in Canada. Many of these paper records are kept in boxes in the basements of courthouses and police stations in cities and towns across the country. It's not as simple as just pushing a button on a computer. We could start the process today, but people would still be waiting for their records to be cleared years from now because of the way those records are retained. By contrast, when someone submits an application for a pardon under the provisions that we're proposing in Bill C-93, Parole Board officials can zero in on the relevant documents right away, and the person can get their pardon much faster.

Another question raised at second reading was about the appropriateness of waiving the fee. There was concern that taxpayers would be footing the bill for people who broke the law.

The fact is that if we don't waive the fee, wealthy Canadians with cannabis possession convictions will be able to get their pardons quite easily, but lower-income people will remain saddled with the criminal record and the stigma. Many people with records for cannabis possession don't have that spare \$631 lying about. They need the pardon to get a job and earn a paycheque. It's a bit of a vicious circle. Also, waiving the fee is a good investment. A person who gets a pardon is better able to get an education and a job, and contribute to their community in all sorts of ways, including by paying taxes.

Finally, there's the question of why we are proposing an expedited pardons process rather than expungement. I would remind the committee that expungement is a concept that did not exist in Canadian law until we created it last year to destroy the conviction records of people who were criminalized simply for being gay. In those cases, the law itself was a patently unconstitutional violation of fundamental rights and the convictions that flowed from it were never legitimate in the first place.

The prohibition of cannabis on the other hand was not unconstitutional. It was just bad public policy. There is no doubt though that the manner in which it was applied disproportionately impacted certain groups within our society, particularly black and indigenous Canadians among others. That's why we're proposing to waive the fee and the waiting period, and to take numerous other steps to make getting a pardon for cannabis possession much faster and much easier.

As for the practical effects of pardons as opposed to expungement, criminal record checks come up empty in both cases. The effect of a pardon is protected by the Canadian Human Rights Act, and pardons are almost always permanent. Since 1970, more than half a million pardons have been issued and 95% of them are still in force today.

It's important not to minimize the effect of a pardon. Some of the debate in the House has made it sound as though a pardon is an insignificant thing. It's worth remembering that when this committee studied the pardon system in the fall, it heard from witnesses who emphasized just how consequential a pardon can be.

Louise Lafond, from the Elizabeth Fry Society, testified that a pardon is "like being able to turn that page over" and allow people to "to pursue paths that were closed to them."

Catherine Latimer, from the John Howard Society, testified that pardons "allow the person to be restored to the community, as a contributing member without the continuing penalization of the past wrong."

Rodney Small testified that for years he wanted to apply to law school, but couldn't for want of a pardon.

In other words, making pardons more accessible, with no fee and no waiting period, will have life-changing impacts for people dealing with the burden and the stigma of a criminal record for cannabis possession. We will all reap the benefits of having those people contribute more fully to their communities and to Canada as a whole.

● (1540)

Thank you, Mr. Chairman, for your attention. I'd be happy, along with my colleagues from the various departments and agencies here, to try to answer your questions.

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

With that we go to Ms. Sahota for seven minutes, please.

**Ms. Ruby Sahota (Brampton North, Lib.):** Thank you, Chair.

Thank you, Minister, and thank you, everyone, for being here today.

My first question is going to be along the lines of what you just finished with: the productivity increase.

There has been a lot of argument or debate on the issue of whether taxpayers should be footing the bill for the cost of all of these pardons. I'd like to hear a little more about what you think the cost might be and what tax revenues or benefits we may see as a result of people receiving these pardons.

**Hon. Ralph Goodale:** Obviously, on the cost side of the equation, Ms. Sahota, it will depend exactly on how many people come forward and apply. Based on the best calculations the department can do, cost estimates have been made. My understanding is that the department expects a cost factor of about \$2.5 million over a period of time to process the paperwork that's involved to do the necessary investigation.

That would relieve the burden of a criminal record on several thousand individuals. If they're able to get a better job or get a job at all or find themselves in the position of paying taxes for the first time, if that has been their life experience up to then, obviously it wouldn't take society very long to recover the cost. It would end a discriminatory practice that is now really quite out of sync or out of whack because the whole legal regime around cannabis changed last fall. Last fall we stopped the process of criminalizing people for simple possession moving forward. This is an effort at simple fairness to try to rectify the situation as much as that is humanly possible with respect to those who have a record of simple possession that has been impeding their ability to be as productive in society as they would like to be.

**Ms. Ruby Sahota:** As you know, and as you've referenced in your introductory remarks, there's been a lot of debate about providing pardons over expungement. Are there any benefits that you can see, other than the ones you've pointed to, of pardons over expungement?

I know that our parliamentary secretary mentioned some in the debate in the House regarding crossing the border into the U.S. and prior records the border services there might have on a person and any others you might see. Why is this the step you and your department have chosen to take?

**Hon. Ralph Goodale:** We've thought this through extensively and had a very good internal discussion about the various alternatives for trying to deal with the issue we're advancing here. As a result of weighing all of the pros and cons of one technique versus another, I think there are six factors that argue in favour of the route that we've laid out in Bill C-93.

Number one, the pardon process is the most efficient process from the point of view of the Parole Board. It is the least expensive and can be done faster than the other alternatives. Therefore, efficiency is one of the arguments.

Number two, it's a very simple piece of legislation. Bill C-93 is not hundreds of pages. It's four or five pages. It's very simple, but we're able to accomplish two important objectives that recognize the unfairness of the situation that we're trying to correct: There's no fee and there is no wait time. That can be done in a very simple way by means of this legislation.

Number three, this approach deals with the reality of how records have been historically kept in this country in a very dispersed manner. They are not all contained in one comprehensive database where you can simply push a button and instantly alter the whole thing by one keystroke. By setting up the system that we're setting up—where people make an application—the system can deal with the reality of how records are kept.

Number four, it's an effective remedy. As I mentioned in my remarks, of all the pardons that have been issued in this country since 1970, 95% of them are still in effect today. It's the rare case when a record suspension is set aside and the record is reopened—in cases only where another criminal offence has been committed, for example. The statistics would verify that the remedy is effective.

Number five, a pardon is fully protected by the Canadian Human Rights Act, which specifies, in section 2, that the existence of a criminal record cannot be used as a form of discrimination if a pardon has been granted. Interestingly enough, because the concept of expungement didn't exist at the time the Canadian Human Rights Act was written, there's no reference in the human rights act to expungement, but there is explicitly to the pardon process.

Number six, finally, is at the border. Because of the extensive information-sharing arrangements between Canada and the United States, U.S. border officers would have access from time to time to Canadian criminal records. They would make their own extraction from those criminal records.

Assume that a person with a conviction for simple possession of cannabis had their record expunged. They go to the border. The U.S. border officer asks them the cannabis question and they say “no,” as they would be entitled to do under Canadian law under expungement. But the American border officer, looking at his computer, sees that this person, in fact, did have a conviction for simple possession. Then the U.S. border officer would probably come to the conclusion that they're lying to him, which raises a very serious predicament at

the border. The Canadian would say, “No, no, I've had an expungement.” The U.S. border officer would say, “Prove it.” You can't, because the paper doesn't exist. But if you have a record suspension or a pardon, you are able to prove your status in confronting the predicament at the border.

● (1545)

**The Chair:** We're going to have to leave that important answer to that important question and go to Mr. Paul-Hus.

[*Translation*]

The floor is yours for seven minutes.

**Mr. Pierre Paul-Hus (Charlesbourg—Haute-Saint-Charles, CPC):** Thank you, Mr. Chair.

Good afternoon, Mr. Minister.

First of all, I want to say that we are ready to support Bill C-93 at second reading, as we previously announced. However, the work of the committee will provide the response to the next stage.

One of our causes for doubt is the way in which Bill C-45, the legalization of marijuana, has been handled. It was rushed into place to fulfill a campaign promise by the Prime Minister. No one listened to educational experts or the police. No one educated our young people.

Today, six months later, we are already seeing that the basic idea, to get organized crime out of the cannabis market, is not working. Everyone is laughing at the government. Organized crime continues to sell cannabis, and now people are walking round with illegal marijuana with no fear of being caught.

That makes us skeptical of the way in which you want to implement Bill C-93.

One of the topics I would like to discuss with you is the process.

We know that the police often negotiate with people. When they are arrested, some people may have committed other, more serious offences. But the police can choose to charge them with marijuana possession because the consequences for them are less serious. Those kinds of negotiations go on.

Now that cannabis is legal, how are we going to make it so that people who have committed more serious crimes, but have the opportunity to get out of them by being convicted only of marijuana possession, do not slip through the net by applying for a pardon? They have other problems. We do not want this to be a free pass for everyone.

What will the process be?

● (1550)

[*English*]

**Hon. Ralph Goodale:** First of all, Mr. Paul-Hus, thank you for indicating your support at second reading. I hope the discussion in committee and elsewhere can give you the reassurance you need.

I have discussed the new cannabis legislation with a number of different police officers and police chiefs across the country. The vast majority of them have indicated to me—sometimes fulfilling what they had expected and sometimes, perhaps, surprising them—that over the course of the last number of months in which the overall legal framework with respect to cannabis has been changed, their experience in terms of law enforcement has been quite positive. They haven't seen a spike in behaviour that would cause them to be concerned.

Now, granted, it's still early days. It's been barely six months, but they're learning as they go along. They're indicating, by and large, a pretty positive experience with the new legislation.

With respect to the precise point you raised, this legislation, Bill C-93, deals with the reality of what a person was charged with. If they were charged with simple possession of cannabis or simple possession of a substance in schedule II—if that is the offence that's in the application and before the Parole Board—then this legislation applies.

Individuals with more complicated criminal records would generally not be able to take advantage of the provisions of this law. They would have to go through the normal process. For the offence of simple possession of cannabis, Bill C-93 would apply.

[Translation]

**Mr. Pierre Paul-Hus:** In other words, only people with a record for simple possession of cannabis will come under Bill C-93 and will be able to apply for a pardon at no cost. However, people with a more complex criminal record will have to go through the process and pay the fees.

Will that be any different?

[English]

**Hon. Ralph Goodale:** Angela would like to comment on that, Mr. Paul-Hus.

**Ms. Angela Connidis (Director General, Crime Prevention, Corrections and Criminal Justice Directorate, Department of Public Safety and Emergency Preparedness):** People who have other offences on their records, aside from or in addition to possession of cannabis, will be required to pay the full fee and to fulfill the wait periods associated with those offences on their records. As the minister said, if their only offence is for possession of cannabis, and that might have been due to plea bargaining, as you mentioned, we are only reacting to the convictions that are on their records. We do not know if they would even have been convicted of any other offences. It's not really our place to second-guess what a court would have done.

[Translation]

**Mr. Pierre Paul-Hus:** Thank you.

Mr. Minister, you mentioned discussions with police groups, but we have not heard a word about any previous consultations with other groups. Have you consulted with any groups in particular?

[English]

**Hon. Ralph Goodale:** With respect to Bill C-93, or...?

**Mr. Pierre Paul-Hus:** Yes.

**Hon. Ralph Goodale:** As I recall, Mr. Paul-Hus, the consultation was responsive. In other words, once Bill C-45 was enacted... Indeed, for a number of months before it finished its parliamentary course and became law, there were large numbers of Canadians—in the general public, in the media, a good many members of Parliament and it came up in question period—who were making the case that upon the change of the legal regime in Bill C-45 the issue of criminal records needed to be dealt with.

Therefore, in the course of our work on Bill C-45, we began considering the alternatives for how you could respond to the criminal records issue in a way that was fair and equitable, effective and efficient. It was really in response to what appeared to be a very broad public consensus. We brought forward the legislation. It would seem to be contradictory to change the law in Bill C-45 but not deal with the issue of previously existing records. That was the very broad public comment that we responded to.

● (1555)

**The Chair:** Thank you, Mr. Paul-Hus, and thank you, Minister, for the fulsome answer.

Mr. Dubé, you have seven minutes.

**Mr. Matthew Dubé (Beloeil—Chambly, NDP):** Thank you, Chair.

Thank you, Minister, for being here with your officials.

I have two quick things I want to get on the record before I get to my question.

The first is that I appreciate your use of the word “pardon”, and I wish that your appreciation of the word had led to actually putting it back to “pardon” in the law, as opposed to “record suspension”, which is something we discussed when the committee did that study. But we are in the eleventh hour of this Parliament, so unfortunately I'm not going to hold my breath for that.

The other thing is about the John Howard Society. You quoted Catherine Latimer's testimony from the study we did on the pardon issue. I want to say that on this particular issue.... You're obviously familiar with my colleague Murray Rankin's bill, which favours expungement. The John Howard Society did say, in a Twitter exchange on the said bill when it was being debated, “Agreed. Time to expunge criminal records for cannabis possession-not criminal: end punishment.”

I didn't want to mis-characterize what the John Howard Society thought on this particular issue, given that we're kind of mixing the study this committee did on record suspension with this issue.

I want to go back.... The whole debate between your position in Bill C-93 and what our party is calling for in expungement is couched in the notion of historical injustice. There's no actual precedent for that. There's no legal obligation. This seem to just be something that the government has used rhetorically. When I asked the Prime Minister about it in the House after legalization occurred, I raised, among other things, that in Regina indigenous people were almost nine times more likely to be arrested for cannabis possession. In Halifax, black people were five times more likely to be arrested for cannabis possession. In Toronto, black people with no other criminal convictions were three times more likely to be arrested for cannabis possession.

Just before I get to my question and hear your answer, Minister, I want to quote Kent Roach, who of course you know very well, who says, "The history of miscarriages of justices in this country should not be equated with laws that would now violate the Charter. The Charter is the minimum not the maximum in terms of our sense of justice."

Are you saying, unlike what Mr. Roach is saying, that your government doesn't believe that that horrendous overrepresentation of indigenous and black Canadians, among others, of course, from minorities, is not an injustice?

**Hon. Ralph Goodale:** To the contrary, Mr. Dubé, in my remarks I indicated very clearly that the way the previous cannabis laws had been applied to a number of marginalized groups within our society has been patently unfair and has impinged upon them in a way that we need to address.

**Mr. Matthew Dubé:** Minister, I understand that.

**Hon. Ralph Goodale:** We're addressing it by eliminating the fee and eliminating the waiting period.

**Mr. Matthew Dubé:** What I'm saying is that when I asked the Prime Minister in the House about this issue, and when I've asked you about it, the response was unlike, for example, the issue of the criminal records that were given to LGBTQ2 Canadians. On those we were specifically told that their records were allowed to be expunged because that was a historical injustice. Why not expunge the records of these Canadians? It seems pretty clear. I'm going to quote Minister Blair. In 2016, he said, "One of the great injustices in this country is the disparity and the disproportionality of the enforcement of these laws and the impact it has on minority communities, Aboriginal communities and those in our most vulnerable neighbourhoods."

Why the disparity between one issue and another, beyond the fact that your government seems to have defined "historical injustice" in a rhetorical sense, when there's no actual legal or other precedent basis for it?

•(1600)

**Hon. Ralph Goodale:** The technical distinction in the law would be—

**Mr. Matthew Dubé:** For historical injustice, you're just making this up.

**Hon. Ralph Goodale:** No, I'm not. In the case of the laws as they pertained to the gay community in this country, the law itself was a fundamental violation of human rights. In the case of the—

**Mr. Matthew Dubé:** Minister, we agree on this, but if you go to what Mr. Roach said, when he said the charter is the minimum, you're using the charter as your basis. Would you not agree that those indigenous, black and other Canadians who have been absurdly disproportionately affected by this law are themselves victims of a historical injustice and their records deserve to be expunged?

**Hon. Ralph Goodale:** They have been treated unfairly in the way the law was applied. That law, when it was in effect, was not unconstitutional, but it was applied unfairly in respect to a number of marginalized groups within our society. We are recognizing that by eliminating the fee, expediting the process, ending the waiting period and making sure that they can get that burden off their record in the most expeditious and cost-effective manner possible.

**Mr. Matthew Dubé:** It seems clear, Minister, that we disagree on this.

With the minute and a half I have left, I just want to go to your comments. It almost sounded like the implication was that because you don't know what a schedule II possession offence is, that's why it was better to have the applicants apply rather than doing it automatically. It almost seems like the burden's being put, again, on these individuals.

Just in that context, when you look at Bill C-66, to return to that other issue, seven people out of 9,000 have actually applied. Is there not a recognition on the government's part that it would just be better to make it automatic? It's pretty apparent that Canadians who are already marginalized might not be in a position to take advantage of this, as was the case in San Francisco, where only 23 of 9,400 people took advantage of their opportunity to seek pardons for cannabis possession.

**Hon. Ralph Goodale:** You and I absolutely agree, Mr. Dubé. I think, from what I hear, most people around this table, perhaps most people in the House—hopefully—would agree that if you could accomplish expungement in some kind of automated manner, simply by pushing a button, and abracadabra, the records would disappear —

**Mr. Matthew Dubé:** If the staff are going to go through it anyway, why not just go through it?

**Hon. Ralph Goodale:** They don't disappear until you take the mechanical step of getting the record eliminated.

**Mr. Matthew Dubé:** Why not have your department do the mechanical step and make it automatic within the department, rather than having these individuals apply and still have to go through the process, if they're even aware of it to begin with?

**Hon. Ralph Goodale:** It's a far more efficient and cost-effective way to base it on applications.

**Mr. Matthew Dubé:** You're putting the burden on Canadians. That's why it's more efficient.

**Hon. Ralph Goodale:** The reality, Mr. Dubé, is that doing it the other way around would, quite frankly, take decades, and people would be denied a process that they could apply for and get done very quickly.

**The Chair:** Thank you, Mr. Dubé.

Mr. Graham, you have seven minutes, please.

**Mr. David de Burgh Graham (Laurentides—Labelle, Lib.):** Thank you.

In your opening comments, Minister, you talked about the application. I'm wondering how long it takes to process an application once it's submitted, mechanically.

**Hon. Ralph Goodale:** Ian, can you comment on that?

**Mr. Ian Broom (Acting Director General, Policy and Operations, Parole Board of Canada):** Sure.

**Hon. Ralph Goodale:** Mr. Broom is with the Parole Board. They're the ones who will do the paperwork.

**Mr. Ian Broom:** I would start by saying that with the \$631 application fee as it currently exists for record suspensions, there are service standards in place, so it would be, say, six months for a summary conviction and 12 months for an indictment.

With the proposal being discussed here with Bill C-93, it is fundamentally different because there is no fee, whereas under the current scheme there's the \$631 fee. Also, there is no longer a board member decision involved. It has become an administrative decision. It is actually staff members who are determining eligibility based on the documents that have been provided through the application process. Then from that, the record suspension would be granted.

The other point about this in terms of how quickly it would happen is that, while there is no service standard that would be attached to the scheme as described under Bill C-93, we would expect that it would be an expedited process. Because it's an administrative process, it would move more quickly.

I can't give any exact metrics because we would have to see the volumes before we could fully assess, but we certainly will have the staff in place and the resources in place at the point that this legislation would come into force.

●(1605)

**Hon. Ralph Goodale:** I would add, Mr. Graham, that one of the critical points there is that this is a mechanical, administrative process based on the record. It's not a case where a member of the Parole Board would need to arbitrate or make a judgment call. If the application indicates the facts that comply with the act, then administratively the decision is made, which means it's much quicker than an adjudicative process.

**Mr. David de Burgh Graham:** Right, but I was wondering if I were submitting an application, as an example, would it take a week, a month or a year to get that paper saying I have my pardon.

Just for the record, I don't have a record.

**Hon. Ralph Goodale:** Broadly speaking, Ian...

**Mr. Ian Broom:** Broadly speaking, I am reluctant to give a particular amount of time. Again, I think we would have to assess the volumes we have. There are thousands of applications that come in each year, but certainly it would fall well below the accepted service standards that are put in place for the summary and indictment schemes. To give an actual solid estimate.... Again, until we start

assessing the volumes that come in, I would be very reluctant to give a number around that.

**Mr. David de Burgh Graham:** Thanks.

In your comments, you discussed the Kafkaesque experience of crossing the U.S. border with an expungement. Could you expand on that a bit? In some places, especially at the U.S. border, they don't ask you if you have a conviction or a pardon. They ask you whether you have ever been arrested.

Does this have any impact on that?

**Hon. Ralph Goodale:** The reality is that they are in charge of their entrance rules for crossing into the United States, so the Americans will make their decision on who's eligible to come in and who is not.

The point I was making in my remarks is that if there's a dispute that you run into at the border, you're in a better position to explain yourself if you have a piece of paper that lays out your status on the Canadian side as opposed to not being able to at all contest the impression of the U.S. border officer, which may be "you're lying to me". One of the most difficult circumstances a person will face in crossing the border is when the officer on the other side thinks they are dealing with a liar. That's the problem that having a piece of paper to explain your status would help you address.

**Mr. David de Burgh Graham:** You mentioned that 95% of pardons over the last 40-odd years are still in force. Can you give us some sense of why the 5% aren't?

**Hon. Ralph Goodale:** The most common reason that the Minister of Public Safety would open a record is that a person is charged with a subsequent offence. That is the most common circumstance where the existence of the record becomes relevant to their current situation.

Ian, did you have something to add on that?

**Mr. Ian Broom:** No, that's definitely the case. If we were looking at pardons that would not continue to be in place, it would either be a situation involving good conduct, but most often, it would be a new conviction.

**Mr. David de Burgh Graham:** When someone makes an application, if they have a simple possession, is there any circumstance where the pardon would not be granted?

**Hon. Ralph Goodale:** If an individual meets the requirements laid out in the act...and the Parole Board, as I understand it, is going to be publishing a how-to guide that will be available on the Internet to explain it to people. As there is now for applying for a pardon in the normal way, there will be detailed explanations and the application form.

Presuming that the applicant has submitted a complete application with all the relevant information, then it is simply an administrative decision of whether it has accomplished all the objectives of the act and there's no subjective judgment call to be made in those circumstances. That's why it's faster.

●(1610)

**Mr. David de Burgh Graham:** Thank you. I think my time is up.

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



Mr. Motz, you have five minutes, please.

**Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC):** Thank you, Chair.

Thank you, Minister Goodale, for being here today.

My colleague Ms. Sahota asked about costing and you estimated, or your official suggested—and of course, it depends on the number of people who apply, that you were anticipating about \$2.5 million over the coming years to process the paperwork of several thousand individuals. That's the term that was used.

If the cost of a record suspension is around \$600 now, that's fewer than 4,000 people. I'm sure your officials have an estimate of how many people you're anticipating will apply for this.

**Hon. Ralph Goodale:** As you know, Mr. Motz, predicting these things is difficult, because you don't know exactly what the uptake will be. That cost estimate is related to processing approximately 10,000 applications by the simplified methodology that we were just discussing.

**Mr. Glen Motz:** How do you plan to cover this cost? Will this come out of an existing budget line? Will it be added to a deficit of a department? How do you anticipate that you will be paying for this?

**Hon. Ralph Goodale:** The \$2.5 million...?

**Mr. Glen Motz:** I mean the whole amount, the cost of this, whether it's \$2.5 million or more.

**Hon. Ralph Goodale:** We anticipate the cost of the program will be \$2.5 million. It will be coming through the normal estimates process, which would have to be approved by Parliament.

**Mr. Glen Motz:** Will you undertake to have your officials provide a cost analysis to the committee prior to our passing this, or amending things at the committee?

**Hon. Ralph Goodale:** I would think we could provide you with the analysis, Mr. Motz, to show how we arrive at the arithmetic.

**Mr. Glen Motz:** Is there currently a mechanism to levy sales from the current legalization of cannabis to potentially pay for this, as opposed to this being a taxpayer expense? Is that considered, or would you consider it if it hasn't been considered?

**Hon. Ralph Goodale:** Mr. Motz, in a way what you're suggesting is linking two disconnected things. First is the accumulation of old records, which are a burden and cast a stigma on people and which, I guess, now is considered to be particularly inappropriate because the whole legal regime has changed. The new regime, with its revenue-generating capacity, would have nothing to do directly with the pre-existence of those records.

They're two separate issues, but the cost of this would come out of the general revenues of the government—

**Mr. Glen Motz:** That's fair enough.

**Hon. Ralph Goodale:** —which will be augmented by the fact there is now, or will be, a revenue stream flowing from...

**Mr. Glen Motz:** But as the Minister of Public Safety you can't go to general revenues and get more money.

**Hon. Ralph Goodale:** Yes, I can.

**Mr. Glen Motz:** Not in the way you're considering, that just because your sales of marijuana go into general revenues you're now

going to access that extra money to pay for this. I guess what I'm getting at is—

**Hon. Ralph Goodale:** You're right. Whatever the government earns from the revenue from cannabis goes into the general revenue fund. That's correct.

**Mr. Glen Motz:** All I'm getting at is that a large portion of the Canadian population is under the impression that this should not be a taxpayer-funded process, so any mechanism that's in place to do that... I'm also curious to know whether there's some consideration to this legislation allowing individuals to apply through this process, expediting record suspensions and jumping the queue for those who apply for the normal process. They apply, they pay their fees and they wait for that process.

Will there be any impact on the normal record suspension process that exists now? How do we guarantee that? We're using the same staff, unless we add more staff.

• (1615)

**Hon. Ralph Goodale:** The process is different in the sense that those people who have more complicated records would need to go through the normal process, which involves the engagement of a member of the Parole Board. Under Bill C-93, dealing exclusively with simple possession of cannabis is an administrative function for staff to manage and there is a separate financial allotment to make sure we have the personnel in place to handle that administrative function without impinging on the other important work that the Parole Board has to do.

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

Mr. Picard, you have five minutes, please.

[Translation]

**Mr. Michel Picard (Montarville, Lib.):** Thank you, Mr. Chair.

To start with, I would like to turn to the minister and the officials from the department and the other agencies. The subject is the American border.

But first, let me ask this. I assume that American customs employees have access to Canadian data through the CPIC, the Canadian Police Information Centre.

[English]

Are they using the CPIC database to look at the cases?

**Hon. Ralph Goodale:** Could I ask our RCMP expert to explain how that information is available at the border?

**Ms. Jennifer Gates-Flaherty (Director General, Canadian Criminal Real Time Identification Services, Royal Canadian Mounted Police):** Yes, you're correct. There is an agreement in place between the RCMP and the FBI to exchange information in a limited sense through the CPIC interface so that when people are crossing the border, if there's information in the system, they are able to view that.

In the context of a record suspension, that information is sequestered so it is not available. No one is able to view it in the system once it's been sequestered during that process.

[*Translation*]

**Mr. Michel Picard:** Do you know how long the Americans keep information?

When someone receives a pardon, his or her file is wiped clean immediately, meaning that the next time anyone looks, there is no trace. However, the Americans probably keep the information for longer, unless you are telling me that they consult the database regularly and that they receive information as quickly as Canadians do and so have up-to-date information. That would avoid situations where, for example, an American customs officer might think that someone lied because his file contains old records.

Are people's files kept sufficiently up to date to prevent old data from accumulating in the American system?

[*English*]

**Hon. Ralph Goodale:** That is exactly the predicament I was referring to that could cause an embarrassing and potentially difficult situation for a Canadian at the border. If the Americans have, in their records, information that they acquired a number of years ago, and subsequently that particular individual received a pardon, there could well be a conflict, on the face of the record, between what the American records show from historical data compared with what the facts are at the current moment. It would be useful to the Canadian to be able to say, "I can verify what my status is", which you could do with a record suspension and you could not do with an expungement.

In terms of the exact retention period, I will see if I can get a precise answer from the Americans to answer your question. I suspect they retain previous information for quite some time, but I'll see if I can get a reading from American officials on how long they keep it.

**Mr. Michel Picard:** That's what I'm afraid of, yes.

**Hon. Ralph Goodale:** Exactly.

**Mr. Michel Picard:** I know. It's the old story.

The issue is that the Americans might ask you whether or not you've had a criminal record.

[*Translation*]

However, at customs, they are not necessarily trying to find out whether a person has a criminal record. That is the peculiar thing. They are trying to find out whether that person has used marijuana, because the American do not always see as legal in their country what we see as legal in ours.

We have to tell those Canadians interested in the matter that, although this is an innovation that is more than justified in Canada, it does not guarantee a problem-free open door to the United States, because of the nature of the use.

• (1620)

[*English*]

**Hon. Ralph Goodale:** That's exactly right, Monsieur Picard.

I know it's cold comfort, but there's an example that shows this issue works both ways. In the United States, an impaired driving charge is not a criminal offence. In Canada, it is viewed as a criminal offence. An American coming into Canada with a DWI can, in fact, be denied access to Canada on the basis of that charge. It's a point of some considerable contention with some on the American side that Canadians view this offence with a substantially more serious eye than apparently it is treated under the law in the United States. It works both ways.

**Mr. Michel Picard:** Thank you.

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

Mr. Eglinski, you have five minutes, please.

**Mr. Jim Eglinski (Yellowhead, CPC):** Thank you.

Mr. Broom, once a person applies for a simple possession pardon—or whatever we're going to call it—and you've looked at it, what do you do? How do you get rid of it?

**Mr. Ian Broom:** I'm not sure I follow the question.

**Mr. Jim Eglinski:** A guy goes through the whole process. You have the document in front of you and you feel it's justified. What do you do?

**Mr. Ian Broom:** If an applicant submits the required documents that demonstrate that they've satisfied—

**Mr. Jim Eglinski:** No, I've already said that. You're wasting time.

Everything is good. How do you get rid of the record?

**Mr. Ian Broom:** We would then issue the record suspension and we would contact the RCMP, and then the RCMP would remove it from the CPIC record. My colleague could confirm—

**Mr. Jim Eglinski:** You're talking about a mechanical thing. The minister spoke about a mechanical thing.

Why couldn't you sit down with 100 people and go through the criminal records in Canada, take those things, send them to the RCMP and tell them to get rid of them? You're saying it's simple possession, but you're getting yourself a nightmare of paperwork in looking at each one, forcing Canadians to put an application in, when all you have to do is a simple mechanical thing that you said couldn't be done. You contact the RCMP and you get rid of them.

Why are we going through a process asking Canadians to go through the hurdle again?

**Mr. Ian Broom:** As the minister alluded to earlier, if it were possible to do that, that would be fantastic. I think the issue we're faced with is not having a particular offence that's simple possession of cannabis. For example, we need to have the CPIC record, which is verified by fingerprints, so we know the right person is applying. If it's, let's say, a summary conviction, it may not end up in the CPIC repository.

We also need to receive court information, which would verify whether or not the sentence has been completed, the fines paid, etc. Unfortunately, those holdings are in provincial courthouses in various means of storage. I think, as we pointed out, we do require these documents simply because they are not all available to us.

As you were suggesting, if people were to proactively try to gather them, we wouldn't necessarily know where to send them and then if we did, there would be various types of research expeditions—

**Mr. Jim Eglinski:** You're telling me the system really isn't going to change very much because you still have to do your CPIC check, your investigation, other things. What's changing from the way it is right now?

**Hon. Ralph Goodale:** There's no fee and there's no wait period. A person can apply and, assuming they present all the information that satisfies the application form—

**Mr. Jim Eglinski:** But Mr. Minister, he says now he's going to check CPIC. They're going to have to check their records to make sure that the—

**Hon. Ralph Goodale:** That's if we do it your way, Mr. Eglinski. That's if we did it your way.

If you were to say to the Parole Board, “Okay, you identify all the simple possession records in the country and wave your magic wand and make them go away”, then quite frankly, you'd be searching through the boxes and the records in courthouses and police stations across the country. It would be huge administrative task to ask the Parole Board to undertake that in just a holus-bolus manner. It would be very expensive.

• (1625)

**Mr. Jim Eglinski:** All right.

The question I'd like to ask the minister is this: Is anyone from your department going to check with our American counterparts?

As brought up by my colleagues across from me, they will choose the wording, whether it's “Were you ever arrested?” or “Were you ever in possession?” It's about having some type of agreement because once I say the wrong thing at the border, they're not going to let me across. Even if I have a little piece of paper from your department, I'm doomed as soon as I'm caught on that wording.

**Hon. Ralph Goodale:** If they think they're dealing with a person who's not telling them the truth...and that works both ways, in terms of what direction you're moving across the border.

Mr. Eglinski, the reality is that the Americans make the rules about access to their country and they administer those rules. Officials on our side of the border, the Canada Border Services Agency in particular, are in constant dialogue with the Americans about making the border experience as predictable and positive as it can be for travellers in both directions because a thin efficient border that is safe and secure is in everybody's national interest on both sides of the border. They have indicated to us in response to our constant dialogue about the cannabis issue and the impacts at the border...

We all know that moving in either direction, whether you're moving from Canada to the United States or the United States to Canada, if you're taking cannabis across the border, that's illegal. They have said that they do not intend to change their questionnaire at the border unless they have grounds to be suspicious. The experience so far in the first several months of the new law is that the experience at the border has not fundamentally changed.

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

Ms. Dabrusin, you have the final four minutes.

**Ms. Julie Dabrusin (Toronto—Danforth, Lib.):** Did you say four?

**The Chair:** I said four. It's really three and a half.

**Ms. Julie Dabrusin:** Okay, I'm just going to get to the question then.

Mr. Minister, in your opening you referenced a study that we did on record suspensions generally. That was a unanimous report in fact from this committee and it was really wonderful to see everyone come together. Recommendation (c) was that “That the Government review the complexity of the record suspension process and consider other measures that could be put in place to support applicants through the record suspension process and make it more accessible”. One of the reasons that was made as a recommendation was that we heard from many witnesses about how the process, the forms themselves, was complicated.

Now that we have a simplified form for this specific process and we have a simplified process it appears, is there something we're putting in place to learn from that so that perhaps we can apply it when we're looking at record suspensions generally?

**Hon. Ralph Goodale:** This experience with the results of Bill C-93 will undoubtedly be very informative from a public policy point of view and from a public administration point of view, so, yes, I think there could well be important lessons to be learned from how this process goes that may be applicable to other issues in relation to record suspensions.

The one thing, though, to remember is that this is largely an administrative process. If all of the technical criteria are met, then the granting of the record suspension is an automatic administrative function.

In the case of record suspensions more broadly in other cases unrelated to cannabis, there would be judgment factors and subjective factors that members of the Parole Board, not just the administrative staff, would need to be involved in. That makes the broad question of record suspensions more complex than what we're dealing with under Bill C-93. But on your basic point of can we learn from what we're doing under Bill C-93 and make improvements in the broad application of the record suspension process, I hope that is the case. We'll certainly be looking to collect those lessons and apply them wherever possible.

• (1630)

**Ms. Julie Dabrusin:** Thank you.

The other thing is that we've heard in the House, and even here today, about waiving the cost of the record suspension program. The cost to taxpayers is referenced as a problem, but when we did our study, in fact, one of the recommendations in our unanimous report was to reconsider the fees that we apply to record suspensions. I remember that we heard testimony from some of the witnesses as to the value that we get back when people have their records waived. It's a fact that a record suspension can save money because people are able to go into the workforce and the like.

Do you know about any of that information? What do we save by actually allowing someone to have a record suspension?

**Hon. Ralph Goodale:** It's probably difficult to quantify in hard dollars, but a person may be able to get a job or get a better job because they don't carry around the stigma of a record. They may be able to volunteer in the community, which they previously couldn't do, or they may be able to complete their education or find more suitable housing. All of those factors lead to more successful lives and greater contributions back to the economy and back to the community.

It would be difficult to put a number on it, Ms. Dabrusin, but I suspect those kinds of thoughtful changes in the pardons process and the pardons outcomes would make a net-positive contribution to the economy and to the country, and certainly would alleviate cost burdens on the administrative side.

**Ms. Julie Dabrusin:** Thank you.

**The Chair:** Thank you, Ms. Dabrusin.

Before I let you go and we suspend, Minister, is there any law which prohibits a potential employer from asking the question, "Have you ever received a pardon or an expungement?"

**Hon. Ralph Goodale:** There's section 2 of the Canadian Human Rights Act, which lists that very point as a basis upon which you are prohibited from discriminating.

**The Chair:** Is that discrimination, though? I get section 2, but it's a pretty broadly based section.

**Hon. Ralph Goodale:** Let me ask Angela to comment.

**Ms. Angela Connidis:** Yes, that's a very good distinction to make. The human rights act doesn't prohibit someone from asking. It prohibits them from discriminating on that basis.

**The Chair:** Okay. I just wanted to ask that question.

We are going to suspend for five minutes. We have microphone issues.

On behalf of the committee, Minister and officials, thank you. I expect the officials will remain while we fix our microphones.

With that, we're suspended.

• (1630) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1640)

**The Chair:** Ladies and gentlemen, we're back on.

The officials stayed with us. It looks like we have two additions—Amanda Gonzalez and Brigitte Lavigne—who I'm sure will introduce themselves in due course.

With that, we will start questions. On panel two, I have Ms. Dabrusin for seven minutes.

**Ms. Julie Dabrusin:** The question is how we get the word out about this new process under Bill C-93. How do we get word out to people that there's a process that's free and simplified?

I googled using the terms "pardons, cannabis, Canada", and the first thing that came up was New Cannabis Pardons in Canada: Get a Free Record Suspension. It advertises an agency that will charge a fee to help you get this done. It takes a little while to get down to the actual Canadian government website on this.

I have a two-part question. The first part of my question is this: How are we getting word out to communities, and can we have someone work on moving our government site to the top of that list? Then I will have a second part as well.

**Ms. Angela Connidis:** I will start and then I will turn it over to Ian, because they are actively working on their plan.

We meet regularly with stakeholders such as the John Howard Society and native associations, organizations that work with offenders across the country. We've had consultations with them on the pardon proposals we've put forward, and on the follow-up and how to get the word out. As a starter, we're asking that they make sure they know and are reaching the clientele that comes to them in these times. That's a word of mouth process that the Department of Public Safety is doing. The Parole Board is developing a much more comprehensive outreach strategy that I will let Ian speak about.

The issue raised about consultants is one that concerns me quite a lot. It's not always easy to regulate the Internet. We would be required to do quite a bit of work and would need extra funding to regulate these independent consultants who are not necessarily under our jurisdiction, but it is something we will be pursuing.

**Mr. Ian Broom:** As part of the Parole Board's communication and outreach strategy associated with the expedited pardon approach proposed under Bill C-93, yes, there would be Internet resources available. However, as you point out, it might be somewhat difficult to get those in some cases. They would include a step-by-step guide—a simplified application guide—in terms of the outreach to get the word out.

Yes, there is a focus on our traditional criminal justice partners, so we will be reaching out to law enforcement, the courts, etc., but in addition, focusing and working with our other federal partners to establish a really good sense of how to get the word out to maybe not the most traditional partners in the domain. We want to focus on and target the more marginalized groups that were alluded to earlier today.

We're slowly building and putting together a database and a good sense of where to direct our correspondence. At the point at which this would come into force, we want to target the regular criminal justice partners and organizations that might facilitate, inform or assist individuals in seeking pardons for simple possession of cannabis.

• (1645)

**Ms. Julie Dabrusin:** I'm following up because you mentioned, Ms. Connidis, that you're concerned about people providing these consulting services. It came up during our previous study about record suspensions. It worries me when I see this potential for people to take advantage of something we're trying to do well. We're trying to provide a free opportunity—something that actually is simplified—but we have people who might be putting themselves in between. It concerns me that this is something we have to create a buffer for.

It was one of the issues that was raised as a recommendation when we looked at record suspensions. What are some of the tools to deal with consultants for record suspensions? Is there anything we can do?

**Ms. Angela Connidis:** It would require quite a bit of research policy development on our part. My starting point would be Immigration Canada, because they've had some issues with consultants, albeit in a very different context. It would mean working with our communications department to go to the Internet and ask, "What does it take for Public Safety or the Parole Board of Canada to be at the top?" There's probably a fee involved or something like that.

Those would be the starting points. It's not a simple issue. It isn't something that's been in the forefront a lot, as in the immigration context, but it is definitely a concern.

**Ms. Julie Dabrusin:** Just to jump back, Mr. Broom, you mentioned several different ways to reach out. Have you considered social media as one of the ways you'll be reaching out to people?

**Mr. Ian Broom:** Absolutely. That's definitely part of our overall strategy: leveraging social media.

**Ms. Julie Dabrusin:** In our earlier study, a woman named Louise Lafond testified that one of the most common barriers she'd encountered with her clients was that they had outstanding fines. That was one of the things that stopped them from being able to apply for a record suspension.

When I was looking at the legislation, it looked to me like the delay that might be posed by outstanding fines has been removed in Bill C-93. Is that correct? I'm looking at proposed subsection 4(3.1).

**Ms. Angela Connidis:** In Bill C-93, as soon as you've completed your sentence, including a fine, you have no wait period. Therefore, if you have an outstanding fine right now, as soon as you pay it, you can apply. It won't restart your waiting period.

**Ms. Julie Dabrusin:** All right. That's what I misunderstood. Good, thanks.

**The Chair:** Thank you.

[Translation]

Mr. Paul-Hus, you have the floor for seven minutes.

**Mr. Pierre Paul-Hus:** Thank you, Mr. Chair.

I have a technical question. I hope that we will be able to understand each other, given the situation with the interpretation.

When it comes to determining whether people are eligible for the removal of the waiting period and the fees, does the bill distinguish between possession of 30 grams or less of cannabis or its equivalent, which is now legal, and possession of more than 30 grams in a public place, which remains illegal?

[English]

**Ms. Angela Connidis:** We debated that. We do not include it because personal possession has no limit. There was no distinction between public and personal in the previous law, so we don't have a distinction and we don't have a 30-gram limit.

[Translation]

**Mr. Pierre Paul-Hus:** Possessing more than 30 grams of cannabis in a public place remains illegal. So why would someone accused of that previously have the right to get a pardon, if it remains illegal today?

• (1650)

[English]

**Ms. Angela Connidis:** In the past it wouldn't have been relevant whether it was public or private possession, so they wouldn't have been able to.

[Translation]

**Mr. Pierre Paul-Hus:** So it is possible for a pardon to be given to someone who has done something that remains illegal today.

[English]

**Ms. Angela Connidis:** Now you have a very clear law and if they are charged with that, that crime will stay.

[Translation]

**Mr. Pierre Paul-Hus:** Okay.

We have talked about costs with the Minister of Public Safety and Emergency Preparedness. According to the information we have on our side, about 500,000 Canadians have been charged with simple possession of cannabis. The minister said that he expects 10,000 of them to apply for a pardon.

How do you explain the fact that only 10,000 people out of the 500,000 might apply for a pardon?

[English]

**Ms. Angela Connidis:** As we've said, it's very difficult to know who has possession for cannabis offences, so we can't just go into a database and say this is how many offences there are. We've extrapolated from statistics collected by the Public Prosecution Service of Canada, and their figure is upwards of 250,000 convictions for the simple possession of cannabis. That is a starting point. The number of people expected to apply is much lower for reasons including that they've passed away—because some of these convictions date back a long time—they've already received a pardon or they have other criminal records on their record.

Let's remember you can only get that pardon if your only offence is for possession of cannabis. While you may have that offence, if you have others on your record, you would not be eligible. It's not an exact science but we've extrapolated from the figure of 250,000 and estimate 10,000.

[Translation]

**Mr. Pierre Paul-Hus:** Okay.

I will give the rest of my time to Mr. Motz.

[English]

**The Chair:** You have three minutes.

**Mr. Glen Motz:** Thank you, Chair.

You estimated 250,000. What is with the other 250,000 from the 500,000 estimation? Where are they?

**Ms. Angela Connidis:** I'm not sure where the 500,000 came from. The figures we have used are 250,000.

**Mr. Glen Motz:** Okay.

**The Chair:** Just as a point of clarification, it's 10,000 out of 250,000. It's not 10,000 out of 500,000. Is that correct?

**Ms. Angela Connidis:** That's correct.

**Mr. Glen Motz:** Based on the numbers that you've come up with—and you've committed to providing a cost analysis for this committee on that—\$250 per application is what you're estimating over time.

**Ms. Angela Connidis:** We're still before committee and we don't have the final bill, so I can't actually say right now what the cost will be.

**Mr. Glen Motz:** I'm just going to start into my questions now for the next round.

How much time do I have?

**The Chair:** You have two minutes and 15 seconds.

**Mr. Glen Motz:** Okay. I'm going to wait for the next round then.

My colleague, Mr. de Burgh Graham, on the cybercrime side of things, is always technical. I want to ask a very technical question specific to a type of substance. I want to know whether that still qualifies now because of the old NCA, CDSA and the new act that was changed in the fall.

In *The Globe and Mail*, a commonly cited statistic is that 500,000 people in Canada have a conviction for cannabis possession. A government spokesperson was also quoted in the media and estimated that 10,000 people will apply for the record suspension, as you say. That's where the 500,000 number comes from.

**Ms. Angela Connidis:** As I said, we drew our number from the Public Prosecution Service of Canada and the number of convictions they have.

**Mr. Glen Motz:** All right.

That's all for now, Mr. Chair.

**The Chair:** We will look forward to your questions in the next round, Mr. Motz.

Mr. Dubé, you have seven minutes.

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

Thank you for sticking with us for this second hour.

For Bill C-66, are confirmations provided to individuals who apply through the process that was created in that legislation, confirmations that their records have been expunged?

• (1655)

**Ms. Angela Connidis:** I'll have to turn to Ian and Brigitte.

**The Chair:** Ms. Lavigne, would you mind introducing yourself since you're not on the record here?

**Ms. Brigitte Lavigne (Director, Clemency and Record Suspensions, Parole Board of Canada):** I am Brigitte Lavigne. I'm the director of clemency and record suspensions with the Parole Board of Canada.

[*Translation*]

Thank you for your question.

[*English*]

Your question was regarding whether people received notifications when an expungement is ordered. When the Parole Board of Canada orders an expungement, we do notify the applicant similarly to what we do for pardons and record suspensions. Then we provide notification to the RCMP, who will take it into their hands to have the record permanently removed from the national repository.

**Mr. Matthew Dubé:** I'm just trying to square what the minister said. He used an example where, at the border, an individual who had an expunged record would not have proof, but I'm understanding otherwise now. Would there not be confirmation if the legislation were similar to Bill C-66? In other words, would there be confirmation that expungement had taken place?

**Ms. Angela Connidis:** Is it in the form of a certificate?

**Ms. Brigitte Lavigne:** We would provide the documentation. I believe the benefit the minister was referring to is that, subsequent to that, we have numerous applicants who return to us to request copies of their pardons or record suspensions. We reissue them once and then we notify the RCMP again, and we contribute it to the criminal record. In the spirit of the act, provinces, territories and municipalities will also go in turn to sequester the record.

We do the same in the case of expungement. We would expect that they would destroy or permanently remove it from their databases. If an applicant were to come back, that record would no longer be made available to them.

**Mr. Matthew Dubé:** But if the person retained the initial confirmation, they would have a confirmation.

**Ms. Brigitte Lavigne:** If they retained that document.

**Mr. Matthew Dubé:** There would be no record that any kind of deletion took place. I just want to make sure we're distinguishing between the record and the act of deleting the record. There's no trace of the act of deleting the record either?

**Ms. Angela Connidis:** No.

**Mr. Matthew Dubé:** I had another question on the same issue.

When the RCMP is notified, would the minister have the ability if there were expungement...? Cannabis is legal in Canada. Supposing all records were to be expunged, putting aside any debate on the process, the minister would have the ability, in theory, to inform his American counterpart, and the agency responsible for the U.S. border could then be properly informed that this act had taken place. There's nothing preventing that. Is that correct?

**Ms. Angela Connidis:** I think, practically, that might be prohibitive for every applicant.

**Mr. Matthew Dubé:** Not on an individual basis, I'm just saying that for anyone who has a record pertaining to possession of cannabis, those records have been expunged.

**Ms. Angela Connidis:** Yes, but it wouldn't change what the Americans already have in their database. If they already have that in their database, it won't mean anything to them.

**Mr. Matthew Dubé:** Speaking of the American database, am I correct in my understanding of the Criminal Records Act that the minister has the ability to share information, even from a suspended record, with a country allied to Canada?

**Ms. Angela Connidis:** I am not sure that's under the Criminal Records Act. I would have to check. I'd be happy to get back to you on that.

**Mr. Matthew Dubé:** Is there any concern that if an individual obtained a record suspension and then went to the border, they might, if they're asked if they have a criminal record...? Has it been your experience that individuals sometimes mistakenly will say no or not think of the proper way to answer the question? I'm going back to how the question being asked on the job application or the apartment application might be if you have a record suspension for a crime for which you were convicted. If a U.S. border officer says it, they might frame the question differently. Is there any data on how often that happens?

**Ms. Angela Connidis:** No, I don't have any data about that.

**Mr. Matthew Dubé:** Okay.

In response to an earlier question, we were talking about how to get the word out that this service would be available. What went wrong with Bill C-66? That was seven out of 9,000 people.

**Ms. Angela Connidis:** It's hard to know if anything went wrong. We estimated how many people would have those records. Let's remember that the last charges were back in the late 1960s, so a number of years have gone by. We did think to ourselves that there are people who may just not want to bother. That was one of our considerations when asked about automatic pardons. Some people just don't want to have to tell people about it. They don't want to wake it up, or they may have died.

I don't think it's a lack of information. Within that community, information is shared very broadly and we did have a very active campaign.

• (1700)

**Mr. Matthew Dubé:** In any of the thinking that's gone on around this legislation—and I say this with all due respect and I recognize the importance of that issue—even though there are issues with the rollout, which is to say issues with Bill C-66, and naturally, there's a difference of age and things of that nature.... You've referred to individuals who might have passed away.

I'm just wondering. If we're looking at this particular issue we might have younger Canadians who might be more inclined to want to have some kind of clemency, whether through expungement or record suspension. Has any thought gone into some of the reconfiguration that might be required, given the difference in clientele—if you'll forgive my use of that phrase—in this particular instance, of Canadians who might see a need for this longer term because they're not just reawakening an older issue? They might be in their thirties, let's say, and have difficulties getting a job, for example.

**Ms. Angela Connidis:** I'm not quite sure. Do you mean in our approach to attracting them and the outreach?

**Mr. Matthew Dubé:** Yes. There seems to be some thought within the department that you're providing some of the thinking behind

why Bill C-66 might not have been successful. Have you looked at how it might play out differently this time and how to accommodate that?

**Ms. Angela Connidis:** As I said, I wouldn't associate Bill C-66 with being unsuccessful. I think the outreach was there. We have no data to show that it's because people didn't know about it. It's their free choice to apply.

With respect to cannabis and the pardon for simple possession of cannabis, the outreach strategy is quite different because we know we have a broader range of clientele. It's not a specific group per se, like the LGBTQ2 community. There are many people in marginalized communities. There are youth, which is one reason for using social media. We're changing the way the application process is, to simplify it with online access, etc.

Perhaps Brigitte or Ian would like to contribute.

**The Chair:** We're going to have to leave the answer at that point, but before I turn it over to Mr. Picard, Mr. Dubé asked a question to which you gave a bit of an undertaking. Maybe, just for clarification, you should ask the question for the record so we all understand the response you gave.

**Mr. Matthew Dubé:** I appreciate that, Chair, because my time did run out. I'm just wondering if we can get confirmation on whether or not the Criminal Records Act allows the minister to share information pertaining to suspended records with allied countries.

**Ms. Angela Connidis:** I'll check.

**The Chair:** Perhaps that could be done expeditiously because the timeline on the study of this bill is quite limited.

Mr. Picard, you have seven minutes, please.

[Translation]

**Mr. Michel Picard:** Thank you, Mr. Chair.

My questions will be about the process of applying for a criminal record suspension.

As I understand it, the applicants are responsible for applying. They have to submit a complete file. The bill states that there will be no fees and no waiting period. So the applicants have to submit an application, and normally, it will be granted.

What would be the grounds for refusing an application?

[English]

**Ms. Angela Connidis:** Only if they could not demonstrate that it was possession of cannabis and that they had completed their sentence.... If they couldn't demonstrate those two things they wouldn't fit within the parameters of Bill C-93.

[Translation]

**Mr. Michel Picard:** What is the relevance of having completed a sentence if you are going to erase the criminal record anyway?

[English]

**Ms. Angela Connidis:** I think that just goes to the credibility of the criminal justice system. You've had a criminal charge. It could have been five or 10 years ago. You didn't complete your sentence or you're still serving your sentence, but once the sentence is completed, it's finished.

[Translation]

**Mr. Michel Picard:** I would like to push the matter further.

When applicants do the research work in order to obtain all the documents they have to submit, they communicate with courts and police stations. They are the ones doing the work because it would be an extremely onerous, complicated and lengthy task if the department had to do it instead. I fully understand that. So applicants have to ask police stations or courts to send them the information. However, those places are not always in the city where an applicant lives. To facilitate the process, they receive documents by email or the post.

How can you guarantee that the documents submitted to you are valid?

• (1705)

[English]

**Mr. Ian Broom:** I might turn the answer to this question over to my colleague Brigitte.

**Mr. Jim Eglinski:** Good question, Mike.

[Translation]

**Ms. Brigitte Lavigne:** At the moment, when people apply for a pardon, a suspension of a criminal record, the documents submitted to us by those applying are official documents from police forces and courts. The applicants obtain documents bearing a seal or some kind of stamp that proves that they are genuine.

**Mr. Michel Picard:** Do you then double check to make sure that the information you have been sent is valid? So are you therefore in the position of doing part of the research, on top of the work that applicants have to do?

**Ms. Brigitte Lavigne:** The documents come to us in the proper form and bear a seal or a stamp. We can authenticate them and move on to examine the case.

**Mr. Michel Picard:** The fact remains that the documents you mention, even though they have been authenticated, were submitted by the applicant.

**Ms. Brigitte Lavigne:** Yes.

**Mr. Michel Picard:** Okay.

That is all for me.

**The Chair:** That's all, Mr. Picard?

[English]

**Mr. Michel Picard:** Yes.

**The Chair:** Just following up on Mr. Picard's question, if someone is applying to have a record suspension, what mechanically is required? Can I submit a notarized copy of my sentence completion? Will that be acceptable to the board?

**Ms. Brigitte Lavigne:** What we obtain in terms of the court documents is a document that is filled out by the court. We receive their stamp or their crest confirming that the sentence has been completed and that's also to allow us to determine if there is any fine attached to the sentence that still hasn't been paid in full.

**The Chair:** If I don't have that document, do I have to physically go to the courthouse and obtain that document?

**Ms. Brigitte Lavigne:** The applicants do obtain documentation from the courts and other documents from police sources. Their local police will do the records check and provide it to us.

**The Chair:** In an average case, presumably I have to go to the police station and prove that I haven't done anything bad since the last time I was convicted. I have to provide proof that I was convicted and that my sentence has been completed. Is there anything else I have to show to the Parole Board?

**Ms. Brigitte Lavigne:** We also require the fingerprint sheet, which allows us to have the convictions that are in the national repository, and we ask them to fill out the application form. There's a package, a step-by-step guide that will be created. It will be straightforward in nature and will outline the steps and the documents the applicant will need to provide to us in order to undertake the review of the case and determine that the criteria have been met in the legislation. Then we'll be able to order the pardon.

**The Chair:** You have a three, four or five-step process for marginalized people to get what should be a simple....

**Ms. Brigitte Lavigne:** The Parole Board administers the proposed legislation, the legislation that will come into force. We'll be ready to have a straightforward approach. We'll have tools available to applicants. We have our 1-800 line and a dedicated email. We'll have web information and, as mentioned by my colleagues, an aggressive outreach strategy targeting traditional and non-traditional partners in order to make it as simple as possible for applicants to be able to benefit from the no-cost expedited process that's been proposed here in Bill C-93.

**The Chair:** With the greatest respect, that sounds like a fairly complicated process. It's particularly complicated for the two target communities that you're after.

I apologize. I don't generally intervene in questions.

I see that Mr. Graham still wants....

**A voice:** It's Ms. Sahota.

**The Chair:** We have a little less than a minute.

**Ms. Ruby Sahota:** Perfect. I'm actually going to ask something.

In terms of the commitment of having a no-fee process, is that just for your application fee? How about the costs that are going to be associated with getting the records from your local courthouse or police department? Those are affiliated with fees. What about those?

• (1710)

**Mr. Ian Broom:** No. The no-fee is the application fee that is collected by the Parole Board of Canada.

**Ms. Ruby Sahota:** What kinds of fees would the applicant possibly be on the hook for, generally, in any record suspension case? What kinds of costs do they usually incur before the application?



**Mr. Ian Broom:** I think the costs vary quite a bit, depending on which police service or which court. I don't have any hard and fast estimates with me to provide right now. I do believe that the department maybe had a cursory examination on this issue. But again, you'd be talking.... I would hesitate to give an estimate right now.

**The Chair:** That's a fair response, because it is outside of your jurisdiction to estimate that. But it's a real cost.

Mr. Motz, you have five minutes, please.

**Mr. Glen Motz:** Thank you, Mr. Chair.

I was going to continue on with that.

There is a fee to get fingerprints. There is a fee to get your record from a police service, and there is a fee, generally, to get your records from court, if it has them. In some communities, if it's in the distant past, they might not have the book anymore where they have them. It's a free system, maybe, for the Parole Board's costing, which is a taxpayer pickup, but it will cost an applicant some time, some effort and some resources on their own to do that, just so we're clear.

I want to get more to the schedule. Bill C-93 has schedules attached to it, and that's the technical side of it. It lists the offences for which an offender can apply and immediately receive a record suspension after the sentence is completed, without paying a fee, other than the ones we've just identified.

The schedule refers to three categories of substances for possession offences. One is under schedule II of the old CDSA, the old Controlled Drugs and Substances Act, as it was prior to October of this past year. The second was for the old NCA, the Narcotic Control Act, which was previous to the CDSA. The third was for equivalent offences outlined in the National Defence Act.

However, the lists of substances do not appear to be entirely identical. For example, would an application for record suspension related to an offence concerning possession of Pyrahexyl, or Parahexyl as it's also known, under the old Narcotic Control Act, be assessed without a waiting period or fee being required, since that substance is included in item 3 of the schedule of the Narcotic Control Act, and the applicant would, thus, benefit from the changes proposed in Bill C-93? If so, why would that be the case, being that Parahexyl is still considered an illegal substance in Canada? Your schedules allow that to happen. I'm curious to know why.

**Ms. Angela Connidis:** The schedule refers to the acts where you can find the cannabis offence. It is only for possession of cannabis. The documentation they would provide necessarily needs to indicate that the substance for which they've been charged under one of those acts was for cannabis.

**Mr. Glen Motz:** I understand what the act says, but your schedules aren't identical. I'm trying to point out that there needs to be some congruency between all the schedules from the CDSA, the NCA, the new act and the National Defence Act to make sure that all of those things are in alignment. I would urge you to have that consideration or that look because that substance is still there and it still remains illegal.

The last question I have has to do with what you mentioned, Ms. Lavigne and Mr. Broom. Does the Parole Board currently have sufficient resources to manage the increase?

We're talking potentially 10,000 over the coming years that's expected with Bill C-93? I know I asked the minister this before. If you don't need new resources, the administrative or clerical functions to do an administrative record suspension will impact the administrative clerical functions required to still do a record suspension for the Parole Board. How does that get navigated, and is \$2.5 million really an appropriate cost? I ask because \$250 doesn't seem like a whole lot when you look at the time it takes per application.

• (1715)

**Ms. Brigitte Lavigne:** The Parole Board is going to have the resources in place to process these applications when they come in. We currently have staff who are trained to do similar functions in processing record suspensions and pardon applications and as the volumes increase, we'll be ensured additional resources to meet the service standards that are currently in place for pardon record suspensions as well as these expedited record suspensions for those convicted of simple possession of cannabis.

**Mr. Glen Motz:** Do you assume then that the \$2.5 million that's been a guesstimation covers the additional staffing costs, or is that just the processing costs?

**Ms. Brigitte Lavigne:** At this juncture, the estimates that have been put in place for us and the RCMP to manage this group of applicants would entail the staff resources needed to process the applications and conduct notifications.

**Mr. Glen Motz:** Thank you.

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

Ms. Sahota, you have five minutes.

**Ms. Ruby Sahota:** Thank you.

I think we're just going to continue building off each other's questions. I'm also intrigued because the minister was saying, just like Mr. Motz, for the list of substances that would be under a certain offence, it's not very clear as to what they were in possession of. It could be a substance under the one list. The onus is then on the applicant to prove that it was simple possession and not another substance on the list. How would they do that? Is that information always available in the court record or is there another, easier way?

**Ms. Angela Connidis:** That would be either the charge from the local police record or from the court record.

**Ms. Ruby Sahota:** Would it list exactly what that substance was?

**Ms. Angela Connidis:** The court record should if the police charge didn't.

**Ms. Ruby Sahota:** But the RCMP records would not...?

**Ms. Angela Connidis:** Sometimes, but not always.

**Ms. Ruby Sahota:** In the case that they are listed in the RCMP records, would that person then be able to perhaps not have to go through the process of getting court records and all that? Would it be easy to just suspend?

**Ms. Angela Connidis:** The local police record shows a few things. It will show whether or not it was the right substance, but also whether they have any other records on conviction that were not in the RCMP, and some of those summary convictions could be quite serious. They could be assault, for instance. That's the other reason you do the local police check. The court record would show not just the substance, but whether or not you've completed your sentence and what your sentence was. You don't do those checks just to determine whether it was cannabis or not. There are other reasons for those checks.

**Ms. Ruby Sahota:** And I believe—I just want to clarify what you have already said—if there was an assault or various other crimes that the person was convicted of along with the possession, then the possession would not be removed either?

**Ms. Angela Connidis:** That's right. To get the pardon, you need to have satisfied the wait periods for all of the convictions on your record. In the case where your only conviction is for possession of cannabis, you will have satisfied the wait period, because we've waived the wait period.

**Ms. Ruby Sahota:** But if that was one of the convictions, that conviction alone could not be suspended?

**Ms. Angela Connidis:** No, it could not.

**Ms. Ruby Sahota:** What if somebody had pleaded down a charge and, say, they were convicted of just possession but originally they were charged with trafficking as well? In that case, would they be able to get a record suspension?

**Ms. Angela Connidis:** Let's remember a charge is a charge. It hasn't been tried in court. It may have been pleaded down because there wasn't enough evidence. It may not even have been pleaded down. Maybe they looked at it and said, "Really, I shouldn't have done it for that. It should have been possession." We can't second-guess why something might have originally been one charge and then a conviction for something else. It's based on what their conviction is.

**Ms. Ruby Sahota:** That's fair enough.

I have one more question. When the police are doing a record check, what do they see on their screen if they were to check someone's record who had a record suspension in place versus an expungement? If an officer stops you on the road and they do a quick record check on you, what would they see?

**The Chair:** Ms. Gonzalez, would you introduce yourself, please.

**Ms. Amanda Gonzalez (Manager, Civil Fingerprint Screening Services and Legislative Conformity, Royal Canadian Mounted Police):** My name is Amanda Gonzalez. I'm with criminal records. I'm also responsible for the unit that takes care of sequestering the information once the RCMP...

In regard to your question, a police officer would be querying CPIC and that information would no longer be available.

• (1720)

**Ms. Ruby Sahota:** Under a record suspension...?

**Ms. Amanda Gonzalez:** Right.

**Ms. Ruby Sahota:** An employer would never be able to access any of that information either once your record was suspended. Is that correct?

**Ms. Angela Connidis:** Only under very exceptional circumstances. There are provisions in the Criminal Records Act where the minister could disclose to an employer if it was relevant. We often do get requests for disclosure from police forces for an applicant, and if we assess the record and think it is relevant to the job, then the minister has the decision of deciding whether or not...

**Ms. Ruby Sahota:** Do you see anywhere where simple marijuana possession could be relevant to somebody's job and that would be disclosed?

**Ms. Angela Connidis:** No, I can't think of anything offhand where I would see that.

**Ms. Ruby Sahota:** Okay.

Thank you.

**The Chair:** Thank you, Ms. Sahota.

Mr. Eglinski, you have five minutes, please.

**Mr. Jim Eglinski:** I'm going to hit you with some pretty fast questions here.

You were talking about start-up programs. Have you ever suggested going to different community groups like Community Futures Canada, family and community support groups, to encourage them to be trained by you?

All of these community organizations are always looking for funding. They're there for the community. They're not there for their own pocket. We all know there are a lot of unscrupulous characters doing your parole work for you, but have you ever looked at that and would you look at it?

**Ms. Angela Connidis:** Sorry, look at them to do what?

**Mr. Jim Eglinski:** To assist people in doing parole applications. These are volunteers in communities and they're always looking for funding. You could help them with the funding, help these organizations, and help the communities.

**Ms. Angela Connidis:** Yes, we have been thinking about that.

**Mr. Jim Eglinski:** Please keep it in your mind. Thank you.

Number two—

**Ms. Angela Connidis:** It's top of my mind; trust me.

**Mr. Jim Eglinski:** Brigitte, you were talking about going to these communities and getting these documents and stuff like that.

In my 35 years in policing, I was stationed in some pretty small places, where there was no courthouse and where the judge was a layperson in those days. He would come out and sit on one side of the detachment to hold court, and the person would go to be convicted.

Where does that person go to get that record? It's not there. The criminal conviction will be there. It will be sent to Amanda and she will have it recorded, but there's no one in the background who's ever going to find that little record that's in that little book that might be buried in a detachment or buried in some community building, because there are no facilities.

How does that person get his record cleared?

**Ms. Brigitte Lavigne:** I believe we deal with applicants who are in similar circumstances today who come forward to request a pardon or a record suspension. They are all across the country. They provide us with documentation required for our application.

**Mr. Jim Eglinski:** If they can't get the documentation, this dies then.

**Ms. Brigitte Lavigne:** I couldn't speak to the number of people who have come forward and who we have returned as ineligible for not having the application because of the fact that they were in a remote area. I don't have that data. We do have folks who have been convicted across the country who come forward to access the program and then end up with a pardon or record suspension.

**Mr. Jim Eglinski:** Prior to your bringing out Bill C-93, did you have discussions with any stakeholders? Can you tell us of any concerns that the different groups may have had, whether you were talking to the RCMP or municipalities that may have to provide these records or have people research these records? Can you give me any indication about whom you met with?

**Ms. Angela Connidis:** I met with a number of criminal justice organizations: John Howard Society, Elizabeth Fry Society, the St. Leonard's Society, members of the National Associations Active in Criminal Justice. We also had an online survey a couple of years ago about the pardon system generally. One of the responses was that they thought there should be more simplified pardon processes, particularly concerning convictions for same-sex offences. There should be a way of expunging them as well as other offences that are no longer crimes.

The issues that would be raised from the people I consult with regularly would be the marginalized communities and the fact that many of them would have more difficulty accessing pardons. There's been a lot of discussions about expungement versus pardon. Many of the same issues we've discussed here, I've discussed with stakeholders.

• (1725)

**Mr. Jim Eglinski:** Have you addressed any of them? Can you give me some examples?

**Ms. Angela Connidis:** Bill C-93 is the result of many of those discussions, and ongoing discussions about how to make it easier for some of these marginalized communities to apply.

**Mr. Jim Eglinski:** The northern community in the middle of the Arctic is a marginalized community.

**Ms. Angela Connidis:** Yes.

**Mr. Jim Eglinski:** How does that person who's now living in Toronto get that record when there's no one there who might be able to find it because the court might have just been held on an ad-hoc basis?

**Ms. Angela Connidis:** That is a very good question.

I'm not sure if you've experienced—

**Mr. Jim Eglinski:** It's not fair right across the board, is it?

**Ms. Angela Connidis:** It's difficult across a big country. You're exactly right.

**The Chair:** I think that's about it.

Mr. Dubé—

**Mr. Jim Eglinski:** I had another quick one, but that's all right.

**The Chair:** You and Mr. Dubé seem to be asking the same questions today.

**Mr. Jim Eglinski:** Our concerns are around the same things, I think.

**Mr. Matthew Dubé:** It's not always a good thing.

**Mr. Jim Eglinski:** I'm glad you're changing. Are you going to become a Conservative now?

**Mr. Matthew Dubé:** Careful, there's an election coming up, you know.

**Voices:** Oh, oh!

**Mr. Matthew Dubé:** I have a couple of quick eligibility questions. I just want to be clear because there might have been some confusion over an earlier question. An individual who has unpaid fines is not eligible for the expedited process proposed in the legislation. Is that correct?

**Ms. Angela Connidis:** They can pay their fine and they're eligible right away.

**Mr. Matthew Dubé:** Then if they have unpaid fines, they do not qualify?

**Ms. Angela Connidis:** They have not finished their sentence.

**Mr. Matthew Dubé:** Okay, thank you.

It's the same thing with those who have administrative justice charges, so failure to appear in court, for example, would disqualify them from the process proposed in Bill C-93.

**Ms. Angela Connidis:** Not if it was not related to this, I don't think.... Go ahead.

**The Chair:** Go ahead, Brigitte.

**Ms. Brigitte Lavigne:** If they have other convictions, then they would not be eligible under this scheme.

**Mr. Matthew Dubé:** Okay. No exceptions are made for any access to justice issues. If you fail to appear in court, you're...?

**Ms. Brigitte Lavigne:** If they have another conviction on their criminal record, they would be streamed through our regular program.

**Mr. Matthew Dubé:** This is hypothetical, a dangerous exercise in our line of work, but I'm going to try one. An individual who committed a minor offence but who's now on the good behaviour path working toward a record suspension for an unrelated conviction, who then received a possession conviction during the last couple of years as the debate over legalization was occurring, would not qualify because they had not reached the record suspension point. Is that correct? They were only on the path of good behaviour.

**Ms. Angela Connidis:** For their first offence...?

**Mr. Matthew Dubé:** Yes.

**Ms. Angela Connidis:** That's right. They have to have finished their waiting period.

**Mr. Matthew Dubé:** When you look at the 10,000 number out of the 250,000, does that include those who are disqualified based on eligibility such as some of the criteria we discussed?

**Ms. Angela Connidis:** The 10,000 includes those who only have a conviction for possession of cannabis.

**Mr. Matthew Dubé:** Okay. Out of the remaining 240,000, I know it's probably difficult, because some folks might be deceased and other reasons, but do you know how many of those 240,000 are not eligible under Bill C-93 because of other related issues such as the ones we just discussed, because they have other convictions?

**Ms. Angela Connidis:** I don't know that.

**Mr. Matthew Dubé:** Okay.

**The Chair:** Thank you for that.

I have one final question. As you know, the Department of National Defence has a military justice system and it's a bit of a hybrid system, where some part is criminal and some part is disciplinary. What would happen to a soldier who is convicted in the military justice system and a conviction is entered for possession of marijuana under that system?

**Ms. Brigitte Lavigne:** Convictions that fall under the National Defence Act would also be eligible for those who have been convicted only for simple possession of cannabis. For members and former members, we would ask them to obtain their military conduct sheet, and then we would be able to process them as we would similarly those who have a conviction that falls under the Criminal Code.

**The Chair:** Would the record suspension apply not only to the criminal conviction but also to the disciplinary event?

**Ms. Brigitte Lavigne:** We would notify the commanding officer after the record suspension was ordered.

**The Chair:** Does the commanding officer have any discretion as to whether to accept that record suspension?

**Ms. Brigitte Lavigne:** It is legislated that those convictions fall under the Criminal Records Act so they would be put separate and apart as well.

• (1730)

**The Chair:** That would get into the soldier's record then.

**Ms. Brigitte Lavigne:** It would be removed from the soldier's record when we notify them that the record suspension was ordered.

**The Chair:** Thank you.

With that, I want to thank you for your patience and your answers.

We are going to adjourn, but before colleagues disperse, I have two administrative things to do. First of all is to write to Mr. Easter, chair of the Standing Committee on Finance, who sits exactly two chairs away from me—I'm going to save the stamp—that we take on part 4, division 10, of Bill C-97. I need a motion to approve that.

**Mr. David de Burgh Graham:** I so move.

**The Chair:** The second, with respect to the subcommittee that met on April 10, is a presentation of the deliberations of the subcommittee.

We agreed to meet the NSICOP, the National Security and Intelligence Committee of Parliamentarians, on Monday, May 13, for an hour to discuss their report in relation to Bill C-93, to provide no-cost, expedited record suspensions. We agreed to start that study, which we have obviously started today, and we agreed that the chair should respond to the April 9 letter from the chair of the Standing Committee on Finance, which we've just done.

Can I have a motion to accept the subcommittee's report?

**An hon. member:** I so move.

**The Chair:** Thank you.

With that, we will adjourn, and those on the subcommittee will reconvene in five minutes.







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