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Official Report of Debates (Hansard)

Tuesday 8 October 2002

Journal des débats (Hansard)

Mardi 8 octobre 2002

Standing committee on justice and social policy

Comité permanent de la justice et des affaires sociales

Victim Empowerment Act, 2002

Loi de 2002 sur l'habilitation des victimes

Chair: Toby Barrett
Clerk: Susan Sourial

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON JUSTICE AND SOCIAL POLICY

Tuesday 8 October 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE LA JUSTICE ET DES AFFAIRES SOCIALES

Mardi 8 octobre 2002

The committee met at 1532 in room 151.

SUBCOMMITTEE REPORT

The Vice-Chair (Mr AL McDonald): We'll call this meeting to order at 3:32. We're here today for clause-by-clause consideration of Bill 60, An Act to give victims a greater role at parole hearings, to hold offenders accountable for their actions, to provide for inmate grooming standards, and to make other amendments to the Ministry of Correctional Services Act.

Report of the subcommittee on committee business: do we have a motion, please?

Mr Dave Levac (Brant): So moved.

Mr Peter Kormos (Niagara Centre): On a point of order: With respect to the subcommittee report, we're dealing with Bill 60 here and now, so the extent to which the subcommittee report deals with the committee dealing with Bill 60, we don't have to pass it or consider it, because here we are. You know what I mean? Like, let's do it. Here we are.

Mr Bob Wood (London West): Why don't we seek unanimous consent?

Mr Kormos: Yes, let's rock and roll. Let's move on. Unanimous consent, subcommittee report be deemed passed.

Mr Wood: I'd grant it.

Mr Kormos: There.

The Vice-Chair: Mr Kormos, I believe it should be read into the record. This deals with Bill 60 and Bill 30.

Mr Kormos: On a point of order: Anything could be done on unanimous consent. So I'm seeking unanimous consent that the subcommittee report, as filed, be deemed read.

The Vice-Chair: Is there unanimous consent?

Mr Wood: I think we should put it on the record, because otherwise—

The Vice-Chair: Say no, then.

Mr Wood: People do actually read these on the Internet. I understand and I support Mr Kormos's interest in efficiency, which I totally endorse. But I'm wondering whether it should be in the record so people—

Mr Kormos: On a point of order: Seeking unanimous consent that Hansard record the report by the subcommittee as part of the record.

Mr Wood: I would certainly support that. If they refuse to do it, you can explain it, but I'm satisfied with that.

The Vice-Chair: Mr Kormos, I'll have to rule the point of order out of order because Hansard can only report on things read into the record.

Mr Kormos: I think we should refer this to Sheehan and the Red Tape Commission.

Mr Wood: We may have to appeal this ruling; however, it would only upset Mr Kormos if we did that. So I will read it in.

Mr Kormos: I was just trying to help.

Mr Wood: I know you were, and I tried too.

The Vice-Chair: Thank you very much.

Mr Kormos: Any time, Chair.

Mr Wood: Your subcommittee on committee business met on Thursday—

The Vice-Chair: Whoa.

Mr Wood: Sorry.

The Vice-Chair: We need a motion to—

Mr Wood: A motion to do what?

Mr Levac: I was asked to read it.

Mr Wood: Feel free. Carry on.

Mr Levac: I like to get on the record.

Your subcommittee on committee business met on Thursday, October 3, 2002, and recommends the following with respect to Bill 60, An Act to give victims a greater role at parole hearings, to hold offenders accountable for their actions, to provide for inmate grooming standards, and to make other amendments to the Ministry of Correctional Services Act, 2002 and Bill 30, An Act—

Mr Kormos: On a point of order, Chair: Mr Levac has to speak more slowly if Hansard is going to be able to record what he's saying.

Mr Levac: Shall I continue?

The Vice-Chair: Please do.

Mr Levac: —An Act to amend the Fire Protection and Prevention Act, 1997 in order to protect the employment of volunteer firefighters, 2001.

(1) That the committee shall invite the Minister of Correctional Services and staff to appear before the committee on Tuesday, October 8, 2002, to make a presentation and to answer questions regarding Bill 60.

(2) That the committee shall proceed with clause-by-clause consideration of Bill 60 following the minister's presentation on Tuesday, October 8, 2002.

(3) That if the committee requires additional days for clause-by-clause consideration of Bill 60, these shall be added after the committee has considered Bill 30.

(4) That the committee shall meet in Toronto for the purpose of public hearings for Bill 30 on Tuesday, October 15, 2002, and on Monday, October 21, 2002, from 4:00 pm to 6:00 pm.

(5) That the committee shall invite the Minister of Public Safety and Security to appear before the committee on Tuesday, October 15, 2002.

(6) That the committee shall post information regarding the hearings on the Ontario parliamentary channel and on the Internet.

(7) That interested people who wish to be considered to make an oral presentation on Bill 30 should contact the committee clerk by 5:00 pm on Wednesday, October 9, 2002.

(8) That the committee clerk shall send out a list of all requests by 6:00 pm, Wednesday, October 9, 2002.

(9) That each party shall submit to the committee clerk a prioritized list of witnesses with alternates in case of duplication by 12:00 noon, Thursday, October 10, 2002.

(10) That the number of witnesses shall be divided equally among the three parties.

(11) That groups shall be offered 15 minutes in which to make a presentation, and individuals shall be offered 10 minutes in which to make a presentation.

(12) That the clerk shall be authorized, in consultation with the Chair and the subcommittee as necessary, to schedule witnesses from the lists of names submitted by the three parties.

(13) That the deadline for written submissions shall be 5:00 pm Tuesday, October 21, 2002.

(14) That the committee shall meet for clause-by-clause consideration of Bill 30 on Tuesday, October 22, 2002.

(15) That the committee clerk can begin implementing these decisions.

So moved.

The Vice-Chair: Any discussion?

Mr Kormos: Recorded vote, please.

Mr Wood: It's already passed, Peter, on your motion. It had to be unanimous.

Ayes

Beaubien, Guzzo, Kormos, Levac, Wood.

The Vice-Chair: Carried.

VICTIM EMPOWERMENT ACT, 2002

LOI DE 2002 SUR L'HABILITATION DES VICTIMES

Consideration of Bill 60, An Act to give victims a greater role at parole hearings, to hold offenders accountable for their actions, to provide for inmate grooming standards, and to make other amendments to the Ministry of Correctional Services Act / Projet de loi 171, Loi visant à accroître le rôle des victimes aux audiences de libération conditionnelle et à responsabiliser les délinquants à l'égard de leurs actes, prévoyant des normes relatives à la toilette des détenus et apportant d'autres modifications à la Loi sur le ministère des Services correctionnels.

The Vice-Chair: We'll move on to a statement by Mr Bob Wood, MPP, parliamentary assistant to the Honourable Robert Runciman, MPP, Minister of Public Safety and Security.

Mr Wood: This bill proposes to do two things: (1) to open up to a considerable extent parole hearings and (2) to address certain health and safety issues in the institutions. A full statement was made when this was first introduced in the Legislature and I'm not going to go through all that again because I share Mr Kormos's interest in expediting this matter and getting to the meat of the clause-by-clause. So I would propose that we proceed immediately to clause-by-clause. That's my statement, in essence.

Mr Kormos: I appreciate Mr Wood's statement and I appreciate his wishes, but here he is submitting himself to what will inevitably be rigorous and painful grilling by the two modest opposition members present. That was part of the deal, too.

The Vice-Chair: Mr Kormos, I believe Mr Wood and Mr Runciman's assistants are here to answer any questions you might have.

Mr Wood: We're ready to proceed now, if you like.

Mr Levac: Given the statement, there are some issues that need to be raised with respect to Bill 60, as much as indications have been made that support for the bill seems to ultimately be inevitable. I'm wondering if Mr Wood or any of the staff can explain for me, cite any scientific research, or any kind of research whatsoever, that implies and makes it quite clear that giving someone a haircut will make them a better inmate.

Mr Wood: I think the bill is based on experience in the institutions. Those provisions are intended to address health and safety issues, and the experience is that in certain circumstances this can be a problem. That's what we've heard from some of the people who actually have the responsibility of administering the institutions.

Mr Levac: What problem would that be?

Mr Wood: If you have hair that's excessively long, that can get into certain questions of concealment and so on, if that's what the individual chooses to do. What these provisions are intended to do is facilitate health and safety in the institution. If we have things that are concealed, be they weapons, be they contraband, that interferes with the operation of the institution and makes the job of the corrections officers that much more difficult.

Mr Levac: I appreciate that, but—

Mr Wood: If I may add to that, this is not an attempt to tell people how to groom themselves for the purpose of aesthetics. This is to deal with health and safety within the institution.

1540

Mr Levac: As I said, I appreciate that logical explanation. At one time, if anyone cares to go back into the records, it was indicated that it would be for the purpose that you said it was not going to be. I'm glad to see that there is rather an understanding of such. The indication is, though, that it's as a result of discussion with correctional officers, as opposed to any research that has indicated that cutting people's hair makes a difference in terms of the performance of the inmate.

Mr Wood: No—

Mr Levac: Those were some of the things, Mr Wood, that were explained to us in justifying having those particular guidelines and regulations implemented. I further discussed it with some of our correctional officers. There were logical reasons, and I'm glad the ministry is now taking the position that those are the issues we're starting to base some of those things on in terms of health and safety. For example, the length of someone's fingernails indicates their possible use as a weapon and the fact that they could also use them to ingest drugs, etc. So the types of things you're talking about now, which I'm assuming is the rationale for this particular piece of legislation, are much more palatable and much more defendable than simply giving somebody a haircut to show them how they're going to behave and assuming that any kind of behaviour is going to improve with a haircut. I'm very pleased to hear that particular piece of logic has been dropped.

Mr Wood: I would hope you would find additional comfort in the wording of the bill itself, this being clause (l.1)(s), "prescribing grooming and appearance standards" etc "that are relevant to the security of those institutions or to the health or safety of persons, and requiring compliance with those standards." So the bill itself, I think, should give you further assurance in addition to the one that I hope was of assistance to you.

Mr Levac: And I will continue because when I was told of the bill's contents and I did finally see the contents of the bill, I rather enjoyed to see the fact that that was being looked at. The other issue this then asks is, will there be regulations or guidelines for how that is going to be applied to the inmates, as in how short will their hair be, how long their hair will be?

Mr Wood: Certainly, there will be standards prescribed. Exactly what those are going to be I think requires further work and further consultation.

Mr Levac: Great.

Mr Wood: So the short answer is, yes, there will be standards. I can't tell you what they are today because we want to work on them further.

Mr Levac: I appreciate it. That's it for me right now, Mr Chairman.

Mr Kormos: I want to make the observation that this government is more interested in grooming as it applies to prisoners than it is in the grooming and bathing of our senior citizens, be they in long-term-care centres or other places. The government abandoned the minimum standard of one bath per week for senior citizens, but is expressing far more interest and concern about the bathing and grooming of prisoners. It seems to me something of a contradiction here, but I guess we have to live with it. It's a majority government.

Mr Wood: I think the purpose of these standards is somewhat different than those in other non-custodial institutions, but that's a discussion for later, no doubt.

Mr Garry J. Guzzo (Ottawa West-Nepean): I have a question for the parliamentary assistant. I saw the correspondence from the minister's office after he was invited to be here and the regrets that he was not going to be here personally. I want to say to you, sir, that I am most appreciative of the fact that you are here. As a matter of fact, I would prefer to have you here than the minister.

Mr Kormos: That's a career-enhancing move.

Mr Marcel Beaubien (Lambton-Kent-Middlesex): It is. That's an endorsement.

Mr Guzzo: Just to clarify the record: you, sir, are a member of the bar, correct?

Mr Wood: That's correct.

Mr Guzzo: When were you called to the bar?

Mr Wood: March 24, 1972, the same day as the Premier.

Mr Guzzo: It must have been a bumper crop that year.

Mr Wood: They have got a lot of that.

Mr Guzzo: Yes, I agree. In any event—

Interjections.

Mr Guzzo: I just want to clarify a couple of quick points here if I could, sir. With regard to the parole hearing, I would ask you if, in your personal opinion as a practising member of the bar, would you describe the parole hearing as a quasi-judicial hearing?

Mr Wood: I think the hearing is what the statute says it is and what the courts define it as. I would not want to offer personal opinions. I think the opinion that counts is what the statute says and what the decisions of the courts have said.

Mr Guzzo: By that, I take it that the government position is that it is a quasi-judicial function that the parole board carries out.

Mr Wood: I think the government position is that it is what the statute says it is and what the cases decided by the Superior Court of Justice and other courts have said.

Mr Guzzo: Accepting that, now we're allowing the victim to attend and give evidence at the hearing as opposed to having to submit the evidence in writing, as was required before. Correct?

Mr Wood: Correct.

Mr Guzzo: And the victim will be allowed to be in attendance at the hearing in the presence—

Mr Kormos: On a point of order, Chair: I'm no judge, but those sound like the leading-est of leading questions.

Mr Guzzo: We're not adverse in interest here, Mr Wood and myself, so I'm allowed to lead him.

Mr Wood: That's true too, as a matter of fact.

Mr Ernie Hardeman (Oxford): I'm not even a lawyer and I don't know what we're doing.

Mr Kormos: I presume you're not cross-examining.

Mr Wood: It's not worth asking. Take our word for it.

Mr Guzzo: I don't think I'm cross-examining him, no.

Mr Kormos: Then stop leading him.

Mr Guzzo: I just want to put certain things on the record as we did with—

Mr Kormos: He's your witness.

The Vice-Chair: Go ahead, Mr Guzzo.

Mr Guzzo: Thank you, sir. It seems to me that the number one complaint that I have heard with regard to the inability of the victim to appear at the same time before the parole board came with the transfer of information from the board to the victim by way of the chair or one of the members of the board, then relaying that evidence, sometimes over lunch, and giving the appearance that the decision-making provisions were not being carried out in a quasi-judicial function. I would suggest to you that by having them there, this practice of the board member taking the victim to lunch and explaining the decision, sometimes before it's given, would then cease with these changes. Am I safe in assuming that, Mr Wood?

Mr Wood: I don't think I would undertake to tell the board how to conduct their hearings at this point, but I think there are certain legal requirements which basically boil down to reasonable apprehension of bias and due process that the board has to follow. I would invite you and the board to look at the legal requirements. I would think they would be complied with.

Mr Guzzo: What I'm asking you then, as a lawyer, is to tell me whether you think it is appropriate for the chair of the board, upon hearing the evidence and before giving a ruling, to then have lunch with the victim at the expense of the chair?

Mr Wood: I think anything that any board does that doesn't comply with the requirements of judicial review, which I have summarized and don't want to try and give an exhaustive explanation of, is inappropriate for any administrative board.

Mr Guzzo: That's very helpful, and I think you for the answer. Anything further I will now do in writing. I will undertake to provide the members of the committee with the copies of the correspondence. Thank you very much.

The Vice-Chair: Any further questions or comments?

Mr Levac: Regarding the section on page 2, section 2 (t), "providing for the monitoring, intercepting or blocking of communications of any kind between an inmate of a correctional institution and another inmate or other person, where reasonable for protecting the security of the institution or the safety of persons": has that been vetted in terms of a comparison with what the federal government presently does with its monitoring system? Has it already been vetted with lawyers for opinions as to whether or not listening to phone calls is constitutional?

1550

Mr Wood: Number two, yes. Number one, I'm going to have to seek the ministry's advice. I don't know the answer to number one. Number two, the answer is yes. Do we have anyone who can assist us with respect to the first half of that question?

Mr Jay Lipman: My name is Jay Lipman. I'm a lawyer with the Ministry of Public Safety and Security.

Mr Wood: You have to shout, because some of us are a little hard of hearing.

Mr Lipman: Sorry. In terms of vetting it, the expectation now is that the regulations will be similar to what currently exists in the Correctional Services of Canada school.

Mr Levac: Just as an additional point, or my curiosity again: since you've already done that, is it advisable to make somewhat similar regulations and rules so that you can't have any differences between what the federal government is doing in its institutions and the Ontario institutions, in terms of language and how things are done, so that inmates cannot communicate in any way, shape or form about what the loopholes are in each one of the systems? As we know, as a culture, some inmates absolutely know each other and know how to communicate back and forth. Does that make sense?

Mr Lipman: That does make sense. Certainly the federal model that's in place now will form the basis of our model. There have been a number of court challenges to the federal provisions, and of course we'll take those into account in designing our program.

Mr Levac: You've answered my question completely.

Mr Wood: I was going to add something, but if it's already complete—maybe I will add this: we like consistency where possible with the federal system, but where we think they're not doing something in the best possible way, we may well do it a little differently.

Mr Levac: Yes. I think they've done the same thing.

Mr Wood: Yes. We do have a certain number of repeat guests in the two systems, and to have the same regime is helpful where possible.

Mr Kormos: I'm looking at section 1 of this act, subsection 2 in particular, and the amendment which will be (1.1): "prescribing standards of professional ethics for persons employed in the administration of this act and requiring compliance with those standards." Of course, that's an amendment to the Ministry of Correctional Services Act, which then suggests—and I would ask Mr Wood—that there are no existing standards of professional ethics for people administering that act, which would include persons conducting parole hearings. Is that correct on my part?

Mr Wood: No, I don't think that is correct. I think that there are none prescribed under this act. Certainly the people who are administering the parole system are held to the standards of the ministry. I think it would not be correct to say that they are not held to quite high standards. There are standards now. This gives statutory authority for the prescription of standards, which I think is important. But it is not correct to say there are no standards now.

Mr Kormos: Because Mr Guzzo was putting a scenario before you—whether it was hypothetical or not, I'm

not sure—but surely in the course of your response you displayed some familiarity, if not thorough familiarity, with the concept of reasonable apprehension of bias and the role of a neutral and the obligation of that neutral who is adjudicating to not only be neutral but to display that neutrality in every possible way. You indicated a pretty good understanding of that.

So your response was or was not that having lunch with a victim prior to tendering one's decision is or is not in compliance with the standards expected of a neutral?

Mr Wood: My response is that I think any adjudicative tribunal where the decision-maker engages in behaviour that gives rise to a reasonable apprehension of bias on the part of that person or persons whose case is being adjudicated—if they do that, they are open to the decision being set aside. I don't want to get into commenting on individual cases, because I think that's—

Mr Kormos: Well, no, I'm just asking you hypothetically.

Mr Wood: I'm evading your question by giving you an answer which sets out what I think is the state of the law. I think that's a legal requirement, and indeed in some cases it's actually a constitutional requirement.

Mr Kormos: Are the standards of professional ethics to be prescribed going to be retroactive? That is to say, are they going to apply to persons and be applied to previous conduct as well as future conduct?

Mr Wood: I think they're more likely to be applied to future conduct.

Mr Kormos: Is that sort of like the business we talked about yesterday, that any actions against the crown, for instance, arising before 1964 can't be pursued: Proceedings Against the Crown Act, sections 28 and 29?

Mr Wood: There's a certain symmetry between the two, although we would have certain other problems if we made it retroactive, such as collective agreements, employment contracts and so on.

Mr Kormos: Would the standards of professional ethics that are prescribed deal with the inappropriateness of a parole officer and their behaviour in having lunch with a victim?

Mr Wood: I would strongly suspect the standards are going to include compliance with the law and with the constitution, which I think would lead to a positive answer in such circumstances.

Mr Kormos: What is Mr Runciman doing this afternoon?

Mr Wood: He did not share that with me, so I can't tell you.

Mr Kormos: Because, interestingly, I never saw him leave the members' lounge when the press was anxiously waiting outside the east lobby.

Mr Wood: I'm afraid I'm as much in the dark as you are on the matter. I cannot be of assistance.

Mr Kormos: Are you interested in commenting on the tax break for professional sports teams that appears to have been done by way of ministerial order?

Mr Wood: I might, after I have an opportunity to fully study it.

Mr Kormos: You should be with Ernie, then, instead of here. Do you think Mr Eves is at all upset today with anybody?

Mr Wood: Not that he expressed to me.

Mr Kormos: Would you want to be his briefing person?

Mr Wood: I haven't been asked.

The Vice-Chair: Maybe we could move back to Bill 60. Mr Levac.

Mr Levac: I intend to do so. On the second page, subsection (3):

"Discipline

"(5) The fact that an inmate or young person is alleged to have committed an act or omission that is an offence under an act of Canada or Ontario does not prevent disciplinary procedures from being taken against him or her in respect of the act or omission in accordance with the regulations made under clause (1)(e)."

In my reading of that, am I assuming then that the ministry is just simply outlining that they, under regulation, can issue statements of how an inmate will be disciplined, given any kind of action taken inside an institution?

Mr Wood: No. There's an argument that if a criminal charge is pending, you cannot proceed with disciplinary action. This clarifies that if there is, say, a criminal charge pending, you can also proceed with a disciplinary action. That's why that's there.

Mr Levac: For further clarification, the implication at one time was that inmates were not being punished, even if there wasn't any criminal act being pursued, as an internal discipline mechanism. There was argument that they couldn't proceed to do that because they were already being punished.

Mr Wood: I think it's clear that you can discipline an inmate.

Mr Levac: Absolutely.

Mr Wood: Let us say that an incident occurs—an assault, for example. That gives rise to a criminal charge. What this section says is, despite the fact that there's a pending criminal charge, you can still proceed with institutional discipline.

Mr Levac: And that's been vetted also in terms of their rights?

Mr Wood: Yes. It's always dangerous to give comment on constitutional issues, but I think we can have reasonable confidence that that is constitutional.

Mr Levac: Yes, and I'm not making attempts to try to catch anyone saying anything; I'm just asking the question in terms of if it's been vetted. I'm assuming that because of that, we're proceeding.

Mr Wood: Yes, it has been vetted. We hope the opinion is correct and believe it to be correct.

Mr Levac: Thanks, Bob.

Mr Kormos: Chair, can one of the government members please move section 1? My attention span has been exhausted. I'm getting incredibly bored.

The Vice-Chair: Any further questions or comments?

Mr Wood: We don't get to move it. He has to move it. I agree—

Mr Kormos: He's got to move it.

Mr Wood: I've supported you on all issues so far.

Mr Kormos: You can move it if you want—

Mr Wood: No, no, he has to.

Mr Kormos: If you wait for him, it may take all day. He hasn't moved anything yet.

Mr Beaubien: We've got all day.

Interjection: Where are you going? You've got to hang around to vote.

Mr Kormos: Of course, but I just want to try to get up there for that scrum.

Mr Beaubien: You can go around. We'll take a break. We'll recess for a few minutes if you want to take the scrum.

1600

The Vice-Chair: I'm happy to sit here all day. I enjoy this type of work, so if you want to banter back and forth—

Mr Wood: Mr Kormos is insisting—

Mr Kormos: You speak well of yourself in that regard, then.

Mr Wood: He's insisting.

The Vice-Chair: OK, we'll go back to section 1.

Mr Kormos: Carried.

The Vice-Chair: Shall section 1 carry?

Mr Kormos: Carried.

Mr Wood: Carried.

The Vice-Chair: Section 2.

Mr Wood: I do have an amendment.

Mr Kormos: Go ahead, quickly, please.

Mr Wood: I move that section 2 of the bill be amended by adding the following subsection:

"(1.1) Subsection 60(1) of the act, as amended by the Statutes of Ontario, 1997, chapter 17, section 7, 1997, chapter 39, section 10 and 2000, chapter 40, section 18, is further amended by adding the following clause:

"(j.2) authorizing persons, other than victims within the meaning of the Victims' Bill of Rights, 1995"—I presume that's an act; maybe not—"and other victims of offences, to attend proceedings of the Ontario Parole and Earned Release Board as observers, and governing their attendance;"

The Vice-Chair: Questions or comments?

Mr Kormos: Of course, Mr Wood, you know the Victims' Bill of Rights, 1995, is a statute and it's one that was thoroughly trashed by the courts when Ms Even and Ms Vanscoy sought remedy under the Victims' Bill of Rights. Judge Day, in that hearing, effectively said that the bill did not confer any rights on victims; indeed, the government instructed its own lawyers to argue that the bill didn't confer any rights on the victims. So if that helps you recall that particular piece of legislation, then it's been useful.

Unfortunately, the Victims' Bill of Rights has been of no use whatsoever to victims since its inception, nor has this government done a single thing to correct the serious absence of victims' rights by virtue of readdressing the bill.

I want to indicate that I'm supporting this amendment. The minister's office was very helpful in letting us know that it was going to be brought forward. One of my concerns was the very limited nature of the section in the bill which authorizes the participation of victims. It's with regret that the bill doesn't state more thoroughly what the rights of the victims will be in terms of participation. I can only exhort the government to ensure that participating means for the victim more than just attending. It means giving that victim, should she or he wish it, status or standing at the hearing; it means ensuring that that person has counsel; and it means ensuring that that person has meaningful access to the hearing, to wit, advance notice of parole eligibility, advance notice of a parole hearing actually being heard. It means ensuring that that person has access to the hearing in terms of transportation and whatever other expenses that may be incurred being paid for, should the victim wish. It means that that victim has the support necessary from professional people, not just lawyers but other professionals, because for many victims this could be a very traumatic, terrifying experience. I'm hoping that the government, when it makes those regulations, considers all those things, because it has the power to do it, obviously, by regulation.

The amendment—I'm pleased, because one of the other vacuums or areas that the bill ignored was the access of the press to parole hearings. I believe that press coverage of parole hearings and conducting parole hearings so that the press can meaningfully digest and understand the evidence that a parole hearing officer is relying upon is critical to restoring public regard for parole hearings. Quite frankly, I consider it in the interests of the offender who is seeking to have his or her sentence shortened as well, because it means that there could be the prospect of public scrutiny and criticism of an unfair decision which was unfair by virtue of not releasing a prisoner on parole. That openness could go a long way to acting as a deterrent for sloppy or shoddy decisions. I means that the parole hearing officials would be under much more scrutiny in terms of making sure that they heard all of the possible evidence and reviewed it in a reasonable way. I think it's a safeguard for the victims, it's a safeguard for the community as well as a safeguard for the offender.

You know my view, and that is that if the sentencing process is a public one, as it is in courts as of right, any interference with that sentence—and all a parole hearing is is an effort to reduce the sentence that was originally imposed, or to vary the way it's served, rather, in the most precise terms—

Mr Wood: To determine how it's served.

Mr Kormos: But any alteration of that sentence, which is what the parole board does, should be equally public. I don't think that's an offence to anybody's interests. As a matter of fact, it's in the interests of the administration of justice and maintaining the regard for the administration of justice.

I wish the amendment were more complete in terms of spelling out the conditions under which other persons—persons other than victims—can attend, but that isn't the case. But in view of the modest progress shown by the government to the arguments that we made regarding this bill, I want to urge others, including the government members, to support this amendment.

Mr Wood: May I respond very briefly to that? I think that what Mr Kormos has done is touch on a number of important issues for which we appreciate his advice. We invite him to offer any further advice that may occur to him as he considers this further, and invite everybody to offer comment, because the regulations that are actually prescribed are quite important here and we are inviting input from everyone who has something that they think would be helpful. So we appreciate what you did say and would invite more if more comes this way.

Mr Kormos: I can tell you, Mr Wood, Cam Jackson never took me out to dinner. Maybe Mr Runciman will.

Mr Wood: Well, who knows?

The Vice-Chair: Any further questions or comments? The government has moved an amendment to subsection (2)(l.1). Shall the amendment carry? Carried.

Section 3—

Mr Kormos: Shall section 2, as amended, carry? Carried.

The Vice-Chair: Shall section 2, as amended, carry?

Mr Kormos: I just said that.

Mr Beaubien: I think the Chair is quite able to do it. Give him a chance.

Mr Kormos: If he would have, I wouldn't have had to say it.

The Vice-Chair: Section 3.

Mr Kormos: Amendment, Bob?

Mr Wood: I move that subsection 3(2) of the bill be struck out and the following substituted:

"Same

"(2) Section 1 and subsections 2(1) and (1.1) come into force on a day to be named by proclamation of the Lieutenant Governor."

That flows, of course, from the previous amendment.

The Vice-Chair: Questions or comments? Seeing none, the government moved an amendment. Shall it carry? Carried.

Shall section 3, as amended, carry? Carried.

Shall section 4, the short title, carry? Carried.

Shall the long title of the bill carry? Carried.

Shall Bill 60, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? Carried.

The committee is adjourned.

The committee adjourned at 1608.

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