



THE CANADIAN  
BAR ASSOCIATION  
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BARREAU CANADIEN

October 18, 2011

Via email: [lcjc@sen.parl.gc.ca](mailto:lcjc@sen.parl.gc.ca)

The Honourable John D. Wallace  
Chair, Senate Committee on Legal and Constitutional Affairs  
The Senate of Canada  
Ottawa, ON K1A 0A4

Dear Senator Wallace,

**Re: Fee Increase For Pardon Applications**

I am writing on behalf of the Canadian Bar Association's National Criminal Justice Section (CBA Section) and its Committee on Imprisonment and Release. The Canadian Bar Association is a national association representing over 37,000 jurists, including lawyers, notaries, law teachers and students across Canada. The CBA's primary objectives include improvement of the law and the administration of justice. The CBA Section consists of prosecutors and defence lawyers from all parts of Canada. The Committee on Imprisonment and Release is comprised of experts in prison law, with decades of combined experience.

While the granting of a pardon is not a right, important social objectives are achieved by making pardons both meaningful and accessible to those who fulfill the required criteria. Pardons are an important aspect of sustainable rehabilitation and reintegration. On a practical level, a pardon may be necessary for employment, immigration applications, housing or mobility. For many applicants, it represents the last step in moving beyond a bad mistake, and can be a strong motivator to avoid future criminal activity.

There was a substantial increase in fees for pardons only last year, with the fee rising from \$35 to \$150 per application. The proposed new fee of \$635 is more than four times that amount.

While we realize that cost recovery is generally a reasonable and responsible goal, the broader benefits, cost and otherwise, to society in facilitating rehabilitation and reintegration justify some degree of public support for the pardons process, and would ensure that pardons are not disproportionately available just to those with financial resources. The process of obtaining a pardon is neither quick nor easy. Even a modest fee may impede some from applying for a pardon. Financial inequities should not be used to make pardons less available to those with little or no money. The proposed increase in fees at four times the current fee level may well prevent those who need a pardon the most (for example, to obtain employment) from applying. Instead, we suggest that the fee might be waived for impecunious applicants. If certain types of pardon

applications are more costly to process, a multi-tiered fee system might be fair, again with the possibility of waiver based on financial ability.

Making pardons accessible should not be characterized as a luxury, or evidence that our society is soft on criminals. Rehabilitation and reintegration are key components of the *Criminal Code* and the *Corrections and Conditional Release Act*. Everyone benefits when a person stigmatized by a criminal record finds employment and housing, and moves on to become increasingly self reliant. The CBA Section believes that to move instead to make pardons less available is counterproductive, and contrary to these important, key principles.

Thank you for considering the views of the CBA Section.

Yours truly,

*(original signed by Gaylene Schellenberg for Daniel A. MacRury)*

Daniel A. MacRury  
Chair, Criminal Justice Section