HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

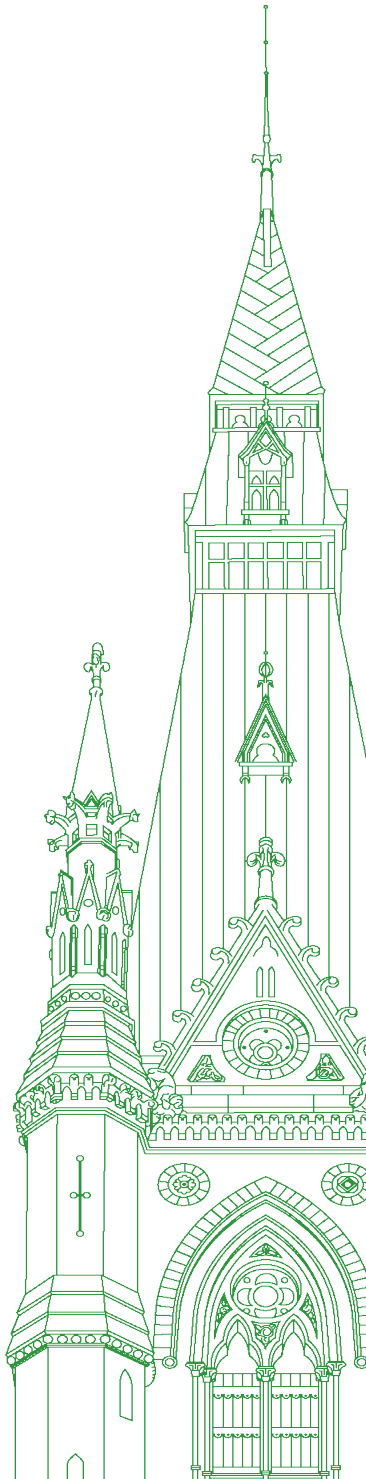
45th PARLIAMENT, 1st SESSION

Standing Committee on Justice and Human Rights

EVIDENCE

NUMBER 006

Tuesday, October 7, 2025



Chair: Marc Miller

Standing Committee on Justice and Human Rights

Tuesday, October 7, 2025

● (1530)

[*English*]

The Chair (Hon. Marc Miller (Ville-Marie—Le Sud-Ouest—Île-des-Soeurs, Lib.)): Good afternoon, everyone. I call this meeting to order.

There are a couple of elements before we get going. Today we have confirmed that the Minister of Justice will be available for the kickoff of our study on Bill C-9 on Thursday, with one hour provided for him exclusively and then an hour, as customary, with officials for the second hour. That is some good late-breaking news.

Welcome to meeting number six of the House of Commons Standing Committee on Justice and Human Rights.

Mr. Brock.

Larry Brock (Brantford—Brant South—Six Nations, CPC): Thank you, Chair.

I appreciate that we had some discussions, before you hit the gavel, about some housekeeping matters, and I appreciate the position you took. I think this is something that probably should be dealt with right off the hop. I don't think it's going to be very complicated or very lengthy, but I tabled a motion last Friday. I believe it's in both official languages. Every member of committee has that motion.

I'd like to move that motion at this time and read it into the record. I move:

> That the committee continue its study entitled "Bail System, Sentencing and the Handling of Repeat Violent Offenders in Canada" concurrently with a review of Bill C-9, An Act to amend the Criminal Code (hate propaganda, hate crime and access to religious or cultural places), provided that one meeting on each study be held weekly, and regarding its consideration of Bill C-9, the committee:
>
> a) dedicate at least 10 meetings to receive witness testimony;
>
> b) invite Sean Fraser, Minister of Justice and Attorney General of Canada, for no less than one hour, and;
>
> c) invite departmental officials, and other witnesses deemed relevant for the purposes of this study.

Echoing my comments from last Thursday, I believe that both Bill C-9 and our particular study that we've agreed to—and we've heard several witnesses over the course of several days—are equally important. I believe that we can accomplish both studies at the same time. There is a pressing and ongoing need to have this discussion regarding sentencing and bail reform. It would be our preference, at least on the Conservative team, to continue doing that on a week-to-week basis.

Thank you, Chair.

The Chair: Thank you, Mr. Brock.

Let's have this discussion at the end. It shouldn't take a long time, but let's reserve 10 minutes then. We can cut some of the witness testimony short, but since they're here and ready to go, I'm confident that we can dispense with this at the end of proceedings if we reserve five to 10 minutes to do so.

● (1535)

Larry Brock: That's provided we can establish 10 minutes remaining in our allotted time.

The Chair: We'll do that at the end. I see heads nodding, so it should acceptable. Thank you.

Mr. Lawton, we're moving on now. We'll move this to committee business.

Welcome to meeting number six of the House of Commons Standing Committee on Justice and Human Rights. Pursuant to Standing Order 108(2) and the motion adopted on September 23, 2025, the committee is meeting to continue its study on bail, sentencing and the handling of repeat violent offenders.

Today's meeting is taking place in a hybrid format pursuant to the Standing Orders. The witnesses in the second hour, I believe, will be mostly on Zoom. We have a member as well present on Zoom.

[*Translation*]

Before we continue, I would like to remind all in-person participants to review the guidelines written on the cards in front of them on the table. These guidelines are in place to help prevent audio incidents and acoustic shocks and to protect the health and safety of all participants, particularly the interpreters. You will also notice that a QR code on the card links to a short awareness video.

[*English*]

There are a few reminders for members, especially the new ones getting seasoned. I will recognize you by name before speaking. For those participating by video conference, click on the microphone icon to activate your mic and please mute yourself when you're not speaking. Please also select the official language of your choice and convenience on the proper channel.

I remind you again that all comments should be addressed through the chair.

[*Translation*]

The committee clerk and I will manage the speaking order as best we can.

Thank you for your patience and understanding in this regard.

[*English*]

Andrew Lawton (Elgin—St. Thomas—London South, CPC): I have a point of order.

The Chair: I just want to introduce the guests.

We have with us Nicole Myers.

[*Translation*]

Dr. Myers is an associate professor in the Department of Sociology at Queen's University, and Michael Spratt is a criminal lawyer with Abergel Golstein & Partners.

[*English*]

From the Criminal Lawyers' Association, we have Boris Bytensky, president.

Mr. Lawton, go ahead on your point of order.

Andrew Lawton: Thank you.

Again, I concede that I am new here, but my understanding of the Standing Orders is that when a motion is tabled, it is a live motion. We did not vote to adjourn debate on that motion. We did not reach a consensus on that. If, in the interest of expediency, there is a desire to dispense with the motion, I'm sure all of us can unanimously agree to adopt that motion and move on. I don't want to get us into a situation where we potentially end up with a party—not to single anyone out—deciding to filibuster the motion, which pertains to a meeting we're having in two days, without our having an opportunity to adopt that.

Respectfully, Chair, the motion is still live before this committee. If we do want to move on to witness testimony, which I am very eager to do, we can adopt the motion unanimously if my colleagues opposite agree.

The Chair: No, I think there was a nodding of heads to move this to the end for 10 minutes, so we'll deal with it then.

Andrew Lawton: No, you told me that while I was trying to speak on that, Chair—

The Chair: No, you weren't.

Andrew Lawton: —so we didn't actually agree.

[*Translation*]

Rhéal Éloi Fortin (Rivière-du-Nord, BQ): Mr. Chair, interpretation is telling me that there is a problem.

The Chair: We will look into that. This is not the first time this has happened. I am not blaming anyone, but if it were possible to resolve the issue, that would be ideal, because we would like to move on to witness testimony.

Rhéal Éloi Fortin: It is working, Mr. Chair.

The Chair: All right, that is perfect.

[*English*]

We agreed to move this to the end and deal with it then—

Andrew Lawton: We did not agree to that, Chair.

The Chair: Well, that's what I heard and that's the ruling.

Andrew Lawton: No. That's what you've said, Chair.

The Chair: Let's move on, since that's the ruling.

Andrew Lawton: I move to challenge the ruling, Chair.

The Chair: You can move it all you want, but we're moving on to the witnesses. We will move this to committee business and have that discussion with 10 minutes remaining. This is an important study and we all want to get on with it, so let's get on with it.

I've introduced the three witnesses for the first hour. Each will have five minutes.

Following the order that appears before me, Mr. Bytensky will start.

The floor is yours for five minutes.

Boris Bytensky (President, Criminal Lawyers' Association): Thank you very much, Mr. Chair.

Thank you to everybody at the committee for having the Criminal Lawyers' Association and for allowing me to address you on their behalf.

Our organization represents nearly 2,000 criminal lawyers across Canada, many of whom are on the front lines of our courts, bail and sentencing courts in every province and every territory in Canada. Our members are also members of our communities. We live in the same communities where the victims of crime live, where police officers live and where everybody here lives. We want the exact same things in terms of public safety for our children that you want for yours, and we want to live in safe communities in dignity and harmony with our neighbours and to enjoy the rights and freedoms that we all enjoy as Canadians.

Personally, I was called to the bar in 1993. I have spent much of my career dealing with issues in bail court, and I have litigated these issues in a number of provinces and at the Supreme Court of Canada. The issues of bail and bail delays have been persistent, and they have plagued our courts for about a quarter century, at least in my own experience as I've been dealing with them.

I've provided some speaking notes, and there are some footnotes. I welcome everybody to review them. I'm not going to go into all those details. Our position from the CLA can be summarized in this way.

The bail system is not lenient, and the system cannot be perfect. It's important to recognize, contrary to many reports, that it is not easy to get bail in Canada. It is certainly not easy to get bail in a timely way, and it's not easy to get bail without facing unnecessary terms and conditions.

It's also important to recognize that having a successful bail system that maintains public confidence does not and cannot require perfect compliance. We must accept, as the Supreme Court of Canada has, that predicting future dangerousness is notoriously unreliable and will inevitably lead to unexpected and unfortunate negative outcomes.

The only way to remove all risk for those on bail is to eliminate bail, eliminate bail for all charges for all offenders. Of course, even if one ignores the constitutional barriers to that tongue-in-cheek suggestion, the criminogenic nature of our detention facilities would make that a net negative from a public safety standpoint if measured over a moderate period of time. Simply put, we cannot jail our way out of any public safety risk that will always accompany bail and sentencing decisions.

Addressing the problem of repeat violent offenders was discussed when we were here last time to make some submissions on Bill C-48. That bill was designed to have “targeted changes” to the Criminal Code's bail regime to address “serious repeat violent offending with firearms, knives, bear spray and other weapons” and to address “the enhanced risks posed by intimate partner violence”. All of these were addressed through the primary mechanism of creating additional reverse-onus bail provisions at that time and were designed to apply to certain individuals and certain enumerated offences in certain circumstances. Today there is ongoing dialogue about adding additional reverse-onus provisions for the same general reasons.

The position of the CLA is similar to the position taken by various other organizations that have appeared before this committee. Decisions to change bail legislation must be evidence-based and not the product of public sentiment that is stoked by individual cases or by partisan politics. Our submission is not based on the constitutionality of reverse-onus bail. It's simply based on our lived experience and the experience that we've seen in our courts. Reverse-onus bail does not lead to more detention orders. It leads to slower bail cases. It results in more cases being delayed in the bail courts and more people waiting for the bail cases to begin.

In our submissions, in 2023, we predicted that this will lead to these types of delays, and that prediction has turned out to be 100% accurate, at least in Ontario. Further enactments of reverse-onus provisions or other barriers to bail will only exacerbate these problems. In other words, these barriers to bail will have a measurable and inverse effect on public safety, at least in the medium or long term. Remand centres, as I said, are highly criminogenic. Whatever short-term gains you realize from keeping a specific individual in custody without bail for that period of time will be outweighed by the increased risk to public safety from that same individual when he or she is eventually released. For every individual who loses a job, housing, a bed in a shelter or a spot in a treatment program simply from having their bail hearings delayed, even if bail is eventually granted, that individual will also contribute to an overall increased risk to public safety in our communities.

We have three discrete suggestions—and I'll be quick about this, noting my time—that will assist in bail without addressing bail delays.

● (1540)

First, in my respectful submission, Parliament can legislate a mandatory right to proceed with bail within 24 hours, if you're ready to go.

Second, adjournments for matters that are “not reached” should be outlawed right in the Criminal Code. Bail adjournment should only be granted if requested by the prosecution for legitimate investigative reasons.

Third, if those guarantees are not met, bail should be deemed not to be pursued by the Crown. Release should be granted, subject only to the mandatory conditions regarding weapons and protection of victims that exist in the Criminal Code.

I strongly urge the committee to consider some of these suggestions and to use this as an opportunity to address the real problems we have in our bail courts.

In my respectful submission, we can accomplish much more regarding public safety by adopting those measures than by some of the ones that are being publicly discussed.

Thank you.

● (1545)

The Chair: Thank you.

Mr. Spratt, please go ahead.

Michael Spratt (Criminal Lawyer, partner at AGP LLP, As an Individual): Thank you, Chair and members of the committee, for the invitation today.

I'm a criminal defence lawyer. I spend most of my time in court. I wish I could tell you that Canada's justice debates were guided by evidence, but they're not. Too often, they run on vibes and misinformation.

Lately, we've seen sweeping justice reforms proposed after a few high-profile cases, usually before the facts of those cases are fully known. That might be good politics, but it's bad policy-making.

We all remember the Zameer case in Toronto. When Mr. Zameer was released on bail, politicians and police leaders declared the system broken. The jury heard the evidence and found him not guilty. That's the entire point: Presumption of innocence matters. Bail is how a free society honours that principle while protecting the public. When we legislate before we know the facts, we don't fix the problem. We create new problems.

Let's talk about some facts.

First, bail's not easy to get. In Ottawa, my clients wait days and sometimes weeks just for a bail hearing. When there's serious violence and when there are breaches or weapons involved, police and Crowns rarely consent to the release. Bail courts take those cases very seriously. They look at the criminal record, the offence, the plan of supervision, the evidence and public safety. People are released, but calling this a catch-and-release system is a misrepresentation.

Second, even when release is granted, it's far more restrictive now than it used to be. Ontario has seen an expansion in the use of GPS monitoring, for example. Five years ago, it was exceptional; now, it's quite routine.

Third, we're detaining more people than ever. Our jails have never been fuller. About 80% of inmates in Ontario are in remand, awaiting a trial while presumed innocent.

Fourth, the conditions in remand are inhumane. Our courts have said so repeatedly. After an extensive review of prior cases, the Ontario Superior Court of Justice found the conditions at the Toronto South Detention Centre “fail to comport with basic standards of human decency.” Why? The court found that was “a deliberate policy choice to treat offenders in an inhumane fashion”. Just last month, the Ontario Court of Justice found things have gotten even worse. They haven't improved. It called the conditions “so appalling that it is hard to find words to adequately condemn them.”

My clients confirm what those judges have found. They are triple-bunked on the floor beside a toilet with no visits, no fresh air, endless lockdowns, no programs, no counselling and violence born of scarcity. If you were to design a system to increase reoffending, this would be it.

That should matter to everyone. People don't emerge from these conditions better citizens. They come out cut off from family, treatment, school, work and housing. They are more traumatized, less stable and, yes, more likely to reoffend.

On to some legislation and a myth we need to dispel. It's been a popular talking point to blame Bill C-75 and the codification of the principle of restraint for the so-called bail crisis. That's wrong in fact and law. Bill C-75 simply codified what the Supreme Court has already said. Restraint and the ladder principle aren't just suggestions; they're constitutional guardrails.

Let's be clear, proposals for mandatory detention or eliminating bail for certain offences run head-first into the Constitution. The Supreme Court has already struck down mandatory minimums for the same reason. They ignore the individualized, proportional analysis that the charter requires. They also don't work. Studies show this type of one-size-fits-all justice policy can actually increase the rate of reoffence. If the goal is safer communities, mandatory detention isn't the path. It's not the solution. It's just an illusion of one.

No system is perfect, so what could actually help? Let's go through these quickly.

One, with real bail supports, give the courts options beyond jail. Expand supervised bail beds and provide culturally competent supports and third party monitoring.

Two, with treatment on demand, fund in-patient and out-patient mental health and addiction treatment and tie that to bail and probation orders.

Three is smart compliance. Police budgets, have you noticed they always keep growing? How about we use some of that growth to actually do targeted checks on high-risk cases?

Four, use the tools you already have. If a court gets a decision wrong—sometimes courts get things wrong—you appeal it. That's how you fix errors without ripping up the charter.

Five, fix the jails. Remand conditions are a public safety issue.

Six, tell the truth. Wait for facts before rushing to a microphone.

● (1550)

Those accused of serious violence are already the most likely to be detained and the law already reflects that.

The Chair: Michael, sum up, please.

Michael Spratt: None of this is soft on crime; it's just sober thought. We're always going to need to detain some people because risk can be real, but we should do it sparingly, lawfully and humanely. The presumption of innocence is not a loophole; it's the backbone of a fair system. Restraint is not weakness—it's discipline. Evidence, not vibes, should drive decisions that touch on liberty and public safety.

Thank you.

The Chair: Ms. Myers, the floor is yours. You have five minutes.

Nicole Myers (Associate Professor, Department of Sociology, Queen's University, As an Individual): Thank you.

I am a criminologist and an associate professor at Queen's University. I have been studying issues around bail and pretrial detention for over 20 years, having observed hundreds of days of bail court, witnessed the decision-making process for thousands of people and interviewed justice professionals and accused individuals. It is from this position that I speak to you today.

When tragedies occur, it is easy to look to the law as the culprit and to think that with some adjustment, we can prevent further tragedies. We do this rather than the more complex task of addressing the root causes of crime that are supported by empirical evidence. The bail law is not responsible for these tragedies. The effectiveness of narrow rather than wholesale bail reform will be limited, as the problems with the bail system are not ones of leniency.

For the most part, bail is about making predictions, and predictions about humans are seldom 100% accurate. We only ever hear about the people charged with new offences. Nobody ever talks about the number of people who are released into the community, who show up as required and who do not commit offences. For every person who commits a serious offence, there are scores of others who do not. We are never going to be perfect at predicting the ones who will go on to commit an offence.

The bail system is replete with problems. Keeping people in pretrial custody is not one of them. It is already difficult to get bail in this country. The issues with bail lean far heavier on the administration of the law rather than with the law itself. I caution you against proceeding with efforts that will make it easier to lock up legally innocent people when we are already quite good at doing so.

We can all agree that public safety is important. People should feel safe in their communities. The difference is in the views on how we get there. While tempting to be drawn in by catchy slogans, like "jail not bail" and "revolving door system", these are not simply mis-characterizations; these are factually inaccurate. I encourage you to pursue empirically supported reforms rather than reforms that will make the problems with the bail system worse and increase rather than remediate risks to public safety.

Let's get some facts straight. Canada's bail system is the harshest it has ever been. We have never before held this many legally innocent people in custody. The most recent data indicate that over 19,000 people were in remand on an average day and less than 6,000 people were serving a sentence in provincial custody. Across the country, 76% of the provincial jail population is in remand. The rate with which we hold people in remand has quadrupled in the last 40 years.

Another way to look at this is that 103,000 people were punished by being admitted to pretrial detention and less that 46,000 people were punished by being admitted to federal and provincial sentenced custody combined.

Internationally, we stand out amongst comparable nations as holding the highest proportion and rates of people in pretrial detention. As a free and democratic nation, this is not an enviable achievement. It is critical to strongly emphasize that it is indigenous peoples, Black and other racialized people, people experiencing poverty, as well as those who are struggling with mental health issues and substance use who are dramatically overrepresented. Said differently, it is the most marginalized in society who experience the most punitive aspects of our system. Any efforts to tighten the bail system will amplify these disproportionate impacts.

Being accused of a crime does not make it so. In 52% of cases in Canada, all charges against the accused person are withdrawn. That means only 46% of accused people are ever convicted of an offence. For those who are convicted and receive a custodial sentence, they are rightly given credit for their time in custody. The difficulty is that the sentence then appears artificially short, perpetuating inaccurate perceptions of leniency.

The current system has inverted the process, where the punishment commences upon arrest and accusation rather than conviction. We routinely punish people up front, prior to determining guilt. In doing so, we reduce any sentence that may be imposed post-conviction, reducing any available opportunities for rehabilitation. This says nothing of the heavy consequences for the hundreds of thousands of cases that conclude with all charges being withdrawn. For many people, pretrial custody is the punishment before, and often in the absence of, any conviction for wrongdoing.

Call me old-fashioned, but in my view, before we punish individuals, we ought to convict them of the offence first. It would be better to focus our attention on holding guilty people accountable rather than punishing legally innocent people for something they may or may not have done.

An accusation can send somebody's life sideways, disrupting the very community connections that provide stability and are known to protect against crime. We must be mindful that custody makes it more—not less—likely for people to engage in crime.

Crime goes up and down for many reasons. Neither bail nor sentencing laws are one of them. Tightening the bail law will likely increase the number of legally innocent people in custody and do almost nothing to reduce crime or improve public safety. We cannot incarcerate crime away. If incarceration worked, the United States would be the safest country in the world.

I encourage you to avoid legislating blanket requirements, such as automatically denying bail, creating mandatory minimum sentences or any three-strike policy. It is critical that discretion is maintained or you risk legislating unfairness and injustice. Indeed, research demonstrates that Canadians want something more akin to structured discretion or presumptive guidelines rather than mandatory minimums.

● (1555)

Resist falling for factually inaccurate assessments about the bail system. This, in so many ways, is about the administration of law, not the law itself. It is the provinces that are best positioned to implement measures to improve the system, not by building more jails but by focusing on efforts to improve the operation of the court system.

The Chair: Can you complete your—

Nicole Myers: I implore you to question the narrative that the bail system is lenient. There are many problems, none of which will be addressed by making it easier to incarcerate innocent people.

Thank you.

The Chair: Thank you, Ms. Myers.

Thank you to our guests.

The rotation goes as follows: Mr. Lawton will be first again for six minutes, followed by Ms. Lattanzio.

[*Translation*]

Next will be Mr. Fortin, also for six minutes.

We will probably have to shorten the second round, since we will have to stop at 4:25 p.m., given what was agreed upon.

Mr. Baber will have the floor first, and if time permits, Mr. Maloney, Mr. Fortin and Mr. Brock will then have the floor.

[*English*]

The first round is yours, Mr. Lawton.

Andrew Lawton: Thank you, witnesses, for your time and testimony today.

I'd like to start with you if I could, Dr. Myers. You mentioned that the bail system is “the harshest it has ever been.” Those were your words. Do you think that bail should be made easier to access—after the culmination of our research here?

Nicole Myers: I think it absolutely needs to be more readily available for a lot of people in custody. I think we can acknowledge that there are some people who are perhaps too risky or against whom the allegations are too serious. We want to focus our attention on those. We don't want an automatic decision to detain but want to be able to focus on those. We need to make release more available for all kinds of others who are there for more minor reasons.

Andrew Lawton: What are the sorts of offenders who are being detained pretrial now who you think should be getting bail and aren't—and don't have it available to them?

Nicole Myers: They are mostly the folks who have been charged with non-violent offences.

Andrew Lawton: Okay.

Nicole Myers: That would be the bulk of the individuals who go through our bail court.

Andrew Lawton: You talked about, in your career as an academic, interviewing justice officials and accused individuals.

Nicole Myers: Yes.

Andrew Lawton: You didn't mention victims, victims of crime. Have you interviewed them as part of your research?

Nicole Myers: No. I studied the criminal justice system rather than what happens with victims.

Andrew Lawton: Do you think that the experiences of victims should have any bearing on how offenders are treated by the justice system?

Nicole Myers: Absolutely. The victims are critically important in all of this. Nonetheless, we need to remember the very important constitutional rights that we have and that those must absolutely be protected. While there may be harm to victims, we can provide those supports that they may need outside of the criminal justice system, where they would be far better served.

Andrew Lawton: Why, in 20 years of researching this, has interviewing victims not factored in if you think they do have a role to play in the way these decisions are made and these policies are drafted?

Nicole Myers: It's because it has not been part of my research agenda. I've spent the time sitting in court and talking to those.... I'm interested in the process of bail. Sitting in court, I've heard from many victims about their experiences. It comes out in open court.

Andrew Lawton: You indicate that people should—I'm paraphrasing—be punished after a conviction, so who should be held behind bars pretrial, in your view?

Nicole Myers: I think it should be a very limited number of people. If we go back 40 years, we see that we used to be sitting much closer to where about 20% or 30% of those in our provincial jails were in pretrial detention. I suspect that those are the folks who needed to be there while other folks were able to be better managed in the community.

Andrew Lawton: Do you think that anyone who's charged with first-degree murder should be behind bars pretrial?

Nicole Myers: I would leave it to the decision-makers to properly examine the information that's been provided, to assess the risk and to make those decisions. We—

Andrew Lawton: You think that bail for first-degree murder is actually legitimate at times.

● (1600)

Nicole Myers: I think in some circumstances it could be possible. I'm not a lawyer. I'm not the one making these determinations. I trust the professionals who have all of the available information to be able to make the appropriate decisions in these cases.

Andrew Lawton: Another comment you made was that we cannot predict future behaviour. Basically, you were saying that we can't predict who will commit future offences. I would assume from this that you're against the "three strikes and you're out" law that has been proposed. Is that correct?

Nicole Myers: Absolutely.

Andrew Lawton: How many convictions is enough for the system to say that it has a pretty good indication that this person is going to reoffend?

Nicole Myers: We might be able to look at measures that indicate that somebody has a record of offending. That is exactly the kind of information that is considered by those who are making bail decisions, and—

Andrew Lawton: You do think that multiple convictions should actually count against someone in their bail eligibility.

Nicole Myers: I think it should be a factor that is considered and weighed appropriately. It should not be the driving or the only reason. For each one of those offence convictions, that individual has already been punished and held accountable. At some point, we have to acknowledge that they have moved on. Let's focus on what the allegations are of what they've done now.

Andrew Lawton: Someone who has committed murder against an intimate partner, someone who has robbed a bank, someone who has committed violent offences—

Nicole Myers: Allegedly.

Andrew Lawton: No, I'm talking about someone who's been convicted. They have five convictions under their belt. Your view is that it's a clean slate, if they've already served their sentence, the next time they're up for bail.

Nicole Myers: I said nothing about it being a clean slate. I said absolutely nothing—

Andrew Lawton: You did. You said that they've already paid their price.

Nicole Myers: They have paid that price. Nonetheless, the criminal record is a critical component that is considered by decision-makers when making an evaluation on the level of risk. We cannot perfectly predict. We can make predictions on the basis of offences or records, but they are in imperfect. We are getting it wrong a lot.

Andrew Lawton: Mr. Spratt, you mentioned in your comments that we have a mechanism already, which is appeal, but there have been numerous instances of people committing often violent offences while out on bail. Is the process working? Is the process of letting the Crown appeal, if they feel that bail is too lenient, working?

Michael Spratt: Yes.

Andrew Lawton: What would you say needs to change in the bail system? Keep in mind that we have about 30 seconds left here.

Michael Spratt: I think a number of things need to change. We need to have timely bail hearings. We need to have less volume in bail courts. Get rid of some of those low-level property offences. Those people are taking up time that the court could use to consider some of those higher and more serious cases.

I also think we need to have more access to supports. There are some very good programs in Ottawa. The John Howard Society bail program, independent third party verifications and things like that can go a long way to mitigating risk and making sure we're not filling our jails with people who will come out in a worse situation and are legally not guilty until their trial, until they are convicted.

Andrew Lawton: Thank you.

The Chair: Mr. Lawton, you still have a minute and 40 seconds.

Andrew Lawton: I'm sorry. I thought I had five minutes.

The Chair: It's six.

Andrew Lawton: Thank you.

This is a bonus round, Mr. Spratt. As you look at this system, would your view also be that bail is currently too hard to get?

Michael Spratt: It is.

Andrew Lawton: When you look at violent offenders who are recommitting, and we've brought forward a number of these cases before this committee, what is your message to victims whose loved one would still be here if an offender had been kept behind bars instead of released on bail?

Michael Spratt: I mean, look, one thing we don't do well is talk to people who are victimized and are the victims of crime. I think the wrong way to respond is with statistics. I think it's wrong to say that we've never been safer, and that Individual A over here was released on bail for first-degree murder and then was found not guilty and was innocent. I think that is not a good way to respond. I think it's appropriate to respond with compassion.

I also think it is appropriate, when responding to those individual people and the community as a whole—I say this to all the parliamentarians—to make sure that we don't weaponize the criminal justice system as a political wedge issue, and to make sure that when we're talking about rates of offence, the purposes of the bail system, the risks and trade-offs and the balancing of rights, we do that accurately and not for political reasons. I think that goes a long way to helping people understand.

I know that criminologists have done lots of research. People might feel upset or that the criminal justice system is unjust, especially when looking at particular cases. However, when they are provided with all the information and all the facts and are educated about the principles, a lot of that dissatisfaction goes away.

The Chair: Thank you.

[*Translation*]

Ms. Lattanzio, you have the floor for six minutes.

[*English*]

Patricia Lattanzio (Saint-Léonard—Saint-Michel, Lib.): Thank you, Mr. Chair.

Thank you for being here today and contributing to this valuable study.

My first two questions will be directed to you, Mr. Bytensky.

The "jail, not bail" framing of Bill C-242 may sound very appealing, but it ignores the nuances of the existing bail law that we have today. How do the measures of Bill C-242 risk undermining proportionality and the fundamental purpose of pretrial release decisions?

Boris Bytensky: As all three of us have been saying today, our existing laws give us the necessary weapons to assess risk and detain those who pose a risk that is deemed to be too high to the community. That's what our trained and experienced judges and justices of the peace in Ontario and throughout Canada are trained to do.

We want to ensure that the people who deserve to be detained—in other words, those who pose an unmanageable risk—are in fact detained. Imposing artificial standards that won't reduce the risk and won't actually have any meaningful impact on protecting the public but are simply catchy or sound good, such as "jail, not bail", won't take any steps forward in terms of ensuring that our system gets it right. What we need to do, as all of us have said, is to get rid of the low-hanging fruit, or the things that tie up our courts. Give our courts more time to deal with the serious cases. Rushed decisions are not good decisions. If we give our courts the weapons to deal with the serious cases, they're going to get it right as often as they can—and more often than they get it right right now.

No one is saying that dangerous people shouldn't be detained. We're simply saying that we detain too many others we don't need to detain in our hunt to try to cover off anybody potentially dangerous. We have way too much overreach when we try to do that.

● (1605)

Patricia Lattanzio: You've also spoken publicly about proportionality and fairness in sentencing.

How do we maintain those values while we're responding to public safety concerns?

Boris Bytensky: Again, if we were to randomly select people from the street to act as judges for any given case, then we might want to have some guidelines that we legislatively set out that these untrained people would have to impose on any particular case, but we go through a rigorous process of selecting the best to be our judges. We have to trust that they will apply the law that's handed down from the Supreme Court of Canada and provincial appellate courts appropriately. It's their job to assess any particular case and apply the proportionate, proper sentence for every individual.

It's an individualized process. When we go for medical treatment, we don't say that every person treated with cancer has to be treated with the exact same drugs in every single case. We individualize the treatment plans based on the person who's getting the treatment, and we should be doing the exact same thing when we're sentencing somebody for a particular crime.

Some people should be sentenced harshly. I accept that for public safety, but we have to give judges the tools to do the right thing in every case.

Patricia Lattanzio: Thank you.

My next two questions will be directed to you, Ms. Myers.

In your research on bail and pretrial detention, what evidence have you seen of data-driven approaches that can approve the outcomes without compromising public safety?

Nicole Myers: Thank you.

One of the most important things we can look at is thinking about the ways we can support people in the community. What we want to be doing is thinking about, when folks are coming out, how we can best support them. What is it that they need to be able to continue to come back to court as required and to comply with all of the conditions?

These are some of the things that were already spoken about by Michael Spratt's talking about bail verification and supervision programs or bail beds. These are the kinds of opportunities that can provide the support that folks might ultimately need.

The other critical thing that we really need to be doing is system minimization, finding alternative ways of holding people accountable for relatively minor things. It's not to say that we don't do anything, but to the extent that we can keep them out of bail court so we can really focus our time and resources on those things that are most risky or most dangerous will allow us to not only move people through the process in a timely manner but reserve detention for those for whom it is absolutely required.

Patricia Lattanzio: You've written about the importance of proportionality in bail decisions.

What safeguards would best ensure that the principle is maintained in real-life practice?

Nicole Myers: That's a really good question. It might be a little beyond my legal expertise.

One would be making sure that we maintain the essential principles of our bail system and keep those at the forefront of mind and not let rhetoric get involved in making these very difficult decisions.

Some things we may want to think about are what might be some of the hurdles or barriers we want to have in place before we admit someone to custody. If we're thinking about proportionality in the context of sentencing, where there's supposed to be some equation between the harm and moral blameworthiness in the sentence, at bail perhaps we ask, “If this individual were to be convicted, would they even get a custodial sentence?” We're holding a lot of people in custody, and they are very unlikely to receive a custodial sentence at all.

Patricia Lattanzio: Mr. Spratt, you've said in past committee appearances that reactionary bail measures risk creating longer delays and a less efficient justice system. You've said that again today.

Do you believe that Bill C-242 would exacerbate those pressures and further overwhelm provincial court resources?

● (1610)

Michael Spratt: It's not just provincial court resources but the superior court. The idea that we have more bail hearings in the superior court is only going to tax a system that is already at its breaking point, a civil system that is falling apart under delay and a criminal system—we've heard about this for the last number of years—where serious cases are at risk of being thrown out of court because of a lack of judicial resources.

Part of the problem with bills like that, despite catchy slogans, is that they don't look at the cost. When you detain more people in these conditions—inhumane, terrible conditions—there's a cost to that. One of the benefits might be that you prevent one person from reoffending, but when you detain thousands to do that, there is a downstream cost. That cost is steep given the conditions, given the resources and given the other drawbacks that we've all spoken about.

The Chair: Thank you, Mr. Spratt.

Your time is up, Ms. Lattanzio.

Patricia Lattanzio: Thank you.

[*Translation*]

The Chair: Mr. Fortin, you have the floor for six minutes.

Rhéal Éloi Fortin: Thank you, Mr. Chair.

I would like to thank the three witnesses for being here.

I will speak in French. I understand that this may pose an additional challenge.

Let us talk about rehabilitation and how to solve the problem.

I support the presumption of innocence. I think that the justice system, which aims to allow people to be free as long as they are not convicted, is good. I also agree with the idea that when the accused pose a risk to public safety, this must be taken into account.

In fact, the risk to public safety involves three conditions: the risk to public health, the risk of the accused not appearing at the next hearing date and the risk of bringing the administration of justice into disrepute. These are three problematic and troubling situations.

There is also the right of victims. My Conservative colleagues have often spoken about this, and rightly so. Not only must the public be protected, but the fears of victims and of society as a whole must also be taken into consideration. When a victim fears the release of their abuser, that victim is not the only one who is afraid. Many people close to the victim are afraid as well. Society as a whole is at risk.

How should the right of the accused to be free until found guilty be reconciled with the right of society and victims to be protected from harms that may seem foreseeable?

There have been recent cases, including one in my riding. A man was found guilty of breaching his release conditions 16 times. While he was still at large, he killed his ex-partner.

I am sure that all three of you would agree that this makes no sense. However, we do not know whether it is possible to protect ourselves against such a situation. My question is a long one, and I apologize for that.

What is the solution? How can we ensure that the justice system does not infringe on the rights and freedoms of the accused, on the one hand, and protects victims and society in general, on the other?

I would ask Mr. Bytensky to answer first, and then Mr. Spratt and Dr. Myers.

[*English*]

Boris Bytensky: If we're going to look at one case at a time, it's easy to do a retrospective analysis and say we got something wrong. We have to look at things in a system as a whole.

We're not good at predicting future dangerousness. When someone is arrested and they have a long history of violent offending, we can be pretty confident that they are a significant risk and that person will usually be detained. However, we don't know how to predict very well whether somebody arrested on a minor property offence and released will then go out and kill their spouse. The only way to avoid that, in retrospect, is to jail everybody, which I've already said we can't do.

Rhéal Éloi Fortin: I agree.

[*Translation*]

I am sorry to interrupt, but we really are running out of time.

We do not want to jail everybody. You say that we should look at things as a whole, not at specific cases.

Unfortunately, it is the specific cases that are a problem. I have confidence in our justice system, in the judges' judgment and in common sense. I would say that 99% of judges, if not all, have good judgment.

As legislators, how can we prevent specific cases, which you do not think we should talk about, but which do concern us, from spoiling it for everyone?

● (1615)

[*English*]

Boris Bytensky: We have to accept that an imperfect system is a functional system. If 99% of people—I'm using that number intentionally; it's not the number—comply with their bail but one person commits a horrible crime, the system has worked; it has not failed. We cannot achieve 100%, and if we aim to do that and think we've failed otherwise, the system will not be seen by the public as working. Respectfully, we have to accept that there is an unquantifiable degree of risk that we cannot capture in any possible way. The test is a "substantial likelihood of reoffending", and we do a pretty good job of putting those people behind bars.

I have one final thought about your domestic violence case. There are thousands of individuals charged with domestic violence offences every day who do not kill their spouses before their trial, and they are rightly released on bail—but some of them will. Unfortunately, we can't identify those ones in advance very well. The solution isn't to jail everybody, because that will result in more violence and more harm to victims in the big picture, long term.

[*Translation*]

Rhéal Éloi Fortin: Thank you, Mr. Bytensky.

Mr. Spratt, I will ask you the same question.

[*English*]

Michael Spratt: As a criminal defence lawyer, I think we are in a good position to talk about this. We don't just represent accused people. A large part of my practice is representing victims of crime as well. One of the things I hear most often from those people is that they want to make sure that when someone is released, there are conditions imposed that allow them to feel safe in the community.

[*Translation*]

Rhéal Éloi Fortin: What happens if they do not comply with the conditions?

[*English*]

Michael Spratt: Yes. As Mr. Bytensky said, the only solution to that is to detain everyone. This is cold comfort to someone who has been affected by crime, but as legislators who look not just at specific cases but at everything, I would commend you to look more broadly, because the answer—the cold answer—is showing sympathy for that crime but saying that if we detained everyone, it would be even worse.

[*Translation*]

Rhéal Éloi Fortin: Thank you.

The Chair: Your time is up, Mr. Fortin. You may have an opportunity to ask more questions later.

We will now begin the second round of questions.

Mr. Baber, you have the floor for five minutes.

[*English*]

Roman Baber (York Centre, CPC): Mr. Bytensky, welcome.

What year were you called to the bar?

Boris Bytensky: It was 1993.

Roman Baber: You've been practising criminal defence for quite a long time.

Boris Bytensky: I have.

Roman Baber: Are you also familiar with the various industry strategies, being president of the Criminal Lawyers' Association?

Boris Bytensky: I try to keep up. There's a lot going on.

Roman Baber: You can inform the committee truthfully about various strategic practices used by defence attorneys. Is that correct?

Boris Bytensky: It's a very broad question, but for some of those strategies, yes, perhaps I can.

Roman Baber: I would like to propose that we have a discussion about legal practices. Let's leave politics and policy aside for a moment.

Judges have discretion to grant extra credit for time served pretrial. Is that correct?

Boris Bytensky: Yes, they do.

Roman Baber: In your experience, is it fairly common during sentencing to credit time served?

Boris Bytensky: If you're talking about the standard credit, it ends up being a zero-sum game. Somebody who spends three months in pretrial custody will get credit for four and half, and if they were to receive a four and a half month sentence, they would be out in three months. They will end up doing the same amount of time in custody overall, typically.

Roman Baber: Yes, but we're talking about a credit of potentially one and a half to two times.

Boris Bytensky: Typically, it is one and a half, and if you have our typical parole application, they would be released at two-thirds or sometimes earlier. The general rule is designed to make it an equal amount of time in custody whether you spend it up front or after your sentencing.

Roman Baber: Time and a half to two times for time served before trial is not uncommon.

Boris Bytensky: Time and a half is not uncommon. Two times is no longer common. You're talking about things that changed many years ago. It used to be two times. That is no longer common, although because of the jail conditions that Mr. Spratt talked about, it has become increasingly common to grant enhanced credit. However, that is not common. The common is one and a half, and that is what is almost invariably granted in every case.

Roman Baber: Without referring to specific clients or to specific colleagues, do any of your colleagues in the criminal justice system ever recommend pretrial custody time in order to reduce a sentence?

Boris Bytensky: Not anymore. It is not a worthwhile process. There was a time many years ago when you would get two times the credit. Some people did adopt that strategy, and you could end up coming out a little bit further ahead. It is no longer a winning proposition. If you do the math, it doesn't work. You're actually better off getting bail and getting sentenced afterwards, not to mention the time spent will be much easier and in better conditions. If you're serving your sentence after sentencing, you'll do less time, typically, and you'll serve it in better conditions. Nobody who knows what they're doing should be adopting that strategy anymore.

● (1620)

Roman Baber: You were talking about custody credit for time served given various conditions. We understand that there are situations right now, particularly in the Toronto South Detention Centre. What is your experience with respect to credit for pretrial custody served in that facility?

Boris Bytensky: It varies greatly. It depends on whether you were triple-bunked or quadruple-bunked. It's not just Toronto South; it's throughout Ontario in many institutions and, frankly, throughout the country. It's a far greater problem than just Toronto South, but yes, in light of some of these conditions, some judges in some cases are awarding enhanced credit. That has happened, but I don't know a single defence lawyer who has ever adopted the strategy of keeping their client in custody longer so they can then argue for enhanced credit if their client is found guilty. Respectfully, it's not a strategy that I know anybody would adopt.

Roman Baber: We're not talking about a situation where bail is possible. I would presume, of course, that an accused would want to be out on bail.

Let me take you back to that example. Could you please provide us with a few examples of situations where pretrial custody time could potentially even exceed twice—two for one—the time served?

Boris Bytensky: Yes.

There have been examples where individuals were beaten in custody, where they were triple- or quadruple-bunked or where they were illegally strip-searched. There are examples in our law where judges have awarded more than one and a half to one. Sometimes it's two to one. I've heard even three to one. There are occasional, rare cases where you have more than two for one credit being granted by some judges for truly despicable conditions, yes.

Roman Baber: Thank you.

The Chair: You're time's up, Mr. Baber.

Go ahead, Mr. Maloney, for five minutes.

James Maloney (Etobicoke—Lakeshore, Lib.): Thanks, Chair.

Thanks, witnesses.

The biggest problem we have in this entire discussion, in my opinion, is the rhetoric that surrounds it. It's appalling, quite frankly. We're trying to deal with important policy here.

I think I'm on solid ground when I say that everybody in this room and everybody I know wants bad guys in jails and wants the system to function properly. The problem is that you take these individual cases and sensationalize them, and it blows up. Every time you turn on the news, people get the wrong impression. A number of times, I've seen, daily almost, some heinous crime happen in the city of Toronto, where I live, and some politician says, without even knowing who committed the crime, that the person was probably out on bail. The whole community thinks this has something to do with bail when it probably doesn't.

I'm tempted to ask how we stop that, but it's an unfair question because unless you take it out of the hands of politicians, you can't.

What we have to do is find a way to tone down the rhetoric, find a system that works and find a solution that creates an environment where everybody is confident that it works. What we're really talking about, in terms of the political side, is making sure that the general public has confidence in our system.

Most of the people around this table are lawyers. I think it's safe to say as well that they have confidence in our judges, in our lawyers and in the system as a whole.

I think it was you, Mr. Bytensky, who was talking about the delay and a mandatory right to a bail hearing in 24 hours. I'm not quite sure if I understood that. I didn't get it in my notes. What would you say is the biggest cause of delay in getting a bail hearing right now?

Boris Bytensky: The nature of our litigation in bail courts, especially in Ontario, is that we cannot manage to complete our lists. Cases that are ready to proceed can't be reached because we have only so many hours in a day. In Toronto, we typically have 25 cases that are ready to proceed with bail. We typically get through 10 to 12 of them. The math doesn't add up.

Crowns need to consent to more reasonable releases. Fewer matters are being consented to than ever before. It's creating an untenable situation.

As I said, the problem isn't just that we detain too many people. Others have said that. I'm not so sure that I necessarily want to go down that road too far. It's that we wait too long to release the people who get released, and they end up losing jobs, houses, treatment and all sorts of things. The people who wait two weeks for their bail hearings may as well be detained because their lives are crushed. That's what causes further harm.

● (1625)

James Maloney: I don't know if you can answer this question. Typically, how many bail hearings are waived because of these systemic delays?

Boris Bytensky: How many...?

James Maloney: How many bail hearings are waived? If you get through only 10 of 25, what happens to the other 15?

Boris Bytensky: They go over to another day. Then tomorrow's list will have 40 matters and, again, matters don't get reached. It's very difficult to get your client into court. People wait days in a queue to get a timely bail hearing.

James Maloney: There are cases where the bail hearing can be waived through an agreement between the defence lawyer and the Crown.

Boris Bytensky: Sure, but I think Mr. Spratt has some personal experience. If you don't mind, he can jump in.

James Maloney: By all means, go ahead.

Michael Spratt: You're quite right. Hearings can be waived.

I have a couple of these cases going on right now. The most insidious thing is this. Someone's arrested on a minor offence, a property offence, and they can't get their bail hearing for the next five days. I've sat in court, and I've had lawyers who work with me sit in court, day after day, to reach the same bail hearing. At the front end, the Crown says, "We could schedule your bail hearing, which might be available in five days, or you could plead guilty now and get out."

My clients who are innocent.... The problem isn't, as Mr. Baber suggested, clients wanting to stay in jail longer to get time. The problem is innocent clients wanting to plead guilty to escape those terrible conditions that are caused by a deliberate policy choice of provincial governments.

James Maloney: Part of the problem is that there are not enough prosecutors and not enough jails. The Toronto South Detention Centre is in my community. It was like building a new school, and then you have to put portables out in the football field the next day. They just don't have the capacity.

All of these things play into the problem. There's a shortage of prosecutors and a shortage of courtrooms. There isn't enough capacity in the prisons. It's systemic. All these delays add up to a situation that, right now, is untenable.

A Crown prosecutor I know once said to me that the laws aren't the problem; the enforcement is. The enforcement we're talking about is of those things: the prosecutors, the prisons and the jails. Isn't that right?

Boris Bytensky: It can be, and it doesn't help—

The Chair: Please be brief, Mr. Bytensky.

Boris Bytensky: It doesn't help when every Crown knows that if they agree to somebody's release, they're going to be criticized for it in the media by somebody. It can be police officers or politicians sometimes. There's a culture of refusing to consent, in part because of that.

The Chair: Monsieur Fortin.

[*Translation*]

Rhéal Éloi Fortin: Thank you, Mr. Chair.

I will use these two minutes to give Dr. Myers time to answer my question from earlier.

Dr. Myers, I will ask you the question again.

What is the solution? I would like you to give me the figures again. I believe that you mentioned a percentage of inmates who are in custody only while awaiting trial, or a percentage of inmates awaiting trial who will be found innocent.

I think you had some figures on that. I would like to hear them again, please.

[*English*]

Nicole Myers: Just to go back to the figures you were asking about, when we look at our provincial jails, 76% of the people in our provincial jails are in pretrial detention. Then we look at the proportion of cases that end with all charges being withdrawn, which does include people who may have been released or in custody. We don't have the breakdown on data to only look at those who are in custody. However, 52% of individuals have all of the charges they're facing withdrawn. We're only convicting about 46% of individuals.

[*Translation*]

Rhéal Éloi Fortin: What is your opinion on how to reconcile the presumption of innocence of the accused with the need for public safety, which is also important?

The presumption of innocence is important, but if society no longer has confidence in its justice system, we are headed for disaster. We want people to trust the courts to deliver justice. Right now, that trust has been shaken.

Based on your expertise, in one minute or less, how can we restore public confidence?

[*English*]

Nicole Myers: I think that to help the public, we need to make sure we're providing them with accurate information about what's happening, rather than feeding them mis-characterizations of a system that is apparently lenient, when it's precisely the opposite of that.

Protecting the presumption of innocence is critically important, but as has been said by all of us here, we do need to be thinking about victims, community safety and public safety. It is a balance.

We're left with the difficulty that we cannot perfectly predict. We're making imperfect predictions, but we want to do that as best we can. The best way we can possibly to do that is to get the minor stuff out of the bail system so that we can focus on that which is more serious and, when we are making decisions, to make them quickly.

Every single day in the bail court, the most common decision is an adjournment. We make very few bail decisions every day in court, whether that's a consent release or after a show cause hearing. Every day, that is the most common outcome. If we can reduce that and make that bail decision much sooner, we can avoid causing all the kinds of harm that come from that extra time in detention.

● (1630)

The Chair: Thank you.

[*Translation*]

Rhéal Éloi Fortin: Thanks to all three of you.

The Chair: Thank you, everyone.

[*English*]

This concludes the first hour of this meeting. Thank you, all three of you, for coming in.

We will take a brief pause. You can leave, but you're welcome to stay, obviously. We have to do it because people are online, and there are a number of them. We have to do some sound tests.

Go ahead, Mr. Brock.

Larry Brock: Thank you.

At this time, I want to revisit the motion that I moved at the beginning of the first hour. With all due respect, Mr. Chair, there was a challenge brought by my colleague Mr. Lawton to your ruling. You disregarded the challenge, which is incorrect. That's a procedural error. The challenge requires an immediate vote and a debate.

The Chair: Is this about the challenge itself, or do you want to revisit the motion? There are two things you are asking here.

Larry Brock: If we can revisit the motion without the challenge, I want to revisit the motion right now and allow my colleagues to say what they want to say about the motion. If we have consent from all members of this committee, great. If not, we'll move to a vote.

I don't want to take the chance that we set aside 10 minutes at the end of the second hour and that, all of a sudden, someone decides to filibuster this. This is an important motion. Both studies, in my view and in our collective view, have equal weight and equal relevance, and we want to proceed with this motion.

The Chair: I understand.

I believe the Liberals have a point to this, Mr. Brock.

Patricia Lattanzio: Thank you, Mr. Chair.

We have witnesses lined up for the second session, so I'd like to move that we reserve the last 10 minutes of this meeting to dispose of or consider my colleague Mr. Brock's motion.

[*Translation*]

Rhéal Éloi Fortin: I would like to comment on what Ms. Lattanzio just said.

The Chair: Mr. Lawton has the floor first, and then you will be next, Mr. Fortin.

[*English*]

Larry Brock: My motion is still on the table, so we have to dispose of my motion before we entertain Ms. Lattanzio's motion.

Is that right? Yes.

The Chair: That's right.

You have a colleague with their hand up.

Andrew Lawton: Just to be clear, Ms. Lattanzio did not move a motion, so we're—

Patricia Lattanzio: I moved a motion to reserve the last 10 minutes of this meeting to dispose of or consider Mr. Brock's motion—

[*Translation*]

Rhéal Éloi Fortin: On a point of order.

Mr. Chair, you made a decision earlier. Was it good or bad? That is another matter. You decided to set aside 10 minutes between the two hours of the meeting to debate Mr. Brock's motion.

I do not want us to waste 10 or 15 minutes arguing about whether we do it right away or in 20 minutes. You made a decision. Whether I agree with it or not, I will abide by it. I think that we need to deal with Mr. Brock's motion right away.

[*English*]

The Chair: Hearing nothing else, let's vote on this motion. The first motion on the table—

Larry Brock: Let's vote on my motion.

The Chair: —is the motion to bring it back—

James Maloney: I'm sorry. On a point of order, isn't Ms. Lattanzio's motion a dilatory motion that we have to vote on first?

Larry Brock: No. My motion was not disposed of.

James Maloney: I'm just asking, Larry.

The Chair: It's a motion—

Patricia Lattanzio: Mr. Chair, can we be clear on which motion we need to dispose of?

Larry Brock: We're voting on my motion, the Conservative motion.

The Chair: State it again, because it was unclear.

Larry Brock: Sure. I move:

> That the committee continue its study entitled “Bail System, Sentencing and the Handling of Repeat Violent Offenders in Canada” concurrently with a review of Bill C-9, An Act to amend the Criminal Code (hate propaganda, hate crime and access to religious or cultural places), provided that one meeting on each study be held weekly, and regarding its consideration of Bill C-9, the committee:
>
> a) dedicate at least 10 meetings to receive witness testimony;
>
> b) invite Sean Fraser, Minister of Justice and Attorney General of Canada, for no less than one hour; and
>
> c) invite departmental officials and other witnesses deemed relevant for the purposes of this study.

● (1635)

The Chair: The motion is to resume the debate on this topic.

Andrew Lawton: On a point of order, the motion is not to resume debate. We are debating the motion. The motion is before this committee already, so—

The Chair: No, it's to resume it. It's academic, but we are bringing it back for discussion. It's not to vote on the actual motion yet.

Patricia Lattanzio: Mr. Chair, can we adjourn debate on this?

The Chair: We have to discuss it now and vote on it.

Patricia Lattanzio: I'm moving to adjourn debate on this motion.

The Chair: No, you can't do that at this point. We have to vote on it.

[*Translation*]

Rhéal Éloi Fortin: This is the motion that we received dated October 3, correct?

The Chair: This is the motion to resume debate on Mr. Brock's motion.

Rhéal Éloi Fortin: Okay.

I thought that it was already decided.

The Chair: The idea was to do it at the end.

Rhéal Éloi Fortin: If we do it right away, I agree.

[*English*]

James Maloney: People may still want to speak to this motion.

The Chair: Yes, but now we'll speak to the motion.

James Maloney: We didn't have that opportunity because we decided to push it to the end of the meeting.

The Chair: It's now at a vote, Mr. Maloney, to resume the debate on this motion. You can then speak to it.

(Motion agreed to)

The Chair: Let's resume debate on the motion.

Patricia Lattanzio: Mr. Chair, I move to adjourn the debate on this motion. Let's put an end to this and carry on with the witnesses.

The Chair: We'll have to vote on that.

(Motion negatived)

The Chair: Let's resume debate on the motion Mr. Brock put on the table in the first hour.

The floor is anyone's to speak to the motion.

Ms. Lattanzio is first.

Patricia Lattanzio: Mr. Chair, this is a study on Bill C-9 and we absolutely want to collaborate. We want to make sure that Bill C-9 moves through this committee efficiently and responsibly. This is not about rushing the process. It's about studying legislation that is meaningful so that we can have the protections in place in the House of Commons as soon as possible.

I remind everybody that today is October 7, a very significant day, and the piece of legislation we have before us would solve some of the issues that communities in each of our ridings, stakeholders in each of our ridings, have asked us to look at, to study and to come up with legislation on as soon as possible.

The way the motion is drafted, we are looking at 10 meetings, Mr. Chair. I'm of the opinion that we can easily have this disposed of in a matter of five meetings at most—or at best, however you want to qualify that. Should members stick to 10 meetings, which will obviously take up a lot of the committee's time—and I understand that the suggestion last time around was to study this concurrently—then I will suggest that we increase the number of meetings of this committee so that we can go ahead and expedite the study and this important piece of legislation.

The Chair: I get it. To understand clearly, you're asking to increase the number of meetings between....

Patricia Lattanzio: I'm not asking to increase the number of meetings at this point. I'm not making an amendment as of yet, but—

The Chair: Understood.

Patricia Lattanzio: —I'm just trying to basically colour or paint the situation that we find ourselves in. We have an important piece of legislation. Stakeholders in each of our respective communities have asked us to pass this legislation in an efficient and expedient manner, and I'd like to be able to do so.

I'm looking at the motion, and we're looking at a suggestion of 10 meetings, which would bring us, if we look at the two constituency weeks.... We are not going to be able to dispose of Bill C-9 before February of 2026. This is a request, an important request and a very serious request, from our stakeholders, and I'd like for us to be able to undertake that study as soon as possible.

Now, there has been discussion in terms of having it concurrently with the bail study that we've also undertaken, but again, it would not get us to where we need to be with this legislation before the holidays. I'd like to see this back in the House in the month of December.

If colleagues around the table could consider that we do this in a very efficient way, we could consider bringing 10 meetings down to five. If not, if committee is of the opinion that we need 10 meetings, then I suggest, Mr. Chair, that we increase the number of meetings of this committee so that the job gets done, the work gets done, by December.

● (1640)

The Chair: Thank you. It's understood.

Mr. Lawton, and then I have Mr. Baber, Mr. Maloney and Mr. Brock.

Andrew Lawton: Thank you, Mr. Chair.

When this committee established its priorities, I think we all agreed—and I'm very grateful that there was a general agreement across party lines—how pressing the concerns were that led to the studies that we championed.

There's a reason that we decided to lead off with a study on bail, repeat offenders and sentencing. It was because stakeholders in my riding and across the country have been crying out for action on this file. We have heard from victims' groups. We have heard from law enforcement. We have heard from municipalities. We have heard from provinces about how urgently these issues need to be resolved.

I think the work we're doing on this particular study is incredibly important. We do know that Bill C-9 is before this committee as well, and I think Mr. Brock's motion to deal with these concurrently recognizes that both are important issues. No one is disagreeing with that. We also know that the Liberal government has promised other legislation that is also likely to go before this committee. We cannot have a situation in which the studies that we've all, as members, agreed to adopt get indefinitely punted down the road because of government legislation. I think it's incredibly important that we do both of these studies concurrently. I think the proposal to have one meeting each week dedicated to each of these priorities is incredibly reasonable.

As for the number of meetings, I don't have an exact number, but to Ms. Lattanzio's point, I have already had numerous requests to appear on Bill C-9, specifically from stakeholders with very active participation in this and from individuals representing a range of ethnic communities, religious communities and legal interests.

I do not want to shortchange a very important study that needs to take place on Bill C-9, and I think 10 meetings is very reasonable on that. I think it's more important to do it right than it is to rush something like this.

The Chair: Not to be argumentative, Mr. Lawton, but you do understand that it's the practice of the House and committees that these pieces of legislation referred to us have priority. That is extremely important for the members here to be seized of.

There is a relationship between the two. I think we'll be very serious in considering the number of meetings that we need to have. The House has asked us to consider it, and it is of extreme importance to the people who put us in those seats.

Andrew Lawton: I believe that's a point of debate, Chair.

The Chair: It's a simple fact.

Andrew Lawton: On the motion itself, which is to do these things concurrently, I'm debating the merits of Mr. Brock's proposal.

The Chair: Again, we're masters of our own destiny and we'll decide accordingly, but that priority should rest on our minds.

We'll go to Mr. Baber and then Mr. Maloney.

Roman Baber: The Conservative members are of the view that Bill C-9 is fraught with a lot of issues and therefore requires considerable attention. Anything less than 10 meetings would not enable the various stakeholders.... As Ms. Lattanzio can imagine, there is a lot of interest in this bill, and not necessarily good interest given some of the concerns articulated in the definitions or the reduction of the threshold with respect to meeting the threshold of hatred.

There are concerns with private prosecutions with respect to hate charges that could be instituted without the consent of the Attorney General. There is the application of a new stand-alone criminal offence on conduct that is prescribed by any other act of Parliament. We could have a civil statute, like a Canada Labour Code violation, potentially attracting a criminal charge.

There is a lot to be concerned about with respect to what the Liberals are proposing in Bill C-9. This requires that we give it fulsome consideration.

At the same time, as a member of the Jewish community, I take considerable exception to Ms. Lattanzio's point that today being October 7 means that somehow this bill is going to address some of the issues that have arisen under this Liberal government since October 7. In fact, the vast majority of issues concerning the Jewish community today are already criminalized. Most of the behaviour that concerns us is already criminalized in the Criminal Code, yet unfortunately, because of the tone set by this government, it does not attract enforcement, whether it's the incitement to violence that we're hearing on the streets of Toronto and Montreal.... Today, at the University of Toronto, students are glorifying the martyrs. They're glorifying murder on the second anniversary of October 7.

I take some exception to the suggestion that, with it being October 7, we need to do something or other. Definitely, we cannot have a situation where we don't give Bill C-9 a very serious look.

Thank you.

● (1645)

The Chair: Thank you.

Go ahead, Mr. Maloney.

James Maloney: Thanks, Chair.

There's always irony, I find, in some things we do, and this is no exception.

Mr. Lawton pointed out earlier with one of our witnesses on the first panel that her research didn't include speaking to victims. I think that he was alluding to that being a flaw in her approach. The next panel of witnesses we now have waiting for us includes the Victim Services of Brant, which would address some of those issues that he raised, yet here we are delaying dealing with Bill C-9.

He also made the point of saying that he's had numerous requests for people to appear on Bill C-9 and that he doesn't want to disappoint them. He feels very strongly about this bill, as do they, which is why we need to proceed with Bill C-9, and we shouldn't bifurcate the process and deal with the current study.

Mr. Baber said that Bill C-9 is fraught with issues. Maybe it is. Maybe you're right. Let's get the witnesses in and hear them. That's what we're doing here.

The legislation is before the committee and, as the chair has quite rightly pointed out, committees are masters of their own domain. This bill has been referred to this committee, and it's been a standing practice of this place in the 10 years I've been here that legislation takes priority, so let's deal with it. Let's get those witnesses whom Mr. Lawton wants in here. Let's address those concerns that Mr. Baber has.

Here's the other thing. We worked very well together, Mr. Lawton, a few weeks ago with Mr. Fortin and all of the people around this table, and we agreed on an approach, an agenda and a sequence of events for what we were going to do. We worked for very well together, I thought, merging all of these various motions, because we agree that bail reform and sentencing is an issue that we all feel strongly about and we need to address, but so is Bill C-9. If we do this the way you're talking about, Bill C-9 will not get back to the House until the new year.

We all know that bail reform legislation and sentencing legislation is coming. The minister has been quite clear about that. The most logical way to proceed, based on this spirit of co-operation that we've shown so far, is to deal with Bill C-9 and get it done. We can sort out the number of meetings required to do that, whether it's four or nine, whatever that is. We can sort that out, and once that's done, we can get back to the study we're doing now, which might dovetail nicely with the legislation that's coming. It's certainly not going to be a setback, and it could be an advantage.

It seems to be completely illogical and inconsistent with the approach we've been taking to try to bifurcate this process right now. The only way to look at it is that it's an effort to delay so that no legislation gets back to the House. We have an obligation as a committee, whether you like it or not.

We don't have a majority government, Mr. Baber, so we can't ram legislation through the committee or the House, so let's get here, let's call the witnesses you want, let's call the witnesses everybody around this table wants to hear from and let's deal with the legislation that Mr. Lawton has said is so important, because that's what we're here to do.

We know that the minister is scheduled to come on Thursday. Let's get it started and get moving, and we can get back to the other study maybe at the same time as we're studying the next piece of legislation, and that is highly efficient.

Thank you.

● (1650)

The Chair: Thank you.

Go ahead, Mr. Brock.

Larry Brock: It is now 10 minutes to five. We have a second panel. I personally invited one of those witnesses to attend, the manager of Victim Services of Brant. I certainly want to hear from her. I think we've all had a chance to say our piece and to identify the priorities and the importance of Bill C-9, which we don't take issue with.

I'm not hearing any sort of support in terms of a concurrent study with bail and sentencing reforms, so if I'm the last speaker, I'm moving to vote at this point, sir.

The Chair: No, there's Mr. Fortin first.

[*Translation*]

Rhéal Éloi Fortin: Am I the only speaker on the list?

The Chair: That was the case earlier, but there are others now.

Rhéal Éloi Fortin: I would have called for a vote as well.

The Chair: You have the floor, but there will be other speakers after you.

Rhéal Éloi Fortin: If I cannot call for a vote, I will say that I find this a bit strange. We are keeping people waiting while we discuss whether or not to keep them waiting. It is ridiculous.

We have already decided to alternate between the study of Bill C-9 and the one currently under way. I still agree with this. Ms. Lattanzio asked if we could increase the number of meetings, and I find that proposal interesting. If this is possible, I would agree with that. If we can finish these studies before the holidays, so much the better. I proposed a study myself. It is on hold, and at this rate, we will not be starting it before spring.

Now we need to get to work. I would like us to vote quickly. If my colleagues who will be speaking after me also wish to do so, let us call the vote and move on to the business at hand.

The Chair: Mr. Chang is next.

It will then be Mr. Maloney and Ms. Lattanzio.

[*English*]

Wade Chang (Burnaby Central, Lib.): Mr. Baber said there are many issues with Bill C-9.

Could you please list some of the major issues? I have a personal experience that—

An hon. member: [*Inaudible—Editor*]

Wade Chang: No, I have a personal experience that I want to share. As the first gay Asian member of this House, I did experience some personal issues in 2022. Let me share some figures with you.

Hate crimes on sexual orientation was 69% in 2022—

An hon. member: [*Inaudible—Editor*]

Wade Chang: Then, it increased 6% from 2022 regarding race.

In August 2022, in Metrotown, in my riding, I was waiting for a SkyTrain. They have transit ads on both sides of the platform. I was reading one of the signs. It said “Douglas College, blah blah blah”. One of the guys in front of the transit ad was shouting at me, saying, “What are you looking at, Asian? If you want to F-word, go to Davie Street.” Isn't this part of the hate crime here in this country?

Bill C-9 is very important to me personally and to Canada. Mr. Baber said Bill C-9 has lots of issues. Well, what are the major issues?

It was unfortunate that this happened to me personally, and that's one of the reasons I'm in the House now. That was very insulting. Bill C-9 is very important to me personally and to many members of my community—the 2SLGBTQQIA+ community, the Asian community. Lots of people in my riding told me they want us to study Bill C-9 ASAP.

As I mentioned many times, Burnaby Central is one of the most diverse communities here in Canada, yet hate crime is on the rise.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Chang.

Mr. Maloney.

James Maloney: Thanks, Mr. Chair.

I want to thank Mr. Chang for his comments. It's another reason we should proceed with this bill.

It seems ludicrous to me that every single member sitting around this table has talked about how important Bill C-9 is, yet we're debating a motion to delay it. It's counterintuitive. Somebody will have to explain to me the rationale behind that if it's anything other than wanting to delay the legislation. You can't on the one hand say that it's important and that it's something we need to deal with because it's critical, and then say that you want to delay it. It doesn't make any sense.

Mr. Fortin, I agree with you completely: Your motion is in the hopper and it's waiting to be debated. If we adopt Mr. Brock's motion, your motion will be delayed further. If you game this out and you follow the sequence of events, if we get Bill C-9 done, we can then get back to the bail study, which will probably coincide with the bail legislation. That would allow both of those bills to get through this committee faster and more efficiently, and would allow us an opportunity to get to your study. If we adopt the approach Mr. Brock has outlined, we'll have two parallel tracks, which will delay both. We'll go down this road with the bail study, probably get the bail legislation and still be dealing with Bill C-9 because we'll be so logjammed in this committee.

Mr. Fortin, you can be as optimistic as you want, sir, and hope that your study gets before this committee, but in that scenario, the likelihood of that happening diminishes rapidly. The only logical way to do this is to proceed in the fashion we agreed to earlier.

Look, it's not like this was not anticipated. When we were talking about what studies we were going to do, we were talking about a scenario in which the justice minister would appear to talk about his mandate or the timing of it could coincide with legislation. That's now what's happening on Thursday. If we proceed as we currently plan, with Bill C-9 first and then the bail study and bill when it comes, we could have that opportunity again and kill two birds with one stone, as opposed to the minister coming in.... I suspect he'll get questions about bail when he's here on Bill C-9 and we'll get into this duplicating process. We'll waste time and have more motions that are unproductive.

If we want to be efficient and get all these things accomplished, which everybody says they do, the only way to do it, sir, is to do Bill C-9 on its own, finish it and move back to the bail study, which will coincide with the legislation. Then we can get to your study. I'm not trying to delay your study. I want to get on with it too, but I can almost guarantee that it won't happen if we adopt Mr. Brock's motion, because it's a channel for further delay.

Again, the irony is that it makes no sense. I would really like somebody on the other side to explain to me how they're so eager to deal with Bill C-9 and so anxious to get all these witnesses here, yet they don't want to go ahead and study the legislation. It just doesn't make any sense.

Mr. Fortin, I'm urging you to consider voting against Mr. Brock's motion, because it will assist you in achieving your goal. I agree with Mr. Brock that this motion has caused delay that's completely unnecessary.

I didn't realize that witness was yours, Mr. Brock. That's very unfortunate. You can apologize to them afterwards for this unnecessary waste of their time.

Thank you, Chair.

● (1655)

The Chair: I have Ms. Lattanzio next. Then I have Mr. Brock and Mr. Lawton.

Patricia Lattanzio: Thank you, Mr. Chair.

I just want to recall the objectives of Bill C-9. Canada has seen a rise in anti-Semitism, Islamophobia and other hate-motivated crimes targeting religious, cultural and community spaces. I would like to remind the committee that this bill aims to close the gaps in the Criminal Code by extending protections to these spaces, as with safeguards for health facilities. It also clarifies the definition of hatred, removes the need for the AG's consent on hate propaganda charges and helps law enforcement respond more consistently and quickly. At the same time, it preserves lawful protest and free expression while clearly distinguishing it from conduct that intimidates, obstructs or promotes hatred.

Mr. Chair, there have been comments made around the table in terms of what this bill would do, and perhaps questions were raised. I would suggest to the members that the purpose of this bill, the first pillar of this bill, is proposing a new obstructive offence. This bill would create a new offence making it illegal to block or interfere with lawful access to places like religious institutions, cultural centres, schools, seniors residences or cemeteries primarily serving identifiable groups. It mirrors existing protections around health facilities and ensures that these protests that are peaceful expressions exist and that they can remain lawful.

It also proposes a new intimidation offence. A new intimidation offence would criminalize—

● (1700)

Andrew Lawton: I have a point of order.

Mr. Chair, Ms. Lattanzio is reading Bill C-9. We are debating a motion about how this committee is to engage in its business moving forward. The Liberals are filibustering at this very moment a motion they said they would dispense with in 10 minutes. They have now spent nearly half an hour and are insulting this committee by just reading the bill that we're set to start studying in two days.

If they want to move on with this, as they claim they do, they need to stop their filibuster now, let us vote on the motion and speak to the witnesses who have been waiting very patiently while they obstruct this committee's work.

Patricia Lattanzio: Mr. Chair, can I continue? I'm on topic.

The proposed bill would create a new intimidation offence, which would criminalize conduct intended to instill fear in people trying to access those same places and spaces. The new bill would target threatening, menacing or fear-provoking behaviour outside community or religious buildings while also protecting lawful protest and free expression.

With regard to hate, which is what my colleague Mr. Baber has brought up, the bill would also propose and strengthen Canada's response to hate-motivated crime. It creates a new hate crime offence applying to any federal offence broken out of hatred, introduces a new offence for publicly displaying hate or—

Roman Baber: I have a point of order.

Ms. Lattanzio is actually reading the bill and the talking points on Bill C-9. It is not relevant to the meeting we're currently having. We have witnesses who have been waiting patiently for over half an hour. We have a witness invited by the vice-chair of the committee. We're asking Ms. Lattanzio to stop this filibuster and vote on the motion so we can at least accommodate one round of questioning with the witnesses we have before us today.

The Chair: You'll remember that I did allow you some leniency on yours. Bill C-9 is on point, and how she presents it is entirely at her discretion.

Patricia Lattanzio: Thank you, Mr. Chair.

This is just to make the committee aware of the relevance of Bill C-9 and what it proposes to do and the importance of this bill and, basically, to echo what our stakeholders have been asking us to do, which is to look at this very important piece of legislation. What I'm trying to convey to the committee members is that this is a very important study. We must be efficient and we must take the necessary time to look at it as soon as possible. My colleague Mr. Maloney and I have said time and time again that if we do agree to the 10 sessions that are being proposed by Mr. Brock, this piece of legislation will not be disposed of in a timely manner in this committee. We're looking at at least February if not March 2026. We would not be efficient and respond to—

Larry Brock: I have a point of order.

Ms. Lattanzio is the Parliamentary Secretary to the Minister of Justice. I've listened to the last five or six minutes of her simply reading out Bill C-9, which is public. We all have the ability to read it. We don't need instructions from a parliamentary secretary to read out the important provisions of Bill C-9. This is nothing more than a classic Liberal filibuster, which is extremely disrespectful to my witness, who travelled here from Brantford—some six hours away—to give relevant, cogent evidence about the impact of sentencing and bail issues in our country. To listen to Ms. Lattanzio and listen to Mr. Maloney and listen to Mr. Chang repeat the same argument over and over again with every single attempt that we raise to call a vote is disgusting. It's absolutely disgusting.

There is a protocol, I believe, Mr. Chair, for filibusters that there's a prohibition on simply reading out for the sake of reading out. We all have access to Bill C-9. We agreed as a Conservative caucus to allow debate to collapse after two days and approximately six hours' worth of debate to bring it to committee. We are not arguing the importance and seriousness of Bill C-9, but my God, let's get on with this. This is disgusting behaviour.

● (1705)

The Chair: Thank you, Mr. Brock.

Again, I've ruled on the relevance. Ms. Lattanzio can continue.

Patricia Lattanzio: Thank you, Chair.

To answer colleague Brock, I think what is despicable is that we have witnesses who were ready to render their testimony today.... We made a decision at the beginning—you actually made the decision, Mr. Chair—to postpone this to the end of the meeting. What we've done is that we've interjected before this witness, who is Mr. Brock's witness, to reintroduce this motion and go back on the ruling you made earlier.

I am not reading straight from the bill. If you have the bill in front of you, I'm adding context to the importance of Bill C-9, and what I'm telling you is—

Larry Brock: That you are reading—

Patricia Lattanzio: —the scope because there's a lot in this bill, Bill C-9, and there's an objective. Unless, Mr. Chair, you want to suspend, but if not, I reserve the right to just keep going and illustrate to committee members and the public at large the significance and the importance of Bill C-9.

The legislation will strengthen Canada's response to hate-motivated crime. It creates a new hate crime offence applying to any federal offence broken out of hatred. It introduces a new offence for publicly displaying hate or terrorist symbols to promote hatred. It codifies the legal meaning of “hatred” and removes the Attorney General's consent requirement for hate propaganda charges, making enforcement swifter and more consistent.

Any federal offence would capture all offences in the Criminal Code or any other federal law, such as the Firearms Act. It would serve to broadly and explicitly denounce all criminal conduct motivated by hate: for example, vandalism of a cultural centre motivated by anti-religious hate or the public display of Nazi symbols or terrorist insignia to wilfully promote hatred.

Also, it would propose the codification of the definition of “hatred”. The bill clarifies what conduct is captured by the new hate crime offence, as well as the existing hate propaganda offences, and supports a more consistent use of these offences by law enforcement. Based on the Supreme Court of Canada jurisprudence, the definition is also centred on the concept of vilification and detestation. It also specifies what is not hatred: namely, mere dislike or disdain or acts that merely offend or humiliate. This measure was included in the former Bill C-63.

Furthermore, it also proposes—

[*Translation*]

Rhéal Éloi Fortin: I have a point of order, Mr. Chair.

I would be happy to let our colleagues speak, but could we at least excuse the witnesses, out of respect for them?

The Barreau du Québec representatives certainly have other things to do, and I am sure that this is also true for the witnesses invited by the Conservatives. I propose that we excuse them so that we can listen to Ms. Lattanzio until she is finished.

The Chair: You are aware, as I am, of the issue of billable hours for lawyers. I assume that this is a very sensitive issue for this group.

Rhéal Éloi Fortin: Mr. Chair—

The Chair: I think I know where this is going. Unless we can come to a conclusion, we would have five minutes per witness without any opportunity to ask questions. I dare say that—

Rhéal Éloi Fortin: Go ahead, Mr. Chair, dare.

The Chair: There are 20 minutes left in the meeting. I think that we should excuse the witnesses. I agree.

The fact that the witnesses were unable to make their presentations is a burden that the entire committee bears. On behalf of the committee, I apologize to them, but this discussion does take precedence. We can excuse the witnesses.

I know that tempers have flared somewhat. Mr. Fortin, along the same lines, would you like to propose reducing the number of meetings? I could suspend the meeting for five minutes. We could save some time and see if we have consensus.

Rhéal Éloi Fortin: Mr. Chair, I wanted to move an amendment, but when I saw the extent of the debate on whether or not to start the discussion on Bill C-9, I thought that there was no point in arguing about the possibility of adding a witness or increasing or reducing the number of meetings. If I do that, we will never finish, and we will still be here next week.

I am ready to vote, because the lesser evil would be to get started. If we keep arguing about when we will begin, we never will.

If you think that we can suspend the meeting and Ms. Lattanzio and Mr. Brock can talk to each other, I will be happy to help you.

● (1710)

[*English*]

The Chair: Let's do that. Let's suspend for five minutes.

Let's try to get to a consensus. If we can do that, great. If not, we'll go back to Ms. Lattanzio's point of order.

● (1710)

_____(Pause)_____

● (1735)

[*Translation*]

The Chair: I call this meeting back to order.

[*English*]

Before we get to this—and it's very important—I want to draw your attention to the budgets that you all got a copy of. I'm going to assume it's fine. It is pressing because we need to compensate witnesses for their appearances. Unless there are any objections to that, I will deem that adopted. It's important that we dispense with that today.

Ms. Lattanzio, I understood, from the discussions, that there was a consensus, but it's either clear or clear as mud. Let's perhaps put your proposition forward for the clerk to hear. We can get it properly reduced to paper and we can all vote on it, assuming everyone agrees. Let's just get all the words out, and then we can vote. The floor is yours.

Patricia Lattanzio: Thank you.

The amendment to the motion presented by Mr. Brock is as follows. Instead of 10 meetings, we propose five meetings on the study of Bill C-9, concurrent with the other bail study. Each meeting will be three hours, and the first meeting of three hours on Bill C-9 will commence on October...on the next Tuesday after Thanksgiving. I'm sorry. It will start October 9, but with just the Minister of Justice appearing here for the first hour. The three hours—

The Chair: Yes, and it's with officials for the second hour.

Patricia Lattanzio: The subsequent Tuesday, which is October 21, will be the first Bill C-9 three-hour meeting.

The Chair: Does it matter whether it's Tuesday or Thursday for each one?

Patricia Lattanzio: No.

The Chair: Would they alternate in sequence?

Patricia Lattanzio: Yes. Bill C-9 will be on Thursday, October 23, not the Tuesday.

We commence Bill C-9 this Thursday, with the minister appearing for the first hour.

[*Translation*]

The meeting will be on Bill C-9.

Rhéal Éloi Fortin: Was he not coming to talk about the study on bail reform?

Patricia Lattanzio: He is coming for the study on Bill C-9.

[*English*]

The Chair: As we understand it, just to summarize, we'll have the minister this Thursday for one hour and, then, officials for the next hour. That is a two-hour sequence. When we return from what I'm calling the Thanksgiving break, we will resume three hours on bail on the Tuesday.

● (1740)

Then, the following Thursday, we will have three hours on Bill C-9, and then we will rotate accordingly until the agreed-to meetings are exhausted.

Patricia Lattanzio: Yes, that's on October 21.

That's correct—five meetings.

[*Translation*]

Rhéal Éloi Fortin: On Thursday, we have the minister for one hour on Bill C-9. The second hour—

The Chair: It will be on the public service.

Rhéal Éloi Fortin: Okay, we will hear from public service officials.

[*English*]

Patricia Lattanzio: Exactly.

[*Translation*]

Rhéal Éloi Fortin: We will spend two full hours on Bill C-9 on Thursday.

Patricia Lattanzio: Yes, the study starts on Thursday.

Is that all right, Mr. Chair?

[*English*]

The Chair: Are we ready to vote on this?

[*Translation*]

Rhéal Éloi Fortin: Do we know if the room is available and if the clerk and the analysts will be available as well? Is that all arranged?

The Chair: Yes, it is.

Rhéal Éloi Fortin: Okay.

The Chair: There will be requests for deviation if necessary, but that should not be a problem.

Patricia Lattanzio: Are we voting on the amendment, Mr. Chair?

[*English*]

The Chair: Yes.

(Amendment agreed to [*See Minutes of Proceedings*])

(Motion as amended agreed to [*See Minutes of Proceedings*])

The Chair: We're now at time.

I thank everyone for their patience, and we will see you Thursday at the next meeting.

The meeting is adjourned.