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Chair: James Maloney



Standing Committee on Justice and Human Rights

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• (1530)

[English]

The Chair (James Maloney (Etobicoke—Lakeshore, Lib.)): Good afternoon, everybody. I'd like to call this meeting to order. Thank you for being here.

First of all, this is my second meeting as chair. I hope we're able to get along as well as we did last meeting.

Welcome to meeting number 14 of the House of Commons Standing Committee on Justice and Human Rights. Pursuant to the order of reference of October 1, 2025, the committee is meeting to continue the clause-by-clause study of Bill C-9, an act to amend the Criminal Code regarding hate propaganda, hate crime and access to religious or cultural places.

Today's meeting is taking place in a hybrid format, pursuant to the Standing Orders. Members are attending in person in the room and remotely using Zoom—I don't think they are. I'd like to confirm that sound tests were done successfully.

Before we continue, I ask all in-person participants to consult the guidelines written on the cards on the table. These measures are in place to help prevent audio and feedback incidents and to protect the health and safety of all participants, including and especially the interpreters. You will also note a QR code on the card, which links to a short awareness video.

I'd like to make a few comments for the benefit of the witnesses and members.

Please wait until I 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 are not speaking. At the bottom of your screen, you can select the appropriate channel for interpretation: floor, English or French. Those in the room can use the earpiece and select the desired channel.

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

Members in the room, if you wish to speak, please raise your hand. Members on Zoom, please use the “raise hand” function. The clerk and I will manage the speaking order as best we can. We appreciate your patience and understanding.

I want to welcome the witnesses joining us today, who are back. From the Department of Justice, we have Kristen Ali, manager and senior counsel, criminal law policy section; Joanna Wells, senior

counsel, criminal law policy section; and Marianne Breese, counsel, criminal law policy section.

Before we get started, I'll remind you that we are at clause 4, debating BQ-2, which is where we left off at the last meeting when it was adjourned. I'll also remind you that new clause 1.1 and clause 2 were also stood down.

Members, once again, if you have subamendments or new amendments, please provide them in writing and in both official languages to the clerk.

(On clause 4)

The Chair: Now, we're going to move to continue BQ-2 at clause 4.

• (1535)

Anthony Housefather (Mount Royal, Lib.): I have a point of order, Mr. Chair.

I don't believe we're in the right.... I believe we're at LIB-1.

Larry Brock (Brantford—Brant South—Six Nations, CPC): We passed that one.

Anthony Housefather: It's to remove the word “swastika”. No, we didn't.

We deliberately went to all of the offences that related to the Attorney General, and we're supposed to come back. We did Ms. Idlout's amendment, which is NDP-1; we rejected it. Then we agreed, by committee, to go through all the ones that were related to the Attorney General. We should be back at LIB-1, which relates to the swastika.

Larry Brock: I thought LIB-1 follows BQ-2.

Anthony Housefather: On my thing it didn't. Does it?

An hon. member: Yes.

Anthony Housefather: Okay. I apologize.

The Chair: Are we all good? Okay. Thank you.

I'll just remind you that there are votes tonight. Bells are expected at around 5:15, give or take. We'll deal with that when we get to it.

We are ready to resume, then. We're on, just to be clear—

Larry Brock: We're on BQ-2.

The Chair: We're on BQ-2.

Before we move on to BQ-2—and I'll get back to Mr. Brock—I'll let you know that if BQ-2 is adopted, LIB-1, CPC-6 and CPC-7 cannot be moved due to a line conflict.

Okay, now we're ready to roll.

Do you have your hand up?

Larry Brock: Thank you, Chair.

I have several comments to make, but I'll summarize as best I can.

It's clear that Bill C-9, given the deal that has been worked out between the Liberals and the Bloc, has become a lightning rod to religious organizations right across this country. I have been inundated, as have been several of my colleagues at this table and several colleagues in my caucus, by concerned members and religious leaders of all kinds of denominations stating that this is a direct attack on the freedom of expression and the freedom of religion. Given how toxic and how divisive this Bloc amendment is and will continue to be, now with Liberal support, we are at an impasse. It's no small wonder that an additional six hours of resources have been devoted to this meeting.

I also want to clarify the notion that the Conservatives have been deliberately blocking and filibustering any attempt by the government to prioritize and move to study Bill C-14. That is an absolute lie. It has been circulated for at least two weeks now in and outside of the House of Commons. One can only take a look at the dysfunction of this particular committee. The former chair of this committee has abruptly ended meetings and did not call meetings. I know our current chair also did the same last week. If that is not a deliberate stalling tactic on behalf of the Liberal government, I don't know what is.

It is clear that it will always continue to be the priority of the Conservative Party of Canada to address the elephant in the room, and that is the explosion of violent crime in this country. Since my election in 2021, I have been singularly focused on strengthening provisions in the Criminal Code that relate to bail and sentencing. I wasn't alone in this crusade. We've heard from premiers, we've heard from law enforcement, we've heard from victim advocacy groups and we've heard from municipal leaders, all advocating, pleading and begging for this government to take real action.

What did the government give us? It gave us a failed Bill C-48, which did nothing to stem the tide. We had an election. One of the issues in the election was community safety. We all heard about that knocking on doors. It was a real surprise to me and to members—

• (1540)

Anthony Housefather: I have a point of order.

The Chair: Mr. Housefather.

Anthony Housefather: Mr. Chair, is this relevant to clause-by-clause?

Larry Brock: Yes, it is. I'm getting to it.

The Chair: I'll give Mr. Brock some latitude. He's been talking in anticipation of what may or may not happen in the future—

Larry Brock: Yes.

The Chair: —but we're not quite there yet.

If you're addressing this clause, Mr. Brock, you can continue.

Larry Brock: We had an election. A number of issues were front and centre. Community safety and a government response to address community safety were front and centre. We all anticipated that when we returned to the House in the spring, one of the first hallmarks of this Carney government would be the introduction of bail legislation to deal with community safety. That didn't happen.

All through the summer I anticipated that some proposal, some policy, would be introduced that we would study in the fall. That didn't happen. Ultimately, Bill C-14 was introduced. We studied it. We looked at it in the House. We debated it in the House. It passed second reading. It is now waiting in the wings to be studied here.

I want to make this abundantly clear to everyone who is watching this particular proceeding, and to all of the groups who have an interest in community safety. I've always said and always will say that community safety is not a partisan issue. Regardless of political ideology, everyone wants to live in a safe community. Given the impasse we are at with respect to Bill C-9 and the Bloc's proposed amendment, I have a proposal, and that proposal is to seek unanimous consent from every member at this committee.

I'll read out the consent motion that I wish to adopt. I move that to improve public safety in our communities and to protect Canadians from repeat and violent offenders, the committee (a) immediately prioritize the consideration of Bill C-14, the bail and sentencing reform act and work together to report the bill to the House at the earliest opportunity; (b) sit through the winter adjournment to undertake meaningful consultations with victims, community leaders, police services and associations, and other relevant witnesses; and (c) pause consideration of Bill C-9 to make room on the agenda for Bill C-14.

With every day that we do not as a justice committee deal with Bill C-14, more murders are going to happen in our communities, more sexual assaults, more extortions, more car thefts—

Wade Chang (Burnaby Central, Lib.): I have a point of order.

Larry Brock: Victims are coming through loud and clear. They want this committee—

The Chair: Mr. Brock, I'm sorry. We have a point of order.

Mr. Chang.

Wade Chang: How is this relevant to the consideration of the clause-by-clause of Bill C-9?

The Chair: It's not. It's not relevant at all, in fact.

We're in the middle of clause-by-clause, Mr. Brock. I understand your point, but one point I take from your comments is that you want to move forward expeditiously, which I think we can all agree with—

Larry Brock: I do, and I'm asking for unanimous consent, Chair.

The Chair: I don't think it's on point. We're dealing with clause-by-clause. Mr. Chang's point of order is accurate, and I agree with him. We're going to move on to clause-by-clause—

Larry Brock: I challenge that.

The Chair: Okay, and that's your right, but just let me finish. I'm going to then give the floor to Mr. Fortin to continue discussion on that.

That's my ruling.

Andrew Lawton (Elgin—St. Thomas—London South, CPC): You guys can just give consent. Do you not want to do Bill C-14?

The Chair: This isn't a debate, Mr. Lawton

Anthony Housefather: You clearly don't—

Hold on—

Anthony Housefather: —want to do Bill C-9.

They don't care about the communities that are hurt by Bill C-9—

The Chair: Gentlemen, please. To all members on both sides, please speak when I give you the floor and not otherwise. Mr. Housefather and Mr. Lawton, that applies to everybody.

I would ask that you respect each other and respect the interpreters. Don't talk over each other. I will give everybody an opportunity to speak when it's appropriate, but do not speak at the same time when it's not your turn.

I've made my ruling on Mr. Chang's point of order.

Mr. Brock, you are challenging my ruling.

Larry Brock: That's correct.

The Chair: Okay, go ahead, Mr. Clerk.

• (1545)

The Clerk of the Committee (Jean-François Lafleur): Thank you, Mr. Chair.

On the question of whether the chair's decision shall be sustained, we will go to a vote.

(Ruling of the chair sustained: yeas 5; nays 4)

Larry Brock: Clearly, the Liberals do not want to prioritize Bill C-14.

The Chair: Mr. Brock, you do not have the floor. If you will respect the chair and respect other members of the committee, when

it's appropriate for you to speak, as with others, I will give you the floor. I would ask that you don't do it otherwise.

Mr. Fortin, we are on your amendment, BQ-2.

Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC): I have a point of order, Mr. Chair. Could you just clarify what the ruling was? Is it that a member can't bring forward a request for unanimous consent motion?

The Chair: My ruling was that it was not relevant to the amendment we were discussing.

Garnett Genuis: Is your ruling that relevance is required for a request for unanimous consent?

The Chair: Mr. Genuis, we went through this in the last meeting. The ruling was made, it was challenged and it was upheld.

Garnett Genuis: I'm just asking what it was.

The Chair: Mr. Fortin, you have the floor.

Garnett Genuis: I'm just asking what it was, Chair.

The Chair: I've answered the question twice now.

Mr. Fortin, the floor is yours.

[*Translation*]

Rhéal Éloi Fortin (Rivière-du-Nord, BQ): Thank you, Mr. Chair.

We have now reached amendment BQ-2, if I am not mistaken.

[*English*]

The Chair: That's correct.

[*Translation*]

Rhéal Éloi Fortin: Amendment BQ-2 seeks to amend subsection 319(2.2) proposed for the Criminal Code by clause 4 of Bill C-9, which begins as follows:

Everyone commits an offence who wilfully promotes hatred against any identifiable group by displaying, in any public place, a symbol....

We propose replacing the three symbols listed with a single symbol, by replacing line 15 on page 1 to line 6 on page 2 with the following:

...-ing, in any public place, a symbol that is principally used by, or principally associated with, a *listed entity*, as defined in subsection 83.01(1).

This means that the offence would relate to a symbol identifiable with a terrorist entity and no longer to the swastika or a similar symbol. The reason behind this proposal is that the swastika is a symbol that was used not only for serious crimes committed during the Second World War by the Nazis, but also by religious communities, and we believe that we should not ostracize or indirectly punish them with this bill. In addition, proposed paragraph (c) refers to a “symbol that so nearly resembles...that it is likely to be confused”, which we find rather vague and counterproductive.

In short, amendment BQ-2 aims to limit the ban to symbols identified with a terrorist entity listed in the Criminal Code.

[English]

The Chair: Thank you, Mr. Fortin.

Mr. Brock.

Larry Brock: Thank you, Chair. I'm moving a motion that the committee proceed to the consideration of Bill C-14, the bail and sentencing reform act. It's a dilatory matter. There's no debate.

The Chair: Mr. Brock—

Larry Brock: There's no debate. I'm asking for a vote.

The Chair: Mr. Brock, we're in the middle of clause-by-clause. There's a motion on the floor. That motion is—

Larry Brock: It's a dilatory motion, Chair.

The Chair: I understand what a dilatory motion is, but there are times when you can bring them and times when you can't, and this is one of the latter situations.

If you have comments on the amendment put forward by Mr. Fortin, the floor is yours.

Andrew Lawton: I have a point of order. I'm hoping you could please, Chair, cite the authority on which you determined it's out of order, because it sounds an awful lot like you're trying to prevent the bail study from taking place.

The Chair: Mr. Lawton, give me one second. We have two people talking at the same time, but I'll let you start over.

Mr. Lawton, I'm sorry; I interrupted you.

Andrew Lawton: It sounds like you're just trying to predetermine the outcome because the Liberals do not want to allow study of their own bail bill. I'm curious on what authority you're saying this motion is not permissible when we're saying we can and should move to a bill on which there is a lot more consensus than there is on Bill C-9.

The Chair: That sounds like debate on a dilatory motion to me, but no, the editorializing isn't necessary. I understood what Mr. Brock was trying to do. I ruled that his motion was out of order because of the timing it was put on the floor. We're in the midst of debating BQ-2.

• (1550)

Garnett Genuis: I have a point of order.

Chair, very respectfully, the green book clearly identifies a series of dilatory motions, and I know that, respectfully, you're in your second meeting in this role as justice committee chair. It's on page 1,167 of *House of Commons Procedure and Practice* where the

dilatory motions are listed. You would only use a motion to proceed to another item in a situation where you want to proceed to a different item from the one that is currently on the table.

The Chair: Mr. Genuis, if somebody wants to challenge my ruling, they're free to do so. I'm not entertaining debate on a ruling I've already made.

Garnett Genuis: Chair, I promise you that I'm not making things up.

The Chair: Mr. Genuis, I've already made the ruling. If somebody wants to challenge my ruling—

Garnett Genuis: It's on page 1,167 of *House of Commons Procedure and Practice*.

The Chair: —that is their right to do so. This is not a debate.

Garnett Genuis: Could the clerk clarify the rules at least?

The Chair: No. The ruling has already been made, Mr. Genuis. I've set out the process we're going to follow here. Thank you.

Garnett Genuis: You don't get to make things up, though, Chair. There's a book—

The Chair: Okay, and you don't get to speak when you don't have the floor.

Mr. Genuis, you're done.

Garnett Genuis: I have a point of order, Chair—

Larry Brock: I'm challenging the chair—

The Chair: Mr. Brock is going to challenge my ruling.

(Ruling of the chair sustained: yeas 5; nays 4)

The Chair: Thank you.

Is there any further debate on Mr. Fortin's proposed amendment?

Ms. Lattanzio.

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

With regard to the BQ amendment, which replaces the offence so that it only covers symbols used by the terrorist entities listed under subsection 83.01(1), thereby removing Nazi symbols, SS bolts and other hate symbols from the bill, the amendment removes almost all of the hate symbols that communicate hate.

Communities have come forward and asked us to address Nazi symbols, as we heard through the testimony, and the other images used to intimidate people in public places. Groups have told us here in committee quite clearly that the problem they are facing is the open display of hateful symbols like the SS bolts.

Narrowing the offence, and this specific amendment, would ignore what they've asked for. Limiting the offence to listed terrorist entities would leave out many of the symbols that the Jewish, Muslim, Black, LGBTQ+ communities and others have told us are being used to threaten and harass them, and it is really going against the spirit of this bill.

The terrorist entity list is small and slow to update, and this approach would make the offence far less useful and far less responsive to what is actually happening on the ground and in our streets. We want this law to be practical for police and meaningful for communities that are affected. This amendment would weaken it to the point where it no longer meets that goal. For that reason, we will be voting against it.

The Chair: Thank you, Ms. Lattanzio.

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

Mr. Lawton.

Andrew Lawton: I've cited a few times at this committee an instance from a couple of months ago in my riding that is very germane to this, which was that someone, under existing criminal laws, was arrested and charged for having a swastika mowed into their lawn. No separate offences in the Criminal Code and no additional police powers were required for that. This issue was another one of many crime stories that emerged in my riding.

I've had a great many conversations with police chiefs and front-line police officers, and when they talk about what they want, not one of them has said they want Bill C-9. They talk about wanting bail reform. They talk about wanting legislation like we've put forward in the jail not bail act, the legislation we have tried to move attention to in this very committee meeting, because there is a lot more consensus on it.

I find it shocking the Liberals will get up in the House of Commons—

• (1555)

Patricia Lattanzio: I have a point of order.

Andrew Lawton: —and accuse us of blocking bail work—

The Chair: Mr. Lawton, I'll give you the floor back—

Andrew Lawton: —while denying the opportunity to get to it, Mr. Chair, and you're silencing me again—

The Chair: No, I'll give you the floor back. We have a point of order.

Ms. Lattanzio.

Patricia Lattanzio: Mr. Chair, again, there's a question of relevance here today. I think it's quite clear that the Conservatives do not want to proceed with Bill C-9. At every opportunity, they are invoking other pieces of legislation, which I'm hopeful we'll be able to get to if we can finish with the one before us. We are very much looking forward to dealing with the other pieces of legislation that

are before this committee and that will be forthcoming in this committee, but today we should be concluding our work on Bill C-9.

It is very clear by the interventions that at every turn they are trying to stretch the time to not have to deal with this clause-by-clause study. It's very apparent. I would invite the Conservative members on this committee to move ahead so we can move to the study of other pieces of legislation.

If you keep this up, we'll never get to it.

The Chair: Okay, we'll go back to you, Mr. Lawton.

I think it goes without saying that the sooner we get through this bill, the sooner we can get to the next bill. I don't think we need to repeat that over and over again.

Mr. Lawton, the floor is yours.

Andrew Lawton: My point, and where it is germane, is that it's about community priorities and justice priorities, and I find it fascinating that the Liberal government is holding its own bail bill hostage and using that as leverage to force us to advance very bad legislation that will attack the rights of Canadians.

Anthony Housefather: I have a point of order.

The Chair: Mr. Housefather has a point of order, Mr. Lawton.

Andrew Lawton: I'm sure he does.

The Chair: Go ahead, Mr. Housefather.

Anthony Housefather: Mr. Chair, I question the relevance of this to BQ-2. This has nothing to do with BQ-2.

The Chair: I'm inclined to agree with you, Mr. Housefather. We've gone—

Andrew Lawton: I cede the floor.

The Chair: Mr. Brock, go ahead.

Larry Brock: I see what the Liberal members are doing, Mr. Chair. They say one thing to the community at large; they say one thing to the House, accusing Conservatives, including the parliamentary secretary herself, of deliberating blocking the study of Bill C-14.

I brought forth a unanimous consent motion that could have dealt with prioritizing bail and sentencing. To my colleague Mr. Lawton's point—

The Chair: Mr. Brock—

Larry Brock: I'm not done yet.

The Chair: Mr. Brock, with all due respect, I really don't want to interrupt anybody. I don't—

Larry Brock: Then why are you interrupting me, Chair?

The Chair: Let me—

Larry Brock: I'm not even done my point.

No one has raised a point of order. You're supposed to be independent, Chair.

The Chair: I am independent, Mr. Brock.

Larry Brock: Not when you interrupt me, you're not.

The Chair: If you're going to continue making the same point you did on the point of order earlier—

Larry Brock: How do you know? You're not allowing me to finish my comments.

The Chair: You just repeated the same thing.

Larry Brock: You're not allowing me to finish my comments, Chair. That's completely inappropriate.

The Chair: What I'm saying is that you need to stick to the amendment we're dealing with right now.

Larry Brock: I'm speaking to that. If you'll let me finish, I will speak to it.

The Chair: As long as you keep it relevant to the clause we're debating, that will be fine.

Thank you, Mr. Brock. Continue.

Larry Brock: Mr. Lawton raised serious concerns about Bill C-9. When we raise concerns about Bill C-9, that is extremely relevant to every clause we are about to consider. Because he is not narrowing his commentary with respect to BQ-2, that does not, by definition, automatically mean that he's not speaking with relevance to the whole purpose behind Bill C-9.

That's where I object. That's where I wanted to support my colleague. That's why I wanted to call out these Liberal members, who refuse to be honest with Canadians that we need—

The Chair: Now I'm going to interrupt you. I'm going to make this point—

Wade Chang: I have a point of order.

The Chair: —whether it's a Liberal, a Conservative, or a Bloc member. If people are going to start calling each other names and using words like “lying”, this meeting is going to be really long, and I'm not going to put up with it.

Mr. Brock, you know better—

Larry Brock: I'll sit all night, Chair.

The Chair: We might be.

Larry Brock: Give me the resources, and I'll sit all night.

The Chair: You know better than that, I know better than that and my colleagues on my right know better than that.

Please, I'm just asking for a level of civility here. Do not use words like “lying”, ascribing motive to people when they haven't been.... It's out of line.

Mr. Brock, you have the floor, but I'm just pleading with you—

Larry Brock: I hope, Chair—

The Chair: I will follow the same rules regardless of who is talking.

Larry Brock: I take your comments to heart, and I hope that when you hear in particular the parliamentary secretary using that type of language in the House, you will pull her aside and you will call her out.

The Chair: Except we're not in the House. I can only control the process of the committee. Let's do that.

Larry Brock: I wanted to continue, sir, because I have some grave concerns, and that's why I challenged your decision. I don't know what authority in the green book you are relying upon to rule that the motion that I just indicated I wanted to deal with, which was a dilatory motion, was not appropriate to be dealt with here and now.

You made a ruling saying that the Bloc motion takes priority over my motion, and I wanted to ask you, perhaps in consultation with the clerks, what particular authority you are relying upon.

• (1600)

The Chair: The issue has been dealt with, Mr. Brock. If that's the end of your submission, we can move on to Mr. Baber.

Roman Baber (York Centre, CPC): I'll quickly say, with respect to BQ-2, that I am mindful of the concern Mr. Fortin articulated. However, that could easily be dealt with by an amendment to remove reference to the swastika, as asked by various representatives of the Hindu community.

However, I'd like to understand this. Granted, I am new here. Nonetheless, this goes beyond our desire to talk about bail. I want to understand the process here. If a motion is sought, I would think it's not just a matter of order but also a matter of privilege that a member of this committee can ask for unanimous consent at any point. That would be a dilatory motion. We have a situation here where the chair ruled—respectfully—incorrectly in my view and is then able to sustain his own incorrect ruling with a vote. Effectively, what is happening here is this: You can dispose of decorum and the rules if the Liberal members vote in favour of doing so. In that case, what's the point of having any rules?

I'm asking the chair to please allow Mr. Brock to move his motion, and let's have a vote. Let's deal with Bill C-14—with bail and sentencing. Let's deal with that right now. To vote to effectively suspend the rules and continue with this terrible piece of legislation, Bill C-9, is not appropriate.

The Chair: My ruling, to be clear, was that it was an inappropriate time to move that motion. If you, Mr. Brock or others want to move a motion at an appropriate time, that's different, but we have already moved on from that issue.

If you have other submissions on this amendment, the floor is yours. If not, we can move on to Mr. Gill.

Roman Baber: Could you please clarify for me what is an appropriate time and what is not an appropriate time?

The Chair: No, I am not—

Roman Baber: He can move a motion at any time.

The Chair: Your colleague back there has the green book.

Mr. Gill.

Amarjeet Gill (Brampton West, CPC): Thank you, Chair.

I would like to talk about what I am hearing in the riding I represent.

Every single person I speak to talks about how we should be looking after Bill C-14 first, because bail and sentencing are very important for all of us. We all agree, to a point, that this is legislation we had to put forward.

Now we are delaying, and every single day we delay causes problems in the neighbourhoods, on the streets and—

Wade Chang: I have a point of order.

The Chair: Mr. Chang.

Wade Chang: How is this relevant to the clause-by-clause of Bill C-9?

The Chair: It's not.

Amarjeet Gill: It is relevant, sir.

The Chair: No, it isn't, because you're talking about a different piece of legislation.

I'm imploring you: If you want to talk about Bill C-9, which is what we're here debating, please do so. I'll give you all the time you like. We have unlimited resources, as far as I'm concerned.

Amarjeet Gill: I'm coming to that, if you will give—

The Chair: You haven't addressed it yet, so in these circumstances, Mr. Chang's—

Amarjeet Gill: If you keep interjecting with these kinds of points of order, I will not be able to speak.

The Chair: I've deemed Mr. Chang's point of order to be appropriate. I'm going to give you back the floor. If you want to talk about this bill and this amendment, please do so.

Amarjeet Gill: It is important for us to understand what we are hearing at the ground level and in reality. We have to work accordingly. Our main purpose is to look after what people need at this point in time, whether it's Bill C-9 or Bill C-14

We all know that extortion calls are coming every single day. Gun shootings are happening every single day. People are scared. Families are being targeted. Businesses are threatened. These are the things we have to look after.

I suggest strongly that we should be looking after Bill C-14 right now. We have to support the motion presented by my colleague Mr. Brock. We have to move forward on that one.

• (1605)

Wade Chang: I have a point of order on relevance again.

The Chair: I agree.

Mr. Gill, you're still not talking about this bill or, more specifically, this amendment.

Amarjeet Gill: Mr. Chair, if that is the case, I'll cede my time and move on.

Actually, we should not be stopping anyone from speaking when we are talking about important legislation that needs to be discussed at this committee meeting.

The Chair: Thank you, Mr. Gill.

Are there any other further submissions on Mr. Fortin's proposed amendment? No.

Before we put it to a vote, let me remind you of what I said at the outset: If BQ-2 is adopted, LIB-1, CPC-6 and CPC-7 cannot be moved due to a line conflict.

We'll put it to a vote now.

(Amendment negated: nays 8; yeas 1)

The Chair: Thank you.

We're now moving on to LIB-1. I will give the floor to Mr. Housefather.

Anthony Housefather: Thank you, Mr. Chair.

This is a simple amendment. The Hindu communities and some other communities, like the Jain community, view the swastika as a holy symbol in their culture. We can refer to the Nazi *hakenkreuz*, which is the symbol used by the Nazis, without using the word "swastika" in the English version of the bill.

All my amendment does is remove the word "swastika" from the English version of the bill. I hope this is something we can all agree on given the community's representations.

The Chair: Thank you, Mr. Housefather.

Are there any other submissions on that? No.

Let's move on to a vote on LIB-1.

(Amendment agreed to: yeas 9; nays 0 [*See Minutes of Proceedings*])

The Chair: That takes us to CPC-6, which I believe is from Mr. Brock.

I'm sorry, but just before you get the floor, Mr. Brock, if CPC-6 is adopted, CPC-7 cannot be moved due to a line conflict.

Mr. Brock, do you want to speak to it?

Larry Brock: Actually, it's Mr. Lawton's motion.

The Chair: I'm sorry.

Go ahead, Mr. Lawton.

Andrew Lawton: Thank you.

We have raised in the course of our study of Bill C-9—a study that has been, sadly, shortchanged because of Liberal obstruction—that there are grave concerns with a number of sections of this bill, like how they will affect civil liberties and, in some cases, the very communities that the Liberal government claims it will protect.

There have been several concerns raised specifically about the section on hate symbols, and we will be discussing those more thoroughly when we get to the clause at hand. However, if we as a committee and as a Parliament are to enumerate hate symbols—symbols that have vile meaning, that carry a death toll and that often bring up a lot of trauma for various communities—we need to be thorough with it.

I am proposing the following amendment. I ask that Bill C-9, in clause 4, be amended by adding, after line 3 on page 2, the following:

(b.1) the communist symbol known as the hammer and sickle; or

I also ask to replace line 5 on page 2 with the following:

scribed in paragraph (a), (b) or (b.1) that it is likely to be

In layman's terms, this is adding the hammer and sickle, the Communist insignia, to the list of hate symbols. Communism has a death toll of 100 million people around the world. People have died as a result of the dangerous and harmful ideology perpetrated by it. A number of concerns have been raised by people who have lived under Communist rule in Cuba and in eastern Europe, people who see this as an incredible evil that needs to be stamped out.

The Soviet Union, under Joseph Stalin, from the 1920s to the 1950s, saw some of the worst mass repression and mass killings in history—from the great purge to gulag or forced-labour camps, collectivization and the terror famine—with a death toll of up to 27 million.

In China, under Mao Zedong, the Communist Party carried out massive repression, causing the deaths of tens of millions through executions, labour camps and man-made famines.

Cambodia, under the Khmer Rouge, from 1975 to 1979, saw one of the worst episodes of mass killing in the history of the 20th century, with up to two million people killed. That's around 25% of Cambodia's population.

If we are to describe what hate symbols are in law, we need to acknowledge the death toll of the hammer and sickle, so I move this amendment for consideration and ask that it be added to the list.

• (1610)

The Chair: Thank you, Mr. Lawton.

Is there anybody else?

Mr. Baber.

Roman Baber: I have to give it to my friend, Mr. Lawton. As some committee members have heard by now, I was born in the Soviet Union. I lived in the Soviet Union until 1989. Frankly, when I look at the hammer and sickle, I'm scared.

I appreciate Mr. Housefather's previous amendment. I appreciate his sentiment, as we both come from the same community, with family members who were deeply affected by the Holocaust. However, I can tell you that my family has also been significantly affected by Communism. Frankly, I do not see much of a distinction between the two. The hammer and sickle represented collective oppression.

If I could, I'll summon my thoughts here, because this is definitely interesting.

I'm not sure if Mr. Lawton mentioned that it is estimated that, subsequent to the world war, more than 20 million Soviet citizens were murdered by the Communist regime. It wasn't just confined to Jews; it was everyday people: Ukrainians, intelligentsia, anyone who had any type of microphone, press members and educators.

I view it as a hate symbol. I believe that it is a hate symbol because it drives the extreme of collectivist ideology where the state says, "Not my way or the highway, but my way or murder."

I hope that all of my friends around the table will support this amendment.

The Chair: Thank you, Mr. Baber.

Is there any other discussion on that point?

Shall CPC-6 carry?

(Amendment negated: nays 5; yeas 4)

The Chair: Next we have CPC-7.

Mr. Brock.

Larry Brock: Thank you, Chair.

The majority of us, if not all, at this committee are lawyers. We can all think back to first-year law when we took statutory interpretation. The overriding rationale that I remember so long ago—several decades ago—was to always seek clarity when drafting laws. It's no more important when it comes to the Criminal Code of Canada.

In my view, after almost two decades of prosecuting and about 14 years of defending, as the Criminal Code currently exists, there are so many areas that really require significant editing. What I bring to the table as a parliamentarian now is the ability to ensure that there are no grey areas when it comes to statute interpretation and that we strive to look at the Criminal Code in terms of what's black and white.

What exists right now in Bill C-9, specifically proposed paragraph (2.2)(c), is worded as follows:

(c) a symbol that so nearly resembles a symbol described in paragraph (a) or (b) that it is likely to be confused with that symbol.

I don't know what that means. It is so vague. There is no definition section as to what a like symbol would mean. What does "likely to be confused with" mean? Would that be an objective standard? Would that be a subjective standard?

In terms of the rationale for the amendment I seek, it's to seek precision and clarity. To remove that type of language would go a long way.

Thank you, Chair. That's my explanation.

• (1615)

The Chair: Thank you, Mr. Brock. More than anything, you just reminded me of how old I am.

Mr. Baber, it's over to you.

Roman Baber: I remember being taught overbreadth by a former Liberal cabinet minister, Mr. Bentley. He taught me first-year criminal law, and he made criminal law come to life—for me, at least. Of course, as the chair knows, I did not become a criminal attorney; nonetheless, I appreciate Mr. Brock's input.

I'm looking at the section. If we could please read it, I would ask my Liberal colleagues to look at proposed paragraph 319(2.2)(c), which is what Mr. Brock's amendment is targeting. It reads:

(c) a symbol that so nearly resembles a symbol described in paragraph (a) or (b) that it is likely to be confused with that symbol.

My point is very simple: If it can be confused, it should not be criminal.

I'd like to offer an example. Some folks might say that if you take out the language inside the Canadian Tire triangle, it might resemble a symbol used by the Hamas terrorist organization. It sometimes uses a triangle to indicate who the next target ought to be—god forbid. I would say that I could probably get around that, because that might be incitement to violence. Isn't that right, Mr. Housefather? Ironically, you could probably say the Hamas triangle is incitement to violence, but I don't want to watch a Christmas commercial for Canadian Tire thinking it might be confused with the Hamas triangle.

This amendment is being made in good faith to try to not be overbroad. Again, if it is likely to be confused with the actual symbol, the word "confused" is not only confusing; it should allow for some degree of latitude and not be criminal. Maybe we ought to think about some first principles, as former labour minister Mr. Bentley would probably say. We're talking about criminal conduct, and we should be very clear not to criminalize conduct unless it is clear that it's criminal conduct.

• (1620)

The Chair: Thank you, Mr. Baber.

Mr. Housefather.

Anthony Housefather: Thank you, Mr. Chair.

I appreciate that, and I appreciate the last two Conservative amendments, which I think have been made in very good faith.

On the first one, just to be clear, we had no testimony to the effect that the hammer and sickle should be included. There are a number of others, like the Ku Klux Klan symbol. I think this has to go through a thought process if we are to add other symbols, rather than just picking one and not another. That's why I voted against that amendment.

This one is much more compelling in terms of the discussion about it. My issue is that I think it is trying to achieve the opposite. Here's what I think it's trying to achieve. There's a terrorist group that has their symbol, and then, because they know the law has prohibited the display of the symbol, they themselves distort the symbol by one tiny iota so they can argue that it wasn't the symbol. The point of this section, I believe, is to capture that.

I would like to ask a question of the officials who are here. Presumably, this was drafted by the Department of Justice. Can you explain the intention of this section?

The Chair: Please go ahead.

Marianne Breese (Counsel, Criminal Law Policy Section, Department of Justice): Thank you for the question.

Yes, I can confirm that the intention is to capture symbols that are defined in proposed paragraphs (a) and (b). These are symbols principally used by or associated with a listed entity: the Nazi *hakenkreuz* or Nazi double sig-rune. If there's a slight modification—for example, if the flag of a terrorist entity has a different colour background—or if it's displayed for the purpose of promoting hatred against an identifiable group, we're not precluded from using that offence to prosecute.

It's really, on a technical basis, about not excluding symbols that wilfully promote hatred.

Anthony Housefather: Can I ask another question?

The Chair: Sure. Then I'll give the floor to Mr. Brock.

Anthony Housefather: Just to clarify, the goal of the way this is worded by our experts—presumably at the Department of Justice—is not to catch a different symbol that is not included in paragraphs (a) and (b), but to take only the symbols in (a) and (b) when there is a deliberate attempt to distort a symbol in order to avoid or circumvent the law by the person using the symbol. It is not to catch a symbol inadvertently. Is that correct?

Marianne Breese: That is correct. It is to capture slight variations or modifications where otherwise that symbol.... It presupposes the definition of the symbols in paragraphs (a) and (b). It doesn't create new symbols.

Is that helpful? Does that respond to the question?

Anthony Housefather: Yes. Thank you very much.

The Chair: Are you done, Mr. Housefather?

Anthony Housefather: Yes, thank you. I got my answer.

Larry Brock: Thank you, Ms. Breese, for that explanation.

I don't know if it satisfies my concerns. I know Mr. Housefather is concerned, but given the way you responded to his latter question about the slight modification, did you ever give some consideration to using that language—a slight or some type of modification to an existing symbol? I think it's more specific and might assist me as a prosecutor in making an argument to a judge. If I were a judge, it may give me some comfort knowing that it's a different standard I'm applying by taking a look at the real symbol and taking a look at the closely resembled symbol to see whether there was a slight modification.

I think that language might be better than the language “that so nearly resembles”, which I think opens up such a grey area that, should there be a prosecution, I can see most cases being dismissed, even on the W.(D.) standard that judges would apply in this particular case. It would leave them with reasonable doubt, not understanding and not appreciating a subjective analysis on that type of symbol versus an objective analysis.

I'm wondering if you would be amendable to tightening up the language to make it a little more specific for prosecutors and to assist judges in adjudicating.

Marianne Breese: Thank you for the comments.

I believe that's really a policy decision and not something I can speak to.

With respect to the drafting of this provision, as you pointed out, the objective you spoke to—using the words “nearly resembles” in conjunction with “likely to be confused with”—is the guidance provided in this legislation to narrow down the types of symbols that would be captured. That was the policy intent and the legal effect of that provision.

• (1625)

The Chair: Are you done, Mr. Brock?

Larry Brock: Yes.

The Chair: Mr. Baber had his hand up as well.

Roman Baber: First, to Mr. Housefather's point, I think the real issue here—and this is also for Ms. Breese—is the intent of the display. It might nearly resemble something and not be exactly right, especially if you draw it and if you're not good at that. It would be slightly off. However, if the intent is a terrorist symbol, as we prescribe in this section, then it would be caught and would be indeed criminal conduct. That's the point: You don't need to be concerned with the fact that someone made a slight alteration.

You could think of an ISIS flag, which is a very good example. There are many variations of it depending on where you're situated geographically. Some versions of the ISIS flag have more letters than others. At the same time, if you're a law enforcement professional, when you look at an ISIS flag, I would hope you know whether it's an ISIS flag or not.

I'm not concerned with not being precise, because it goes to intent, whereas what this section is really doing, I think, is precisely what this section hopes not to do, which is to potentially criminalize behaviour inadvertently. What might happen here is this. If the intent is not there and the intent is only to draw something else, then you're now criminalizing non-criminal behaviour.

I think I'm right on this.

Ms. Breese, what do you think about what I just said?

Marianne Breese: I think you described well how a symbol is used within the hate propaganda offence, which is that the intent of the public display of the symbol is to promote hatred. In the reading of the offence, again, it would not expand the type of symbols captured; it would just specify....

Another way of seeing it would be that police officers on the ground would have to know, with great precision, that the symbols are caught by paragraphs (a) and (b), and that if they get that wrong, they are precluded from charges or going forward through prosecution.

That's the inverse. The question to committee would be, do you want that great precision to be on law enforcement?

Roman Baber: To your point, the problem is the word “confused”.

I kindly ask my Liberal colleagues to please bear with me.

If I could redraft the section, I would say, “a symbol that so nearly resembles a symbol described in paragraph (a) or (b) that it is likely to be that symbol.”

That's what Ms. Breese is saying the section tries to accomplish. It so nearly resembles a symbol that it is meant to be that symbol, as opposed to being confused with that symbol. I'm right on this one.

The Chair: Thank you, Mr. Baber.

Mr. Brock.

Larry Brock: My colleague Mr. Baber is very confident in his legal understanding of statute interpretation.

To all the officials here, were any of you responsible for the final wording in proposed paragraph (c)? Did anyone draft that?

• (1630)

Joanna Wells (Senior Counsel, Criminal Law Policy Section, Department of Justice): We did participate in the drafting.

Larry Brock: You did participate in the drafting.

Joanna Wells: Yes. That's one of our roles as policy counsel: to work with our legislative drafters to put the minister's policy into legislative text.

Larry Brock: I want to circle back to your latter comment that if there were amendments to the language, that would be a policy decision. Are you not policy decision-makers at the Department of Justice, or are you just responsible for drafting legislation?

Marianne Breese: We provide advice to the minister, who gives policy direction, and then we put that into text.

Larry Brock: What was the genesis of that particular clause? Did you consult with legal stakeholders? Did you consult with the judiciary? Did you consult with academics, law professors—anything like that? Did it come from specific ethnic minorities? Were you persuaded one way or the other in terms of the language to be used? I'd be very interested in your response.

Joanna Wells: I can speak to this one.

I understand the concern is specifically targeted to this particular provision. This provision was developed, as Ms. Breese said, to try to close what was thought to be the risk of a loophole that could be created in the offence.

Generally, we don't consult on the specific wording for an offence like this, although I know there were broad consultations on the broader policy objective of Bill C-9.

Larry Brock: What real-world examples can you give me that would support the inclusion of this clause, ones that came from law enforcement where they said they were missing an important tool in their tool box to tackle individuals who are demonstrating on our streets, harassing members of religious communities and using symbols, but they don't know whether they're an exact replica of something that is within the regs or there's been a slight modification?

Did you get specific input? Do you have examples of cases where police officers were presented a choice: "Should I or shouldn't I charge?" If they said they couldn't charge because they were missing a tool in their tool box, is this designed to remedy that?

Marianne Breese: Generally, the feedback we have received is that police officers are looking for clear tools to address this type of conduct—a clear red line as to what types of symbols, for example, could be captured by this type of offence.

In terms of examples of how this could materialize, if on a Hezbollah flag or Hamas flag the background colours were changed, that flag was being waved in a public place and the person waving it was also chanting slogans that directly targeted an identifiable group—

Larry Brock: Aren't there criminal laws already in the books to address the particular example you just gave, which is incitement to hatred?

Marianne Breese: Perhaps I could finish this one first. If there's a more limited definition of the symbols in proposed paragraphs (a) and (b), then this offence would be precluded.

However, to your point, there are other tools in the Criminal Code—other hate propaganda offences that could potentially apply—depending on the case at hand. Communicated statements, for the purpose of section 319 offences, include visible representations and signs.

Larry Brock: Here's the problem. What I'm about to say to you right now is certainly not new to you if you've been following the debate in the House or the debate here in this particular committee. We would love to completely reject every aspect of Bill C-9. It is a flawed piece of legislation, because there are existing laws that already deal with the multitude of disturbances we have seen over the last two years.

It's not an issue of a want of criminal legislation or specific tools for law enforcement. There is a lack of will among law enforcement. I have gone on tour. I'm still touring across the country, talking to stakeholders. I'm absolutely surprised and stunned by the number of examples of lawlessness on the streets where police have been directly told by their municipal leaders to abandon their number one sworn responsibility to enforce our laws and simply be peacekeepers.

I'm not going to identify the city. I'm not going to out the police service, but I spoke to a number of Jewish leaders in this particular community. They explained to me, with example after example, that pro-Palestinian or pro-Hamas protesters specifically spat on Jewish individuals who simply wanted to attend their synagogue. It was right in the presence of police officers. That's intimidation. That's assault. They have the tools; they're just not enforcing.

I appreciate your explanation. You've given me some hope that you have done your due diligence. I would never accuse you of not exercising due diligence. This is a touchy area, but I'm concerned that police asking for more and more provisions to deal with thorny issues may not ultimately achieve what you're hoping to achieve and what the Liberal government hopes to achieve if we have a lack of will to enforce.

The fact that we've had demonstrations lasting two years in our country is absolutely pathetic. It puts this country in a really difficult position on the world stage. I've read and watched news reports from all over the world. The ability of government leaders and law enforcement to take immediate, concrete steps to deal with this lawlessness.... That is something this country did not do. It's shameful. As a former member of the legal community, I'm disgusted that this has happened in my country.

That's what I'm concerned about. If you give a new tool to law enforcement—one that I think is still fraught with confusion—is it up to police to determine whether it is clearly in line with a symbol that falls within the regulation, or is it something that closely resembles that? Is this confusing? I can see so many red flags in the mind of a young police officer.

Despite leadership saying, "We want this", I don't think it's going to have the desired impact. That is all the more reason, in my view, to always seek clarity and precision, and to strive for black and white language when we're dealing with anything in the Criminal Code of Canada.

I appreciate all your responses, but I'm still not satisfied that this will address the issues that present themselves.

Thank you, Chair.

• (1635)

The Chair: Thank you, Mr. Brock.

Next I have Mr. Lawton, and then Ms. Lattanzio.

Andrew Lawton: To the officials, I want to make this less abstract for the time being, because we know in the context of the last two years that there have been a number of protests on Middle Eastern politics in communities across the country.

Let's say a listed terrorist entity claims as a symbol the keffiyeh, and this becomes a symbol that's closely associated with a listed entity. Would a keffiyeh be viewed, or could it be viewed, under this legislation as a hate symbol?

• (1640)

Marianne Breese: Taking a step back, we'd have to look back on.... It's always a factual analysis. The test established here in the provision would be what it is principally used for or associated with. That would be about showing there is a close nexus between the listed group and the symbol.

I can't provide a yes-or-no response as to whether that symbol would be associated. Again, it really is a determination for law enforcement to make based on available evidence. That's as far as I can take it.

Andrew Lawton: Per your answer, you're now saying there would be a grey area where that could be.... Because you can't say no, you're basically saying that a keffiyeh, under this, could be a hate symbol if there were a listed entity that had associated itself with that symbol.

Marianne Breese: Based on available evidence, if the facts at hand demonstrated that that symbol was principally used by and associated with a listed entity—and that's a determination that can only be made by law enforcement and prosecutors after a full investigation—then perhaps, but I cannot say today whether factually it is principally used by or associated with a listed entity. That nexus is a factual determination.

Andrew Lawton: Iran has been acknowledged as a state sponsor of terror. Could waving an Iranian flag attract the same scrutiny? Could it be viewed as a hate symbol?

I'm sorry; that question is for the officials.

Marianne Breese: I'm sorry. Can you repeat the question?

Andrew Lawton: Yes.

Iran has been acknowledged as a state sponsor of terror. Could an Iranian flag be captured as a hate symbol by this definition?

Marianne Breese: Iran is not a listed entity under the terrorism listing regime in the Criminal Code.

Andrew Lawton: When we talk about like symbols, I realize we are discussing one particular amendment here, but we have to look, at various points, at Bill C-9 in its totality, so if you'll indulge me, Chair, I have to ask about other parts of the bill, such as—

The Chair: Could I interrupt you for one second?

There are a lot of conversations going on around the room, and I'm having trouble hearing Mr. Lawton and the witness, so if people don't mind....

Go ahead, Mr. Lawton. I'm sorry.

Andrew Lawton: We have to look at other aspects of Bill C-9, in particular the removal, or the potential removal, of Attorney General consent for laying charges. The reason I bring that up is

that you in your previous answer, Ms. Breese, mentioned law enforcement discretion as being a key part of this.

If this falls outside of what the Department of Justice is able to comment on, I understand that, but how do we expect law enforcement to make these calls? Sometimes this comes down to, as Mr. Baber alluded to, nuances in the Arabic language that might not be known. Sometimes it comes down to very technical details. In some cases, there is complexity to what is on the list of terror entities in the first place.

I'm wondering if you could explain how these things would intersect with this section and, with that in mind, why we're talking about trying to remove ambiguity.

Marianne Breese: As a caveat, this is not my expertise, as I'm not in law enforcement, but we would assume that police have tools and training to be able to identify.... You have special counterterrorism units, for example. There are even tools that are publicly available, like databases of symbols, so relying on that expertise of the police, with their tools and their knowledge, is how that factual determination would be made.

I would always bring it back to this: Whatever the symbol is, if you've established that the symbol meets the definition in the offence, it all has to be considered within the broader offence: the wilful promotion of hatred against an identifiable group.

Andrew Lawton: We heard testimony from a lawyer with the Canadian Civil Liberties Association. I can't recall her name precisely, but she posited that this proposed subsection, unamended, basically amounts to a strict liability offence. The act of displaying the symbol itself, irrespective of motive, will be an offence.

For clarity, I'll read the proposed subsection in question:

Everyone commits an offence who wilfully promotes hatred against any identifiable group by displaying, in any public place

The Canadian Civil Liberties Association's position was that the wording of this suggests that displaying, in and of itself, is sufficient to say that hatred is being wilfully promoted. What is your view on that?

• (1645)

Marianne Breese: I would respectfully disagree. I think it's quite clear that this offence, which, as you see in how it's structured, resembles the existing wilful promotion offence. The display of the symbol is to be understood within the broader context of someone who is intentionally and wilfully promoting hatred against an identifiable group. The displaying of the symbol is the communication. It is not a straight ban on symbols, and neither is it criminalizing the mere display of symbols.

Andrew Lawton: As my last question, did you or anyone in your department advise the government for or against the section that Mr. Brock's amendment seeks to remove, specifically the wording "resembles a symbol"? Did you advise for or against that in your counsel to the minister?

Marianne Breese: Our role is always to advise the minister on the criminal law in Bill C-9 as it goes through the parliamentary process. Within that ambit, we continue to provide advice on all matters related to the bill.

Andrew Lawton: I'm sorry. Are you claiming or disclaiming responsibility for that wording? You can blame the minister.

Joanna Wells: If I may—

Andrew Lawton: I won't hold it against you.

Joanna Wells: —our role is to provide advice to the minister on issues related to criminal law. The content of that advice is subject to solicitor-client privilege. We're not able to be more specific in communicating the advice that we do or do not give.

Andrew Lawton: You are paid by Canadian taxpayers. Is that correct?

Joanna Wells: We are.

Andrew Lawton: Okay.

Thank you.

The Chair: Thank you.

Ms. Lattanzio.

Patricia Lattanzio: Mr. Chair, we heard testimony here at committee from the Edmonton Police Service that I want to put it on the record just so that it's clear for everybody. I looked up their testimony from when they came before us. This is their take on the whole issue of symbols:

EPS also supports the additional offence of wilful promotion of hatred against an identifiable group by displaying certain specific symbols like the swastika, the SS bolt or symbols of listed terrorist entities. This section clarifies these types of symbols but also reiterates the requirement that police establish that a suspect was wilfully promoting hatred against an identifiable group in public.

I just want it to be on record that the Edmonton police force was very much in favour of this whole section on symbols.

The Chair: Thank you, Ms. Lattanzio.

Is there anyone else on Mr. Brock's CPC-7? No.

Shall CPC-7 carry?

(Amendment negatived: nays 5; yeas 4 [*See Minutes of Proceedings*])

The Chair: Thank you.

Now we are moving to—

Roman Baber: Mr. Chair?

The Chair: Go ahead, Mr. Baber.

Roman Baber: Thank you, Mr. Chair.

I'd like to move an amendment to the same proposed subsection. Specifically, I'd like to amend clause 4 on page 2, in line 6 only, by deleting the words "confused with that symbol" and substituting the words "a symbol described in paragraph (a) or (b)".

The Chair: Can you read out the whole proposed paragraph to be amended?

• (1650)

Roman Baber: Yes. The amended proposed paragraph would be:

(c) a symbol that so nearly resembles a symbol described in paragraph (a) or (b) that it is likely to be a symbol described in paragraph (a) or (b).

The Chair: Okay. Does everybody understand that?

Mr. Fortin, do you need a translation?

Rhéal Éloi Fortin: No, I agree.

Patricia Lattanzio: Chair, can we just have it done in French and English so that everybody can appreciate the amendment on the floor?

The Chair: Okay, so—

Andrew Lawton: I have a point of order.

I'm sorry, but I don't believe that Ms. Lattanzio heard Monsieur Fortin. He said that he agrees with it, so I believe he understands it.

The Chair: All right, but she's entitled to make the request.

Andrew Lawton: I know. I just didn't believe she heard that, Chair. That was all.

The Chair: That's fair enough.

Patricia Lattanzio: Mr. Chair, could we just suspend for a couple of minutes?

The Chair: I was just going to suggest that we suspend for a moment.

Roman Baber: Wait one second. I propose that we not suspend if there is a will on the part of the committee to stand my amendment down and come back to it. I have a technical problem, in that once we move past this clause, I'll be unable to move it, which is why the time is urgent, but I don't want to hold up the committee.

The Chair: Why don't we suspend for a few minutes just to clarify this and then we'll come back to it?

Roman Baber: Okay.

The Chair: All right, we are suspended.

• (1650)

(Pause)

• (1655)

The Chair: The meeting has resumed.

Go ahead, Mr. Baber.

• (1700)

Roman Baber: Could I please ask the clerk to read it? We had a further change to the initially proposed amendment. The amendment has been unofficially amended.

Could we please hear the new version, also in French?

The Chair: You took the words right out of my mouth.

The Clerk of the Committee (Jacques Maziade): I will read proposed paragraph 319(2.2)(c):

(c) a symbol that so nearly resembles a symbol described in paragraph (a) or (b) that it is likely to be a symbol described in paragraph (a) or (b).

[*Translation*]

In French, this reads as follows:

c) un symbole à ce point semblable à un symbole visé aux alinéas a) ou b) qu'il est susceptible d'être un symbole visé aux alinéas a) ou b).

[*English*]

The Chair: I have Mr. Baber next and then Mr. Lawton.

Roman Baber: Thank you, Chair.

I appreciate an opportunity to weigh in on this, and I appreciate that the committee is entertaining this amendment at this time.

I am very concerned with the voting down of Mr. Brock's amendment and that proposed paragraph (c) will remain in its present form and will therefore criminalize, should this legislation pass, a symbol that so nearly resembles a criminal symbol that it is likely to be confused with that symbol.

What that will do is confuse law enforcement, confuse lawyers and also potentially involve someone who did not mean to display a symbol referred to in paragraph (a) or (b) but did so such that the depiction was confused with the symbol in (a) and (b). Then you have an otherwise innocent person charged with a criminal offence.

I am mindful of the fact that intent probably factors into this a bit, so there may be some grace, but, if I may.... I referred to a previous Liberal minister who taught me criminal law, and now I'm reminded of Professor Graham at Western University, one of the leading jurists in our country on statutory interpretation.

I remember that in the first week of school, the first week of statutory interpretation, he told us about the mushroom case. I apologize that I'm unable to cite the name of the case, but the proposition was simple. He asked, is a mushroom a vegetable? He said that he had a lot of experience ordering vegetarian pizza, and when he wanted a veggie pizza, he got mushrooms on it, so he would think mushrooms were a vegetable.

Well, the issue became prevalent vis-à-vis the question of whether mushroom growers ought to pay minimum wage. The case turned on the fact that if they were vegetable growers, employers would be exempt from paying minimum wage as prescribed for vegetable growers, and if they were not vegetable growers, there would be a mandate to pay minimum wage. Mr. Housefather seems to think he might recall what I'm referring to.

The statutory interpretation turned on the fact that, while we know mushrooms are not really vegetables—they're fungi—the mushrooms were grown inside greenhouses as opposed to outdoors, because they were commercial mushrooms. As a result, the court asked, what is the intention behind the legislation? It is that sometimes due to weather elements or the industrial carbon tax, the cost of mushrooms might be very prohibitive. When you have all sorts of weather events, you might lose your crop, so growers would be given some latitude not to pay minimum wage.

However, because mushrooms are grown in greenhouses, the grower doesn't have that problem. The mushrooms are not subject to the elements, and as a result, when the annual crop would come in, the grower would sell his mushrooms, so there would be no need to exempt the mushroom grower from the application of minimum wage.

The question is, are mushrooms vegetables? The answer was to look at the intent of the legislation. The intent of the legislation was to exempt those who risk losing their crops. The mushroom grower will not, because mushrooms are grown in a greenhouse, and as such, there is no need to exempt them from the application of minimum wage and no need to even answer the question of whether mushrooms are vegetables.

In that spirit, I appreciate the latitude and the accommodation. I think it's very important that the intent of this legislation is clear.

• (1705)

We Conservatives tend to err on the side of caution, not only when we talk about moving forward issues that might be transformational without thinking them through, but also in the application of criminal law. We want to be very conservative there, because we want to preserve charter values and preserve the presumption of innocence. We certainly don't want a law that would be overbroad.

As presently outlined, the law might criminalize conduct that it doesn't mean to criminalize. My proposal—that the symbol displayed needs to be so nearly resembling a symbol in paragraph (a) or (b) that it is likely to be the actual symbol referred to in paragraph (a) or (b)—eliminates that ambiguity and therefore accomplishes what the section intends to accomplish.

I'm grateful to everyone on this committee for entertaining this seemingly small change. I think it might actually save law enforcement a lot of time, but deny criminal lawyers an ability to argue the statutory interpretation of what this committee otherwise intended.

Thank you.

The Chair: I'm sorry. Apparently there was a slight modification of the translation.

[*Translation*]

The Clerk: Thank you, Mr. Chair.

I will simply reread the French version we received from the legal translators:

c) Un symbole à ce point semblable à un symbole visé aux alinéas a) ou b) qu'il est susceptible d'en être un.

[*English*]

The English version doesn't change.

The Chair: I'm good with that.

Mr. Lawton, did you have your hand up?

Andrew Lawton: Yes.

I just want some context here, and I appreciate the lesson in statutory interpretation from my colleague Mr. Baber. I've learned a lot, and now I'm hungry.

The amendment doesn't go as far as the original amendment, but the committee decided to vote against Mr. Brock's approach, and that's the way the mushroom bounces.

I do want to ask our officials whether the further amendment put on the table ameliorates the concerns you raised with respect to the first attempt at this from Mr. Brock?

A voice: [*Inaudible—Editor*]

Andrew Lawton: No, ameliorate and mitigate.

Anthony Housefather: I thought you said alleviate.

Andrew Lawton: No, ameliorate.

See, we're all learning things today.

Marianne Breese: I want to be helpful. When I spoke earlier, I was pointing to the policy intent and the purpose, mindful that I can't provide advice on this amendment.

Is there another specific question with respect to...?

Andrew Lawton: I'll rephrase it.

Do you believe that the amendment put forward by Mr. Baber is in keeping with the spirit of the policy in this section of the bill?

Joanna Wells: I think that puts us in a bit of a difficult position in being able to respond directly to your question. If the committee thinks the amendment is consistent with the policy intent of the bill, we would invite you to proceed with your meeting.

I think we were clear, and Ms. Breese was clear, as to the original policy intent of the language. This would maybe narrow it slightly, but the provision would remain on the books to maybe provide some support to Crown prosecutors and police who are looking for guidance on what symbols would fall under the offence.

• (1710)

Andrew Lawton: Okay. I don't want to do the thing that I'm sure frustrates people. I legitimately do not want to put words in your mouth, but would you view this amendment as diverging from the policy intention and legislative goal of the section as it is? That's really what I'm asking here. Do you believe that this amendment is fundamentally altering the policy direction? Do you think this is a divergence from the intention that you and/or the Minister of Justice had when drafting this section?

Joanna Wells: I'm trying to be helpful. I think the question is whether it is the committee's intent to change the policy the department has shared at the outset with respect to—

Andrew Lawton: I'm sorry. I don't mean to cut you off. I'm trying not to put you into that realm.

Let's go back to first principles. What is the policy intention of this particular section? What was the direction your department was given that led to that?

Marianne Breese: Perhaps what I can do is speak to what this amendment would do technically, as opposed to the policy intent behind the amendment that is being proposed.

Andrew Lawton: Sure.

Marianne Breese: If I were to read, for example, “that it is likely to be a symbol described in paragraph (a) or (b)”.... Did I get that correct?

Andrew Lawton: Yes. It's “that it is likely to be a symbol described in paragraph (a) or (b)”.

Marianne Breese: At first glance, the “is likely to be a symbol described in paragraph (a) or (b)” would appear to mean the symbol described in proposed paragraph (a) or (b).

[*Translation*]

There is barely any difference.

[*English*]

I don't know how to say it. Basically, proposed paragraph 319(2.2) (c) would capture a symbol that resembles (a) and (b) and that is likely to be (a) and (b).

Again, there's not much difference, I would say, between paragraphs (a), (b) and (c). That's plain reading.

Andrew Lawton: I realize you are not in law enforcement, but if this were to come before a courtroom you were working in, would you view this as being an amendment that provides greater clarity in how to interpret that offence?

Marianne Breese: I think I'm delving beyond my role as a technical expert with that type of question. I can speak to the technical aspects, which I've just done.

If that is the committee's desired interpretation, then the committee would be best able to respond to whether that empowers law enforcement to better understand the provision.

The Chair: Mr. Lawton, are you done?

Andrew Lawton: Yes.

The Chair: Mr. Brock, go ahead.

Larry Brock: I'm moving a subamendment to my colleague Mr. Baber's amendment.

I do this not out of disrespect to Mr. Baber. We're trying to come up with a solution that will satisfy everyone at this committee and also address the overall concerns I had at the outset with my original amendment, which was voted down.

I appreciate the input from both Ms. Wells and Ms. Breese. I hope you are not concerned about us questioning you. I appreciate that you can't give us legal advice; you can't provide us with a legal opinion. You are here to help. What I'm picking up when I read between the lines is some degree of hesitation. I don't think you would support or not support a potential amendment. It's the will of the committee.

I think there is a compromise here. I wish everybody would pay attention and hear me out on this. I propose that we take the existing language in proposed paragraph (c) so that it would now read, “a symbol that so nearly resembles a symbol described in paragraph (a) or (b).” There's no further explanation beyond that.

I think that provides a very clear direction to law enforcement. We still get into interpretation issues in a trial in terms of a subjective or objective analysis, but we don't have to worry about that. That's for a different day and a different discussion.

I think it clarifies your concerns, Ms. Breese, that the amendment brought by Mr. Baber may be more confusing than clear.

That would be my subamendment. I don't have it drafted, but I can certainly do that when the bells are ringing. I understand that we are not providing unanimous consent. I think there's a will from both the Liberal team and the Conservative team to actually attend at the House for the purposes of voting. In the interim, I can draft this in both official languages.

• (1715)

The Chair: Mr. Housefather.

Anthony Housefather: I propose that subamendment would not be receivable on Mr. Baber's motion, which substituted words. You would be cutting off the entire sentence that Mr. Baber substituted. I don't believe that's a proper subamendment to Mr. Baber's motion.

I would ask you to rule that way, Chair.

The Chair: The bells are ringing, so we are going to suspend.

I have a solution that might get us through this, which we can do during the break.

We'll suspend until after the votes and ask everybody to be here 15 minutes after the last vote.

Roman Baber: It's until the tally of the vote is declared. It's not after the last vote, but the tally.

The Chair: If you want to get out of your chair before, that's fine. Go ahead, by all means.

Some hon. members: Oh, oh!

The Chair: The meeting is suspended.

• (1715)

(Pause)

• (1829)

The Chair: I'd like to call this meeting back to order, please.

Yes, Mr. Brock.

Larry Brock: On a point of order, I'm just seeking clarification in terms of timing. I know that we have resources today until 11:30. I also heard from a reliable source that you plan on sitting tomorrow. I'd like you to confirm the time we're going to start and the time that we're going to finish.

I also heard from that reliable source that there will be a full sitting on Thursday, starting as early as 8:30 in the morning and concluding at midnight. I'd like clarification of that, as well as sitting this Friday.

I wasn't aware of the start time or the concluding time, but we all have other commitments outside this committee room, not only with respect to our commitments to our parties, but also our commitments to our ridings. Obviously, travel arrangements will need to be adjusted if that, in fact, is accurate.

• (1830)

The Chair: Your sources are better than mine, clearly. We have asked for additional resources.

Rhéal Éloi Fortin: There are worse.

Some hon. members: Oh, oh!

The Chair: Again, that's interpretation, but fair comment.

We've asked for additional resources. I don't know where we've landed on that, but I'll give you an answer by the end of the meeting.

Look, I have commitments too. We all have commitments, and I'm going to try to accommodate all of that, but it just reinforces the urgency. The sooner we get this thing done...we can avoid all those problems, if necessary. I will find out where things stand as the meeting progresses, because we do have some time this evening to sort that out.

This brings us back to the meeting. When we left off, Mr. Baber, I think you proposed an amendment, but Mr. Brock was on the verge of proposing a subamendment.

Where are we on that?

Larry Brock: I don't know if the subamendment is properly before this committee. I had the impression it was not.

If it is not, I'm prepared to withdraw the subamendment in its entirety and proceed with Mr. Baber's amendment.

The Chair: My understanding is that it is not appropriate.

There are two ways to proceed. Mr. Baber can withdraw his, and you can introduce yours, or we can vote on Mr. Baber's, and then it's up to you what you do with yours, depending on the outcome of that.

Are you not proceeding with your subamendment?

Larry Brock: No.

The Chair: Okay, so we're on Mr. Baber's amendment.

Does anybody want to speak to it before we move to a vote?

An hon. member: Let's vote.

The Chair: Okay, we're going to go to a vote.

(Amendment agreed to: yeas 9; nays 0 [*See Minutes of Proceedings*])

The Chair: This takes us to new LIB-2.

To clarify, if you'll recall, last time there was some issue with page numbering. LIB-2 was originally on page 11. It's now on page 12, and the reference number is 13784838.

I'll turn the floor over to Mr. Housefather.

Anthony Housefather: Mr. Chair, because this was discussed in the same context as Mr. Baber's CPC-1, CPC-2, CPC-3 and CPC-4 amendments, and we parked those until the end, I would like to do the same and park this, to be discussed in conjunction with Mr. Baber's amendments.

The Chair: Okay. I'm told that would require parking—to use your language—other proposed amendments, and we'd have to move to clause—

Anthony Housefather: That wouldn't make sense, Mr. Chair, with respect. Can I just understand that? There is no line conflict with my amendment, LIB-2, and any other amendments. It's simply language to be inserted after something. There should be no reason that it would prejudice any other amendment from moving forward.

The only thing that wouldn't be able to move forward is a vote on all of clause 4, which would have to wait until my amendment was heard. There would be no line conflict, and it should not preclude any other amendment from going forward.

I'd ask you to rereview that with the legislative clerk.

• (1835)

The Chair: There's uncertainty, Mr. Housefather. We can move forward to clause 5 and then go back to it, or we can proceed and address any problem that arises as a result.

Anthony Housefather: I'd like to understand that, again, Mr. Chair. There are other amendments to clause 4 that do not have a line conflict with LIB-2. Why could those amendments not be dealt with in their proper order? We can park LIB-2 until the end and simply not vote on the entirety of clause 4 until we come back to LIB-2 and Mr. Baber's amendments. That's all I'm asking.

The Chair: Okay. We're going to suspend for just a couple of minutes to get clarity.

• (1835)

(Pause)

• (1840)

The Chair: I call the meeting back to order.

Mr. Housefather.

Anthony Housefather: Thank you, Mr. Chair and committee members, for this indulgence. I was hoping to have more discussions about this.

You will remember the last meeting when we talked about the wilful promotion of terrorism. I strongly agree with Mr. Baber that this should be in the Criminal Code. He presented amendments about where this clause should be, which is the terrorism section, but I don't feel it would be receivable in light of this bill. I think it will have to be withdrawn. I had other issues with it, so I put forward my own. It should be in the hate section, where it would be proper, but it's like putting a round peg in a square hole.

I had some discussions with the Minister of Justice, and I'd like to read out his letter to me. He said I could share it with the committee. It says:

“Dear Anthony,

“Thank you again for the thoughtful way you have engaged with Bill C-9. I appreciate your willingness to work with us in what has been an understandably intense and emotional debate.

“I share your concern about the glorification of listed terror entities in Canada, and I agree with you that the status quo is not good enough. I am committed to a serious, focused examination of how Canadian law should better address the glorification of terrorism.

“As the amendments proposed were not in the initial text of the bill or previously consulted on, I would appreciate more time to properly consult and to respond.

“Thank you again for your leadership on these issues and for your collaboration as we work to get Bill C-9 right and to address the broader legal gaps you have identified.

“Please feel free to share my request with the committee if desired.”

This is the last I have from the Attorney General and Minister of Justice. Out of courtesy to him, I will not put forward the amendment. I will give him the space and latitude to come forward with a consultation, and then hopefully a legislative fix, which I hope will arrive before Mr. Baber's private member's bill. If not, I will support moving Mr. Baber's private member's bill to the House.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Housefather.

Mr. Baber.

Roman Baber: I appreciate the predicament Mr. Housefather is in.

We currently have a situation where there is a desire for a comparable piece of legislation on each side of the aisle. It's a rare occurrence in this place, and it's the right policy at the right time.

I understand we have a process issue here that we can't get around. I anticipate that the Conservatives will put out a motion to expand the scope of this bill at some point to try to accomplish the ability to pass the Baber amendments—CPC-1, CPC-2, CPC-3 and CPC-4—and therefore have this placed correctly within the terrorism section of the Criminal Code. I hope there will be consensus on the other side for this.

I appreciate your comments and your effort, Mr. Housefather, very much.

• (1845)

The Chair: Thank you, both.

The Chair: That takes us to BQ-3.

I will now turn the floor over to Mr. Fortin.

[*Translation*]

Rhéal Éloi Fortin: Thank you, Mr. Chair.

Bill C-9 is part of an effort to legislate against hate, a fight I support 100%. I think that is pretty much the same everywhere in the House of Commons. There is already a provision in the Criminal Code that proposes to combat hate, namely section 319. In a nutshell, it prohibits or considers it an offence to promote hatred or anti-Semitism, in subsections (2) and (2.1) respectively. However, there is a problem with one of the defences provided for in subsection (3) of section 319. It states:

No person shall be convicted of an offence under subsection (2)

...

(b) if, in good faith, the person expressed or attempted to establish by an argument an opinion on a religious subject or an opinion based on a belief in a religious text;

The same can be read in paragraph (3.1), which refers to paragraph (2.1).

The problem with this defence is that it creates a situation where someone can commit acts or make statements that would otherwise be prohibited under section 319 of the Criminal Code, but which may not be prohibited if they are based on a religious text. In our view, this is an exception that has no place in our legal system in Canada.

I will refer to an example that has been given a few times, but which is worth looking at again. Last year, preacher Adil Charkaoui, in front of an audience listening to him, prayed to Allah to identify the enemies of Gaza, to exterminate them and to leave none behind. I don't remember the exact words. It was a speech that clearly incited hatred and for which we expected the Attorney General to take legal action. However, no legal action was taken. We suspect that the Attorney General, upon reading section 319, realized that in a trial, this individual would benefit from a defence based on paragraph (3)(b) or paragraph (3.1)(b) of section 319 of the Criminal Code.

If Bill C-9 aims to effectively combat hatred, we believe that this religious exception should be removed from the Criminal Code. Amendment BQ-3 therefore proposes, as a first step, that clause 4 of the bill be amended by adding the following after line 12 on page 2:

(1.1) Paragraph 319(3)(b) of the Act is repealed.

(1.2) Paragraph 319(3.1)(b) of the Act is repealed.

These are the two provisions that allow for a religious defence for an offence of incitement to hatred, in the first case, and for an offence of incitement to anti-Semitism or Holocaust denial, in the second.

Secondly, the amendment proposes that the bill be amended by replacing line 19 on page 2 with the following:

journalism, education or art, that is not con-

Line 17 of page 2 reads as follows:

No person shall be convicted of an offence under subsection (2.2)

(a) if the display of the symbol was for a legitimate purpose, including a legitimate purpose related to journalism, religion, education or art, that is not contrary to the public interest;

The prohibition of symbols has already been discussed.

• (1850)

We understand that the use of a symbol that would normally constitute an offence is considered legitimate if it serves a purpose related to journalism, education or the arts, and that there is a defence based on this exception. However, the existence of an exception for the use of a symbol for religious purposes seems to us, once again, to be contrary to the intent of Bill C-9, which is to prohibit hatred.

Hate is something detestable, no pun intended, that must be eradicated from our society. In our opinion, when the Criminal Code prescribes offences related to the promotion of hatred, it should in no way allow a defence based on religious pretexts. Regardless of which religious text one reads, whether it be the Bible, the Koran, the Torah or any other, religion should never be interpreted in such a way as to allow the incitement of hatred. By reproducing provisions in the Criminal Code that allow for religious defences, we are creating confusion and sending an undesirable message that religion can be used to incite hatred.

I submit that this is not the case. Nowhere in any religious text, whether Catholicism, Christianity in all its forms, Islam or Judaism, is it stated that inciting hatred is a good thing. Unfortunately, not everyone reads these texts in the same way. It would be truly detrimental if, by passing Bill C-9, we allowed religion or religious texts to be interpreted in such a way that they enable their adherents to incite hatred or anti-Semitism.

I therefore propose that we adopt amendment BQ-3 to remove from the Criminal Code the religious exceptions currently found in section 319 and those proposed to be added in Bill C-9.

[*English*]

The Chair: Thank you, Mr. Fortin.

I have Mr. Brock and Mr. Baber.

Mr. Lawton, was that from before or was that on this?

Andrew Lawton: It was on this.

The Chair: Okay, so you're first, and then it's Mr. Brock, Mr. Baber and Mr. Genuis.

Andrew Lawton: It was clear during some of our witness meetings on Bill C-9 that an amendment of this sort was coming. We heard Monsieur Fortin ask questions about it. We heard him cite those horrific and heinous words by a man I will not even dignify by calling a preacher, Charkaoui, in Quebec. It was easy to suspect that an amendment like this was coming.

Be that as it may, this is a significant incursion on religious freedom and the freedom of expression, for reasons I'll share in a moment. The fundamental point is that this committee has not studied this. This committee has had no opportunity to call witnesses with specific expertise about this. When we learned through media reporting that this amendment was coming, I took it upon myself to reach out to some of our witnesses who had testified and invite them to submit further briefs. I realized that it would be too late to have them circulated on the committee, but at least we would have the opportunity as members to have a bit of insight into this.

I want to share a very important timeline on this. There was a report in the National Post eight days ago, I believe, indicating that the Liberals and the Bloc Québécois had reached a secret deal to launch this assault on religious freedom and exchange, quid pro quo, adoption of Monsieur Fortin's amendment for support from the Bloc on Bill C-9, a bill with tremendous flaws that has been derided by pretty much every religious group in the country and that has been derided by civil liberties advocates—and for good reason.

Now all of these issues with Bill C-9 would be supercharged by this amendment should it pass, and I have little doubt that it will given what we've heard. What is interesting is that the Liberals seem to not be willing to stand by this. For the past week in the House of Commons, there have been attempts to get clarity from the government on where they stand. The Minister of Justice, who has not yet decided to appear before this committee on his mandate and priorities, coyly said that the committee will decide, as though the committee does not have any direction given by the minister, the Prime Minister or other operatives within the Liberal apparatus.

Beyond that, we had a rather interesting turn of events. At first, it was not clear that there was going to be this meeting today. We got a notice only on Monday, which was for an eight-hour meeting. Then we learned that the meeting had been truncated to two hours, which, as we've demonstrated, would not have given us enough time to get there, suggesting that the Liberals could not agree on what they were going to do on this precise amendment. Then, evidently, they got a clear direction on it, and the meeting was extended again to eight hours, the meeting we are finding ourselves in right now.

In the time that transpired, further media reporting cited that sources in the Prime Minister's Office indicated that the Liberals intend to support this amendment—again teaming up with the Bloc Québécois—which I realize has a very distinct political context in Quebec that it is responding to. I realize that three of my Liberal colleagues hail from Quebec as well, and I don't know to what extent that is going to influence their decision. Evidently, there has been no desire to listen to the concerns raised by Muslims, Christians, Jews, Sikhs, Hindus or Buddhists—there are potentially other groups that have raised concerns, as well, that I have not yet heard—that this will come as a direct threat to their ability to practise their faith.

When we hear the example of Charkaoui brought up, a man prosecutors in Quebec did not claim was spared from prosecution because of anything to do with the religious defences that this amendment would take away.... The religious defences do not apply to any of the sections of the Criminal Code pertaining to incitement, pertaining to calls for genocide or pertaining to threats.

When Mr. Charkaoui was talking about death to Jews, even if it was determined that it was in good faith—and no call for violence can ever be made in good faith—this religious defence would not even have applied to the sections of the Criminal Code that would have been engaged had there been political leadership and, I would say, courage by prosecutors in that case.

To invoke Charkaoui to justify eroding long-standing religious protections from law is a red herring. It is a misrepresentation, either deliberate or unintentional—I won't speculate—of what the law says. However, we do know what this will mean for people of faith.

• (1855)

Your predecessor, Mr. Chair, who's now the Minister of Canadian Identity and Culture, sat in that very chair and said that Christians and Jews who preach from books of the Bible and the Torah in ways that he finds hateful should be subject to prosecution. Prosecutors should, according to Minister Miller, be able to “press charges” against people who dare to invoke scriptures the government finds offensive.

Earlier today, Minister Fraser issued a statement in which he tried to claim that this isn't going to have anything to do with religious freedom, but the Liberals have not stated on the record what their position is. I'm grateful that we have officials from the Department of Justice. We also have, in Ms. Lattanzio, a high-ranking representative of the Liberal government. She is the Parliamentary Secretary to the Minister of Justice.

I will ask her this right now: What is the Liberal Party's position on this amendment? Is she willing to answer as a representative for the government?

The Chair: It's not appropriate. I suppose if Ms. Lattanzio wants to answer, she can, but it's outside the course of procedure, Mr. Lawton. I think you know that.

Andrew Lawton: If I may, with Ms. Lattanzio's consent.... Will you agree to speak for the government right now?

Patricia Lattanzio: I will not speak for the government. I will speak as a member of Parliament.

I'm very much looking forward to hearing you and anybody else who wants to take the floor on this issue. When everybody has finished speaking, including me, I will make my decision, and you will know my decision through my vote.

• (1900)

Andrew Lawton: Is the position of the Liberal government that it has no position on this amendment, which has been responsible for cancelled meetings, extended meetings and shortened meetings? It's been eight days since the reporting.

Is the Liberal Party claiming that it does not have a decision on this?

The Chair: Mr. Lawton, Ms. Lattanzio was kind enough to respond to you, even though she's not required to do so. She's not a witness before the committee.

You have the floor. If you want to continue with your submissions, you're free to do so.

Anthony Housefather: On a point of order, Mr. Chair, I think it is only fair to recognize that we're all individual members of the committee and we all make our own decisions. We're not here as representatives of the government, so to ask her to do that is just not fair.

Patricia Lattanzio: It's fine. I answered it.

Andrew Lawton: If I may respond to that point of order, Chair, the parliamentary secretary is literally the Minister of Justice's representative.

The Chair: The parliamentary secretary is a member of the justice committee for the purposes of what we're doing here today.

Mr. Lawton, if you want to continue, please do so.

Andrew Lawton: I will ask some hypothetical questions, through you, Chair. It would be wonderful if the Liberal government's representative on this committee, Ms. Lattanzio, answered them.

Is the government okay with disregarding the calls that have come from Muslims, Christians and Jews, uniting all observant religious members of the Abrahamic faiths—and other faiths—who are alarmed that this will infringe on their religious freedom? I would also ask the Liberal government's representative here about how the government squares the fact that the Supreme Court upheld the constitutionality of Canada's hate speech laws in the first place only because of these defences, which exist to provide for a wide array of protections, understanding the importance of religious freedom and freedom of expression.

I hope the government, in its submissions and comments here, will answer this next question. Precisely what does it think it is doing, other than alienating people of faith? It has someone, who's now a minister of the Crown, looking to Canadians and saying they should be prosecuted if they dare express a religious belief the government finds objectionable.

I would also ask the government why it has continued to respond to these questions with silence when the media was asking them, silence when members of Parliament were asking them in question period and silence now when I'm asking them. These members are curiously glued to their phones rather than dealing with the fact that they are prepared to mount, with the support of the Bloc Québécois, a full-scale assault on religious freedom in this country.

We have had tens of thousands of people reach out to us, sign petitions and send emails. Members of Parliament from all parties have been receiving phone calls, emails and visits to our offices for days now, because this is a red line. This is the government that was, not that long ago, entertaining stripping charitable status from houses of worship. It is now deciding to take away religious freedom protections in the Criminal Code that protect from prosecution people of faith who believe in good faith and religious scriptures.

It is not only shameful that this amendment has even been considered by a government that pretends to speak for Canadians; it is all the more shameful that the representatives of the Liberals here

on this committee do not have the courage of their convictions to state on the record what they are going to do.

The Chair: Are you finished?

Thank you.

Mr. Brock.

Larry Brock: Thank you, Chair.

Further to the comments made by my colleague Mr. Lawton, this is in direct response to Mr. Housefather's comments that we're only members of the justice committee. If anyone actually believes that for a second, that is just garbage. The Liberals take a position based on policy and direction directly from the Prime Minister's Office and from the Minister of Justice. To have the Parliamentary Secretary to the Minister of Justice and Attorney General claim somehow that she's immune from articulating a position is absolutely disrespectful. It's disgusting, quite frankly, because clearly there are Liberal—

Anju Dhillon (Dorval—Lachine—LaSalle, Lib.): I have a point of order.

Larry Brock: I said the comments are disgusting.

Anju Dhillon: It doesn't matter. Indirectly you're saying what you cannot say directly. We all know this.

Larry Brock: It's not a point of order.

Anju Dhillon: Yes, we all know this.

The Chair: Mr. Brock, in fairness, I'm not going to rule on the point of order, but we discussed decorum earlier. If we could avoid words like that, it might not be a bad idea, to make the meeting run smoothly. You can make your point without making accusations.

• (1905)

Larry Brock: In any event, we all know what the Liberal Party's position is on this. Numerous unnamed Liberal sources have confirmed to numerous news agencies that this Liberal government was so desperate to get Bill C-9 back into the House to become law that it was prepared to abandon its long-held principles on this particular issue.

This issue regarding the removal of the religious defence is not the first time this government has heard of it. Two years ago, in 2023, a Bloc member—I don't believe it was my colleague Monsieur Fortin, but another Bloc colleague—brought in a private member's bill that did not pass first reading because there was no support. There was no support in the House. There was no support from the Liberal government.

Now we have Bill C-9, and Bill C-9 does not remove it. The Minister of Justice did not give instruction to Ms. Breese, Ms. Wells or Ms. Ali to draft terms that would remove that religious defence.

Because I'm surmising here, I'm going to ask a question that is not protected by solicitor-client privilege. Your advice back to the minister would be, but I'm not going to go there. Did Minister Fraser inform you that he wanted to remove that religious defence, yes or no?

Joanna Wells: Bill C-9 does not, as drafted or introduced, contain a proposal that would withdraw or remove the defence.

Larry Brock: I'm aware of that.

Did Minister Fraser, during the drafting of this bill, during all of your consultations, maybe not with you but with other members in the department, including the minister himself and perhaps even Ms. Lattanzio...? Did anyone from a political entity, whether it was the minister or the parliamentary secretary, give you instructions to explore the possibility of removing that religious defence, yes or no?

Joanna Wells: The way that I can be helpful to the committee is to clarify that both the communications that we give to the minister and the instructions we receive from the minister are subject to solicitor-client privilege, and I am not able to share any more on this than we have already.

Larry Brock: The instructions he gives you are not protected, so I disagree with you on that interpretation. The minister, obviously, is probably following this because he had a very uncomfortable week in the House of Commons, flip-flopping, not being clear with Canadians, backing himself into a corner and trying to appease the Bloc Québécois, which made it abundantly clear that if he pulls out of this secret agreement, don't expect them to support any provision of Bill C-9. That panicked the minister, the Prime Minister and these four members of the justice committee, so that now they're playing coy, saying they want to hear from the committee.

Well, to my colleague Mr. Lawton's point, if that were truly genuine, they wouldn't have cancelled meetings when we had witnesses lined up. Perhaps we could have explored, by hearing from stakeholders, whether or not this is an appropriate removal. That was taken away from us. That was stripped from the justice committee, which I find deplorable.

It's clear that the Liberals will do whatever it takes to pass this amendment, even though it was never their idea or their intention two years ago and during hearings with numerous witnesses, until it became abundantly clear that they would be going into a winter break without the passage of Minister Fraser's signature piece of criminal legislation. It's the only piece of criminal legislation that he brought forward, since the election almost eight months ago, to be studied at committee. I want to put that on the record.

I also have the utmost respect for my colleague Monsieur Fortin. Generally, we align very well on legal issues, but I take exception to his interpretation of the Charkaoui case out of Quebec. I believe his words were to the effect that the Crown prosecution service in Quebec had come to the conclusion that the religious defence would not apply in that particular case. That is wrong, and I'll get into that in a moment.

I want to clarify something that I think is important. Bill C-9, as drafted, references the defences under proposed subsection 319(2.2). The language in BQ-3 is about removing religious exemptions. This is not an exemption; this is a stated legal defence. There is a difference between an exemption and a legal defence. Just to be accurate, our nomenclature throughout this debate, however long it may be, should be referring to the "defence" as opposed to "exemption".

I have a lot of respect for the folks at the Canadian Constitution Foundation, and in particular Christine Van Geyn, who wrote a piece not too long ago in the National Post when this secret deal between the Bloc and the Liberals became public through leaked Liberal sources. I'm going to read various portions of that article into the record at this time, but I'll start off specifically with the religious defence. The title is quite interesting: "Changes to Bill C-9 aren't combating hate—they're criminalizing faith". It states:

Bill C-9, the Carney government's combating hate act, would expand criminal prohibitions on expression and increase penalties for speech offences, including online speech. Now, the bill may also gut the defence that protects good-faith religious opinion or speech rooted in religious texts.

As Mr. Lawton indicated:

● (1910)

Throughout the...hearings, Bloc MPs fixated on this defence. Their central example, repeated to nearly every witness, was a group prayer delivered by controversial imam Adil Charkaoui at a Quebec pro-Palestinian rally in 2023. In that prayer, [he] asked God to "kill the enemies of the people of Gaza" and take care of the "Zionist aggressors."

Those comments were rightly condemned. They are grotesque. Complaints about them were investigated, and the RCMP prepared a report. It was reviewed by three Crown prosecutors, who concluded that no charges were warranted.

As Quebec's director of criminal and penal prosecutions put it, "The evidence does not establish beyond a reasonable doubt that the words spoken constitute incitement to hatred against an identifiable group" under Sec. 319 of the Criminal Code.

One may argue that "Zionist" was just code for "Jews." One may also believe that praying for death is morally abhorrent. But the decision not to charge Charkaoui turned on the basic threshold of incitement to hatred, not on the religious defence.

And even if it had involved the defence, one inflammatory prayer at a political rally is not a justification for dismantling a safeguard that protects millions of Canadians from state intrusion into matters of faith.

The religious defence has also been essential to the constitutionality of the hate-speech prohibition itself.

We've all talked about the Keegstra decision at numerous times throughout this particular study, and there she says, "the Supreme Court wrote that the offence is a minimal impairment on the right to freedom of expression, in part because of 'the presence of the Sec. 319(3) defences.'" That includes the religious defence.

She went on:

The courts upheld the law because the religious exemption exists. Remove it, and the constitutional floor collapses.

But even beyond constitutional risk, removing the defence is a profound moral and civil liberties mistake. We should not want, let alone empower, prosecutors to criminalize any form of prayer.

Religious texts across traditions contain pleas for justice against enemies, metaphors for divine retribution and expressions of anguish, symbolism and cosmic struggle. This is not the realm of the police. If the state begins parsing Psalms or Hadiths line-by-line in a courtroom, then we have forgotten why the Charter exists at all.

In practice, the defence is already exceedingly narrow. It has rarely been invoked and, based on my case law search, has never succeeded. Courts have also rejected attempts to cloak hateful speech in religious [example].

In the case of *Regina v. Harding*, she notes:

...the Court of Appeal for Ontario affirmed a lower court's finding that the defence does not shield speech that wilfully promotes hatred merely because it is embedded with religious language, because then "religious opinion could be used with impunity as a Trojan horse to carry the intended message of hate forbidden by Sec. 319."

Religious expression is messy, symbolic and deeply human. It concerns the nature of justice, suffering, good and evil—the most intimate dimensions of identity and conscience. These are precisely the areas where the criminal law must not tread. We do not want the government parsing religious texts, or religious speech, especially given that most of our political leaders are absolutely ignorant of religion, including, in some cases, their own religion.

• (1915)

Mr. Lawton got into this.

For example, in a shocking display at the justice committee, Liberal committee chair Marc Miller claimed to Derek Ross, executive director of the Christian Legal Fellowship, that portions of the Bible are "hateful." Miller then doubled down on X, writing, "I say this, in particular because I am a Christian," which is in itself mind-boggling.

It's dangerous for politicians to believe they can use statutes to sanitize scripture they don't even properly understand. Criminal law is the state's most violent instrument.

Let that sink in.

It should not be swung at the human soul.

The Bible is the most banned book in history, precisely because it is powerful and points to an authority beyond the reach of government. A government that fears religious speech is not fighting extremism—it's fighting competition.

What better way is there to summarize the actions of this Liberal government over the last long 10 years?

The proposed amendment to Bill C-9 would take Canada down a dark path. We should never have criminalized belief in the first place. Strip away the religious defence, and Canada will not be—

[*Translation*]

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

[*English*]

Larry Brock:

—combating hate, it will be criminalizing faith. The defence must be maintained.

[*Translation*]

Rhéal Éloi Fortin: Mr. Chair, I don't know what the rule is, but I wonder if our Conservative colleagues, for whom I have a great deal of respect, are going to occupy this entire side of the table. I am here and I need space to work. The committee has four Conservative members in principle, but there are seven of them here. I think those who are not official members of the committee could sit elsewhere around the table. I understand that my amendment does not suit the Conservatives, but I think the least they could do out of respect would be to let me work.

• (1920)

[*English*]

The Chair: Is your objection to them sitting at the table or to the comments he was making, Mr. Fortin?

[*Translation*]

Rhéal Éloi Fortin: I ask that you do what is necessary to allow me to work. You could ask our colleagues to sit elsewhere around the table, rather than on my documents.

[*English*]

The Chair: I mean, the members—

[*Translation*]

Rhéal Éloi Fortin: Isn't there a rule about the number of people? If there are 100 Conservative MPs who want to sit around the table, we're obviously going to run out of space.

[*English*]

Mr. Genuis, I agree that you can be here, but you're not obliged to sit on my files, and neither is your colleague.

[*Translation*]

Garnett Genuis: We don't have much space.

[*English*]

The Chair: I think maybe—

[*Translation*]

Rhéal Éloi Fortin: I understand, but I am a member of the committee and I have to work.

[*English*]

The Chair: Okay. Gentlemen, members of Parliament are entitled to sit around this table, but I would request that those of you sitting near Mr. Fortin show him some courtesy and respect and allow him some space so he has room to do what he needs to do as a regular member of the committee.

Jacob Mantle (York—Durham, CPC): On a point of order, if I may, Mr. Chair, as I feel that some of these comments were directed to me, I made no comments to the member. I sat down.

The Chair: I don't think—

Jacob Mantle: If I might finish.... As you said, members are entitled to sit here. How many spaces does my colleague need for his work, if he could establish that? This was an open chair. I don't see the problem with sitting in an open chair.

The Chair: Is that really the discussion you want to have? Okay.

Jacob Mantle: I don't. I didn't raise this discussion.

The Chair: I was hoping we could deal with this in a professional and courteous manner. Technically, yes, members are allowed to sit around the table. If you want to sit beside Mr. Fortin, you're free to do so. There are also chairs on the other side of the table, and you're more than welcome to sit over there or to sit elsewhere. All I'm asking you to do, sir, as a courtesy, is to be courteous to Mr. Fortin if he needs a bit more elbow room. We're going to be here for a long time.

You can argue this nonsense all you want, but—

Jacob Mantle: I'm not going to argue it. I just reject the premise that it's being uncourteous to sit in an open chair.

The Chair: I didn't suggest that you were being uncourteous. I just suggested that we respect Mr. Fortin's wishes. I'm going to end it there. This conversation is ridiculous, frankly.

Mr. Brock, you have the floor.

Larry Brock: Thank you. I'm prepared to cede my time at this time, Chair.

The Chair: Thank you.

That takes us to Mr. Baber.

Roman Baber: Thank you, Chair.

Now we truly get to see how terrible this bill is. If this is the price the Liberals had to pay in order to get this bill passed, then they truly understand how difficult it was, and for good reason. This bill has received an extraordinary amount of attention, and it will continue to, particularly because of what's happening right now.

I really don't get it. We had such interest in this bill. We had so many witnesses who wanted to speak to it. We had two meetings cancelled by the Liberals at a time when we could have heard from witnesses. Fast-forward, and we're making a fundamental change to a key section of the Criminal Code without any testimony. Surely you can't tell me this is an appropriate process. I would ask my Liberal friends to please let us hear from witnesses on this issue. This has a major impact on religious communities and on potentially a lot of Canadians.

I want to ask my friend Monsieur Fortin, with whom I have developed a good working relationship....

Could I kindly ask MP Genus to lean back a bit in his chair? Thank you.

Monsieur Fortin, I heard you say in your remarks that you're bringing up this amendment because of Adil Charkaoui and his pronouncements in Montreal. Did I hear you correctly?

Rhéal Éloi Fortin: No. I said it's an example—a good example.

• (1925)

Roman Baber: You say that it's a good example. I would suggest to you respectfully that it's not a good example. Again, I very much respect your professionalism, I respect your experience and I respect you as a lawyer. I think we should be entitled to ask each other to be professionally frank.

I'm going to refer you to a CBC article. I think the other side likes the CBC. This was posted on May 17, 2024: "Crown won't file charges over controversial pro-Palestinian speeches in Montreal". I will endeavour to send you a copy of this article, Mr. Fortin.

If we scroll through it, the article states:

The Crown said the statements analyzed must target an identifiable group as defined in section 318(4), namely: "Any section of the public distinguished by colour, race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity or expression or mental or physical disability."

Under the circumstances, the provisions of the Criminal Code do not allow for charges to be laid in this case, the Crown says.

"The DPCP concludes that the evidence does not establish beyond a reasonable doubt that the words spoken constitute incitement to hatred against an identifi-

able group within the meaning of the applicable Criminal Code provision, given the interpretation thereof by the courts," the Crown's news release says.

Clearly, the Crown said publicly that it's not the religious defence that saved Mr. Charkaoui, but that the elements of the offence were not met in that he did not call for the killing of an identifiable group of people.

If the Bloc truly believes in this amendment, why do they need to be so aggressive on the facts they tender that do not bear out, Mr. Fortin, with respect? The statement put forth by the Attorney General himself on page 2, paragraph 4, states, "In nearly twenty years of this defence existing, we are not aware of a single case in which courts relied on section 319(3)(b) to acquit an accused."

This has never happened. We're dealing with a defence that has never been successfully argued. The challenge with it, as is the challenge with all hate law reform, is that when we lower the threshold and start going down the road of criminalizing more and more speech, we create a chill on free speech, because we may place folks in a situation where they do not know if they are offending the law or not. They may be at legal jeopardy.

When Mr. Miller says that portions of the Bible are hateful, what am I to make of that? How do I know what would be hateful? Maybe one of them might be more hateful than another.

The point of this discussion is not even the fact that religious people may face prosecution because this defence does not exist. The point is that removing this defence in and of its own may chill religious speech. We should not be entering a zone where folks may feel they may be in legal jeopardy.

I've learned a lot since I was elected in April 2025. I previously served as a provincial member. There is no Bloc Québécois party in Ontario's Parliament. I've learned a lot about our country, about bilingualism, about French Canada, about our conventions and about your culture. We respect each other immensely, and I respect your proposition to honour the laicity of the state. I get it. However, laicity of the state is laicity of the state, not of everyday Canadians, and to force them to potentially fear quoting religious scripture is definitely not something that states should engage in.

• (1930)

I'm also offended by what's happening, because when I read the Criminal Code, the problem, respectfully, Mr. Fortin, that you're trying to solve and that the Liberals are suggesting they're helping you solve does not exist. Please look at the Criminal Code. Section 318 is the one dealing with advocating genocide. The example being used in this room and in the House is someone calling for genocide, someone calling to exterminate the Jews or anyone else, but the religious defence does not apply to section 318. It's not found in the section.

If you advocate genocide, there's a definition of genocide, there's the consent of the Attorney General and there's a definition of an identifiable group, but there's no defence. The situation we're discussing does not arise.

Let's go to section 319. It's the hate speech section. We have two operative subsections in section 319. We have the first one, where someone "incites hatred against any identifiable group where such incitement is likely to lead to a breach of the peace". All right, so we have an identifiable group and a breach of the peace. The second one, the wilful promotion of hatred, is the classic one we're familiar with: "Every one who, by communicating statements, other than in private conversation, wilfully promotes hatred against any identifiable group" of people.

Then if you go to the defence subsection, subsection 319(3), you see that the defences listed in subsection (3), including the religious defence, which the amendment proposes to remove, only apply to the wilful promotion of hatred. Subsection 319(3) reads, "No person shall be convicted of an offence under subsection (2)".

Please read subsection 319(3). It only applies to subsection (2), and that is about the wilful promotion of hatred. It does not apply to the first subsection, which is about the public incitement of hatred.

I'm so tired of there being no nuance. Sometimes I feel like there is no nuance in this place. For goodness' sake, look at how much money we're spending here, and there is no professional thought.

I've always felt that we have to inject a bit more professionalism into politics. We don't need a fancy lawyer. We need someone to read the section. The problem you're trying to solve does not exist. Someone cannot defend themselves with a religious exemption after inciting hatred or inciting violence, and I would ask everyone to please stop saying that.

I will have further submissions down the road. I implore you to please not do this.

Thank you.

The Chair: Thank you, Mr. Baber.

Mr. Genuis, the floor is yours.

Garnett Genuis: Thank you, Chair. I appreciate the opportunity to be at the justice committee.

I don't want to give people the impression that I only come to committee to discuss procedural issues, but I will start with a couple of brief procedural issues in relation to this amendment that I wanted to highlight in response to the discussion. Then I will cede the floor for reasons I'll explain, but I'll ask to be added back onto the list to make substantive comments later on.

The first procedural issue I wanted to raise is regarding a statement that my colleague Mr. Lawton referenced from Minister Fraser. I noticed in that statement that it says, "Today, as part of its study of Bill C-9, the House of Commons Standing Committee on Justice and Human Rights is set to discuss an amendment repealing section 319(3)(b)".

I wonder if you could provide a ruling, Chair, on whether the minister's announcement of that amendment, which I don't think

had been made public by the committee or been moved yet, constitutes a violation of the privileges of the committee. At least, I wonder if you could rule on whether this is a question that touches on the issue of privilege.

• (1935)

The Chair: I haven't seen the minister's statement, to be honest with you. If you want to suspend for a second, I can look at it.

Garnett Genuis: Chair, if you want to consider that question—

The Chair: I'm happy to do that, if you want to continue.

Garnett Genuis: —we can continue for the time being. It was tweeted by the minister at 3:07. I believe this is a matter that touches on privilege. He is specifically claiming that a particular amendment with particular provisions is coming before the committee. I don't think you can do that.

The second matter of process I wanted to raise is regarding the role of parliamentary secretaries on committee. I don't know if Ms. Chagger is still in the room. I saw that she'd popped in earlier. There was a time when, as government house leader, she made forceful arguments about the unique role parliamentary secretaries play on committees because they are representatives of the government.

I want to quote her verbatim from the House of Commons in 2017, when she was arguing that parliamentary secretaries should be present on committees but should not be voting members, and should be understood to be speaking particularly for the government.

She said the following on June 15, 2017:

This is exactly why I believe part of the mandate we've been given by Canadians is to strengthen our institutions. A parliamentary secretary not only stands in for the minister but has access to information that would benefit members of the committee.

Imagine that.

That's why I'm suggesting that the parliamentary secretary be able to share that information. They could be equal members of the committee but not vote and not move motions. That way, they could travel with the committee so that information is being shared with all committee members, which I believe would contribute to the level of discourse and decision-making that takes place here.

The challenge with parliamentary secretaries voting on committees is that oftentimes we see them as just the voice of the minister of the government of the day, and oftentimes there is this perception that you need to vote exactly the way the PS does. That shouldn't be the case.

My colleague Mr. Lawton asked Ms. Lattanzio specific questions about the position of the government. This has been described as an unreasonable insinuation by her colleagues, but this is precisely the position articulated by the former government House leader—namely, that the role of parliamentary secretaries is to speak for the government in place of them in a parliamentary context. We are all eager to hear Ms. Lattanzio do exactly that and answer the questions that have been put before her on the government's position. I understand that she said she would be speaking to it.

I'll end my remarks there, if I can be re-added to the list to make a few substantive comments as well.

I'll await her response and also your ruling on the matter of privilege, Mr. Chair.

The Chair: Thank you.

Mr. Fortin, it's back to you.

[*Translation*]

Rhéal Éloi Fortin: That's fine, Mr. Chair. I will abstain, or rather, I am prepared to vote, if possible.

[*English*]

The Chair: That's wishful thinking.

Ms. Lattanzio, go ahead, and then it's Ms. Kronis.

[*Translation*]

Patricia Lattanzio: Thank you, Mr. Chair.

I would like to add a few words regarding this amendment.

We recognize that the rise in hatred is extremely concerning. It is important to send a clear message: the religious exemption has never been used and will never be used to justify hate propaganda. Freedom of religion is already fully protected by the Canadian Charter of Rights and Freedoms. This is a legal clarification. The religious exception defence cannot be invoked to justify speech that otherwise meets the very strict definition of hate propaganda. This was not the case when the defence existed. We are unequivocally closing the door to any future interpretation in this regard, without undermining the rights already guaranteed by the charter.

We obviously continue to respect and protect freedom of expression and freedom of religion, both of which are guaranteed by the Canadian Charter of Rights and Freedoms. The removal of the religious exception in no way affects the ability of religious people to teach, practise or profess their faith.

[*English*]

The Chair: Thank you, Ms. Lattanzio.

That takes us to Ms. Kronis.

• (1940)

Tamara Kronis (Nanaimo—Ladysmith, CPC): Actually, I'm going to defer and ask that I be re-added to the list.

The Chair: Okay. If everybody keeps deferring, we're going to get right back to you.

It's back to Mr. Genuis.

Garnett Genuis: I'm sorry. If I can be re-added to the list, I'd like to give Mr. Lawton the opportunity to speak ahead of me.

The Chair: Mr. Lawton is next on the list.

Garnett Genuis: Okay. I'll defer to the bottom again.

The Chair: I'll start a new list, then.

Andrew Lawton: Thank you very much.

I appreciate that earlier, Ms. Lattanzio, in her unwillingness to answer my question, said that she would be listening to the interventions of members of this committee and sharing thoughts of her

own. She has had the opportunity to listen to interventions from this committee, but I did not hear, in what she said, a clear position on where the Liberals will be voting on this amendment. Now, I don't know whether she wrote her own remarks or if Minister Fraser did the courtesy, but I do not believe for a second that she is speaking as a rogue member who has not consulted with the minister she represents and the Prime Minister she represents.

We learned earlier in media coverage that the Prime Minister's Office and the Minister of Justice were apparently not in line on this issue. This may have led to some of the subsequent cancellations, postponements, extensions and abbreviations of meetings. We are talking about a fundamental altering of not just the Criminal Code but also long-standing religious freedoms in this country. It's the kind of decision that, if it is to exist at all, should be in a stand-alone bill. It was. When it was a stand-alone bill, the Liberals rejected it because they realized it does not belong in a pluralistic country representing people of all faith backgrounds and a House of Commons representing people of all faith backgrounds.

Right now, my request of Ms. Lattanzio, as Parliamentary Secretary to the Minister of Justice, is to have the courage to state they will be voting for this—if that is in fact their decision—or to have the even greater courage to stand up for religious liberties and vow to reject it.

The Chair: You're done. Thank you.

Who wants to speak? Ms. Kronis is done. Mr. Genuis is not at the table. That exhausts the speaking list, then.

Andrew Lawton: Is there no response?

The Chair: All right. We're going to put it to a vote.

(Amendment agreed to: yeas 5; nays 4)

Andrew Lawton: I have a point of order.

The Chair: Yes, Mr. Lawton.

Andrew Lawton: I have an amendment pertaining to the matter at hand that I would fit into the line now. It is being circulated by the clerk. This may not be a point of order, but, logically, it should go in now due to where we are.

The Chair: Is the matter at hand the clause-by-clause?

Andrew Lawton: I'm sorry. The matter at hand is where we are in the order of amendments. It fits into where we are now in the bill.

The Chair: Okay. Maybe we can suspend for a moment or two so we can have a look at it.

Andrew Lawton: I can read it, and you can make a decision.

The Chair: Why don't you read it? Then we'll suspend, because I assume you don't have it translated.

Andrew Lawton: Yes, we do. This was prepared by legislative drafters.

By way of context, the reason it was not in our original amendment package is that we had not seen the Bloc amendment at the time. It only emerged when we saw that this was coming up.

The amendment asks that Bill C-9, in clause 4, be amended by adding the following after line 2 on page 3:

(6.1) Nothing in this section is to be interpreted or applied so as to interfere with the freedom of expression or the freedom of religion.

The Chair: We'll suspend for a moment.

• (1940) _____ (Pause) _____

• (2005)

The Chair: I call this meeting back to order. I hope everybody got some food.

I believe, Mr. Brock, you were....

I'm sorry, Mr. Lawton. I missed Larry so much while he was away.

Andrew Lawton: That's okay. Are we on the amendment?

The Chair: Yes.

Andrew Lawton: Thank you very much.

I want to be very clear. This amendment does not undo the harm that was just inflicted on Canadians by the Liberal members of this committee. This amendment does not undo the assault on religious freedom that we just witnessed moments ago, but it does provide a very important and very necessary opportunity for this committee to recentre its efforts.

I want to go back to my maiden speech in the House of Commons from, I guess, the tail end of May. In describing what I hoped to achieve as a member of Parliament representing the wonderful riding of Elgin—St. Thomas—London South, I said that I wanted to make Canada a freer place. I was motivated in large part by some of the assaults on freedom of expression and freedom of assembly we've seen from this Liberal government in the last decade. I had hoped they had turned a corner.

We often heard from the Liberals the position that it is a new government. It was not the government of Justin Trudeau, which decided it would freeze the bank accounts of political dissidents. It was not the government of Justin Trudeau, which was going to attack the charitable status of places of worship. It wasn't that government.

Then we saw Bill C-9, a bill that had a lot of shades of Bill C-63, the online harms act, which had been introduced in the preceding Parliament, as well as Bill C-36. I warned a lot of Canadians who reached out to me and who agreed in spirit with what Bill C-9 was trying to do that there was a significant risk that if this bill were allowed to go to committee, it would come out worse than it went in.

We now know, beyond a shadow of a doubt, that that is exactly what is happening. If Bill C-9 is allowed to exit the justice committee with this baked-in deal between the Liberals and the Bloc Québécois—which the Liberals have held up their end of and I suspect the Bloc will hold up their end of—and proceed to the House of Commons, it will be a full-fledged assault on religious liberty. This is something that we as a party will not stand for.

Mr. Brock, at the very beginning of this meeting, said very clearly that what Canadians have cried out for is not a government that's going to police their tweets. It's not a government that's going to legislate what can be said from behind a pulpit. They want a government that's going to get serious about the challenges facing Canadians: affordability challenges and challenges with crime on our streets.

The Liberal government has finally—and I'm so grateful for this—acknowledged the problem they've created over the last decade of the revolving door bail system, and they've introduced a bail bill, Bill C-14. There are some good things in that bill. There are some things that are very concerning in the bill. There are things that are not in the bill that should be in the bill.

These are the kinds of conversations that members of this committee, in good faith, can deal with and I suspect would be able to. I agree wholeheartedly with Mr. Brock that there is a lot more consensus around Bill C-14 than there is around Bill C-9, especially now—

Wade Chang: I have a point of order.

The Chair: Yes, Mr. Chang.

• (2010)

Wade Chang: How is this relevant to Bill C-9?

Andrew Lawton: Chair, if you give me 60 seconds, it will become very clear where it is relevant.

The Chair: You have your 60 seconds, but I would like you to get to the point.

Andrew Lawton: Thank you. Of course.

The reason I bring this up about Bill C-14 is to give the Liberals an opportunity to do the right thing. We as Conservatives are not going to allow this assault on religious freedom and freedom of expression to become law. I am prepared to speak for as long as it takes to stop this from taking place and make good on the promise that I made to my constituents, to Canadians and, frankly, to—

Wade Chang: On a point of order, I represent Burnaby, which is a very diverse community in Canada and—

Larry Brock: That's not a point of order, Chair.

The Chair: Hold on. You haven't heard what he's going to say. Apparently, a long lead-ups to a point are acceptable.

Mr. Chang, go ahead.

Wade Chang: My constituents believe that Bill C-9 and Bill C-14 are equally important.

Larry Brock: That's not a point of order.

The Chair: He's five words into his point of order. Allow the member to make his point, and then I'll decide whether it's a point of order.

Grant Jackson (Brandon—Souris, CPC): Chair, is there somewhere specific I should sit?

The Chair: Do you really want me to answer that question? Can I be candid? Make yourself comfortable.

Some hon. members: Oh, oh!

The Chair: Mr. Chang, are you done? All right, thank you.

Andrew Lawton: As I was saying, we are prepared to do what it takes to stop not just bad law but dangerous law from being enshrined in Canada's Criminal Code. The Liberals can do the right thing at any point and agree to prioritize Bill C-14. If not, they are holding critical bail reforms hostage to justify their assault on civil liberties, and it is not something we will stand for.

Thank you.

The Chair: Mr. Genuis, I think you were next on the list.

Garnett Genuis: Thank you, Chair.

I'm very grateful for the opportunity to speak here at the justice committee. I've been observing with great interest the discussion thus far on Bill C-9, and in particular the discussion on the issues of religious liberty that were raised by the Liberal-Bloc amendment that passed and that are now being further discussed in the amendment from my colleague Mr. Lawton aimed at protecting religious freedom.

As I talk about religious freedom, I want to acknowledge the presence of people in the room who have come to Parliament Hill to observe these discussions, people who are concerned about religious freedom issues. I saw people here whom I know from the Muslim, Jewish and Christian communities, all of whom came to observe these discussions. I certainly wouldn't want to put words in their mouths. They can all speak for themselves in various fora, but I want to thank people who care about religious freedom for being here.

I know there are many people watching these discussions online who care deeply about religious freedom. I want people who are watching to have a sense of something you can't see on the video feed. Normally at committees, the Conservatives would have four members sitting around the table, who are the regular members of the committee. Right now, I count 10 Conservatives sitting around this table. We've even had issues raised of people sitting too close to each other, which is something we can work out. It illustrates the point that many Conservative members of Parliament are here in the evening, and who will be here for as long as it takes, because we care deeply about the defence of religious freedom.

I know there are people watching who are fighting on this issue—who are writing letters, who are emailing their members of Parliament, who are talking to their faith leaders and who are even door knocking in their own communities to raise awareness about what's happening with Bill C-9. I want to thank Canadians from all faith backgrounds and from coast to coast who have worked hard to make their voices heard.

I want you to know that Conservatives are here in force. We hear you and we will stand with you, making the case for religious freedom and for freedom of speech. We need people at home, people across the country, people who care about religious freedom, to continue making their voices heard, to continue contacting members of this committee and members of Parliament and to continue talking to their neighbours and friends.

It has been incredible to see the speed and scope of mobilization in this country in response to this Bloc-Liberal deal attacking religious freedom. Communities have reacted with lightning speed. They have moved so much faster than I have ever seen before. I know this mobilization is only beginning. It was in response to this mobilization that the government initially appeared checked in their plans to attack religious freedom.

As recently as this week, there was an article quoting multiple government sources. It looked like it was people within the Liberal Party trying to throw the justice minister under the bus by stating that this whole thing was his idea, cooked up without consulting others. Whatever the genesis of this bad idea was within the Liberal Party, I guess today they have decided to close ranks in their attack on religious liberty. We have just seen members of the government all line up to support the Bloc amendment attacking religious freedom.

If members think they've started to receive a public response, if they think they've started to see Canadians concerned, I would say they ain't seen nothing yet. You're going to be hearing in the days, weeks and months ahead from Canadians who take their religious freedom and their freedom of speech seriously and who will be responding in force.

● (2015)

In particular, I know the Prime Minister has tried to suggest that he would be more open or more friendly to communities of faith than the last Liberal prime minister was, but with this amendment being adopted, that false impression has been totally blown out of the water. Prime Minister Carney has shown with the vote of MPs today that he is willing to go even further than his predecessor in attacking the basic religious liberties of faith communities.

I know that faith leaders in every community will take note tonight of the fact that the Prime Minister has allowed this to happen and has supported his justice minister, and that the government, notwithstanding whatever second thoughts they may have had, has followed through on this attack on religious freedom.

The Conservatives are the only party that is defending religious freedom. We will maintain that stand. We will stand for what is right. We will stand alone if necessary. We will stand against Bill C-9, and we will defend the fundamental freedoms of Canadians.

Religious freedom is deeply important. It is part of our Constitution. As has been noted, it's part of the Charter of Rights and Freedoms. It wasn't new with the Charter of Rights and Freedoms. The defence of religious liberty was part of the Canadian Bill of Rights. It was part of the implied bill of rights dating back to our founding as a country. It is fundamental to our political tradition.

It is also in our commitment to the Universal Declaration of Human Rights. I'll read from article 18:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

I want to observe that article 18 of the Universal Declaration of Human Rights underscores the nature of religious liberty. It is not just a right for communities to preserve their traditions. It is not just a right that applies to people who are themselves religious. Religious freedom is for all people, whether they consider themselves religious or not. It is the freedom of thought and the freedom of conscience. It is the freedom of the individual to consider their humanity, to consider their place in the universe, to consider questions of ultimate meaning and truth, and, in the process of that consideration, to come to their own conclusions that reflect their conscience, to deliberate about those conclusions, to change their conclusions, to forcefully debate those conclusions with others and to live in accordance with those deeply held convictions.

In that sense, religious freedom, as outlined in article 18, can be thought of as the first freedom, the most foundational freedom, because the freedom of thought and the freedom of conscience, which are linked to freedom of religion in article 18 of the Universal Declaration of Human Rights.... The ability to form one's actions based on conscience and conviction is the foundation of all other freedoms. It is the basis of our humanity, which leads us to further actions. It is these provisions in article 18 that have been attacked by this Bloc-Liberal amendment.

While I'm speaking, if one of my colleagues could get me a glass of water or two, I would be extremely grateful.

Speaking of article 18, I have worked a great deal in Parliament over the last 10 years on issues involving religious freedom. Issues of religious freedom have always been deeply important to me as a person of faith, as the grandson of a Holocaust survivor and as someone who has in their time in Parliament come to know closely many different ethnic and religious communities in this country that have faced attacks on religious freedom.

When I was first elected, our leader at the time, Rona Ambrose, gave me the great honour of taking on a role in our caucus that was called deputy shadow minister for human rights and religious freedom. Nobody I told initially had any idea what that was, but it was a role within our caucus that involved advocating for human rights and in particular religious freedom.

• (2020)

It's interesting that back in 2015, when you took on a role called "human rights and religious freedom," it was a given that you were talking about issues in other countries. Back in 2015, it was assumed that religious freedom was something we had in Canada and that was protected in Canada. Of course, I've mentioned that Canada is a party to the Universal Declaration of Human Rights, and our various constitutional documents underline the importance of religious freedom. This is well established in our law.

By the way, just parenthetically, I think the argument you hear from the government in response to concerns about the previous amendment we were discussing, the Liberal-Bloc amendment, is, "Don't worry, because religious freedom is protected in the charter." The argument they're making is essentially that we need not worry about a statute that would appear on the face of it to violate religious freedom, because religious freedom is protected in the charter, as if the existence of the charter establishes some law of physics that prevents legislation from passing that violates it.

No, that's not how the charter works. The way the charter and constitutional protections on religious freedom and other rights work is that laws can still get passed that violate those rights, and those laws are in force until they are struck down, until a judicial process intervenes. In fact, they can create a chilling effect that limits the free practice of religion, that limits freedom of speech and that establishes other limits on practice and behaviour. Those laws can persist in place unless and until a case challenges them and establishes that the previous law was unconstitutional. Then and only then is that previous statute overturned.

I think we saw, during the pandemic period in particular, for example, that you can have the passage of laws that are unconstitutional, and those laws can remain in force for a while. Sometimes, the subsequent determination that those laws were unconstitutional comes so far after the fact as to not be as immediately relevant to those who were victims of the human rights violations in the first place.

The argument of the justice minister, repeated by the parliamentary secretary and other Liberals, is, "Don't worry; we have the charter." Well, that is not an argument for passing unconstitutional laws or laws that violate religious freedom. Those laws are still in effect, and they remain in effect until they work their way through the process.

Furthermore, the existence of a judicial process for addressing violations of human rights does not obviate members of the obligation to consider issues of human rights during parliamentary debate or to consider the implications of the decisions they make for the protection of fundamental human rights. Our legislature has a responsibility to deliberate about matters of human rights and consider judgments about them. We did not cease to have a legislature when the Charter of Rights was adopted, and we did not cease to have responsibilities as legislators for considering questions of fundamental human rights, yet that appears to be the implication of much of the rhetoric from the government.

Again, it's that we need not worry; we have the constitutional protection of human rights. If you think the government passes legislation that violates human rights, don't worry, as someone could fund an expensive charter challenge, and maybe a few years or decades down the line, we'll come to the conclusion that a bill shouldn't have passed. In the meantime, of course, the damage is done. That is an obvious problem. I would encourage members of Parliament to do their jobs—that is, to consider the implications for fundamental human rights and to vote on amendments and legislation in the context of that reality.

I want to go back. I was speaking about the origins of my engagement on the topic of religious freedom when I was first elected as a member of Parliament, taking on a role within our caucus focused on human rights and religious freedom. At the time, the understanding was that human rights and religious freedom were things we were concerned about in other countries because, generally speaking, in Canada, we had good protection for religious freedom. That was where we were in 2015. That was the general expectation.

I was pleased to take on this role at a time when the role was very personal for me for another reason, which is that Canada had established under the Stephen Harper government an office for protecting religious freedom. The office of religious freedom was embedded within the Department of Foreign Affairs, Trade and Development, again based on the understanding at the time that challenges to religious freedom would primarily be in the international domain.

• (2025)

More recently, when I talk about the office of religious freedom, a lot of people tell me that we could really use one of those focused on Canada and focused on domestic threats to religious freedom. At the time, this was an office embedded in Foreign Affairs. From what I understand, the genesis of this idea of former prime minister Harper was Shahbaz Bhatti, who had been the minister for minority affairs in the Pakistani government—

The Chair: Mr. Genuis, can I interrupt you for a second? The interpreter is telling me that you're talking too fast. You can probably see this because you're looking at yourself on screen. I would ask that you slow down a bit for the benefit of the interpreters.

Garnett Genuis: I'm sorry. I was under the impression that the committee wanted me to move as quickly as possible through the remarks. I am willing to speak slower.

The Chair: On that note, since we've paused for a moment, I have good news. We've secured resources for tomorrow and Thursday from 3:30 until midnight. The notice will be going out shortly, if it hasn't gone out already.

Garnett Genuis: Thank you, Chair.

When I graduated from high school, the motto was *in omnia paratus*, which means "prepared for all things". I've taken that motto to heart in my service in Parliament.

The Chair: It wasn't that long ago.

Garnett Genuis: Pardon me, Mr. Chair? Were you saying it wasn't that long ago?

The Chair: Yes. I said that out of envy more than anything.

Andrew Lawton: I have a point of order.

The Chair: Go ahead.

Andrew Lawton: On programming, you said that resources have been secured for tomorrow and Thursday, so I suspect meeting notices will be forthcoming.

Just so I know, are we going to be continuing with clause-by-clause of the Liberal censorship bill, or will they agree to let us study bail and Bill C-14 in one of those meetings?

The Chair: You'll have to wait until the notice comes out, but we're continuing with clause-by-clause on Bill C-9.

Anju Dhillon: On a point of order, I also want to clarify whether there are resources available Friday and next week as well, so we can get through this.

The Chair: I believe the answer to Friday is yes. We'll see about next week.

Please continue.

Garnett Genuis: Thank you, Chair.

On the issue of working on the weekend, I think there is a relevant scriptural text I can reference about that. I do so with some trepidation, wondering if this could lead to prosecution. I believe there's a passage that discusses whether it is permissible to pull out your cow if it falls in the well on the Sabbath, the implication being that, yes, even if on an obliged day of rest your cow falls in the well, it is still permissible to pull it out.

From my perspective, the passage of this Liberal-Bloc amendment is the equivalent of a cow in the well, and I will be prepared to work through the weekend and through whatever other holidays and holy days intervene in order to pull the cow out of the well as best I can. I hope the Minister of Canadian Heritage won't seek my prosecution as a result of that reference.

Anyway, going back to the point I was making, and out of great respect for our interpreters, I will endeavour to speak a little more slowly. I will speak to some of the context on issues of religious freedom.

When I took on this role in 2015 at a time when Canada had an office of religious freedom, that office was embedded within the office of the Minister of Foreign Affairs and did important work. The office was inspired by the work of one Shahbaz Bhatti, who had been the minister for minority affairs in the Pakistani government.

He was an advocate for the rights of minorities in Pakistan and an advocate against a blasphemy law that was used aggressively to prosecute religious minorities for a form of speech crime—that is, for somebody speaking in a way that was deemed inappropriate. Of course, there are all sorts of issues of false accusations, but Shahbaz Bhatti was involved in speaking against the misuses of the blasphemy law, effectively a form of speech crime used to target religious minorities. He was advocating for a woman named Asia Bibi, who had been arrested on a series of trumped-up allegations that arose as a result of a personal dispute.

When Mr. Bhatti was in Canada, he met with members of Parliament and spoke about issues of religious freedom in Pakistan. He asked Canada to do more to respond to this issue of violations of religious freedom. While he was here in our Parliament, he also talked about the fact that he believed his life was at risk as a result of his advocacy.

I know he met many of our colleagues. I don't think many of those folks are still around, but I know he met many members of Parliament at that time who were very touched and inspired by what he said. People asked him why he didn't stay here in Canada if his life was at risk. He said, no, for the defence of religious freedom, he must return to his country and would continue his advocacy on issues of religious freedom.

Minister Bhatti returned to Pakistan and was assassinated within two months. I remember this vividly, because it was, I think, around that time that my wife and I got engaged. Her family are Christians from Pakistan, so they followed these issues of minority rights in Pakistan very closely, and by extension, I was starting to follow these things as well.

Mr. Bhatti was an incredibly heroic figure, somebody who knew the risks, who talked about how he knew the risks and who nonetheless continued his fight for religious freedom. As I recall, he met former prime minister Harper while he was here in Canada, and following his assassination, the Harper government launched the office of religious freedom, an office designed to facilitate advocacy by Canada on international issues around religious freedom.

The office had a number of functions, one of which was to speak publicly about religious freedom issues internationally. Another was to inform the Department of Foreign Affairs to ensure that public servants were aware of the situation around religious liberty and how it may intersect with other work they were doing. The third function was to run concrete programming.

• (2030)

Today, I think about some of the issues that are now getting a bit more attention, such as the severe persecution of Christians in Nigeria. Before, in many cases, when we heard about the persecution of religious minorities, Canada's former office of religious freedom ran specific programs on the ground in those countries aimed at advancing religious freedom. They were active in more than just dealing with acute cases of abuse. They dealt with looking at causes and prevention. For instance, they tried to help get pluralism content into books. The project in Nigeria facilitated dialogue between Christian and Muslim leaders in that country so that when there were flare-ups of violence, there could be the activation of networks of leaders who could address these kinds of issues.

The office of religious freedom, for a relatively small amount of money, was doing great work overseas. As I recall, from time to time, people asked it to comment on domestic issues, but that was not part of its mandate. It was focused on international religious freedom and helping support Canada's ability to be a voice for freedom and justice on the world stage around religious freedom issues.

After the election in 2015, when I was first elected and when the Liberals took office, the government decided it was going to eliminate the office of religious freedom. This probably should have been, in a way, a sign of things to come—the government immediately choosing not to renew the mandate of the office of religious freedom.

• (2035)

Anthony Housefather: I have a point of order.

The Chair: Mr. Housefather.

Anthony Housefather: What is the relevance, Mr. Chair? He's straying farther and farther away from an amendment to the bill and clause 4. We're not debating whether the office of religious freedom should be renewed.

This is getting very far away from where we're going, Mr. Chair. I understand that the amendment has the words “freedom of religion” in it, but I think you need to rein this back so we deal with the Criminal Code of Canada and the bill.

The Chair: I agree with Mr. Housefather. I lost the thread a while ago myself. It was after “high school”, I think—when you mentioned that.

If you could bring it back to what we're talking about, I'd be grateful.

Garnett Genuis: Chair, if you lost the thread, I'm happy to go even slower than I've been speaking.

The Chair: Let me rephrase that: I don't think there was a thread. If you could bring it back closer to what we're talking about, we'd all be grateful.

Garnett Genuis: Chair, I was led to believe that these issues of religious freedom are important in your constituency as well, especially with the assaults on religious freedom we've seen against the Tibetan community and—

The Chair: Yes, your aunt is one of my political allies. I work very closely with—

Garnett Genuis: No family is perfect, Chair.

Some hon. members: Oh, oh!

The Chair: She tells me that all the time.

Garnett Genuis: Thank you, Chair.

To Mr. Housefather's point, let's just reiterate the amendment that is before the committee. The amendment says, “Nothing in this section is to be interpreted or applied so as to interfere with the freedom of expression or the freedom of religion.” I think it is fairly obvious that arguments pertaining to the nature of religious freedom are not only tangentially relevant but also centrally relevant. They are not only part of the issue; they are the issue.

The point, initially, is to note that there has been a progressive pattern on the part of government in the incremental attacks on religious freedom. When the office of religious freedom was removed, we should have seen the writing on the wall. Again, I hope I can say “the writing on the wall” without being prosecuted, because that is also a scriptural allusion. It refers to a passage in Daniel, for those who are less familiar.

We've seen, over the course of the life of this government, the gradual furthering of an agenda that attacks religious freedom, that attacks the positions of faith communities. I think some people had thought, because of the professions of the new Prime Minister, that he would be different in this regard, but what we're seeing today is that the approach of the Prime Minister is in significant respects worse than the approach of his predecessor.

We saw this government remove the office of religious freedom, doing so claiming, “Don't worry. We can advance religious freedom or advance human rights in other ways. We can use other vehicles.” Notably, they promised at the time to maintain an advisory board that was associated with the office of religious freedom. I think this advisory board was a very positive aspect of the work of the committee as well. The advisory board did important work, bringing together faith leaders from various communities to consult with the government and provide advice on various issues. It reflects the reality that it's good for the government to be talking to and engaged with leaders from a variety of different backgrounds, including faith leaders.

We have seen a progressive series of attacks by the government on religious freedom up to this point, and Chair, I will have much more to say about this, so I wonder if I can be added to the bottom of the list. I have been advised that some of my colleagues have some context they'd like to add before I go further, so I'm happy to do that.

I'll ask, just before I cede the floor, Chair, whether you are planning on ruling on the question of privilege I raised earlier regarding Minister Fraser leaking confidential material from the committee.

• (2040)

The Chair: I will let you know.

We have Ms. Kronis next.

Garnett Genuis: That's a question of privilege at the committee. I raised that issue, at this point, an hour and a half ago.

The Chair: I understood that then and I understand that now, so thank you.

Ms. Kronis.

Garnett Genuis: You're continuing to think about it.

Okay, well, I haven't ceded the floor yet, Chair—

The Chair: Well, you just said that you were ceding the floor. Make up your mind.

Garnett Genuis: —but now I will cede the floor.

I said that before I ceded the floor, I wanted to hear from you on the matter of privilege.

The Chair: I answered your question, so are you done?

Garnett Genuis: You said you have no answer.

The Chair: Are you done?

Garnett Genuis: You're still thinking about it.

The Chair: I said that I will let you know when I have an answer.

Are you done?

Garnett Genuis: Do you have a rough timeline, Chair?

The Chair: Are you finished, Mr. Genuis? We can sit here and have this very interesting debate all night if you want.

Garnett Genuis: Not yet. I'll tell you when I am.

Are you planning—

The Chair: Okay, keep talking then.

Garnett Genuis: Are you planning on ruling on the matter of privilege tonight or—

The Chair: I already answered the question. You keep talking.

Garnett Genuis: Okay, well, it sounds like you plan to be as forthcoming as Ms. Lattanzio was, so at this point, I will cede the floor, but I'll ask you to add me to the list.

The Chair: All right.

Ms. Kronis.

Tamara Kronis: Thank you Mr. Chair.

I appreciate the opportunity to contribute to the committee's deliberation of this bill and to the debate about this clause, which removes important safeguards for freedom of expression and for religious freedom in particular.

I'm going to focus on the idea that it behooves this committee and all members of this committee to vote against this clause because we should always vote against laws that we believe are unconstitutional.

I would submit to members of this committee that this clause, as it's proposed, amends the Criminal Code in a manner that is, in fact, unconstitutional in every way. It violates the charter. It violates the Constitution. In my remarks, I will explain how it arguably even violates the principles of natural justice.

In addition to doing that, when combined—

Anthony Housefather: I have a point of order.

The Chair: I'm sorry. We have a point of order.

Mr. Housefather.

Anthony Housefather: I love Ms. Kronis—

Some hon. members: Oh, oh!

Anthony Housefather: Yes, she is a wonderful person. I am a huge fan—

Tamara Kronis: Be still my beating heart.

Anthony Housefather: —but I think she is speaking to the wrong amendment. Unless she is arguing that Mr. Lawton's amendment removes all of these rights, she is not speaking to the amendment on the floor right now.

Tamara Kronis: Well, I actually will be arguing that Mr. Lawton's amendment is important, because it restores these rights.

Anthony Housefather: I understand that, but you just said this amendment...so I just wanted to clarify that you weren't, in speaking to Mr. Lawton's amendment, arguing that it was doing that.

Tamara Kronis: Thank you very much for the clarity.

The Chair: We're all feeling better now.

Anthony Housefather: We're all widely trying to achieve the same thing.

The Chair: We're all getting very emotional now.

Please continue.

Tamara Kronis: Thank you for your many kindnesses. As my late father would have said, thank you for everything.

This amendment is necessary in order to make this bill consistent with the charter, the Constitution and the principles of natural justice, because without it, this bill, especially when it's combined with the proposal to remove the Attorney General's consent to private prosecutions, which this committee rejected but which the House could always revive, as we've seen in some cases when bills come back from committee and parts of them are revived... The bill, as written, has the power to amplify and unleash a wave of anti-religious animus and, quite frankly, both inter- and intra-religious conflict across this country as people use these provisions to litigate the idea that the state, through the courts, should effectively be able to edit the Bible, the Quran, the Torah and other religious texts to ban the parts that offend them.

Even if we have been successful in restoring the need for the Attorney General's consent for private prosecutions, the reality is that everything gets weaponized on social media, and this means that public assertions that various people should be arrested because of the things they say at the pulpit and in other religious spaces will proliferate. This is especially distressing considering that these calls are already not uncommon in some of our communities.

I'd like to explain how my colleague's amendment helps. The separation of church and state is a very important subject that sits at the heart of Canada's constitutional identity. It is a fundamental governing principle of our society, but one that developed over time and one that actually influenced the development and the creation of the defence of sincerely held religious belief within our hate propaganda laws.

To understand why that defence exists and why Parliament has preserved it across decades and across governments, we need to focus on something deeper. We need to understand how Canada came to adopt a model of state neutrality in matters of faith and the caveats to that, a model that protects both freedom of religion and freedom from religious coercion. These are ideas that did not appear suddenly. They emerged slowly through centuries of negotiation, conflict and constitutional development. They also reflect the unique character of our political history here in Canada.

When we look back to the earliest chapters of the Canadian story, we see that long before Europeans arrived on this continent, indigenous peoples had rich spiritual traditions that were deeply embedded in their community life. These traditions of course varied from nation to nation, but they shared important themes. They recognized individual spiritual autonomy. They recognized collective responsibility. They were not controlled by a central political authority. They were part of life rather than being dictated by the state. It's important to remember this, because it shows that the idea belief is personal has very deep roots in this land. *Hych'ka*—for this, we are grateful.

The arrival of European colonial powers introduced different models. Under French rule in the 17th and 18th centuries, the Catholic church of course played a central role in administering education, health care and social services. Church and state were really intertwined during that period, as mutually reinforcing institutions—

• (2045)

Wade Chang: I have a point of order.

The Chair: Mr. Chang.

Wade Chang: This sounds like a history class. What is the relevance?

Andrew Lawton: Exactly. You should pay attention.

Some hon. members: Oh, oh!

Tamara Kronis: May I continue, Mr. Chair?

The Chair: The comments from the peanut gallery aren't helping. I realize it's getting into the evening, but I think we could show a little respect for each other at a higher level than this, if you don't mind.

I understand there's a continuing request to keep it focused on the amendments in the bill, and I think that's fair.

Ms. Kronis, you have the floor.

Tamara Kronis: I am doing that. I actually worked hard on these remarks, Mr. Chair. I spent a good amount of time researching this, and I think if you look at the way our courts consider the constitutionality of various provisions in our legislative history, it is not unusual to have remarks like these.

Look at the Cowichan Tribes decision, which was just issued. It was 800 pages and had hundreds of pages of history. If my honourable colleague doesn't want to hear about that, then I'm sorry, but it is actually part of our constitutional litigation system to recognize that history.

I'll try to remember where I left off.

The arrangements that shaped Quebec society continued even after Britain took control of New France in 1763. The Quebec Act of 1774 protected Catholic rights as a means of ensuring political stability. This is where we continue to see this recognition of practical necessity, with a unique flavour and character to our laws as they developed.

As Canada developed, waves of settlers brought diverse faith traditions. There were Protestants, Catholics, Jews, Muslims, Hindus and other communities that came here and lived side by side, sometimes peacefully and sometimes, of course, in tension.

In the 19th century, these arrangements came under increased scrutiny as our populations diversified. We've had to find ways to live together—secular and religious, religious and religious—since the beginning of our constitutional grand bargain, to coin a phrase.

When Confederation was established in 1867, the question of the separation of church and state was already very complicated. There was, of course, the protection, in our Constitution Act, of denominational school rights that existed at the time. This was another political compromise that preserved the peace between various communities. That spirit of compromise has been fundamental to our communities.

In the decades that followed, several events continued to shape Canada's approach to this issue. Of course, as my colleagues from Manitoba know, one of the most important was in fact the Manitoba schools question in the 1890s. Manitoba ended public funding for Catholic schools, which sparked a national debate—not unlike this one, by the way—that involved Parliament, the courts and the public. Eventually, Manitoba's decision stood in that case, and there was a shift towards secular public schooling, which became more pronounced across the country.

That debate showed that Canadians were increasingly accepting of the idea that public institutions should not be tied to the doctrine of a particular faith, but it did not do away with the idea that faiths and sincerely held religious beliefs needed to be protected, even in circumstances where we might vehemently disagree with them.

By the middle of the 20th century, our social landscape had changed significantly, and the hospitals, universities and social services that had once been governed by religious institutions became integrated into publicly funded systems. That laid the groundwork for the modern understanding of the separation of church and state, which means a government—and this is where I come back to this bill and this amendment—that neither imposes religious doctrine nor interferes—and this part is very important—in religious practice.

This is foundational. This conversation we have had over the decades in this country is fundamental to our being a society that respects diverse beliefs while protecting individual rights.

The adoption of the charter in 1982 brought constitutional clarity to this concept. Section 2(a) protects freedom of conscience and religion. Section 2(b) protects freedom of expression. Section 15 requires equality before the law. Together, these provisions codified what had already been developing for over a century, which was the idea that the state must remain neutral in matters of faith. It must protect the right to believe, the right not to believe and the right to express beliefs peacefully.

● (2050)

One of the most painful reminders of the danger of church and state.... When Parliament enacted section 319, which prohibits the wilful promotion of hatred, it had to navigate the same delicate balance that had shaped our country's development and that I've been expounding on and explaining through my remarks.

On one hand, the state has a duty to protect vulnerable groups from hate propaganda. On the other hand, Canadians have to be free to express their religious beliefs, teach their doctrines, read their scriptures and engage in theoretical debate.

Parliament, at the time, did not want clergy or people of faith to fear prosecution for simply expressing traditional beliefs, no matter how outdated or how wrong we might think they are. That's where the defences that we're discussing came from. The solution to this was the inclusion of several defences, including the one that has become known as the defence of sincerely held religious beliefs.

This defence protects statements made in good faith on a religious subject or based on religious opinion. The key words there are "in good faith". The defence does not protect malice. It does not

protect hostility or efforts to encourage hatred. It protects genuine attempts to express or explain religious doctrine.

That, I feel, has been lost in this debate. I feel there has been an effort—there has been some encouragement from the Bloc, from my Liberal friends across the aisle and, in this case, mostly across the table—to make it as if the removal of this defence is necessary to protect vulnerable groups. The words "in good faith" that are embedded in this defence actually do that job for us. The defence fits in that way squarely within Canada's unique and long history of the separation of church and state because a neutral state does not police doctrine. A neutral state does not decide which theological views are permissible. A neutral state does not suppress good faith religious teaching, however distasteful it may be. To quote a phrase that one of my rabbinical friends has used, we all have our beliefs, but none of us has met God yet, so it's hard to know who is actually right.

At the same time, a neutral state can and does have an obligation to address the deliberate and harmful promotion of hatred. The Criminal Code, as it exists today, draws that line carefully. I would submit to you that it behooves us as parliamentarians not to erase that line recklessly or through these provisions, because when the charter arrived, the courts had already reviewed these provisions.

In the Keegstra case of 1990, which I was actually involved in as a high school student, the Supreme Court upheld the constitutionality of hate propaganda laws, but emphasized that the religious defence was an important safeguard. The court pointed to the requirement that prosecutors prove wilfulness and the availability of good faith religious expression as evidence that Parliament had respected both freedom of religion and the need to combat hate speech.

The balance was tested again when Parliament decided to expand the list of protected groups. In 2004, when sexual orientation was added, Parliament examined whether the religious defence would continue to offer adequate protection. Members across the political spectrum at that time acknowledged that people of faith must remain free to express their beliefs without fear of criminal prosecution. The same debate resurfaced in 2017 when gender identity and gender expression were added. In each instance, Parliament concluded that the Criminal Code's existing safeguards were strong, principled and consistent with Canada's constitutional tradition.

● (2055)

The concerns we are discussing today in this committee are echoed in recent reporting and in the principles of free speech and freedom of religion we held dear when I was a human rights advocate many years ago, one who was involved in all three of the historical references to litigation that I just talked about. As the Toronto Star noted this week, even some of the strongest advocates for equality and social justice have historically defended both freedom of expression and freedom of speech as universal safeguards.

I'm reminded of this, because Gilles Marchildon was quoted in that article. He, of course, is a former executive director of Egale and my mentor in my human rights work. He reminded Canadians that "freedom for all means freedom for each". He said this while defending the expressive rights of an Alberta pastor, whose views he described at the time as "[m]isguided and vitriolic".

I remember having long conversations about that when it was going on. What mattered to Gilles was not the content of the speech but the principle of it. The idea was this: If the state could silence one unpopular voice, who might be next? By the way, this was before people took to social media to say that this or that person should be arrested because they quoted this or that thing. The fact that the person might not be arrested didn't mean we didn't get a proliferation of defamation suits, human rights suits and all kinds of litigation around these concepts. Gilles's point has lost none of its force today, because protecting the rights of people we disagree with is, in fact, still how we protect the rights of everyone.

The article goes on to warn, as I have in these remarks, that Bill C-9 risks abandoning the careful constitutional balance we have built over decades, which I have explained in some detail this evening. The bill would expand police authority to lay hate-related charges based on a far broader and more subjective definition of hate. Depending on how the amendments to various definitions in here work, it could get quite broad.

As we know, there are other countries, right now, that are really struggling with this. Legal experts and civil liberties groups rightly caution that this proposal appears less like a tool for protecting marginalized groups and more like a broad expansion of police and state power, with a high risk of misuse. Critics from across the political spectrum fear the legislation would chill legitimate dissent, restrict peaceful protests near religious institutions and place expressive freedom in the hands of law enforcement officers, who are already struggling—and will continue to struggle—to distinguish political slogans from criminal acts.

This approach undermines the very compromises that our courts and Parliament have worked to maintain. Instead of strengthening social cohesion, the bill risks deepening division by criminalizing speech rather than confronting hatred through democratic debate, education and community resilience. Today, when we forget our history in this country or don't want to listen to it, and when we want to go for the sound bite and the social media thing, it makes it difficult.

I'm working towards the end of my remarks, but I want to emphasize that the religious defence has never been a blank cheque in this country. Courts have been very clear that good faith has always meant sincerity. It has always meant that the purpose of the expression has to be to explain, interpret or discuss a religious subject, not demean or target an identifiable group.

I've been an adjudicator myself, and I've been in a position where I've been able to mentor other adjudicators and learn from them. I can tell you that judges do examine tone, context and intent. They look at, in these kinds of circumstances, whether the speaker is genuinely engaged in religious expression or attempting to use religion as a shield for conduct that the criminal law seeks to prohibit. It reinforces the balance that Parliament seeks to maintain.

We have a system that's working. If we step back and consider this broad historical arc, we can see how consistent Canada's approach has been up to this point.

• (2100)

From indigenous traditions that recognize personal conscience to colonial debates over denominational schools and from charter jurisprudence to modern discussions of hate propaganda, the underlying principle of this debate has always been the same. It has been that the state has to remain neutral. It must not impose belief, but it also cannot suppress belief that is expressed in good faith. At the same time, we have managed—at least up until recently, when enforcement has become a real problem—to protect our citizens from hate and discrimination.

That defence of sincerely held religious belief exists because Parliament, the very institution we are part of and are expressing ourselves through today at committee, recognized that hate propaganda laws, which serve an important purpose, must not inadvertently undermine the freedoms that define our democracy.

The separation of church and state is not traditionally listed, of course, as one of the principles of natural justice, which, in the common law, is focused on procedural fairness, but natural justice addresses how decisions must be made, not how the institutions of the state must be structured. Its core principles are the right to be heard and the right to an impartial, unbiased decision-maker. These rules exist to ensure that governments act fairly, transparently and without favour and don't prescribe a particular constitutional arrangement between religious institutions and civil authority. It is very important that we keep it that way.

As we continue to work in committee, it's worth remembering that Parliament has revisited this issue many times and that the legacy of the separation of church and state in Canada is actually the foundation upon which the religious defence in section 319 rests. It is a legacy of balance, a legacy of restraint and respect for pluralism, and a legacy that takes into account the rich history of this country and helps us understand why the defence was created, why it has been preserved and why it remains an essential part of the Criminal Code.

It also helps to explain why I have received so many emails, so many phone calls and so many texts and other messages about this bill and these provisions. People are genuinely offended that the Bloc and the Liberals have made this deal to remove protection for religious freedoms in this context. I urge members of this committee to heed their sentiments.

Thank you, Chair. I am done.

• (2105)

The Chair: Thank you.

That's a tough act to follow, but it's up to you, Mr. Gill.

Amarjeet Gill: I love to speak. Thank you, Chair.

We are hearing our points of view on religious freedom and freedom of expression. I thank you for the opportunity to speak at length.

I'm going to mention this to avoid unnecessary points of order. I'm talking about clause 4 and the amendment that my colleague has presented here.

The Chair: You're off to a good start.

Amarjeet Gill: To start with, I will read the amendment: "Nothing in this section is to be interpreted or applied so as to interfere with the freedom of expression or the freedom of religion." We all know that freedom of religion and freedom of expression cannot be attacked. Canadians must remain free to worship, teach and share scripture without fear of charges. Sacred texts are foundational to our cultural identity. Criminalizing them is unacceptable.

What my colleague has mentioned is that it seems there is a political deal. A report confirmed that the Liberal government struck a deal with the Bloc Québécois to secure support for Bill C-9 by removing this safeguard. As real-world consequences, pastors, imams or priests could face charges for teaching traditional doctrine.

This amendment goes to the very heart of what Parliament is supposed to do: protect Canadians while preserving their fundamental freedoms. It should not be controversial and it should not be partisan, yet here we are debating this issue. We all know that we don't want hate crimes or any other crime; we are against those.

It is necessary to explicitly protect freedoms that are already guaranteed under the Canadian Charter of Rights and Freedoms. Conservatives believe this language is essential, not optional.

I will tell you that this amendment is not about fighting hate; it's about criminalizing scripture. We have to deal with it. Canada has a free, democratic society. That freedom does not flow from government permission. It flows from the inherent rights of individuals, rights the state is obligated to respect, not redefine or weaken through vague legislation.

Freedom of expression and freedom of religion are not—

• (2110)

The Chair: I'm sorry, Mr. Gill. I'm going to interrupt you. Your own colleagues don't seem too interested in listening to you, because they're all talking.

I'm going to ask people to keep the comments down in the back. Mr. Gill has the floor.

Amarjeet Gill: Freedom of expression and freedom of religion are not abstract legal concepts, but lived realities for millions of Canadians: people of faith, cultural communities, newcomers, parents, teachers and anyone who dares to express an opinion that may not align with the views of the government of the day.

Clause 4, as it is currently drafted, expands Criminal Code provisions around mischief and intimidation relating to places of worship, schools and community institutions. Conservatives agree that vandalism, threats, harassment and violence against these spaces

are reprehensible acts that must be punished—there is no disagreement there—but the serious concern is that poorly defined language combined with an activist enforcement culture can lead to unintended consequences. When it comes to criminal law, unintended consequences are not academic; they affect real lives.

Religious leaders are already under pressure to navigate complex social issues. These amendments add the risk of criminal charges simply for quoting scriptures. Sermons and Friday prayers could be scrutinized by prosecutors. This is unprecedented in Canadian history. Parents and families are worried that if they teach their children scriptures at home, they could be accused of promoting hatred. Family traditions of reading sacred texts together could be chilled by fear of legal consequences.

There is also the digital age concern. The bill's public display provisions could extend to digital platforms. Posting scriptures on Facebook, YouTube or TikTok could be treated as a criminal act. Faith communities rely on livestreams and online teachings. This amendment risks criminalizing those practices.

The Charter of Rights guarantees the freedoms of conscience, religion, thought, belief, opinion and expression. Removing the exemption undermines these rights and invites constitutional challenges. Canadians should not have to fight in court to defend their right to read scriptures. This amendment ensures that clause 4 cannot be interpreted in a way that chills speeches, punishes beliefs or interferes with religious practice that is peaceful and lawful.

Canadians are already uneasy. They see professors being disciplined for unpopular opinions. They see faith leaders being dragged into legal battles. They see protesters being treated differently, depending on whether their message aligns with the government's narrative.

This amendment says that plainly expressing beliefs, even strong and uncomfortable ones, is not a crime. Preaching a faith-based view is not criminal mischief. Peaceful protest is not intimidation. Public debate is not hatred. If the government truly believes that these things are necessary, I would say that we, as legislators, need to think about all of them.

The language in this bill as it is currently drafted risks blurring the line between criminal conduct and lawful expression. Canadians are increasingly worried that expressing sincerely held beliefs, whether they are religious, moral or cultural, could be interpreted by the state as harmful or criminal—

• (2115)

Wade Chang: On a point of order, the member's extended remarks risk mis-characterizing the amendment.

Amarjeet Gill: Can you say that again?

Wade Chang: How is...? I want to say something like expressing your—

An hon. member: It's your point of order.

Amarjeet Gill: You have to make the point of order.

The Chair: Whoa. Hold on.

I will not tolerate people mocking somebody's ability to speak a language at this committee.

Andrew Lawton: That is not what happened.

The Chair: Mr. Chang.

Garnett Genuis: Speaking of privilege, are you going to rule on the previous question of privilege?

The Chair: I've taken it under advisement. You can keep asking until you're blue in the face. You'll get an answer at the appropriate time.

Wade Chang: This member's remark was not speaking to the amendment—not at all.

Amarjeet Gill: Is that a point of order?

Anthony Housefather: The point of order is relevance.

Wade Chang: Yes, it's about relevance.

The Chair: Thank you, Mr. Chang.

Again, this is a theme that's come up over and over again tonight. Could we try to stay focused?

You started out well, Mr. Gill, by saying what the amendment was and that's what you were going to be talking about, which is more than I can say about some other people who have spoken tonight. If we could try to keep it focused, we'd all be grateful. Thank you.

Amarjeet Gill: I'll take your advice into consideration, but let me finish.

My other colleagues can speak as well. I would say one thing. Legislation does not exist in a vacuum. It operates within a culture, and right now that culture is increasingly hostile to dissent. That is why we as Conservatives insist on clarity. When laws are vague, enforcement becomes subjective. When enforcement becomes subjective, freedoms become conditional.

This amendment says plainly that expressing beliefs, even strong ones and even uncomfortable ones, is not a crime. Preaching a faith-based view is not criminal mischief. Peaceful protest is not intimidation.

I cede my time now. Thank you so much, Mr. Chair.

The Chair: Thank you very much, Mr. Gill.

Mr. Bexte.

David Bexte (Bow River, CPC): Thank you, Chair, very much. I appreciate the opportunity to speak. I'm not a regular member of

this committee, but am nonetheless a member, and I appreciate the ability to exercise my privilege.

The Chair: Thank you for joining us.

David Bexte: Thank you to the witnesses for bearing this out tonight and keeping your attention rapt. I'll do some work here to see if we can engage you in this process.

I want to make very clear that I want to talk to the committee today about Bill C-9, which, if passed with BQ-3, would strip away long-standing protections for freedom of expression and religious liberty in this country. This goes directly to supporting the amendment by my colleague Andrew Lawton, the latest amendment.

This bill represents the most significant assault on Canadians' ability to speak openly about their faith perhaps since the charter was written. It comes in an especially telling moment. I can't tell if this is ironic, disturbing, deliberate or accidental, but during the Advent season, at a time when Christians reflect on scripture, hope and the coming of Christ, we witnessed the astonishing spectacle of the previous Liberal justice committee chair declare that parts of the Bible and the Torah contain clear hatred.

He singled out Leviticus, Deuteronomy and Romans, and that was not a random commentator. It was the individual responsible for overseeing the justice committee. Just last week, he was promoted to cabinet as the minister responsible for Canadian identity and culture. Only this Liberal government would reward someone for asserting, essentially, that God himself is hateful. I would encourage the new minister to revisit the preamble of the Charter of Rights and Freedoms, which affirms that Canada is founded upon principles recognizing the supremacy of God and the rule of law, as well as our national anthem, which asks that God keep our land glorious and free.

The Liberal government frequently boasts about defending the charter, yet they conveniently ignore the charter's protections of the freedoms of religion and expression, as well as its own explicit acknowledgement of God in the preamble, as in the national anthem. This hypocrisy is the backdrop of everything in Bill C-9.

At the centre of this bill is a political deal between the Liberals and the Bloc Québécois. In exchange for the Bloc's support, the Liberals have agreed to eliminate long-standing Criminal Code safeguards—namely paragraphs 319(3)(b) and 319(3.1)(b)—that protect Canadians from being prosecuted for expressing, in good faith, an argument on a religious subject or a belief rooted in sacred text.

These protections are not loopholes. They are constitutional guardrails upheld by the Supreme Court that ensure Canada's hate speech provisions remain consistent within the charter. My colleagues before me have gone to great lengths, doing so with great eloquence—far more eloquence than I could muster—to express this point quite poignantly.

The Liberals and the Bloc want to tear these protections out by the roots. The Bloc justifies this change by referencing a single case. Montreal imam Adil Charkaoui, in 2023, used a prayer to call for the extermination of Jews. This is abhorrent. His statements were vile and deeply anti-Semitic. The simple truth is that what he said was already illegal. It was illegal under section 318 for advocating genocide and under subsection 319(1) for the public incitement of hatred.

This is another example of the government failing to act and failing to execute on laws that already exist on the books for the protection of Canadians and their fundamental rights. The religious text defence does not apply to either provision, and there is absolutely no evidence that prosecutors declined to charge him because of that defence. The only reason he was not charged is that authorities failed to enforce the law. This is unbelievable.

Instead of fixing that enforcement gap, the Liberals and the Bloc have chosen to target law-abiding religious Canadians. That is hypocrisy of the highest order, especially as they claim this bill is meant to protect the very communities it would most deeply wound.

For nearly a decade, this government has repeatedly marginalized Canadians of faith. They have attempted to strip charitable status from religious charities and pro-life organizations. They imposed the Canada summer jobs values test, punishing groups that refused to renounce their core religious beliefs. That is unbelievable and unconscionable.

• (2120)

I will note that this ideological overreach is not new. In fact, an early 2022 report from an advisory panel to the Department of National Defence recommended that the Canadian Armed Forces not employ chaplains whose religious traditions do not align with the government's ever-shifting vision of equality and inclusion.

That panel singled out the entire Abrahamic faith traditions—traditions that reserve the priesthood for men and that believe in the traditional view of marriage—as being incompatible with serving in the military. Think about that. Really, we as legislators need to think about this. A government that claims to champion diversity and inclusion was actively entertaining the exclusion of religious Canadians from serving as chaplains precisely because of their beliefs.

An hon. member: Shameful.

David Bexte: This is not tolerance. It is a blatant Liberal double standard.

Diversity is celebrated only when it mirrors the government's ideology and the Charter of Rights. Millions of Canadians are dismissed as an inconvenience. Bill C-9 directly targets their freedom of expression, yet the Liberals still claim to be the party of the charter even as they systematically attack the very freedoms the charter guarantees.

We're now getting close to the part where we engage the witnesses.

Witnesses who appeared before the justice committee debunked the Liberals' claim entirely. Numerous constitutional experts explained that the religious text defence is narrow, specific and constitutionally necessary. It is not a blanket protection. It applies only to good-faith expressions of sincerely held religious belief, not to violence, not to incitement and not to hatred.

The courts have been clear on this point for decades, but Liberals now believe they know better than the constitutional jurisprudence and better than every witness who has testified before them. Their ideological agenda matters more than evidence or constitutional balance.

If Bill C-9 passes, the consequences will be severe. I have a question for Liberal and Bloc members of this committee. Would a priest reading the scheduled Sunday mass, a reading set years in advance, face persecution or prosecution if the passage is deemed offensive?

An hon. member: No.

David Bexte: Would a rabbi teaching Torah commentary, a Muslim parent quoting the Quran to explain moral teaching, or Sikh, Hindu or Buddhist teachers be targeted simply for articulating traditional beliefs?

An hon. member: No.

David Bexte: Any person of faith quoting their sacred texts could face up to two years in prison if the government or a prosecutor finds their beliefs objectionable.

In a country such as Canada, home to such rich religious diversity, this is chilling. A free society debates and engages. It does not imprison people for sincerely held religious convictions. The Liberals insist that their bill protects religious Canadians from hate while simultaneously displaying a deep disdain for religious communities that express views different from their own. This contradiction is staggering.

Let us also remember the historical context the Liberals prefer to ignore. It was a Conservative government led by John Diefenbaker that first enshrined these fundamental freedoms in Canadian law through the Bill of Rights. The very Criminal Code that the Liberals are rewriting was drafted by Sir John Thompson, a devout Catholic and Conservative prime minister who understood that criminal law must restrain real harm, not police belief or censor sacred texts. He even initially declined to become prime minister after converting to the Catholic faith due to the intense sectarian hatreds of his time.

Today's Liberals lecture Canadians about rights while gutting the rights that Conservatives and even Liberals historically worked hard to establish and protect. Removing the religious expression safeguard in section 319 will not make Canadians safer. It will not stop real hate. Genuine incitement and advocacy of genocide are already illegal, will remain illegal and must be prosecuted by the system that already exists.

This bill will succeed in one area, though. It will expose millions of peaceful, law-abiding people of faith to criminal prosecution simply for quoting scripture or expressing long-held religious convictions. This is chilling. That is not what Canada is supposed to be. It is not constitutional, it is not just and it is not worthy of a free society.

• (2125)

I urge every member of this committee to accept the amendment from my learned colleague and defend the freedoms of religion, expression and conscience, which form the foundation of our democracy. The Liberals may have forgotten these principles, but Canadians haven't.

I have one question for the witnesses. If passed in the restrictive form right now.... The government side and the Bloc have made great statements to the effect that it doesn't matter, that the charter exists; there won't be prosecutions, but could the government use the notwithstanding clause to maintain enforcement, even though we have been assured that we need not worry about this infringement because of the freedoms found in the charter? I would love to hear a comment from all three of you.

Kristen Ali (Senior Counsel, Criminal Law Policy Section, Department of Justice): I can speak generally to the requirements of section 33 of the charter, which says that a declaration made must be done expressly by the legislature under this section in order to have the effect that such operation of the charter rights would not apply. That the declaration must be done expressly would apply for only sections 7 to 15 of the charter and would apply for only five years.

Understanding that the federal government has never invoked the notwithstanding clause, those are the requirements of form in terms of the declaration needing to be done specifically by the legislature.

• (2130)

Joanna Wells: I don't have anything to add to what my colleague Ms. Ali has said on the scope of section 33 of the charter. I don't know whether there was another question.

David Bexte: It was the same question to all witnesses. Could the notwithstanding clause be used to defend Bill C-9 in its current form prior to the amendment from my colleague across the way if it were struck down by the court?

Joanna Wells: What I can say is that there's nothing in the bill, as introduced, that suggests the government intended to invoke section 33 of the charter.

David Bexte: I understand that, but if this bill were enacted, proclaimed and subsequently found to be not constitutional by the court, could the government use the notwithstanding clause to maintain a portion of it?

Joanna Wells: We're here tonight to speak about what is in Bill C-9 and the impact of the amendments that are before the committee, not to opine on what would happen or what the government might do in a situation in which a law is struck down. That is not the role of justice department officials.

David Bexte: Okay. Thank you. At least I got you speaking, so I appreciate that.

I want to close with some commentary. I was contacted by numerous faith leaders in my riding over the previous few days, and I find it very hard to express how deeply afraid they are of where this might go, what it portends for their faith and their traditions, and how the chilling effect has fallen on top of them at the beginning of the Christmas season. I want all members to think very deeply, looking into their souls, about what this portends.

With that, Chair, I cede my time.

The Chair: Thank you.

Mr. Jackson, go ahead. Don't make me miss Larry Maguire even more than I already do.

Grant Jackson: No, Chair. I would never do that.

Garnett Genuis: Chair, would you mind reading the list out before we go to the next member?

The Chair: You're on the list.

Garnett Genuis: What is the list? Can we know?

The Chair: It's a long list.

Go ahead, Mr. Jackson.

Garnett Genuis: Are you not willing to do that?

The Chair: Do you really want me to read who's on the list? Okay. It's Mr. Rowe, Mr. Genuis, Mr. Lawton, Mr. Holman, Ms. Goodridge, Ms. Jansen, Mr. Mantle and Mr. Brock. Does that make you feel better?

Garnett Genuis: It's not about how I feel, Chair. It's about being kept informed of what's happening during proceedings.

Thank you for doing your job. I appreciate it.

The Chair: Mr. Jackson, it's over to you.

Grant Jackson: Thank you, Mr. Chair.

I'm sure my predecessor is looking fondly on our interaction today. He may even be watching. Who knows? He is a bit of a political animal.

Mr. Chair, I wanted to start with a bit of a procedural question for you, as I am new here. Not long ago—although a bit of time has passed, and I didn't want to interrupt my colleagues—an individual approached the table and took a picture of the proceedings. Then he sat down, and I noticed that someone from the Liberal staff team went up to the individual and I'm assuming asked him to delete it, although I did not hear that.

That individual has now left the room. I had to google him to find out who he is. I believe it was John-Paul Danko, who is a member of Parliament. It was quite obvious to me that he was holding his cellphone sideways, right here at this angle of the table.

I just want to make sure, Mr. Chair, that you will investigate this and ensure that the photo was in fact deleted. I would hate to see it on social media. Also, knowing that it was a member of Parliament who did it is deeply concerning, because that is against our rules. I wonder if you would investigate that and report back.

The Chair: Thank you, Mr. Jackson. I wasn't aware of that. It is not allowed. It may have happened during the time when we were suspended. We were suspended a number of times.

Anyway, I will look into it. I'll find out about it. If it did in fact happen, I'll make sure the picture is deleted.

Grant Jackson: Okay. Thank you very much, Mr. Chair.

Secondly, I have a copy of Mr. Lawton's amendment here. I want to make sure I stay on topic as best I can.

Listen, I have been astounded by the debate since Bill C-9 was introduced and by the general direction that the Liberal government has decided to go on this. As a relatively new member of Parliament, I don't often speak loudly about faith, or my faith in particular, but I certainly am a person of faith. When it comes to the outpouring of deep concern regarding this bill, I haven't seen anything quite like it since I was elected.

Different faiths are more politically active than others, I would say. That's okay. It's their right to participate, in politics or in commentary, on the issues of the day.

We have a joint statement here. I'm not sure if the committee has received it. It's signed by a number of multi-faith and civil liberty organizations. It's dated December 1. Let me read from it:

We, the undersigned multi faith, civil liberties and community organizations, collectively reject Bill C-9—An Act to amend the Criminal Code, the so-called “Combatting Hate Act.”

As Bill C-9 proceeds through the Parliamentary process, we emphasize that this bill shouldn't be passed. The risks it poses to protest rights, labour rights, and public accountability are too serious and too far-reaching.

Bill C-9, far from protecting communities, criminalizes protest, suppresses dissent, and expands police discretionary power at a time when over-policing, surveillance, and disproportionate targeting of racialized communities are already well-documented.

They also have demands:

1. Withdraw Bill C-9 in its entirety....
2. Affirm the right to protest as a cornerstone of Canadian democracy....
3. End the expansion of police powers and discretionary authority. Protect communities, not institutions.
4. Commit to evidence-based approaches to addressing hate....

It goes on and on for some time. It's two full pages. I won't read the whole thing, I promise.

The reason this really stood out to me is that I was raised in the United Church of Canada. Some of my fellow Christians like to call us “Christian light”. Sometimes it's affectionate; sometimes it isn't. That's okay. We take that quite well, as members of the United Church in this country, based on, of course, the Methodist faith. The United Church of Canada is one of the most pro centre-left politics.... They weigh into politics all the time as a central organization for the church, always supporting Liberals, and sometimes even going further to the left of that on the spectrum.

I often have debates with people within my own church community and our faith leadership about why our church chooses to be so public about their political views and why they're always with the Liberals and not on the left. Even they have signed this statement asking for this bill to be pulled out. It's that bad. The Liberals have even managed to tick off us nice folks in the United Church. I don't understand how the Liberal Party could be so off base with this bill that they have lost their biggest advocate in the faith community, which is in fact the leadership of my own church.

Part of the foundational principle of our church under John Wesley is the quote now made famous by Hillary Clinton in her election campaign for president in 2016. That's something that won't endear me to my Conservative colleagues, but who could say no to Morgan Freeman's voice? It goes as follows: Do all the good you can, by all the means you can, in all the ways you can, in all the places you can, at all the times you can, to all the people you can, as long as ever you can.

● (2135)

Even the United Church is saying that this is not the right path to do it, folks. You need to pull this bill back and have a sit-down with the Centre for Free Expression, Independent Jewish Voices, the Canadian Muslim Public Affairs Council, Canadians for Justice and Peace in the Middle East and the Chinese Canadian National Council, Toronto chapter. It goes on and on. The signatories to this statement are saying that this bill is an abject failure. It's a total disaster. These are people with very different political views on every topic that matters, except for this one. Here they agree that their faiths are all put at risk by this piece of legislation, which has been made worse tonight by the Bloc-Liberal separatist coalition.

I will have a really hard time going home and justifying to my constituents in rural Manitoba how this is supposed to make their life better. I really don't see it, because you have all the experts saying that this will, in fact, make life much worse.

I'm still not really sure what this is going to achieve. I've heard from the experts. I'm filling in for Mr. Baber now, and I was here before that. They've admitted on the record that all the serious crimes that can be done and that have been done are already crimes. It's already criminal—it's in the Criminal Code—to incite violence against another religious group based on their religion or on any other factors when you're trying to incite violence against a particular group in this country.

What exactly does this achieve? I've yet to hear an answer. We had some Liberal members try to answer questions when they, of course, didn't have to be on the record about it.

Does anybody want to answer that question? How is this going to make it better than what's already illegal to do in this country?

• (2140)

The Chair: We're talking about another amendment.

Grant Jackson: We are. We are talking about another amendment, an amendment that's supposed to protect people from the impact of this bill, which is an overreach. I'll move on, Mr. Chair, but I am deeply concerned about that.

I think there are a few people left in this country, although they're becoming fewer, who fought, in the course of a world war and in peacekeeping missions, to defend the freedoms that this country stands for and that our allies around the world stand for—freedom to believe what you want to believe and freedom to believe in any religion and any faith. My grandfather is a Second World War veteran. He left the farm in Margaret, Manitoba, population 100, and fought against hateful people for freedoms.

It's not that Conservatives are opposed to this bill because we all of a sudden want hateful acts and hateful language to continue to be spread all over this country. That's exactly the opposite of what we believe. I think the vast majority of my constituents would expect me, though, to be here, standing up for their freedom to believe what they want to believe. They and generations before us from our region have put their lives on the line, not just in this country but around the world, to defend religions that they didn't even know or understand when they were getting on a boat and being shipped over there.

It's shocking to me that a group wants to remove these types of freedoms and protections in our society. I think Mr. Lawton has an important amendment that is trying to at least balance what is happening. I think Mr. Baber and Ms. Kronis brought important context to light when they were sharing their deep legal understanding of the law, both being practitioners of it themselves, like, of course, our shadow minister, Mr. Brock. These are folks who understand this deeply, and I think probably more deeply than maybe even some of the Liberal members, but I digress.

I really want to stress that Manitobans understand standing up against hateful acts. We've seen challenges with ethnic communities in Winnipeg being targeted by hateful acts, particularly with the rise of the conflict in the Middle East, and hateful protests outside the Jewish Folklorama pavilion, where people take their kids to celebrate faith. Manitobans are neither strangers to nor isolated from these activities that are disturbingly going on in our country. We see them, but we believe that the provisions to protect Canadians from these actions already exist in Canadian statutes and in Canadian law.

We have a problem with enforcement in this country, a problem that exists across many different types of crimes, thanks to Liberal governance over the last 10 years. This is just another example of a failure to enforce and prosecute laws that already exist.

I would encourage the Liberals to pull back on this bill, abandon their partnership with the Bloc—which shouldn't really have to be said, but apparently it does in this context—and rethink this bill. I think we really need to make sure that this country....

By the way, the generation who fought for these freedoms in other countries came back after the great wars and said they needed to solve this problem on their own and needed to make sure that these things they just fought a war to protect can't happen here. That is why we have the Bill of Rights, as a colleague mentioned, and why the charter was patriated. It came back to Canada, and all of these provisions were added to protect the freedoms that Canadians deserve. They were brought here onto Canadian soil and into Canadian law.

I don't understand why the Liberals are trying to find a problem where none exists. We have a lot of problems facing this country, as I have learned very quickly since getting elected at the federal level. There are a lot of challenges.

• (2145)

However, the state policing the religious beliefs of its people is something we leave to other countries around the world—some of which the new Prime Minister seemingly gets along very well with and spends a lot of time flying around the world to see and discuss. Maybe there are some commonalities. I don't know. I'll leave it up to him to justify it to his constituents in Nepean and across the rest of the country.

The fact is that those principles have no place here. They don't belong in this country. That's why Mr. Lawton's amendment should pass. It strengthens a terrible act. It makes some improvement in as limited a fashion as possible, given the deeply flawed nature of the original draft.

It's heartening to see, at least within our Conservative team, which is made up of members of Parliament from many faiths—many of whom are around this table and many of whom I am proud and pleased to serve with in this Parliament—that we are unified. In hearing from the communities we represent, we are unified in the belief that where the Liberals are going with this and what they're proposing to do are wrong. Canadians will not stand for it.

I appreciate, Mr. Chair, that you've mentioned there are resources for us to discuss this further for the rest of the week. That's important, because Canadians have a lot of concerns. There are a lot of views to share. This is the first public discussion point that I've had hundreds of calls about from people. These calls are from Brandon's longest-standing religions, such as the First Baptist Church, which just celebrated its 140th anniversary in the city, and from members of the community who opened the very first gurdwara in Brandon's history earlier this year.

They are unified. They are reaching out to me with deep concerns and fears, suggesting that this bill, in fact, reflects bills that came into force in the countries they purposefully fled to Canada to avoid. Now they're seeing them reflected here in the Canadian Parliament.

To my Liberal colleagues, I will end with this and reprove the committee of further Grant Jackson interventions for now.

Some hon. members: More.

Grant Jackson: Thank you, colleagues. I appreciate it. That's deeply flattering. I noticed that the chair didn't join in. Maybe he will next time. I'll try harder, Chair.

The Chair: I smiled. That's the best I can do.

Grant Jackson: Thank you. I appreciate that very much.

To my Liberal colleagues, given everything that's going on in this country for young people, seniors, criminals and victims of crime, can we not take a reprieve from this bill and get on with the business of locking up criminals and bringing safety back to our streets, which is not being infringed upon by preachers, other religious figures and people generally just trying to get an understanding of faith? Can we not get back to dealing with real criminals, locking people up and bringing back safety to our streets?

Let's put the people of this country first and do all the good we can for as many people as we can as quickly as we can. I am sure this committee will still be here to deal with this ridiculous bill when we have achieved some results in making communities safer in this country.

Thank you, Mr. Chair.

• (2150)

The Chair: Thank you, Mr. Jackson.

I'm going to suspend for five minutes, and then we're going to come back with Mr. Rowe.

• (2150)

(Pause)

• (2202)

The Chair: We're going to resume the meeting.

Mr. Rowe, it's over to you.

Laila Goodridge (Fort McMurray—Cold Lake, CPC): I have a point of order.

The Chair: Sure.

Laila Goodridge: Thank you, Mr. Chair.

Earlier, my colleague Mr. Jackson made some very concerning comments regarding somebody potentially doing something that is very much against our rules in this committee. I know you are holding back on providing any kind of guidance on the question of privilege by my colleague Mr. Genuis. Could we have an update on that? This is very serious. People are not allowed to take photos of these proceedings. If a photo was taken, has it been deleted, and then deleted from the deleted file? Do we have assurances from the whip's office?

The Chair: First of all, I'm not holding back on anything. I took Mr. Genuis's point under advisement earlier.

I take the point about the picture very seriously. I did then and I do now. You know where I've been sitting since the issue was raised half an hour ago. I have somebody looking into it and will let you know as soon as I find out.

Mr. Rowe, it's over to you.

Jonathan Rowe (Terra Nova—The Peninsulas, CPC): I think this is a point of order as well.

There was an accusation made against a Conservative colleague—that he was making fun of someone's language here. It was very evident that we were having a discussion about the merit of the conversation and the debate. It was very insulting to both my colleague and Wade Chang, who speaks better English than many people and probably better than I do. It was insulting to even say that we were making fun of his English when he speaks perfect English. I think that kind of language is not appropriate. Those are big accusations to make against members at this table.

I will continue on without—

The Chair: Mr. Rowe, I take your comments very seriously. As to the point I made earlier, I take that very seriously too. If I see you or any other member of this committee...whether it's on your side or the Liberal side, I will address it. I saw what I saw. We can review the tapes.

Let's move on. I understand your point. Thank you.

Laila Goodridge: I have a point of order, Mr. Chair.

On the question of whether this photo does or does not exist, and on whether it has or has not been...we just got back from being gavelled. I am very concerned that this allegation was brought up at least 15 or 20 minutes ago. You're telling me that no one from the Liberal whip's office has been able to get the information and get back to you.

• (2205)

The Chair: I'm telling you that it's being investigated. I've been sitting in this chair. I went to the bathroom on the break. I will give you an answer as soon as I have one. I have more than one person looking into it. Raising the point over and over again isn't going to accelerate the process.

Mr. Rowe, the floor is yours.

Jonathan Rowe: Thank you, Mr. Chair.

In the last few hours and few days, I've been trying to get words to paper on this issue, and it has been challenging because it's so frustrating. The lead in my pencil keeps breaking.

It's so frustrating, because you have to ask yourself why. As my friend Grant Jackson mentioned, our ancestors fought for freedom of religion. They went overseas and they fought. They were in the trenches, fighting shoulder to shoulder. It was alluded to by some members of the Liberal caucus that we may be here during Christmas and over the holidays. I think they said it sarcastically—maybe not—but if that's what it takes to make sure we're fighting for freedom of religion, I know that I'll be here.

I'm willing to bet that there are going to be three or four, half a dozen or maybe even dozens of Conservatives here shoulder to shoulder with me, because it's the least we can do out of respect for our ancestors and out of respect for all Canadians and all people in the world who fought for the freedom of religion. We will continue to do that, and I know that I will be here, come hell or high water.

It's very strange. I'm not here to argue, although my passion may make it seem that I am. I'm here to try to bring some reason. When Bill C-9 was introduced, I asked myself, "What's the purpose of this bill?" Everything the bill tries to do current laws could already do, so it was very interesting. It almost makes me wonder if the intent of this whole amendment backroom deal with the Bloc was to confuse Canadians so they wouldn't understand what the amendment was, because the amendment wasn't released until later. A lot of times, things like this happen among confusion, and it's very difficult.

I'm hoping we can make some clarifications on things, and I think we've made some clarifications tonight. You may say, "Jonathan, no, things are very clear." We have a situation where the PMO, the Prime Minister's Office, said that the committee went rogue and made a backroom deal with the Bloc, yet they gave Marc Miller a promotion after saying the outrageous thing that a verse in the Bible should be considered a hate speech. I mean, he alluded to this and believes there are certain verses that could never be used in good faith. After that comment was made, he was promoted to cabinet minister.

How is that? How is that not in law...? You would not promote someone who went rogue. I find it very hard to believe that this was against the PMO's wishes. Also, what we saw here tonight was that a Bloc amendment was voted on. If it was a rogue agreement against the PMO, why was it voted on yesterday?

To me, that shows the need for Mr. Lawton's amendment, to make sure that freedom of religion is protected. It's very important that it is. I made a video and put it on my social media a while ago talking about and sounding the alarm on Bill C-9 and the Bloc amendment. What was interesting was that there was much confusion. People were saying, "Well, Jonathan, you're spreading conspiracies and you're spreading misinformation." I'm thinking, "Gee, I wonder, am I?"

I looked in the mirror and I had a hard conversation with myself. Maybe I'm in the Conservative echo chamber. Maybe I'm on Parliament Hill every day and hearing the circle of the echo chamber, but then I see that we have 23 news articles and pretty well every one of them is against Bill C-9 in one way or the other or is raising alerts about Bill C-9, so I don't think I'm in the echo chamber.

I did manage to get this on paper, and I want to read it out. There are so many groups in Canada, the same groups that Bill C-9 and the amendment.... They say it's a Trojan Horse. We hear this bill is going to protect these groups and going to protect religious groups. The same religious groups that it says it's going to protect are the ones coming out against it.

We have a broad, nationwide coalition of religious, civil liberty, labour and community organizations that have mobilized against Bill C-9 and the proposed removal of the religious text exemption among faith groups. Dozens of Catholic dioceses and parishes, led by the Canadian Conference of Catholic Bishops, have issued coordinated calls to action, joined by multiple Jewish and Sikh advocacy groups and by 40-plus Muslim and Palestinian community organizations in joint statements, warning of threats to religious freedom and civil liberties. Multi-faith networks have also weighed in, with a cross-country coalition of more than 20 Christian, Muslim, Jewish and secular justice organizations signing a unified appeal to halt the bill.

● (2210)

Civil society opposition is equally extensive. A 37-member organization of civil liberties societies and a legal coalition led by the BC Civil Liberties Association have condemned Bill C-9 as a threat to protecting rights, academic freedom and due process, while national labour bodies, including major public sector unions, have warned that the bill will criminalize legitimate worker and community demonstrations. It's just mind-blowing. This is not just the Conservatives blowing the horn; this is the whole country speaking out.

I don't know how you can get here in this committee and say there's no need for Andrew Lawton's amendment to this bill. Then we see they're talking out of two sides of their mouths, saying that we don't need this and that it's okay because it's protected under the Charter of Rights and Freedoms. Well, if that's the case, if religious freedom is protected by the Charter of Rights and Freedoms, why not have Andrew Lawton's amendment introduced? Why take out the religious exemption to begin with?

I will leave it there for today. Maybe I'll come back another day and express some more concerns.

Thank you very much, Chair, for having me.

The Chair: Thank you.

We'll go back to Mr. Genuis.

Garnett Genuis: Thank you, Chair.

I have a lot that I want to say on this subject.

I am so encouraged by the fact that we have 14 Conservative MPs here. It's after 10 o'clock here in Ottawa. The committee needs four Conservatives at any given time. I count around the table 14 Conservative MPs who have come out to fight for freedom of speech and freedom of religion. I want to encourage folks at home that there are so many Conservatives, far more than need to be here, who want to be here to fight for your rights and freedoms and to oppose this attack on religious liberty.

I've already spoken a bit tonight. I'm going to cede my time now, because I want to hear what so many of these other great folks around the table have to say.

Chair, I'll ask you to add me to the list at the bottom.

Also, if you can, before we go to the next member, give us an update on your deliberations on how the justice minister violated the privileges of this committee by leaking confidential information and when you plan to make a decision on that.

Thank you, Chair.

The Chair: Thank you, Mr. Genuis.

Go ahead, Mr. Lawton.

Andrew Lawton: I think members of this committee will know that I think freedom of religion and freedom of expression are incredibly important. I've said on the record and will say again that Conservatives will stand firm and defend these fundamental liberties for as long as it takes.

I want to reiterate, in the interest of working across party lines and in the interest of collaboration, that we would much rather focus on issues that are not so divisive, toxic and, quite frankly, unconstitutional. We would love nothing more than to not have to debate my amendment to Bill C-9 that says a specific carve-out is needed to defend the freedom of expression and freedom of religion.

At this time, I move that we consider Bill C-14 so this committee can do work that is far more relevant to Canadians and fix the broken Liberal bail system.

The Chair: What's the motion again, Mr. Lawton? I'm sorry.

Andrew Lawton: That we proceed to the consideration of Bill C-14, the bail legislation.

The Chair: That's a dilatory motion.

(Motion negatived: nays 5; yeas 4)

The Chair: Mr. Lawton, thank you.

We're now on to Mr. Holman.

• (2215)

Kurt Holman (London—Fanshawe, CPC): Thank you, Mr. Chair.

First of all, I would like to say that I speak here in honour of and on behalf of the people of London—Fanshawe, but also for all Canadians, as attacks on freedoms are a detriment to the democracy we live in as we speak. When there are concerns with regard to the freedom of religion and the freedom of expression on the table, I, like my Conservative colleagues, will stand up, shoulder to shoulder,

to defend the freedoms that all of us Canadians do not take for granted, but take as part of the day-to-day process of being Canadians.

With regard to me, yes, I was recently elected as member of Parliament for London—Fanshawe, back in April of this year, 2025, but I come from the small town of Forest, Ontario, in between London, Ontario, and Sarnia. It has a population of 2,800. Forest is famous for having the oldest running movie theatre in the world. It was opened in 1917, just before the age of the talkies. The reason I bring up the opening age of 1917 is that, yes, it was Canada then, and we had the freedom of religion. Fast-forward to 2025, and now there are concerns at this committee that we will lose aspects of freedom of religion and freedom of expression.

On top of that, growing up in a small town, I went to an elementary school, a Catholic elementary school, but we did learn the various Christian religions that are in modern Canadian culture even up to today—Catholicism, Baptist, Anglican, the United Church—which my fellow colleague MP Jackson mentioned. There are also the religions of Muslims, Sikhs, Hindus, Buddhists, etc.

Now we stand here at this committee with concerns about religious freedoms. That is why I'm speaking here with concern regarding Bill C-9 and the Bloc amendment BQ-3, and the attack on freedom of religion and freedom of expression—concern that people of faith could be imprisoned for expressing deeply held religious beliefs that the government finds offensive. What the government may find offensive is so vague that it is alarming. That's it—just whatever the government may find offensive.

On that note, there are a few items that stand out. One, though some may find these beliefs objectionable, old-fashioned or even hateful, a free country does not criminalize the expression of sincerely held religious doctrines. Two, we debate, as a civil democracy, people we disagree with, not silence or attest them. Three, the courts have been clear that violence and calls to violence are not and never have been protected as free expression and are not done in good faith, as the defence requires. Four, this change will expose people of faith to criminal prosecution for the simple act of quoting their own sacred texts in person, in public or online.

I want to share some quotes from testimony that were shared with the committee. First, Derek Ross, executive director of Christian Legal Fellowship, said, "The courts have been very clear that one cannot simply embed a hateful message in a so-called prayer and expect to receive the benefit of that defence. The courts have specifically said that is not permitted."

The second quote is from Noah Shack, chief executive officer of the Centre for Israel and Jewish Affairs. He said, "I'll just say that the jurisprudence is clear that the religion defence cannot be used, as a Trojan Horse, to allow otherwise hateful speech to come through".

Another statement in regard to imam Adil Charkaoui comes from Mark Sandler, one of Canada's most respected and prominent criminal lawyers. He said:

He committed at least two offences. There's the wilful promotion of hatred against an identifiable group, and he also committed the offence of inciting hatred against an identifiable group likely to lead to a breach of the peace.

I heard the position was taken that he was expressing a view on a religious subject. That's nonsense. The defence would not be available to him. It wasn't made in good faith, and it was simply the wilful promotion of hatred.

Additionally, on that note, a person inciting violence on another group or another person is already embedded in the Criminal Code, not protected by freedom of religion. With regard to Bill C-9, why are we even here tonight? What is the point of this bill when the aspects that we're debating are already part of the Criminal Code?

● (2220)

I've received many letters from my constituents in London—Fanshawe, and I want to share one of the letters that was emailed to me. It was from a gentleman named Paul. He said that Bill C-9 represents an unacceptable assault on free expression in Canada. This bill would give the government the power to criminally prosecute Canadians for their opinions. It would lower the bar for what legally constitutes hate and would strip away vital safeguards that keep authorities from weaponizing laws against descendants. It risks turning controversial memes into crimes and silencing open debate through fear of prosecution.

My constituent urges us to take a clear stand for freedom of expression and do everything in our power to stop Bill C-9 from becoming law.

Paul, I am here at the justice committee, and I agree with you. We have to defend the freedom of religion and the freedom of expression. My Conservative colleagues and I stand up for these freedoms.

Another concern is that the Liberals and the Bloc are going down a slippery slope, slowly taking away these freedoms. I have to ask, what's next? It is December. It is the holiday season. Should we be concerned that singing traditional Christmas songs will be viewed as hatred? These are songs we hear every year, such as *O Holy Night*, *Hark! The Herald Angels Sing* and *O Come, All Ye Faithful*. I'm not talking about just Christian songs. Adam Sandler's *Chanukah Song* has been around for 30 years. If I sing that, do I have to be fearful of prosecution? Will I go to prison?

I just want to end by saying that I applaud my colleague MP Lawton for his amendment. I'll repeat the amendment for proposed subsection 6.1: "Nothing in this section is to be interpreted or applied so as to interfere with the freedom of expression or the freedom of religion", which I and my fellow Conservative colleagues are protecting as we sit here tonight.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Holman.

Ms. Jansen.

Tamara Jansen (Cloverdale—Langley City, CPC): Thank you, Mr. Chair.

I must say that I am disappointed I have to be here to speak to the need for religious freedom protection, but I'm very thankful to my colleague Mr. Lawton for the amendment he put forward to protect that freedom of religious expression.

There are days in Ottawa when the bills we debate come and go, barely remembered by the time we leave the committee room, and then there are days like today—days when the very soul of our country is at issue. What we're really dealing with right now is not a technical adjustment, a procedural tweak or a footnote in the justice system; what we're debating is whether Canadians should be free to speak from their conscience and whether that freedom can be stripped away because a government of the day finds those beliefs uncomfortable.

Today is one of those moments that will be remembered long after the politics of the day have faded. A future generation will ask us what we did when the freedom to speak one's faith was put at risk. Incredibly, the Liberals and the Bloc have struck a deal to remove key safeguards in the Criminal Code, safeguards that protect Canadians who speak in good faith about their religious beliefs and safeguards that the Supreme Court of Canada has already said are necessary to keep our hate speech laws constitutional—necessary, not optional.

Since the amendment supported by the Liberals and the Bloc passed, we're now in a situation where key safeguards in the Criminal Code have been stripped away, safeguards that protected Canadians' faith. Those protections existed for a simple reason: because people of faith in this country hold deep, sincere beliefs about morality, about human nature and about right and wrong. Some Canadians agree with those beliefs while others disagree, but in a free society, we debate ideas; we don't jail people for them.

With the earlier amendment now adopted, the risk is real that people could be investigated, prosecuted and even face up to two years in prison for simply quoting a verse from the Bible, the Torah, the Quran, the Guru Granth Sahib or the Vedas for the teachings of Buddha—in other words, quoting the very scriptures that shaped their lives.

This is not the Canada our grandparents built. This is not the Canada my family came to from the Netherlands after World War II or the Canada generations of immigrants chose as their home because this country promised something rare in the world: freedom of conscience and freedom from religious violence. That's why Mr. Lawton's amendment is so important. His proposal would add a new subsection 6.1, making this clear: "Nothing in this section is to be interpreted or applied so as to interfere with the freedom of expression or the freedom of religion."

This amendment doesn't undo all the damage of the previous change, but it does put a clear statutory road sign in front of prosecutors, judges and police that says, "When you apply this section, you must not trample freedom of expression and freedom of religion." It's a line in the sand that says that on the face of the law itself, these charter rights still matter.

The Bloc and the Liberals have justified their earlier amendment by pointing to the case of the Montreal imam. In 2023, he prayed for the extermination of Jews. What he said was vile, anti-Semitic and hateful, and it was already illegal. There's no religious defence for advocating genocide and there is no religious defence for the public incitement of hatred. The authorities could have charged him—should have charged him—but they failed to enforce the law, and that failure is now being used as an excuse to criminalize ordinary Canadians who simply express their faith sincerely. You don't fix one injustice by creating another.

We're now left to mitigate the damage. Mr. Lawton's amendment is one of the only tools left to this committee to send a clear message that Parliament does not intend this section to be used to interfere with core freedoms.

I want people to picture something for a moment. Imagine a mother standing at a school board meeting, reading a passage from her holy book, trying to explain a belief that her family has lived by for generations. Imagine a priest, a rabbi or an imam preaching a sermon drawn from their ancient texts. Imagine a Sikh leader explaining a teaching that's over 500 years old. Imagine a Hindu teacher quoting the Bhagavad Gita. Imagine a Buddhist sharing the words of a sutra.

- (2225)

In the wake of the amendment that just passed, those Canadians are now looking to see whether Parliament will offer any reassurance—any guardrail at all—that they will not be treated as criminals for speaking from their own scriptures. This is what this amendment does. It doesn't solve every problem, but it tells them this section is not supposed to be used to interfere with their freedom of expression or religion.

What troubles me even more is what was said in this very committee last week. The Liberal chair, Marc Miller, looked at scriptures cherished by billions of people—the Bible, the Torah—and said there is clear hatred in them. He singled out Leviticus, Deuteronomy and Romans, and then he said that prosecutors should be able to press charges when Canadians quote those books. Think about that. A senior Liberal, in charge of shaping our laws, believes quoting scripture should be grounds for criminal prosecution. If you want to understand why we need Mr. Lawton's amendment, it's exactly because those are the kinds of views that will guide how this law is interpreted.

Without some explicit protection, we move toward a country in which the government decides which verses from the Bible are acceptable, the state chooses which teachings of the Quran may be spoken aloud and prosecutors decide which parts of a sermon are safe and which are hate. When the state starts policing scripture, it's no longer protecting citizens; it's controlling them.

We already see this pattern across the country. In Ontario and elsewhere, doctors with religious objections to euthanasia have effectively been told to violate their beliefs or leave medicine. In Quebec, the government has already banned many public employees from wearing religious symbols. Now they're trying to restrict public prayer in parks, revoke accreditation from religious schools and scrub religious symbols from communications. They say it's neutral, but neutrality that bans faith is not neutrality at all; it's state-imposed secularism.

There was an old Dutch statesman and thinker named Abraham Kuyper who wrestled with this exact problem more than a century ago: How does a diverse society protect freedoms when people don't all believe the same things? Kuyper would tell us something very uncomfortable for modern governments: There's no such thing as neutral regulation of speech.

When the state claims neutrality but quietly decides which beliefs are acceptable to express, it's not neutral at all; it's picking a side. Secularism, for all its polite language, is not an umpire. It's a world view like any other, and when the state permits every ideology under the sun—political, cultural, even extreme—but suddenly tightens the rules when speech is rooted in faith, the problem isn't religion; the problem is honesty. A society that allows every belief except religious belief to speak freely is not pluralistic; it's selective, and it's pretending otherwise. True pluralism doesn't protect only comfortable speech or carefully edited convictions. It protects speech that's real, lived and sometimes unpopular, speech that actually costs something to say. That's the whole point of freedom of expression.

That's why we should all be very cautious of vague hate speech laws that are untethered from objective harm, because when freedom depends on saying the right things, it isn't freedom anymore. A government confident in a pluralistic society should not fear religious voices; it should trust Canadians enough to hear them and be strong enough to govern them without silencing them. Here, in this Parliament, instead of resisting the trend to prohibit free speech, the earlier amendment raced to meet it. Mr. Lawton's amendment is at the very least a way for this committee to say, "We've gone too far." We need to reaffirm in black and white that freedom of expression and religion still matter in this section.

Let me say, with the deepest conviction, that when a government declares that faith must retreat behind closed doors, it shackles the soul of its own people. Imposed secularism is not neutrality; it is the state asserting its own creed, insisting that the wisdom of our past—our ancient writers—must change, allowing a single, arrogant generation, which is a tiny slice of the history of the world, to impose its small ideas on the past, present and future of mankind. We ignore our ancestors' wisdom at our peril.

History teaches us a hard truth. Time and again, we see that oppression comes dressed in the language of progress, safety and uniformity, but beneath that language lies a quiet demand: that the principles of the individual must bow down.

● (2230)

It is the cold hand of power reaching into the consciences and souls of citizens, demanding obedience. Once that line is crossed, the state does not stop. It grows bolder, and a people that once spoke freely begins to whisper instead. When coercion enters the public square dressed as tolerance, we must speak with courage and clarity.

Witness after witness has told this committee that the good-faith religious defence was narrow. It didn't protect extremists. It didn't protect violence. It didn't protect hatred. It simply protected sincere people of faith who speak honestly from their traditions. That fence has now been removed. The least we can do is build another safeguard—an interpretive safeguard that tells courts and prosecutors not to use this section to interfere with fundamental freedoms.

I want my colleagues to understand this. Freedom of religion is not a niche freedom. It's not a private hobby. It's not something you do only in your home or your place of worship. For millions, it's the framework of their life. It's their moral compass. It's their sacred duty. It's the source of courage, forgiveness, charity, perseverance and hope.

This safeguard has existed in law for decades. It's not some Harper-era carve-out. The Liberal-era Parliament under Chrétien chose to expand, not shrink, the ability of people of faith to express good-faith opinions based on their scriptures. Successive governments, including the current Prime Minister's, left that safeguard in place for two decades. No federal government, Liberal or Conservative, moved to repeal it until now.

For the first time, a government is now not just enforcing hate-speech laws in cases of genuine extremism, but also stripping away the explicit protection of good-faith expression rooted in religious texts from the Criminal Code's hate propaganda provision. This is a major shift. If we're going to do something that serious, the very least we can do is adopt Mr. Lawton's amendment to signal that Parliament does not intend this section to be used to trample the freedoms of religion and expression.

For all these reasons, I support Mr. Lawton's amendment. It's not everything we wanted, but it's an important line of defence left to this committee. I urge colleagues, whatever their party, ideology or personal beliefs, to ask themselves a simple question: "Do I want to live in a country where this section can be interpreted in a way that interferes with freedom of expression and freedom of religion, or do I want the law itself to say that it must not be interpreted that

way?" If the answer is that they value those freedoms, I would respectfully urge them to vote in favour of Mr. Lawton's amendment.

Thank you.

● (2235)

The Chair: Thank you, Ms. Jansen.

Mr. Mantle, it's over to you.

Jacob Mantle: Thank you, Mr. Chair, for the opportunity to speak to Mr. Lawton's amendment.

I want to begin by saying I come to this committee this evening, and I think most come to this committee this evening, with a shared goal of combatting hate acts and acts that propagate or normalize hatred. That is a laudable goal. I think that goal is shared by all parliamentarians regardless of political stripe. Unfortunately, the amendment that was passed to Bill C-9, the Bloc and Liberal amendment that Mr. Lawton's amendment rightly seeks to undo, doesn't do that. That's why we need Mr. Lawton's amendment: to bring us back to safety.

I came to Parliament for many reasons: of course to represent my constituents and residents in the riding of York—Durham, but also to defend the liberty of Canadians, of all Canadians, across the country. I'm glad that I did, because I have seen time and time again a pattern of anti-religious and anti-Christian bigotry from this government. They may call themselves new, but they are just like the old anti-Christian bigoted government.

Whether it was a values test to receive summer jobs grants, this amendment to remove an integral part of our hate speech and anti-hate framework or seeking to remove the charitable status of religious organizations, time and again, when given the opportunity, the Liberal government chooses anti-Christian and anti-religious bigotry. I'm glad I'm here to defend the liberty of all Canadians to express their faith and their sincerely held religious beliefs. That's exactly why the protection of the defence in section 319 of the code is needed: to protect and defend Canadians from the types of attacks we have seen from the Liberal government.

It has been described as a defence, and it certainly is listed as that in the code, but I think there's another way to look at this provision. It's an integral part of our entire anti-hate framework. It's not just a defence, because the idea that we circumscribe the fundamental freedom of expression.... I'll remind members that in the charter, it's listed as a fundamental freedom, and we should give effect to that and we don't. To curtail freedoms requires a very careful balance, and the inclusion of this defence is an integral part of that.

The inclusion of it was a powerful signal by Parliament to Canadians and to the courts that the expression of sincerely held religious beliefs, including those based on a religious text, should not be subject to criminal sanction. It is equally a powerful signal when Parliament decides, or as the Liberals and the Bloc members have decided, to remove that protection. That sends a signal to Canadians and to the courts that this protection is no longer afforded to people who express those beliefs.

When Parliament acts through legislation, courts are required to give that effect. That's a basic premise of understanding and interpreting our law. For the Liberals to suggest this doesn't mean anything and freedom of religion is already protected, as the minister did in his letter before this committee sat tonight, is fanciful, wrong, ignorant. Frankly, it's unfortunate that the Minister of Justice would hold such a view.

There have been accusations by the Liberal members of hate against Conservatives. I see it all the time in the House. Now we see the Liberals and the Bloc removing protections from those who express religious beliefs. If accusations of hate can now be prosecuted, I wonder if we are coming vanishingly close to the idea of prosecution for a difference in political belief and religious belief by one party against another.

My Conservative colleagues and I will defend Canadians' freedom to debate, to challenge and to criticize without fear of sanction or censure by Liberal or Bloc members or by anyone else in Canada, and defend their freedom to express their sincerely held religious beliefs, including their sincerely held religious beliefs derived from a religious text. For as long as I have to sit here, Mr. Chair, for as many nights and as many hours as you wish, to hold up your own agenda with this bill, I will be right here defending Canadians' liberties.

• (2240)

Thank you.

Some hon. members: Hear, hear!

The Chair: Mr. Brock, it's back to you.

Larry Brock: Thank you, Chair.

I think this is my third intervention of the night. I want to share a personal story in this intervention. I think a few colleagues have probably heard it before. I don't know whether my Liberal colleagues have heard it, or my Bloc colleague.

I really enjoyed my time as a Crown prosecutor, but I was seeing things in my small community that, upon reflection, were happening in communities right across the country. I saw first-hand, post-2015, the ever-increasing crime levels.

There was a point in my career when my city of Brantford, the largest city in my riding, with a population of approximately 115,000, hadn't had one homicide on its books in about five years. It was something we were very proud of as a community. However, I saw the ever-increasing tide of organized crime moving from the GTA to southwestern Ontario. Before we knew it, we saw an increase in drugs. We saw an increase in weapons. We saw an increase in human trafficking. We saw an increase in violent stab-

blings and shootings. Before we knew it, homicides were on the rise.

When I left the Crown's office in 2021, we had 12 homicides on the books. I had carriage of four, as the senior Crown attorney in that office. I came to the conclusion that I was muted as an Ontario public servant in terms of advocating for change. I knew what was wrong. I don't want to get into those issues, because those issues will be properly dealt with whenever we get to the study on Bill C-14.

An hon. member: Is that tomorrow?

Larry Brock: Yes, possibly it's tomorrow.

I saw bad Liberal policies and bad Liberal laws first-hand. I said that if I'm going to be an instrument of change, I'm going to have to do it as a legislator. I couldn't do it as a public servant for the Province of Ontario. I left.

It has been my number one mandate since my election in September 2021 to be that instrument of change. I had been advocating strongly for four-plus years, pushing the government, making recommendations to the government and actually sitting down with the new justice minister, literally within days, post-election, after our return in the spring. I sat down with him for close to an hour and a half. I gave him a laundry list of ideas that he could use to immediately improve community safety across this country. Steal my ideas. Take them. Call them your own. I don't care. As I said earlier and will say again, community safety ought not be a partisan issue.

Never did I think, as I've been singularly focused on community safety, that as a proud Christian, as a proud Catholic, I would have to defend my faith in the people's house in a G7 country. That's what I'm forced to do today.

I'm absolutely proud and honoured to stand shoulder to shoulder with all my colleagues here today, including a collection of veterans. My colleague Melissa Lantsman and I were elected in 2021, but a lot of new members are stepping up, and will continue to step up, to fight for freedom of expression and freedom of religion.

I think if one thing can be said right now to the Liberal bench, it is that we will never give up. We will be relentless. I will sit until Christmas Eve if we have to, if resources are available. I will sit between Christmas and New Year's Eve. I will sit after January 1, 2026. We will continue to fight for Canadians' right to practise and to preach without fear of this Liberal government's intrusion.

I had the honour, since the announcement of this secretive deal being brokered last weekend, to attend a Catholic mass this morning. It was an invitation from my colleague Garnett Genus. It was held in the Father O'Sullivan chapel in East Block.

• (2245)

It was to commemorate the celebration of Juan Diego. Juan Diego is remembered as the first indigenous saint of the Americas. The appearance of the image of the Virgin of Guadalupe on his cloak in the 1500s astonished the Aztec people and has inspired centuries of scientific study of the time, with the image of Our Lady of Guadalupe today honoured in Mexico City.

As I sat there, I was pondering the homily given by the father, the priest. I listened to scripture read by a layperson. I looked around. I saw not only Conservative colleagues but also Liberal colleagues. Instead of being inspired by the word of the Lord, the first thought that came across my mind was this: Did that priest say anything that could be deemed offensive, that could somehow now attract criminal prosecution?

I say that because our Minister of Canadian Identity and Culture, who did a disastrous job with our immigration file, was promoted to the front bench, notwithstanding his vile, extremely offensive comments to any Christian in this country in which he determined that various books in the Bible are, in his words, offensive and worthy of prosecution. I was deeply offended by that.

To echo the words of my colleague Mr. Lawton, we can continue this. We are not going to give up. I think the Liberal bench should know that by now. However, what we can do as a committee is something collaborative and something Canada has been asking for for close to a decade. It's something that I have championed over the last four years.

With that in mind, Mr. Chair, I am resurrecting my motion to prioritize the consideration of Bill C-14, the bail and sentencing reform act, and ask that we work together to report the bill to the House at the earliest opportunity. I'm seeking unanimous consent at this time.

Anthony Housefather: No.

Larry Brock: I just heard a no from the Liberal member Anthony Housefather.

The Chair: Thank you, Mr. Brock.

Larry Brock: That says everything we need to know—that they do not prioritize and have never prioritized—

The Chair: All right. Thank you, Mr. Brock.

Larry Brock: —community safety.

Thank you, Mr. Housefather. Thank you so much.

Andrew Lawton: What [*Inaudible—Editor*] against religious people?

Anthony Housefather: [*Inaudible—Editor*] that stands up against the use of the notwithstanding clause.

The Chair: All right. That's enough.

Ms. Lantsman, you have the floor.

Melissa Lantsman (Thornhill, CPC): I'll take my time on the floor if the Liberal members opposite stop obstructing the committee.

The Chair: It's also your colleague to your left. It's happening on both sides, to be fair.

• (2250)

Melissa Lantsman: The obstruction on the committee of studying and looking at the Liberal bail system, which, as we have talked about over and over again tonight, is not seen as a priority.... In fact, it's odd to me that Liberals would stand in the House and talk about the obstruction of their own Liberal bail laws while obstructing their own legislation at committee.

We'll start from the beginning. We learned last week about a secret deal between the Liberals and the Bloc to eliminate the obvious safeguards that we've had in this country for a number of years, for a number of decades, regarding the expression of religious freedom. When we come to Parliament, I think if we grew up in the background that many of us grew up in, in communities.... I was raised by my community and, indeed, by my family, who moved to this country so they didn't have to practise religion behind a curtain and light candles under floorboards, which is dangerous but obviously what they would have had to do in the Soviet Union to be able to practise freely.

I have to say that over the better part of the last two and a half years, we've seen, particularly in the community I represent and come from, an explosion of anti-Semitism. We've seen gunshots at schools. We've seen firebombings at businesses and protests on a weekly basis in residential neighbourhoods. This is what this is predicated on trying to solve. The problem is that Bill C-9 doesn't do any of that and wouldn't stop any of that.

It is sad that trying to convince a community coming in at the eleventh hour.... Remember that when Bill C-9 was introduced, it was a day after the government recognized the Palestinian state. That's exactly why Bill C-9 had an announcement when it did, which is shameful in its own right, to try to distract from the absolutely vitriolic relationship that this government has created with the Jewish community and a long-standing democratic ally. That's why Bill C-9 was introduced.

Particularly on this amendment, there is no reason that anybody should come here to fight on behalf of their community, fight the scourge of anti-Semitism in the community, fight what's going on in the streets and fight what's going on in schools, in universities, in every institution, in labour unions, in our university faculty clubs and in police forces themselves if they don't do it on the basis of something they believe in. Taking away the right to believe that is a very big problem in the country.

I don't think anybody would fight the fight that our party, our leader and I have been fighting for the better part of two years if they didn't do it from a place of deep religious belief. This isn't about a state or conflict on the other side of the world. It is rooted in the value of Torah and religious scripture—not necessarily if you're Jewish but if you're Christian, if you're Muslim, if you're Hindu or if you're Sikh. If you're not fighting for the things you believe in, not fighting on the basis of that and not fighting to protect them, then there's no point of doing any of this at all.

That's why I think Mr. Lawton's amendment is important. What I don't understand is how it could be interpreted as anything other than the protection of the freedom to believe what you want to believe, because none of what has been expressed by either the Bloc or the Liberals, who have aligned themselves with the Bloc and who used to stand up against this stuff.... None of what they have said would be prosecuted would have been prosecuted.

• (2255)

This was already against the law. We see it in communities over and over again, on every weekend and after every weekend, and I'm oftentimes the only one to stand up and denounce it, and at great peril. It's because I believe fundamentally that you should be able to practise your religion in this country. You should be able to hear your religion preached. You should be able to teach it in school, because it is a fundamental value in fighting for the things we fight for.

My background is not dissimilar to the background of so many other Canadians. My parents came here from the former Soviet Union. My father was an uncredentialed engineer. He drove a taxi and put my mom through school, and in one generation we went from the front seat of a taxi to the front row of Parliament Hill. That can only happen here.

One of the fundamental reasons they moved here was so they could be who they wanted to be and practise the religion they wanted to practise out in the open. They weren't relegated to a corner. Jews in the Soviet Union were subjugated to punishment or much worse throughout history. They came here for one of those freedoms. They came here to be able to raise their children the way they wanted to, to be able to stand up for what they believed in and to be able to have that protected in law.

To watch the party that once believed in all of those things line up with the Bloc and put all of that in jeopardy, you have to wonder if saying anything at all against hate in this country is ever going to be worth it with members opposite in this committee.

We've said these things. We've defended communities at great peril to our own safety and to the safety of our families, and I think all of that is worth it because it's predicated on the fact that we are protecting the fundamental freedom to believe what we want to believe in this country. I don't have to believe what everybody else believes and nobody has to believe what I believe, but I believe in the right to protect it, because without that, we lose it all.

I think Mr. Lawton's amendment is critical. It is critical to send a message to all Canadians who have faith—and to those, frankly, who don't—and tell the world and the rest of the G7 and the G20, if you will, that this is a country based on the rule of law, democracy and freedom, the values that we used to hold as shared values. I wouldn't want to think that the last two years of advocacy on behalf of any community, whether it's the community that I come from or any other one that I have stood up for and fought for, are in jeopardy because the Liberals want to make a deal with the Bloc.

I can't imagine that anybody who stood up for their community could support their amendment or would support making a deal to eliminate any of the safeguards that go to the critical centre of the way many of us were raised and the way many of us live in our

communities and interact with our communities. If the thought you have when going into a place of worship is to wonder whether what the clergy at the front of the room is saying is criminal or not, I think we have a very big problem in this country.

We will sit here day after day and hour after hour. I have spoken to 50 rabbis today, and I will speak to 50 more before tomorrow is over, and they too will express their concern on this. They too will express the same concerns that all clergy in this country will express on this piece of legislation or on this amendment.

• (2300)

We haven't even gotten to how it all started and the rest of Bill C-9, but for all those watching, particularly in the Jewish community, if you think this legislation will protect you, it will not. It will be used against you. The very same people who purport to protect the community will use this legislation against you. It happened with Bill C-63, and they were wrong on that.

You cannot have freedom in this country when you curtail freedom. You cannot have safety and security for a community if you're going to pick and choose which verses out of which books you're going to defend. I will not stop sitting here, not for a single hour of a single day. My life has changed over the last number of years, and it's for standing up for a community that I believe in. There is no chance that being under 24-hour RCMP protection is ever not going to be worth it.

I will continue to say the things out loud that many of my colleagues and that many in government and far too close to government do not have the courage to say. I will never be silenced from saying them, not by this amendment and not by any piece of legislation that we will ever allow to come through this House.

With that, I am happy to have other colleagues who have come here—who have cancelled all of their plans and who I'm sure are happy to cancel all of the rest—do this. For those who can't do this on Christmas Eve, I am happy to fill that role. I can do it on Christmas Day, and I can do it every other day of the week. I'm happy to sit in for my colleagues, who have stood up for me when this government did not.

Mr. Chair, I'm happy to cede my time to the many other Conservative members who are here fighting for your rights.

Some hon. members: Hear, hear!

The Chair: Thank you, Ms. Lantsman.

We have Mr. Genuis again, and then it's Mr. Viersen.

Garnett Genuis: All right, Chair. I think I'm going to be brief again and go to the bottom of the list, because I know Mr. Viersen is eager to get in on this. I was going to pre-empt his comments by discussing how the investiture crisis was more important for the development of the notion of the separation of church and state than the Reformation was, and I know he would be interested in that. I'll pick up on that later on.

Can you add me to the list again right after you update the committee on how you're planning and when you're planning on ruling on the Minister of Justice's violations of the privileges of this committee by leaking documents that were clearly the property of the committee? Can you provide an update to the committee on when you're going to rule on the justice minister's violation of the privileges of this committee?

After that, I look forward to hearing from Mr. Viersen and then following up once it becomes my turn again.

The Chair: I'm going to ask you, Mr. Lawrence, to get a pen and paper and write this down: It's under advisement. Every time Mr. Genuis speaks, you can slide it in front of him for the rest of the evening. Thank you.

Mr. Viersen, we're pleased to have you at the justice committee. I've been a member of this committee for some time, and we've been anxiously waiting for you to appear. In fact, we were trying to get you to come here last year for your private member's bill, which was the last time the Conservatives filibustered this committee. Thank you for joining us tonight.

Arnold Viersen (Peace River—Westlock, CPC): Thank you, Mr. Chair.

Mr. Chair, I'm not Wade Chang. I did try to take the name tag down.

The Chair: That's why I called you Mr. Viersen.

Arnold Viersen: I would like it to be moved over.

Wade Chang: What are you doing?

Arnold Viersen: I'm not Wade Chang.

Wade Chang: I'm a regular member of this committee.

The Chair: Mr. Viersen, I addressed you as "Mr. Viersen".

Arnold Viersen: Thank you, sir.

The Chair: Let's not make a mockery of the proceedings. You have the floor.

Arnold Viersen: I'm not making a mockery. I'm just noting that my name is not in front of me. This says "Wade Chang".

Anju Dhillon: Then slide over to your colleagues.

Arnold Viersen: That is not my name. When it shows—

The Chair: We've established that now. You've known that for your whole life. We now all know that, and so does everybody watching the committee now.

Some hon. members: Oh, oh!

The Chair: If you want to address the amendment at hand, do so. Otherwise, I'll move to the next speaker.

• (2305)

Garnett Genuis: Chair, on a point of order, is this another matter of privilege? Could you take this under advisement as well?

Arnold Viersen: Mr. Chair, I appreciate that you know who I am and what my name is. I'm appreciative that you recognize me.

The Chair: Now your name is in front of you, so you'll make no mistake yourself. Go ahead. Just keep looking at it and reminding us.

Please move on to the amendment.

Jacob Mantle: If we're supposed to take this seriously, so are you, Mr. Chair.

The Chair: I'm trying to.

Arnold Viersen: Mr. Chair, with the absence of my name, it would look like Mr. Chang was speaking, because I don't know who Mr. Chang is or who I am. I was just trying to remove his name from my shot. You will notice that he is not in the shot, but I am.

Larry Brock: The name still is.

Arnold Viersen: My name is now there. We should be good to go. It was never my intention—

The Chair: Mr. Viersen, this is very enlightening, but please get to the point. Your name is there. We know your name. Everybody knows your name.

Get to the point, please.

Arnold Viersen: Mr. Chair, it was never my intention to raise this. I was merely trying to move his name out of the picture shot, and that started an argument.

Wade Chang: You did it in a very rude manner.

Arnold Viersen: Thank you, Mr. Chair.

I had a plan of where to begin, and this is not it, so I don't know where to begin now. Nonetheless, I would like to address the amendment brought forward by Mr. Andrew Lawton.

I don't know about you, Mr. Chair, but I don't remember the first time meeting Mr. Lawton. However, I do remember listening to Mr. Lawton on a podcast for a long time. Even today, when I hear his voice, I think I'm still listening to a podcast. Oftentimes, I'm listening to him through one of these earpieces, so it gets me a little discombobulated, but I'm really excited that he is our new colleague here in Parliament. I welcome him.

I remember one of the first conversations I had with Mr. Lawton when he got here. It's always fascinating to me to ask new members of Parliament what they did before and what motivated them to come onto the field, so to speak. He said to me that defending the freedom of expression, the freedom of speech and the freedom of religion has been a major motivator for him. I took that for what it was, and I appreciated it, as these are things I care about as well.

I reflected upon what had motivated me to get involved. The defence of the province of Alberta, the defence of firearms owners and the defence of the Christian faith were all things that motivated me, yet often, we do not get to tangibly capture those things.

Tonight we're debating an amendment by Andrew Lawton that does precisely the thing he told me he came here to do, which was to defend the freedom of expression and the freedom of religion. It is not often that you get to come to Parliament and do, in as many words, exactly the thing you came here to do.

The fact is, Mr. Lawton made the decision to become a member of Parliament and pursue that many years ago—probably at least two years ago. Mr. Lawton knew this was a threat. He knew this was a threat more than five minutes ago, more than whenever he got to draft this amendment. He knew this was a threat, and that's what motivated him to run. That speaks to the trajectory the Liberal government has put this country on. That speaks to what's happening to our country when we open our eyes and look around us.

I sit on the veterans affairs committee. We've been dealing with veterans' mental health and the things that drive them to take extreme action. One thing they say is that they don't know what they fought for. They don't recognize the country they came back to.

I think that's what Mr. Lawton was motivated by as well: to build a country that's worth defending. I don't know where his grandparents came from, but my grandparents moved here from the Netherlands after being liberated by the Canadians. They moved to a country that was going to defend freedom, that was going to defend the freedom of religion. That was a motivator for many people.

I appreciate that Mr. Lawton put his name forward to run for our party. I think we have been defenders of the freedom of religion.

I remember that when I first got here, one of the first things the Liberal government did was shut down the office of religious freedom. It had a special ambassador dedicated to the defence of freedom of religion. That was one of the first things the Liberal government did.

The Liberal government has not been known as a spendthrift government. They have been known to run deficits for as long as I've been around here. They said there were going to be modest deficits. That has definitely not been the case. They did not seem to have fiscal responsibility in their repertoire, but nonetheless, the thing they had to cut from the get-go was the office of religious freedom. Perhaps that was the tipping point, the thing Mr. Lawton noticed: that religious freedom and the freedom of expression were under attack.

• (2310)

We've seen multiple things coming from the Liberal government and through the courts that the Liberal government has failed to defend when it comes to religious freedom. We saw prolonged attacks against religious organizations with the summer jobs attestation. In that situation, the Liberals denied it and said that wasn't what was happening, and then when it eventually came out that that was indeed what was happening, they backed down and paid millions of dollars out to organizations that had sued the government. You'd think what happened with Canada summer jobs would have taught

the government a lesson, but, no, the next year, the Liberals took a run at it again with a separate form and a checkbox on the Canada summer jobs initiative. It seems they've backed down on that, but they brought forward two recommendations from the finance committee to revoke religious organizations' charitable status.

Those are just the very tangible things, but I think Canadians from across the country have felt the push from this government to relegate religious practice and religious thought inside places of worship. The Liberals seem to be concerned about what goes on inside those places. I recall that it was a tradition in the past that the police wouldn't enter places of worship, and then we saw during the pandemic that police were ready to enter places of worship. The state's encroachment on places of religion and freedom of religion....

It was with good reason that Mr. Lawton told me that when he first got elected, he was motivated to protect these things. I am happy to support the amendment from my colleague, and I look forward to the time when we're able to vote on it.

Thank you very much, Mr. Chair.

The Chair: Thank you Mr. Viersen.

Mr. Gill.

Amarjeet Gill: I'll go to the bottom of the list and cede my time to fellow members if they want to speak.

The Chair: That takes us to Mr. Jivani.

Jamil Jivani (Bowmanville—Oshawa North, CPC): Thank you, Mr. Chair.

I speak, of course, in favour of Mr. Lawton's amendment.

Tomorrow morning, there will be hundreds, if not thousands, of churches across our country opening their doors to feed their neighbours. There will be hundreds, if not thousands, of churches across our country opening their doors to offer counselling to heartbroken couples at risk of separating. There will be hundreds, if not thousands, of churches opening their doors to help people overcome addiction and a whole host of other challenges.

The message these churches should be receiving from their government is one of respect, encouragement and gratitude for the services they provide for struggling people and people who need hope. Instead, what they are getting from their government is ridicule, disrespect and outright attacks on their foundational beliefs—the very beliefs that motivate them to be good citizens, good neighbours, good fathers and good mothers.

The situation we find ourselves in, even having this conversation, is crazy. In the process of disrespecting these very important Canadian institutions, we have seen hypocrisy exposed on the part of two political parties in this room. On the part of the Bloc Québécois, we see a political party that says it's very concerned about the overreach of the federal government, yet comes here to Ottawa begging the federal government to have more power over the people who send them here—shamefully.

• (2315)

Rhéal Éloi Fortin: On you.

Jamil Jivani: On you. You are a hypocrite.

On the part of the—

The Chair: Mr. Jivani, I know you arrived an hour ago. We had a thorough discussion earlier on about language and decorum, and people from all sides agreed not to make accusations and use language like that.

Jamil Jivani: I wasn't here to make that agreement.

The Chair: Nonetheless, you said it and it's inappropriate, so I'm going to ask you to apologize.

Jamil Jivani: That's not going to happen.

The Chair: All right. We'll move on to the next speaker, then.

Mr. Lawrence, you have the floor.

Garnett Genuis: I have a point of order, Chair.

The Chair: What's your point of order?

Garnett Genuis: It's a point of order, Chair.

First of all, there is no precedent for calling the specific language Mr. Jivani used unparliamentary. Members are welcome to disagree with it, but the whole discussion on this bill is about the fact that speech you might disagree with is not necessarily speech that should be made illegal.

The Chair: Mr. Genuis, you're now getting into debate. You've made your point of order.

Garnett Genuis: Yes. I'm debating a matter of order.

The Chair: No. You've made your point of order. You're now in debate. I'm going to stop you from speaking now.

Mr. Jivani called a member of Parliament a hypocrite. I'm moving on to the next speaker. It is Mr. Lawrence.

Jamil Jivani: On a point of order, I was also going to call the Liberal Party a party of colonizers and imperialists, just to add—

The Chair: Mr. Jivani is welcome to add his name to the speakers list later on.

Jamil Jivani: Please add me to the list.

The Chair: It's late in the evening. We're not going to tolerate that type of behaviour.

Mr. Lawrence, the floor is yours.

Jamil Jivani: I'm happy to say that again.

Andrew Lawton: We challenge your ruling.

The Chair: Fine. You can challenge whatever you want. That's your right.

Garnett Genuis: There is a standing order that allows this to be appealed directly to the Speaker if you deprive him of the floor. You probably don't know that, but it was adopted as part of a provision that Bardish Chagger brought forward.

The Chair: All right. Thank you, Mr. Genuis.

Garnett Genuis: You're welcome.

The Clerk of the Committee (Christine Holke): I'll take the vote on whether the chair's ruling should be sustained.

(Ruling of the chair sustained: yeas 5; nays 4)

The Chair: Mr. Lawrence, you have the floor.

Philip Lawrence (Northumberland—Clarke, CPC): I wish to confirm Mr. Jivani's comment that the Bloc are hypocrites.

An hon. member: Big time.

The Chair: All right. We'll move on. We can do this all night if you want.

Mr. Holman.

Melissa Lantsman: I have a point of order, Mr. Chair. Is there a list of words that you're not okay with that you can provide to the committee?

The Chair: If you're going to sit here and call another member of Parliament a hypocrite, then yes, we'll keep doing this over—

Melissa Lantsman: I believe he did not call another member of Parliament a hypocrite.

The Chair: He did. I've ruled on it once. I've ruled on it a second time.

Melissa Lantsman: This is not the same thing.

The Chair: What's your point of order, then?

Melissa Lantsman: My point of order is whether there is a list of acceptable words in this committee. Is that where we're at now?

The Chair: It's not an exhaustive list.

Thank you.

Melissa Lantsman: What is the list?

Jacob Mantle: There's more.

The Chair: Mr. Holman, you have the floor.

Andrew Lawton: I have a point of order. It's the same incident, but it's a different point of order.

The Chair: Let's hear it.

• (2320)

Andrew Lawton: You ruled on Mr. Jivani's comment. We challenged your decision and moved on. The comment made by Mr. Lawrence was not impugning an individual member; he made a general comment about a party. There is no precedent at all that I'm aware of and no standing order that prohibits that. It is certainly not the same as what you ruled on in the previous member's intervention. We are free in the House and in this committee to make a range of comments about parties broadly, which are not about people.

The Chair: Okay. You've made your point, Mr. Lawton. That's no longer a point of order. We're getting into debate.

Andrew Lawton: It is a point of order.

The Chair: Mr. Holman, you have the floor.

Kurt Holman: Mr. Chair, I was really enjoying the speech that Mr. Jivani was giving. May I yield my time to allow the gentleman to continue with this speech?

The Chair: No. We'll continue with the speakers list if you don't want to speak.

[*Translation*]

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

[*English*]

The Chair: Go ahead, Mr. Fortin.

[*Translation*]

Rhéal Éloi Fortin: Mr. Chair, I did not hear our colleague Mr. Jivani apologize, nor did I hear him withdraw his words. I therefore request that he withdraw his words and apologize.

[*English*]

The Chair: Thank you, Mr. Fortin. That's exactly why I took his time away and moved to the next speaker. He refused to apologize. That's why I moved on.

Rhéal Éloi Fortin: You'll have to speak louder.

The Chair: I'm sorry. He refused to apologize. He refused to retract his comment, which is why I moved on to the next speaker.

We're back to Mr. Genuis.

Garnett Genuis: I was wondering if I'd be allowed to read a descriptive text that calls someone a hypocrite, or if that would also be deemed unparliamentary and illegal under the relevant legislation.

Since Mr. Jivani is coming up on the list again, I'll ask you to add me to the bottom of the list and strike my position for now.

The Chair: I'll put it this way: Mr. Jivani is not going to speak again until he retracts those comments.

Garnett Genuis: Okay. Then I would like to raise a question of privilege. It is not merely a matter of order but a matter of privilege that members be allowed to speak before committee.

Mr. Chair, you're relatively new in your position, but your authority as chair is not in right of you as an individual; it comes from the rules. It is a reflection of the office you hold. There have been multiple occasions today when you have not respected established rules. It is an established principle that members have a right to speak, and if you deprive members arbitrarily of the right to speak, end their time or deprive them of the floor, these matters are appealable directly to the Speaker of the House. Regrettably, I can't remember the specific standing order—someone will tell me in due course, and I know it's in there—but uniquely in the case where a member is cut off from speaking, members can appeal directly to the Speaker, who can overturn the judgments of a chair and nullify all subsequent proceedings.

In any event, this is a matter of privilege. Mr. Jivani is a duly elected member of Parliament. You're welcome to disagree with him, and Mr. Fortin is welcome to disagree with him, but he has a right to speak. There are plenty of instances where members.... I can think of when Mr. Erskine-Smith dropped a few F-bombs at a committee in the last Parliament, and he was encouraged to be more appropriate in his language, but he was not deprived of his rights as a member of Parliament. You cannot simply decide to deprive someone of their right to speak because you don't like what they said. That is a violation of their privileges.

I would encourage you to consider whether this is a matter touching on privilege, and if you find it is, I will be prepared to move the appropriate motion.

The Chair: Mr. Genuis, let's do it this way. I've been in the position of chair of this committee for a week now. I've served as a committee chair for over six years. I notice you've never sat in the position of a committee chair.

Some hon. members: Oh, oh!

The Chair: There's a reason for that, I suspect. Nonetheless, under the circumstances, suggesting I've denied anybody an opportunity to speak is verging on laughable considering we've been here for seven hours listening to people speak over and over again—this might be your 10th or 11th intervention; I've lost track—so it's an accusation with no merit.

Having said all that, I think the best course of action right now, since our resources end in a few moments, is to suspend this meeting for the day.

● (2325)

Garnett Genuis: Chair, I've raised a question of privilege. You have to rule on the question of privilege.

The Chair: The meeting is suspended.

[*The meeting was suspended at 11:25 p.m., Tuesday, December 9*]

[*The meeting resumed at 8:36 a.m., Thursday, December 11*]

● (5635)

The Chair: Good morning, everybody. I'd like to resume the meeting.

There are a couple of housekeeping matters before we pick up where we left off. I'm not going to read through all of the usual pieces before we get going. I was going to say that people know how to behave, but maybe I won't say that. However, I do want to say thank you to our witnesses for joining us again and for being so incredibly patient the other night. It was a long night, and I expect nothing different today, frankly, so I'll say thank you in advance.

I have a speaking list, which I've carried over from last time.

Ms. Lattanzio, do you have your hand up for something? I'll get to the speaking list in a minute.

● (5640)

Patricia Lattanzio: Thank you, Mr. Chair.

As we begin our day today, the meeting has been scheduled from 8:30 to 4:30 to pursue our study on Bill C-9, which is the combating hate act. I hope that today we will be able to finish our clause-by-clause. There aren't many articles left. Canadians across the country have asked us to come up with legislation to tackle the issue of hate in this country, so I sincerely hope we'll be able to get through it.

As you witnessed in the last meetings, Mr. Chair, there have been—

Garnett Genuis: I have a point of order.

Patricia Lattanzio:—interventions non-stop, and quite frankly and quite clearly, there's been a lot of filibustering around this bill, for reasons beyond my comprehension. I sincerely hope that today, members opposite will, as you said in terms of comportment and behaviour.... I do not want to see what happened at the last meeting in terms of the issuing of insults and the making fun of members on this committee. I sincerely hope that decorum will be maintained today.

The Chair: Thank you, Ms. Lattanzio.

Garnett Genuis: Mr. Chair, I have a point of order.

The Chair: Yes, I'll get to you.

Can I just say something off the top? Look, things got a little messy during the last part of the last meeting. I've spoken with a number of you individually. I don't want to have to cut people off or take the floor away from people.

We can stay here for days and days if people wish. All I'm asking is that people respect everybody else around the table. I don't want any name-calling or nonsense about people sitting beside people. Just cut all of that stuff out, please—that's all I'm asking. It will make my life a whole lot easier and yours a whole lot more enjoyable, and anybody who happens to be watching will have a whole lot more respect for all of us.

That's my ask for the day. I hope I don't have to discuss this again at any point.

Mr. Brock, you have a point of order.

Larry Brock: Yes. I recognize that I am not first to be recognized for substantive comments. This is more of a housekeeping and scheduling issue.

Mr. Chair, I believe the original notice that I read yesterday had us going to 5:30 today. Ms. Lattanzio indicated 4:30. I would like clarification on that. I would also like clarification on whether or not we are sitting tomorrow. I would like clarification on whether we are sitting all next week. I would like clarification on whether we are sitting the following week, right to Christmas Eve. I would like clarification for the week between Christmas and New Year's Day. Furthermore, I would like clarification on whether you plan on sitting the week of January 5, the week of January 12 and the week of January 19, until we return and resume our winter and spring session.

Mr. Chair, if you could clarify that for us, that would be very helpful for our organizational planning.

The Chair: I admire your work ethic, Mr. Brock.

Look, as you know, our ability to have meetings is largely dependent, in some circumstances, on resources being available. I have looked into those resources in the short term for tomorrow and next week. I don't have any response yet.

Larry Brock: Will you have a response before the end of this day?

The Chair: I'll keep asking. I'll find out. I will let you know when I know.

Just so we're clear, yesterday I had resources available for three hours, but because of other events that were taking place, I thought

it would be nice if we didn't have a meeting. I've explained that to some of you. I hope people respect that.

Mr. Brock, I will find out. I've made the inquiry and I'll let people know.

Larry Brock: I just want it put on the record—

The Chair: No, I understand that people want to—

Larry Brock:—that the Conservatives are prepared to sit every single day, if necessary, to defend my holy Bible and the other holy books around this table. I will never stop that pursuit.

The Chair: Mr. Brock, I'm glad you brought that Bible, because it's my Bible too.

Larry Brock: Good.

The Chair: I was born and raised, and I am, a proud Catholic. I think everybody around this table has strong religious beliefs. We all share that sentiment.

As for the speakers list, I think Mr. Gill was first.

Garnett Genuis: No, I had the floor.

• (5645)

The Chair: No. I have the list from last time. It's Mr. Gill.

Garnett Genuis: I had the floor. You had given me the floor, and I was speaking.

The Chair: No. You had a point of order. I remember it well. It's Mr. Gill.

Garnett Genuis: No, Chair.

The Chair: Mr. Genuis, we can start off this way. You will have ample opportunity to speak. Mr. Gill is the next speaker. I will add you to the list again.

Garnett Genuis: I look forward to hearing from Mr. Gill, but I had the floor. Could you read out the speakers list that you have?

The Chair: Yes. I have Mr. Gill and then Mr. Viersen.

Garnett Genuis: Well, put me on the list, then, Chair.

The Chair: Yes.

Hold on. Let's make sure we have everybody.

Who had their hand up?

Garnett Genuis: Do you have me on the list now, Chair?

The Chair: Yes. Don't worry.

(On clause 4)

The Chair: Mr. Gill, you have the floor.

Amarjeet Gill: Thank you, Chair.

Good morning, everyone.

We are all committed to working around the clock, if needed, to help Canadians, and especially the residents in my riding of Brampton West.

Let me begin by saying that every member of this committee, every party and every Canadian agrees that hate-motivated violence and genuine incitement have no place in our society. Not one of us is here to defend it. Not one of us is here to defend hatred. We are here to defend freedom—freedom of expression, freedom of thought, freedom of peaceful assembly and, most importantly for my constituents in Brampton West, freedom of religion. I was elected by the people of Brampton West to stand up for their rights and to voice their needs.

• (5650)

Bill C-9, with its sweeping changes to the Criminal Code and the troubling removal of the religious text protection, puts those freedoms at risk. As Conservatives, we believe that when legislation grants the state more power over speech, belief and lawful expression, we cannot just wave it through based on its title or intent. We must scrutinize the consequences, especially the unintended ones.

Let me say that while we are spending precious committee time debating this amendment to Bill C-9, violent repeat offenders are being released back into our communities daily. The bail and sentencing act, Bill C-14, should be our priority. Canadians are begging us to move on that bill.

This amendment suppressing religious expression would have a significant impact on communities across the country, especially in my riding of Brampton West. Brampton is a community full of religious diversity, so when Bill C-9 proposes to remove the long-standing good-faith religious text defence under section 319 of the Criminal Code, my community is alarmed, because a law that is vague, overbroad and lacking safeguards can misinterpret religious doctrine as criminal speech.

That could depend on who holds power or how prosecutors interpret a passage, so this amendment leaves Canadians worried. Will reading a scripture, quoting doctrine or discussing moral teachings become a legal risk? Will religious leaders be forced to self-censor deeply held beliefs to avoid being dragged into a criminal process?

The government's defence of Bill C-9 tends to rely on assurances rather than clear statutory language. However, these concerns are not nearly as loud as the concerns I'm hearing from the residents of Brampton West about the rise in crime across the country. Across levels of government and across political parties, there has been a demand for immediate bail and sentencing reforms, so it is astonishing that this committee is prioritizing the regulation of religious expression instead of fixing a broken bail system through Bill C-14.

Canadians have been crystal clear that dangerous repeat violent offenders being cycled in and out of the system is a crisis. Instead of saving lives, the Liberals are delaying bail reform with yet another speech-control bill. Yes, hate speech is an important issue, but repeat offenders are terrorizing communities. People are scared, and they want change. Once again, it appears that the government would rather police words than confront violent criminals.

If we are asked to trust that the law won't be used unfairly, that means the law is capable of being used unfairly. A right protected by prosecutorial discretion is not a right; it is a gamble. That is why the existing religious text defence has been so important. It provides a clear, objective, constitutional safeguard. Removing it strips

away certainty and replaces it with political interpretation. These uncertainties should not be written into criminal law. Meanwhile, none of these uncertainties compare to the very real certainty that the bail system is failing Canadians, which Bill C-14 directly addresses.

It is no wonder that Canadians are demanding action on sentencing reform, not more speech policing. The most common argument I hear in favour of Bill C-9 is that we need to do something about hate. I agree that we do, but the Conservatives' position is that the best way to combat hate is to punish actual harm and not to suppress legitimate speech or belief. We must target perpetrators of violence, defacement, intimidation and incitement, which are already illegal. Conservatives support strengthening penalties for genuine hate-motivated crimes, but we do not support granting the government broad new powers to criminalize speech simply because it is unpopular, uncomfortable or rooted in one's faith or religion.

As I mentioned, Canadians are worried about this amendment, not because they are hateful, but because they are uncertain of the restrictions imposed. Uncertainty is the enemy of freedom. The Criminal Code should be clear, narrow and predictable. Bill C-9 is none of those things.

The government has not produced a single compelling case showing that hate crime prosecution has failed because of the religious text defence—not one. If a safeguard has not impeded justice, why remove it? The answer is ideological, not practical.

Meanwhile, the practical, urgent work of protecting Canadians through bail and sentencing reform and the measures outlined in Bill C-14 remains sidelined. This is also unacceptable.

Conservatives believe in targeted, effective, charter-compliant measures to address hate. We support stronger penalties for violent hate-motivated crime; more resources to protect synagogues, mosques, temples, gurdwaras, churches and community centres; education programs that extend interfaith understanding; and police training focused on actual threats rather than subjective speech.

What we do not support is turning the Criminal Code into an instrument for regulating religious discourse, moral teachings or peaceful expression. Canada does not need more restrictions on thought. It needs more unity, more dialogue and more respect. To put this in simple words, Canada needs the bail and sentencing act, Bill C-14, far more than it needs another expansion of the hate speech law. Canadians want stronger consequences for violent crime, not another debate policing beliefs.

Legislation that touches fundamental freedoms must be drafted with reason, precision, humility and a clear respect for charter rights. Bill C-9, as currently written, fails that test. It expands state power without a clear definition. It removes vital safeguards. It chills legitimate religious expression. It replaces constitutional clarity with political discretion, and it threatens the fabric of open, pluralistic communities like Brampton West.

We can and should take action against real hate, but Bill C-9 goes far beyond that purpose and risks undermining the very freedom that defines us as Canadians. At a time when violent crime, repeat offending and unsafe communities are top of mind for Canadians, our committee should be dealing with Bill C-14, real justice reform, not debating how to restrict religious expression.

Let us protect Canadians not only from violence but from unnecessary government intrusion.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Gill.

Mr. Genuis, do you want the floor?

Garnett Genuis: Thank you, Chair. I appreciate having the floor back, and thank you for the conversation we had.

I wasn't going to start here, but it's relevant to some issues of committee process and the underlying issue. I want to start with a bit of a reflection on rules of order, the rule of law and how they relate to Bill C-9.

I'm very fond of a particular passage from the famous play *A Man for All Seasons*, which I've probably read into the record half a dozen times in various fora in my time as a member of Parliament. I assume many members will know the context, but this is an exchange between William Roper, who would become Sir Thomas More's son-in-law, and Sir Thomas More himself.

Roper says to More:

So now you'd give the Devil benefit of law!

More says:

Yes. What would you do? Cut a great road through the law to get after the Devil?

Roper says:

I'd cut down every law in England to do that!

Then More says:

Oh? And when the last law was down, and the Devil turned round on you—where would you hide, Roper, the laws all being flat? This country's planted thick with laws from coast to coast—Man's laws, not God's—and if you cut them down—and you're just the man to do it—d'you really think you could stand upright in the winds that would blow then? Yes, I'd give the Devil benefit of law, for my own safety's sake.

The reason the rule of law is so important—and the cases in which it is tested are inevitably the cases in which a generic appeal to reasonableness isn't good enough—is that some structure is needed to protect all of us, to ensure fairness and to protect the ways we interact with each other. The principle of the importance of rules being adhered to is often, therefore, tested in the unsympathetic cases, in the cases of individuals appealing for the protection of rules either here in Parliament or elsewhere who are, for whatever reason, considered unsympathetic figures by the person making or enforcing the rule.

I think we have come to understand and appreciate in our tradition that it is through structures, rules and standards that are clearly established, clearly laid down and impartially enforced that we are all protected. I think what has been a bit of an issue in this committee is seeing the importance of reflecting on how an adherence to rules instead of something else is important for how we govern ourselves and how we relate to each other. It's also of broader importance—that is, importance in society as a whole.

Freedom of speech is only tested in controversial cases. Legal doctrines around freedom of speech are not required in the cases of uncontroversial speech, because nobody wants to go after people who are engaged in uncontroversial speech. If freedom of speech is something important at all—and on this side of the House we believe deeply in the importance of freedom of speech—

An hon. member: Hear, hear!

Garnett Genuis: —then it is precisely for those controversial cases, those cases in which people are pushing the envelope, are proposing ideas that are contentious or are perhaps even presenting ideas in ways that are contentious.... The protection of the ability to do so and the existence of clear and narrow exceptions are the only things that give real life to doctrines of freedom of speech. This is why we have not only charter-protected freedoms in this regard, but also protections around freedom of speech that go back much further and much deeper within our constitutional traditions.

• (5655)

Similarly, the freedom of religion is protected precisely because of the existence of opinions or practices that might attract unwanted attention from the state absent protections. It's not cases with majority-aligned opinions that require any human rights protections; it's exceptional cases.

I think the point that *A Man for All Seasons* highlights is that the adherence to rules that are clear and that prescribe these things at some point becomes important for all of us. An individual might think they are part of the sympathetic majority and not the unsympathetic dissenters in a particular case, but that might change as their convictions change or, over the course of their lives, as the convictions of the majority around them change. This is why, again, these protections are important.

I think we can identify times in the past when opinions that were considered contentious, outside the mainstream and even extreme were eventually opinions that won the day and laid the foundation for what became a broader consensus. This is why we protect freedom. I think the protection of freedom is important as a matter of individual rights, but it is also important for the common good that the process of exchange and creative disagreement creates the conditions in which new realizations can be identified and can move forward.

Chair, I didn't plan to speak for long this morning. I wanted to share that reflection and open the floor up to some of my colleagues. I have a lot more I want to say on this subject, but I want to make sure that everybody around the table has an opportunity to share.

Before I wrap up, I hope you'll indulge me. I had a little something to share that is very much relevant to this topic but also in the spirit of the season:

'Twas the night before Christmas, the elbows were down, the members of Parliament may be leaving town.

We've had our ups and downs, what a wild, bumpy ride, now we hope once again for a turn in the tide.

There's one former minister, free as a bird, at least he has convictions in every sense of the word.

Now on floor crossing rumours there's been quite the buzz, our Nova Scotia caucus stronger than it was.

Before he committed that most terrible sin, he almost withered beneath the House leader's grin.

We've got 99 problems, that seems like a ton, at least the Beach's MP, for us he ain't one.

But these days it seems tough to be Liberal as well, when your Trump-pleasing strategy has all gone too helpless.

If things grow truly desperate, then here is the rub, you might throw a big party in the consul general's residence—

● (5700)

Wade Chang: I have a point of order. How is this relevant to the consideration of clause-by clause?

The Chair: It's completely irrelevant. You're quite right, Mr. Chang.

Garnett Genuis: I'm getting there, Chair.

The Chair: Mr. Genuis, I am going to cut you off. You're quite right, though. It is a big burden being in government. Maybe we can talk about that someday.

Garnett Genuis: Chair, I'm getting there.

The Chair: No, that has nothing to do with this; it's irrelevant. If you want to get back to something related to the clause-by-clause, that's fine. Mr. Chang is right.

Garnett Genuis: I have some lines on Bill C-9 here.

The Chair: Well, if you want to talk about Bill C-9, then be my guest; you have the floor, but if you're going to continue reading poetry that you spent the night writing, I'm going to cut you off.

Andrew Lawton: I have a point of order.

The amendment we are debating is about enshrining in Bill C-9 the freedom of expression. The Supreme Court has been abundantly clear that freedom of expression includes artistic freedom. That freedom is incredibly important for all members to enjoy, and it is put in jeopardy by Bill C-9.

Some hon. members: Oh, oh!

The Chair: Hold on, everybody, please.

Mr. Genuis started out by talking about the rule of law, rules and procedure. I spent three years in law school and 20 years practising. One of the issues you have to deal with is relevance. We're talking about a specific clause and about what happens to be your amendment Mr. Lawton.

What Mr. Genuis was doing, while perhaps creative and entertaining to some, has absolutely no bearing on what we're talking about today, and I'm not allowing him to continue. That's the end of that discussion.

If you want to get back to talking about Bill C-9, please do so, Mr. Genuis. Otherwise, we'll move on, because I believe that Mr. Lawton is waiting anxiously to speak. He's next.

Garnett Genuis: Chair, I'll just conclude with the relevant sections of the poem.

The Chair: Mr. Genuis, no.

Garnett Genuis: They're on Bill C-9—

The Chair: No.

Garnett Genuis: The relevant—

The Chair: Mr. Genuis, I've made a ruling. You started your morning by talking about rules and how important it is to follow them. If you're going to make a mockery of the process while doing so, we're going to move on.

Unless you have something relevant to say about Bill C-9, I'm going to give the floor to Mr. Lawton.

Garnett Genuis: I will say two brief things about Bill C-9, Chair. The first is:

We celebrate a baby, read scripture and talk, as long as we're allowed by the Liberals and Bloc.

Liberal Bill C-9 has made a—

The Chair: Mr. Genuis, you are done. That's it.

Mr. Lawton, you have the floor.

Larry Brock: I have a point of order.

The Chair: Mr. Brock, I know what you're going to say, and you're right, but if he's going to continue to make a mockery of the process and try to challenge me by being cute, we're not going to get along very well.

As I said at the beginning, I'm prepared to sit here all day and as long as people want, as long as we talk about relevant issues. We're not here to make a mockery of the process, and that's what Mr. Genuis is trying to do.

Garnett Genuis: I was hoping to lighten the mood a bit, Chair, but since I seem to have done the opposite, I'll cede my time for now. Add me to the list for later.

The Chair: That's perfect. Thank you, Mr. Genuis.

Mr. Lawton, the floor is yours.

Andrew Lawton: This issue has quite pleasantly surprised me given the volume of responses I've received as a member of Parliament.

Oftentimes when we discuss issues of freedoms and constitutional rights, they can feel abstract to people, but Bill C-9 and the amendment adopted by the Liberals at our previous meeting are so offensive to people of faith in this country that it has come across as incredibly personal to people in this country. I've had folks reach out, not just from my riding but across the country, to say they've heard members of their church, mosque or synagogue who have never become involved in politics before talking about what Bill C-9 will do.

The amendment that was adopted by the Liberals on Tuesday erodes long-standing religious freedom protections in the Criminal Code, making it so one can be prosecuted for quoting what our predecessor, Marc Miller, called "hateful" verses of scripture in this very book, the Bible; in the Torah that my colleague Roman Baber brought; in the Quran; and in holy texts of other faiths as well. My amendment, which we're debating now, cannot totally reverse the harms of the previous amendment, but it can state firmly the importance of standing up for and enshrining in Bill C-9 religious freedom and freedom of expression.

We debated this particular amendment for hours on Tuesday, and I do not believe one single Liberal member of Parliament put themselves on the speaking list or made an intervention either way—whether supporting or opposing this. Not one single person spoke up and said, "Absolutely, yes, we agree that Bill C-9 should protect religious freedom and freedom of expression."

When we were debating the prior amendment, the amendment moved by Monsieur Fortin that removed these religious protections, we heard from the Liberals that they were going to listen to all and were going to engage and ask questions, and we got one short boilerplate intervention from Ms. Lattanzio before the Liberals very quickly moved to a vote. They did not have the courage of their convictions to defend religious freedom. How could they? They couldn't, because they were the ones who were complicit in seeking to remove those very freedoms from Canada.

I represent an incredible riding, Elgin—St. Thomas—London South. It has a long religious history. We had a Quaker settlement established more than 200 years ago, which is still very vibrant today in the historic village of Sparta. We had large numbers of Mennonites immigrate from Mexico in the 1950s, although they had a long history before that, and they have maintained and preserved their faith traditions. We have had, in recent decades, immigration from India, including Sikhs, Hindus and Christians.

Just to give an understanding of how people of faith truly are in this country—they are not hate-mongers, as the Liberals seem to be suggesting—there is a temple on Redan Street in St. Thomas. It is a Hindu temple. I apologize; my knowledge of Indian languages is not particularly great, but it's called the Shree Hari Har Mandir, and it is a Hindu temple used by Sikhs because there is no Sikh gurdwara in St. Thomas. Sikhs and Hindus work together and share this space.

There's a Malayali Christian community. They are people from the Kerala region of India. They have an amazing Christmas party. I was an honoured guest at their Onam festival in the fall.

All of them are people of faith who have brought their own faith traditions to their lives and contribute so much to the community. The St. Thomas mosque opened in 2021, and when you take into account London, which is also part of my riding, you have an even more diverse and broader array of faith institutions. All of these people contribute so heavily to Canada. They contribute to education. They contribute to philanthropy. They contribute to the cultural fabric of our country.

Of the 110,570 people in my riding—I'm looking at the latest Statistics Canada data—there are 65,000 Christians. More than half of the population are Christians. Within that, we have Catholics and Anglicans. We have the Mennonites I mentioned. We have Pentecostals and people from the United Church. We have the whole range of Christian denominations. We have 3,100 Muslims, 500 Sikhs, 580 Hindus and 315 Buddhists.

● (5705)

I've met many of these people, and I've had amazing conversations with them. I've had many of them reach out to me, deeply concerned about what the Liberals are doing to religious freedom. I'd like to share a few of the messages that I've received.

One is from a woman, who says, "My name is Nancy Cartwright. I live in your riding in St. Thomas. I'd like to register my objection to the plan to amend Bill C-9, which would repeal important provisions that protect those speaking on a religious subject or based on a belief in a religious text. Freedom of expression and freedom of religion are fundamental rights that must be preserved. No government has the right to criminalize the teaching of the Bible, which is the foundation of my faith." That's just a portion of the message Nancy sent me.

I have another message, from a pastor, similarly in St. Thomas. He says, "Mr. Lawton, thank you for your leadership on the matter of Bill C-9. I have been preaching the gospel for over 40 years. I pastored the Bible Baptist Church in St. Thomas, Ontario, for 30 years. I've been a chaplain for the St. Thomas police and now fire department for the last seven years.

"In that time, I have used God's word on a daily basis to assist people through the very difficult times of life. My message, as is the message of most God-fearing preachers, is a message of love. In that message of love, there are times that I must, as I did with my children, use correction when there was error. There were times where I had to be stern and had to tell them the truth, even if the truth was difficult for them to receive, in preaching God's word.

“I have seen tens of thousands of lives changed. I've seen people who are desperate and despondent change and become fully equipped for life in difficult times. I will continue to preach the full counsel of God, for I am ordered to by God himself, that very same God that we beg in our national anthem to keep our land. My question is, keep it how?”

I won't read the entire email at this particular moment, but he goes on. He says, “If there is any hate speech in the country, it is coming from the Liberal parties in our government. Their obvious hatred for religious organizations has been evident for many years, constantly trying to bring out taxation and the elimination of those who preach the gospel we've never seen more clearly. Why are those seeking to add and change our laws not looking to penalize those who indeed preach, promote and publicize what we know as hate? Instead, they're trying to demonize the scriptures, which in totality promote love, peace and contentment.”

There's more, which I may read in a future intervention.

I have one more message from another constituent, who says, “I'm a supporter of what you're doing. I, for one, will never stop proclaiming and shouting from the rooftops the truth, way and life of the gospel, because me going to jail doesn't slightly compare to one soul in hell. A believer who believes will fight for freedom of speech.”

There are people who have said that if the Liberals are going to criminalize quoting scripture, then they had better start building new jails.

I would point out that, as we've been talking about bail and justice issues, it appears that thought crimes are the only crimes the Liberals seem to want to penalize. We have been trying on this committee for months to get to work on the serious criminal justice issues that our constituents sent us here to tackle. This is what Canadians want. This is what Canadians expect of us. This is what Canadians have demanded. They have not demanded restrictions on freedom of expression. They have not demanded restrictions on freedom of religion. They have demanded action on bail.

With that, I move that the committee now proceed to the consideration of Bill C-14, the bail and sentencing reform act.

• (5710)

Anthony Housefather: I have a point of order.

The Chair: Mr. Housefather, it's a dilatory motion.

Anthony Housefather: I understand. I have a point of order, Mr. Chair.

This motion was already moved in this meeting. This is a continuation of the meeting of two days ago, of Tuesday. This exact motion was moved by Mr. Brock at that meeting, and you cannot move the same dilatory motion twice in the same debate.

Andrew Lawton: I'd like to speak to the point of order when you're ready, Chair.

The Chair: Mr. Lawton, go ahead.

Andrew Lawton: While I respect the point, the purpose of this, if you consult precedent.... When new information has transpired or

new information has taken place, the context of a dilatory motion changes. While the wording may have previously—

The Chair: Okay, Mr. Lawton, I understand your point. You're getting into procedure now.

Andrew Lawton: Yes. That's—

The Chair: I have enough information for the ruling, so I don't need that. Thank you.

Look, this has been moved and it has been dealt with—you're right, actually—more than once. Having said that, we will have a vote on it again, but I want to point out that nothing has changed. We're debating the same subject. In fact, this motion has been moved in the context of the debate on this very amendment, which is your amendment, so there is no new information, with all due respect. However, I will allow a vote.

(Motion negated: nays 5; yeas 4)

The Chair: That's defeated.

Ms. Lewis, you're next.

• (5715)

Leslyn Lewis (Haldimand—Norfolk, CPC): Thank you, Chair.

I live in the small community of Haldimand—Norfolk. We're just very transparent people. All we really want is the ability to freely believe, to worship and to hold our values. We want to do so without government coercion. We understand that hate speech law is not illegitimate per se. We accept that Parliament may criminalize extreme behaviour and the deliberate incitement of violence or hatred, especially under sections 318 and 319.

As a lawyer, I also recognize and am fully aware that in the former paragraph 319(3)(b) defence, the good-faith expression of religious doctrine, a balance was struck. That balance recognized the genuine difference between faith and belief and that it should not include a hate speech definition. I think there's importance in recognizing how we reach that balance. The removal of a sincere religious belief is not a neutral removal. It's not a cleanup of the Criminal Code. It is a fundamental, structural change of the Criminal Code.

How did sections 318 and 319 survive charter scrutiny in the first place? When we look at the Supreme Court and look at what was upheld under section 319 in Keegstra and Whatcott, only after examining the entire statutory framework and the entire statutory scheme, not just the offence in isolation, did the Supreme Court reach its conclusion. In so doing, the court emphasized that the offence threshold must be high. It must be wilful. The intent must clearly be there. Prosecutorial consent was required. That was crucial. It was statutorily explicit in creating a defence that existed in including good-faith religious expression.

I know this may be trite law, because it's been so deeply entrenched in who we are as Canadians. These cannot be taken as footnotes. These are foundational. They go to the minimum impairment that's inherent in section 1 of the charter, which was included as a check and balance to the coercive apparatus of our state. In no area is this more profound in how a person thinks than in their beliefs and conscience. That's why this is such an important issue.

The court repeatedly stressed that Parliament had carved out the space for moral teaching, which we find in many of our scriptures; in the protection of sermons, which is something pastors and clergy are very concerned about; in the protection of doctrine and scriptures; and in the avoidance of turning criminal law into an arbiter of theological truth. This is why the original hate speech law survived sections 2(a) and 2(b) of our Charter of Rights.

When we look at paragraph 319(3)(b), we see there was a firewall. It was not just a technical firewall. The religious defence did more than provide an acquittal at trial, which is where we're going right now. We are actually saying that it is okay to charge a person. Then the charter can be used as a sword of defence, whereas before, our law always represented a shield.

It was a shield for people to practise their faith without the coercion of a state apparatus over them. That is a very important distinction that we should not lose sight of. It functioned as a front-end brake on the state. It ensured a prosecutorial filter early on in the case. Religious communities had predictability, and that was very important.

● (5720)

We must recognize that the court stressed the importance of Parliament carving out this space. The moral teachings of scriptures are very important to people's faith, to their upbringing and to the way they raise children.

I've had so much contact with clergy who are concerned about the teachings, about doctrine and about the fact that they could be criminalized and now have to dance around the text that they call and consider sacred. From that standpoint, it matters. For the criminal law, it matters how we change this law. We must have clear knowledge of what the parameters are.

Citizens should not have to rely on future constitutional litigation to know whether what they say today will be prosecuted tomorrow. The charter does not protect you from being charged, and that's what we have to remember. This is the most underappreciated danger of this change, and it is central to the critique.

The charter operates after state action has already been invoked or after the charge has already been laid, not before. The charter does not prevent police investigations. It does not block charges. It does not stop arrests. It does not intervene in bail conditions. It's not applicable if devices are seized when people are arrested. It does not prevent reputational harm. It does not prevent an institution from pressuring or cancelling people.

The charter only offers a defence after the harm or the charge has already occurred, and this is often years after. This is after expenses have been incurred. This is after people's lives have been uprooted,

and this is later during a trial. This is when you raise a charter defence at a massive personal and financial cost.

From a Conservative perspective and a rule of law perspective, it is completely unacceptable that a primary safeguard is being removed. Statutory clarity is essential, and a clear exemption for sincerely held religious belief is necessary, precisely because the charter is reactive.

By eliminating paragraph 319(3)(b), Parliament has essentially increased discretion at the investigative stage. The removal is a clear signal to police and prosecutors that a shift in the risk from the state to the individual is ever so present. It could incentivize complaint-driven enforcement. A dangerous precedent can be set from hate speech law, which can be uniquely vulnerable and also politicized.

Once a statute is no longer clear and excludes religious moral teachings, there are conditions and consequences to society. Pressure groups can be weaponized to file complaints against pastors and clergy. Clergy are concerned that they will be targeted by these pressure groups. Police must look into matters they previously could dismiss. Police must also look into matters that people raised that could be weaponized against clergy whose religious positions they don't agree with. Clergy and religious educators could even start self-censoring. This is what we call a chilling effect, which occurs long before the courtroom.

● (5725)

Conservatives have long insisted that the criminal law is a blunt force instrument and justified only when there's serious harm, when intent is clear and when all other alternatives have failed. Eliminating these explicit safeguards expands criminal law into contested moral territory. What the Liberals are doing with hate speech law undermines pluralism. It turns the police into cultural arbiters. It weakens societal cohesion rather than strengthening it. Also, a free society does not require citizens to test their beliefs against state prosecutors.

Even if criminal courts might still uphold section 319 post-amendment, clergy are still concerned that the law is now less precise, voidly vague, less predictable and more chilling and has less restraint. From a Conservative perspective, the charter's minimum impairment has worsened. The proportionality balance has shifted, which is not the intent of subsection 319(1). Parliament has removed a protection that the Supreme Court, the highest court in the land, explicitly relied upon. This invites both constitutional risk and social instability.

This is not just about religion. It's about whether citizens need permission to express moral judgment. It's about whether the criminal law polices people's conscience and people's beliefs. It's about whether Parliament trusts the plurality of our society. It sends a warning that when statutory protections are removed in the name of tolerance, it is usually the boundaries of freedom rather than hatred that are quietly disappeared and targeted.

The Bloc Québécois sided with the Liberals to remove the exemption for a belief or opinion held in good faith under Bill C-9, the hate propaganda act amendments. That exemption historically protected Canadians from being criminalized simply for holding sincere beliefs, even if others found those beliefs unpopular, controversial, religious or counterculture.

This was a freedom of conscience issue. By removing “sincerely”, since this is a sincerely held belief exemption, the government is narrowing the freedom of expression safeguard and is expanding the scope of what could be interpreted as hate propaganda. This is scary for many people of faith. It removes a long-standing shield for people of faith, minority communities, academics and anyone expressing an unpopular dissenting view.

Not only does it do that, but it also shifts the burden: Individuals may now need to prove that their intention was not to be hateful, instead of the Crown having to respect people's faith, conscience and beliefs. It creates uncertainty around sermons, religious teachings and traditional views on marriage, on gender and even on moral philosophical positions that we as a society are intellectually capable of debating without hate. It allows political actors to weaponize hate speech laws against ideological opponents by arguing that the belief was not in good faith. It is exactly why the exemption has existed for decades. Canada has always distinguished between hatred and genuine belief.

• (5730)

This moves towards criminalizing some religious expression that ties into the Liberals' wider digital governance agenda, which includes tightening speech definitions, increasing enforcement and embedding algorithmic monitoring, but it also creates national tension. What protects the beliefs of a Sikh in Alberta? What protects the beliefs of a Muslim in Ontario? What protects the beliefs of a Jew in Montreal or a Christian in the Atlantic region? Removing those held beliefs affects our entire federation.

The Bloc and the Liberals have agreed to remove the protection for a belief or an opinion held in good faith from Bill C-9. This is a major shift. Canadians should never fear criminal prosecution for sincerely held beliefs, even when those beliefs are unpopular. It is a foundation of our democracy. Hate speech is already illegal. We do not need to criminalize conscience. Our charter protects freedom of conscience and religion in sections 2(a) and 2(b), and it is so fundamental that it is entrenched in our Constitution.

Removing the good-faith belief exemption erases important safeguards that have protected minority and faith communities for decades. Parliament must be extremely careful before giving the state the power to interpret or police what Canadians are allowed to believe. In so saying, I move that the committee now proceed to the consideration of Bill C-14, the bail and sentencing reform act.

The Chair: All right. We're not going to do that. We've already done that today. We did it just a few minutes ago.

Andrew Lawton: I challenge the chair.

The Chair: You have that right, Mr. Lawton.

(Ruling of the chair sustained: yeas 5; nays 4)

The Chair: Go ahead, Mr. Housefather.

Anthony Housefather: I just saw the vote. Ms. Lewis, whose speech I appreciated, didn't vote. If she's not sitting in as a member of the committee, she cannot move a motion. I want you to take note of that, Mr. Chair, for the future Conservative members who will be speaking and are not sitting in as members of the committee.

The Chair: Mr. Housefather, you're quite right. That was an error on my part. Thank you for pointing that out. I will admit when I'm wrong. That's a lesson for me and for all of us.

If you're done, we're moving on to Mr. Brock.

• (5735)

Larry Brock: Thank you, Chair.

As I prepared for today's marathon....

Firstly, before I get into this, does the chair have any further clarification on resources?

The Chair: No, and I assure you I will let you know, Mr. Brock.

Larry Brock: Thank you. It may not stop me from asking, but we're curious.

The Chair: Polite conversation is never a bad thing to engage in.

Larry Brock: Precisely.

The Chair: The second-best answer is no, I always say.

Larry Brock: As I prepared, I pulled a number of resources together—publications, magazines and newspapers—and pulled out quotes and the letters my office has been inundated with, as I indicated during my last intervention, for several days this week, including this past weekend when the secretive deal was finally exposed.

One such article that tweaked my interest I think would be of value for this committee to hear, particularly the Liberal members, who, for some strange reason, are completely silent on defending the flip-flop that the justice minister did in supporting the Bloc amendment.

This was an article by author Mr. Joseph Brean. It was published on December 6. The title is “What is the religious belief defence? What to know about proposed change to Canada's hate crime law”. I'm not going to read it verbatim, but there are a couple of sections I want to read out.

What I wish to read starts as follows:

What is the good-faith religious belief defence?

To publicly and wilfully communicate statements that promote hatred of an identifiable group, according to Section 319(2) of the Criminal Code...is one of the few ways a Canadian can be sentenced to jail, up to two years, directly over what they write or say.

But there are four absolute defences spelled out in the law. No one can be convicted of wilfully promoting hatred or antisemitism, for example, "if, in good faith, the person expressed or attempted to establish by an argument an opinion on a religious subject or an opinion based on a belief in a religious text."

This is what the new hate crime bill proposes to remove. The other defences include the truth of the statements in question, reasonable belief in their truth and their relevance to public interest, and pointing out hate speech for the purpose of removal.

These are the boundaries of the wilful promotion of hatred, which is rarely prosecuted, but remains one of the most politically controversial laws in Canada.

Where did it come from?

This is what has interested me for some time now, and I was glad that someone actually did the research for me.

It was an original part of Canada's hate law regime, which also prohibits hate propaganda and advocating genocide.

This came from the Pierre Elliott Trudeau government in the early 1970s. We have had statutory defences in place in this country protecting religious leaders for 55 years, yet this current brand of liberalism, which is so vastly removed from the liberalism of the early 1970s, wishes to completely abolish that.

The articles goes on:

It was developed in the post-war heyday of human rights legislation, based on the work of a special committee on hate propaganda....

I take from that, reading between the lines, that this wasn't simply a mandated exercise by the Pierre Elliott Trudeau government. In a pure democratic sense, it was properly debated. It wasn't forced upon Canadians. A special committee was convened.

It goes on:

- (5740)

...the four defences were debated in Parliament [as it should be] before the law was given royal assent in 1970. It has survived the transition from an era of communicating by print and telephone to the era of the internet. It has been challenged and tested many times. The very definition of hate has also been repeatedly challenged, and the new Liberal amendment also proposes to add a definition of hate to the Criminal Code, using the language of Supreme Court precedents. Hate is not simple dislike of a group of people, or disapproval, or causing them offence or humiliation. The "hate" in Canadian hate crimes is "detestation and vilification." It used to include "calumny," which means malicious misrepresentation, but that has fallen out of favour as an archaic word.

Has the religious defence ever been used successfully?

It doesn't look like it. It will certainly have been considered in advance of a charge, and if it ever looked like a plausible defence, it might have motivated decisions not to prosecute. But it does not appear to have been successfully wielded in the courtroom.

Richard Moon, a law professor with a deep expertise on hate laws and religious freedoms, told The Canadian Press he was unaware of any example of the defence winning the day in court.

Writing in the National Post—

I indicated this during my last few interventions.

—lawyer Christine Van Geyn said she went looking for cases and all she could find was one failed use. In that case, the judge put it bluntly: "It will be a rare case where one who intends to promote hatred will be found to be acting in good faith, or upon honest belief."

I know that my intervention is probably distasteful to the Liberals, but perhaps they could show a little decorum of respect while I

have the floor and not be chatting away loud enough that it's actually interrupting my flow of speech.

The Chair: Mr. Brock, I agree with that sentiment. I note there's one person having a conversation on the other side of the room, so I think you might be slightly overemphasizing.

Larry Brock: No, they quieted down after I called them out on bad behaviour.

The Chair: I'm going to ask, as I did the other night, that everybody abide by the same rules.

We'll carry on. Thank you.

Larry Brock: I'll repeat:

In that case, the judge put it bluntly: "It will be a rare case where one who intends to promote hatred will be found to be acting in good faith, or upon honest belief."

How often is the crime itself charged?

Wilful promotion of hate is not a common prosecution to begin with, with barely a few dozen since the 1990s. Of those, only about one in four end in convictions.

The best known was of the late Jim Keegstra of Alberta—

We mentioned the Keegstra decision numerous times during our study on Bill C-9.

—a high school teacher and small town mayor who promoted antisemitic conspiracy theories to his students, and whose conviction of this crime was upheld by the Supreme Court in 1990. Religion factored in his motivation. Keegstra once told a journalist: "I got onto this through the scripture. Here was a people who denied everything about Christ, yet they were called the chosen people. That is a contradiction."

The first-ever case was the 1979 failed prosecution of Robert Buzzanga and Jean Wilfred Durocher, two French Canadians who distributed anti-French flyers in a false-flag effort to rouse anti-English sentiment in Ontario. They were acquitted on appeal in a ruling that held "wilful" to mean something close to "intentional," in contrast to other forms of guilty knowledge such as negligence or recklessness.

Since then, notable cases include David Ahenakew, an Indigenous leader who was tried twice but ultimately cleared over antisemitic comments to a reporter; and the internet cases of Keith Francis William Noble of British Columbia, sentenced to four months in 2008 for promoting hatred of Blacks, Jews and gays; Reinhard Gustav Mueller of Alberta, sentenced to 16 months in 2004 for promoting hatred of Jews; and James Sears of Ontario, whose targets were Jews and women, sentenced to one year in 2019.

What happened in the case where the religious defence failed?

That was the prosecution of Mark Harding of Toronto, who was convicted in 1998 under 319(2) [of the code] for distributing pamphlets and phone messages that described all Muslims as violent, cruel, terrorists, and bent on world domination. He got a conditional sentence and probation. His trial judge decided that the religion defence must not be a "Trojan horse" to conceal hate speech within religious speech. An appeal judge agreed, adding that "merely because some of the appellant's statements were legitimate expressions of religious belief, his other statements are not shielded from scrutiny." Harding, whose legal appeals ultimately failed, was what the Ontario Court of Appeal called "a self-described Christian pastor."

“He was entitled to his opinions on religious subjects, and it is not a crime in Canada to proclaim that a particular religion is the only true religion and that another religion with conflicting beliefs is wrong,” the trial judge wrote. “However, the accused’s communications did not just contain religious opinions about the falseness of Islam. They also contained alarming and false allegations about the adherents of Islam calculated to arouse fear and hatred of them in all non-Muslim people. Although expression of religious opinion is strongly protected, this protection cannot be extended to shield communications intended to promote hatred simply because they are contained in the same message and the one is used to bolster the other.”

What is the concern about eliminating the religious defence?

• (5745)

The Opposition Conservatives have called the amendment an attack on religious freedom. Other criticisms are that it is vague and could chill legitimate discourse and protest. A key fear is that religious people may feel hesitant or uncertain about expressing religious beliefs for fear they will fall foul of this law.

I intend on reading the exact message—the exact letter—that was sent to Prime Minister Carney into the record during another intervention later on, but the quote goes on:

Catholic Bishops, for example, this week wrote a letter seeking reassurance from Prime Minister Mark Carney that expressing good faith religious opinions will not be grounds for hate speech prosecution. That fear is particularly acute in light of the proposed Liberal amendment to remove the requirement that criminal hate speech prosecutions have the explicit sign-off of the provincial attorney general. The requirement adds a layer of political accountability to this most controversial type of criminal prosecution. As it stands now, if a provincial Crown wanted to lay this charge, the governing party had to at least wear the effort and openly endorse it.

That’s what I intend on reading out in relation to that particular article.

At this time, I wish to move a subamendment to my colleague Mr. Lawton’s amendment. I move that we replace “the freedom of expression or the freedom of religion” with “(a) freedom of conscience and religion; (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; (c) freedom of peaceful assembly; and (d) freedom of association.”

I wish to move on to a vote, as this is a dilatory motion.

• (5750)

The Chair: It’s not a dilatory motion. Plus, I would like to see a hard copy of it so all the members can consider it. I assume you have it in writing.

Larry Brock: I do not have it yet, but it’s coming.

The Chair: Okay. We’ll suspend in the interim.

• (0950)

(Pause)

• (1020)

• (5820)

The Chair: I’d like to call the meeting back to order.

Mr. Brock just introduced a subamendment. I believe everybody has now received a copy of it in their email and a hard copy of it.

Mr. Brock, do you want to speak to it any further?

I have a speakers list.

Larry Brock: I’m on the speakers list, so I think we should go in the order that it was received in, and Mr. Lawton is recognized before me.

The Chair: I don’t have you on the speakers list. Would you like to get back on it?

Larry Brock: Sure.

The Chair: All right.

Mr. Lawton, you have the floor.

Andrew Lawton: Thank you, Chair.

With respect to Mr. Brock’s subamendment, I think it’s clear that there is a lot of divisiveness and complexity surrounding Bill C-9. The fact that we now have a subamendment on the table reinforces that this committee should be dealing with far more pressing priorities.

I move that the committee now proceed to the consideration of Bill C-14, the bail and sentencing reform act.

The Chair: We have dealt with that. We have ruled on it at least twice today, so we’re not going to do it again.

• (5825)

Andrew Lawton: I have a point of order.

The Chair: Yes, Mr. Lawton.

Andrew Lawton: We are now on a subamendment. The context in which this discussion arises is entirely different now. I don’t think you should be blocking your own Liberal colleagues from allowing them to move their bail legislation forward.

The Chair: Let me get this straight. Does your subamendment make it less important to deal with the legislation we’re dealing with, just to be clear?

Andrew Lawton: The subamendment shows that—

The Chair: Okay, I got it. Anyway, I’ve made my ruling. That’s final.

Larry Brock: I challenge the chair.

The Chair: You challenge. Okay. That’s your right.

(Ruling of the chair sustained: yeas 5; nays 4)

The Chair: Mr. Lawton, you still have the floor.

Anthony Housefather: I have a point of order.

The Chair: Go ahead, Mr. Housefather.

Anthony Housefather: He moved a motion on the floor.

The Chair: That’s correct. Thank you.

All right, we’re on to Ms. Anstey, then.

Larry Brock: I have a point of order.

The Chair: Yes, Mr. Brock.

Larry Brock: I’m seeking unanimous consent. I ask that the committee now proceed to the consideration of Bill C-14, the bail and sentencing reform act.

The Chair: That’s not a point of order, Mr. Brock.

Larry Brock: I'm asking for unanimous consent, Chair.

The Chair: Well, I've heard noise on the other side. I don't think you have it.

Larry Brock: I don't know. We're in support. Are the Liberals in support?

The Chair: We do not have unanimous consent, Mr. Brock.

Larry Brock: I haven't heard anything from the Liberal side.

The Chair: I have, and I'm the Chair. I've decided, Mr. Brock—

Larry Brock: I challenge you, because I've heard nothing from the Liberal members.

The Chair: What are you challenging, my hearing?

Larry Brock: Yes, I am. I've heard nothing from Ms. Lattanzio, Mr. Housefather, Ms. Dhillon or Ms. Acan, who is subbing for Mr. Chang.

The Chair: Okay, thank you.

Patricia Lattanzio: You're missing another member.

The Chair: You've now listed the members.

I heard there was no unanimous consent. We are moving on.

Ms. Anstey, you have the floor.

Roman Baber: I have a point of order.

The Chair: Yes, Mr. Baber.

Roman Baber: Mr. Chair, I'd like to move a dilatory motion. I'm well within my right. I'm a sitting member. I move that the committee now proceed—

The Chair: You can't do that on a point of order.

Roman Baber: —to the consideration of Bill C-14, the bail and sentencing reform act. I'd like to seek unanimous consent to study the bill, please.

The Chair: You cannot do that on a point of order, Mr. Baber.

Ms. Anstey, you have the floor.

Carol Anstey (Long Range Mountains, CPC): I have a point of order, Chair.

The Chair: Well, you have the floor.

Carol Anstey: I seek unanimous consent for us move forward on Bill C-14. That's in the hearts and minds of—

The Chair: Ms. Anstey, I'm sorry to interrupt you, but you're not a member, so you can't move that motion. You can support it.

Larry Brock: She's seeking unanimous consent, Chair.

The Chair: She can speak to it; she can't—

Jacob Mantle: I have a point of order, Mr. Chair.

The Chair: Mr. Mantle, go ahead.

Jacob Mantle: Thank you, Mr. Chair.

I think if you seek it and you listen to the voice vote of committee members, you will see—

The Chair: Mr. Mantle, I can—

Jacob Mantle: —we have unanimous consent to move to Bill C-14.

The Chair: —take these motions from people who are regular members of the committee. You're allowed to sit at the table and participate.

Jacob Mantle: Mr. Chair, I'd like to finish my point of order.

The Chair: I understand, but you're trying to introduce a motion.

Jacob Mantle: I am not, Mr. Chair. I'm seeking unanimous consent. It is not a motion.

The Chair: You cannot do that. You're allowed to participate and make submissions on what we're talking about. Only regular members can do what you're trying to do.

Jacob Mantle: I'm allowed to make a point of order, and I seek unanimous consent.

The Chair: Mr. Mantle, your request is denied. It is out of order.

Ms. Anstey, you have the floor.

Jacob Mantle: I challenge your decision, Mr. Chair.

Amarjeet Gill: I have a point of order.

Jacob Mantle: I challenge your decision, Mr. Chair.

The Chair: You can't do that either.

Andrew Lawton: I challenge your decision, then.

The Chair: Okay, that's your right.

Andrew Lawton: I'd like you to put your decision on the record, Mr. Chair.

The Chair: Just to be clear on what the Conservatives have done, I'll note that Mr. Mantle has tried to seek unanimous consent, which, even if he were a regular member, he was not allowed to do because he was doing it on a point of order. I denied it. Mr. Lawton is now challenging that decision.

We'll take a vote on that.

Anthony Housefather: Mr. Chair, I have a point of order.

The Chair: Yes.

Anthony Housefather: I would just like clarity—

Andrew Lawton: It's a dilatory vote.

Anthony Housefather: No. I would like clarity on what is being challenged.

Is the challenge that a member should be allowed to move a motion on a point of order? Is the challenge that somebody who is not a member of the committee and who is present when all regular members are present is allowed to move a motion? What is the challenge on? Is it on both of those things?

Do the Conservatives believe that in committees going forward, motions can be moved on points of order, and non-members of the committee should be allowed to move motions when members are present? What is the challenge from the Conservatives?

The Chair: Perhaps you could clarify, Mr. Lawton.

Andrew Lawton: Thank you, Mr. Housefather, for the question.

What we are seeking is unanimous consent, which any motion could raise at any time. Committees have, as this committee has, moved informally where there is consent. We are allowing the Liberals the opportunity to advance their own bail legislation. That's what we're asking.

The Chair: I understand what he was trying to move. Mr. Housefather's question and the issue at hand is the procedural point. My question to you, as Mr. Housefather clarified, is this: What is it you are challenging? What decision are you challenging?

Andrew Lawton: We are challenging the Liberals' rejection of unanimous consent and your refusal to hear that.

• (5830)

The Chair: All right. We have clarification.

(Ruling of the chair sustained: yeas 5; nays 4)

The Chair: Ms. Anstey, you still have the floor.

Amarjeet Gill: I have a point of order, Mr. Chair.

The Chair: Go ahead, Mr. Gill.

Amarjeet Gill: Mr. Chair, we heard the argument, but I would ask for unanimous consent that the committee now proceed to the consideration of Bill C-14, the bail and sentencing—

The Chair: It has already been dealt with.

Ms. Anstey, you have the floor.

Amarjeet Gill: I challenge it.

The Chair: We can do this all day, guys, if you want to have fun.

Mr. Baber.

Roman Baber: This is a sitting member of the committee.

The Chair: Thank you. That's why I listened to his point of order.

Roman Baber: He's allowed to move a motion for unanimous consent.

The Chair: I know. The committee already dealt with it, as recently as about 45 seconds ago.

Amarjeet Gill: I challenge the chair.

Anthony Housefather: On a point of order, Mr. Chair, I would like you and the clerk to discuss this. At this point, we have established that members are moving motions on points of order. This is not allowed at committees. It is not a challengeable thing. I am asking you to stop this ridiculous practice that I've never once seen in my 10 years in the House of Commons. The Conservatives are making a mockery of this committee at this point.

Larry Brock: Do you know what the mockery is, Anthony? It's your refusal, as you obstruct us, to study your bill—

The Chair: We are suspended.

• (1030)

(Pause)

• (1030)

The Chair: I call the meeting back to order.

I have sought clarification. Only committee members—in other words, the four Conservative members, whoever they are at any given point, the one member from the Bloc and the four Liberals—are allowed to move motions or raise points of order. Other people are allowed to sit at the table and make submissions that are relevant to the bill. Beyond that, only the regular members can do that, which hopefully will make things run a bit—

• (5835)

Larry Brock: Thank you, Chair. I have a point order.

The Chair: Mr. Brock.

Larry Brock: Ironically, as we sit here two hours into this committee hearing, the parliamentary secretary to the government House leader, the member for Winnipeg North, is challenging the Conservatives sitting in the House on why we are not swiftly passing Bill C-14. The reason we're not swiftly passing Bill C-14—

The Chair: This is debate, Mr. Brock.

Larry Brock: No, sir, I'm getting to my point of order.

The Chair: Well, get to it quickly, please.

Larry Brock: I have to put some context into the point of order.

Mr. Chair, I am seeking the consent of this committee. I ask that, to improve public safety in our communities and to protect Canadians from repeat and violent offenders, the committee (a) immediately prioritize the consideration of Bill C-14 and work together to report the bill to the House at the earliest opportunity; (b) sit through the winter adjournment to undertake meaningful consultations with victims, community leaders, police services and associations and other relevant witnesses; and (c) pause consideration of Bill C-9 to make room on the agenda for Bill C-14.

Patricia Lattanzio: This is not a point of order.

Larry Brock: That is what I seek unanimous consent for.

Anthony Housefather: It's not a point of order.

The Chair: Mr. Brock, that is not a dilatory motion, and you cannot move a motion on a point of order.

Larry Brock: I was asking for unanimous consent, Chair. I wasn't asking that you have a vote on a motion.

The Chair: Well, I've heard a no.

Larry Brock: Clearly, the interruptions by Ms. Lattanzio and Mr. Housefather show that they are not interested in—

The Chair: You don't have unanimous consent.

Larry Brock: —the swift passage of Bill C-14. How ironic.

Patricia Lattanzio: Don't make any assumptions.

Larry Brock: They're hypocrites.

The Chair: Okay, here we go again.

Mr. Brock, we went through this the other night. I was quite clear, and you agreed with me at the time. We are not going to use that language at this committee.

Larry Brock: They can't have it both ways, Chair.

The Chair: Okay, but we're not going to refer to members of Parliament with that type of language. If you do, you will not be allowed to speak again, full stop.

Ms. Anstey, you have the floor.

Andrew Lawton: I have a point of order.

The Chair: Mr. Lawton.

Andrew Lawton: Changing course and underscoring what we're trying to do here, I have an article that I would like to seek unanimous consent to table: "Man facing 1st-degree murder in partner's killing had allegedly threatened her before".

The Chair: That's not a point of order, Mr. Lawton.

Andrew Lawton: There are three Quebec members of the committee who should be very interested in people getting murdered by people out on bail.

The Chair: Mr. Lawton, it is not a point of order.

Ms. Anstey, you have the floor, finally.

Carol Anstey: Thank you, Mr. Chair. I appreciate the opportunity to come to this committee today to address the committee specifically about Bill C-9 and the subamendment that has been brought forward. Please don't misinterpret my passion on this issue as disrespect, as I recognize that my colleague Mr. Brock is also passionate about this issue.

As I'm a person of faith, this is extremely important to me. Faith has played an important part of my life, and it's something that I am very passionate about preserving and protecting in Canada.

As a parliamentarian for a riding in Newfoundland and Labrador, I have the immense privilege of representing people of many different faiths, traditions and world views. Our province has a long history of religious diversity from Christian denominations, and it now has growing Muslim, Hindu, Sikh and Buddhist communities. My role as a parliamentarian is to ensure that their rights are respected and to safeguard the freedoms that allow them to live and express their beliefs openly.

To begin, I'd like to point out that the work of this committee seems to be misguided and misdirected based on what I hear from

the people in my riding and what I've clearly seen today in several interventions.

Burton Bailey (Red Deer, CPC): On a point of order, I can't hear, Mr. Chair.

● (5840)

The Chair: People in the room should keep their voices quiet, preferably, or at a low tone so we can hear the speaker. Thank you.

Carol Anstey: Thank you, Mr. Chair. I appreciate that. All voices and perspectives are important, and this is extremely important legislation.

It has become apparent and obvious that the priorities of Canadians are not being put at the forefront of these discussions today, as we've just seen. Studying Bill C-9 is letting this committee study something misguided and misdirected. It's a divisive bill that is unnecessary at a time when we know Canadians really want legislation that deals with changes to bail legislation.

First and foremost, I'm here today to speak about my concerns as an individual parliamentarian, but also with respect to the immense volume of outreach I have had from constituents on this issue. I have had hundreds of people sign petitions, and it's not just a matter of concern. They are engaged and motivated and want to be active participants in the push-back against this legislation.

One thing that I think is extremely telling is that, in the part of the country I come from, which is Newfoundland and Labrador, they have fundamentally supported and trusted the Liberal government for decades, and they are now deeply concerned about this legislation. I think it's important for the government to reflect on itself and understand that these people in my riding, who are non-partisan and community- and service-oriented, often focusing and helping people in need, are alarmed by this piece of legislation. I think it's an opportunity for the government to really reflect.

I'm not surprised that this is the case, because religious charities play such an important role in rural communities, especially in Newfoundland and Labrador, the province where I live. I could give you several examples. They run food banks, shelters and addiction services. At a moment in our history when Canadians are hungry and hurting, our religious institutions are filling the gap and caring for our people, and right now they are under attack.

The premier himself recently acknowledged essential groups like the Salvation Army and acknowledged December 8 to 14 as Salvation Army week in Newfoundland and Labrador, which, again, recognizes the important role religious charities play in our rural communities. I'm not surprised that these organizations are reaching out to me in the manner they are, because they play such an important role, and we should be doing everything to protect them.

I came into this role as a mom and will leave this role as a mom, which, above everything else, is my priority and something that I reflect on each and every day. I think about it consistently in terms of the kind of country my four children will inherit, but I teach my children, on a regular basis, to have and lean into difficult yet constructive, respectful conversations, whether they're in the classroom, around kitchen tables or wherever they are interacting, and to not be afraid to voice their opinions, but respect everyone and treat them with dignity. Thoughtful, respectful disagreement is not a threat to Canadian society; it is the foundation of it.

What message are we sending to the next generation if we are attacking sacred text that is spoken in good faith? This is extremely concerning to me, and it does not make Canadians safer. It creates a chill. We want to encourage people who have diverse perspectives to believe that it's safe and okay to voice those perspectives in Canadian society.

• (5845)

This is a bad bill, and the amendment and subamendment are required because it's not about protecting rights. It's not about public safety. It's not about community well-being. It's misguided, it's misdirected and it's completely unnecessary. We can clearly see it's dividing us. However, more than us, what we should be concerned about is that it's dividing communities. People are talking about divisiveness in this space all the time, and this is something we should be extremely concerned about. Canadians are begging us to address bail and instead we are moving in this direction.

Just as a final thought, I'll note that it's the eve of Christmas. Christmas is the most celebrated Christian holiday of the year, and this legislation is casting a dark shadow of fear over faith communities right now. This is a time when they should be celebrating their faith, and instead they are reaching out concerned and fighting for this government to preserve their faith.

Mr. Chair, I move, based on my comments and my interventions, that we—

Some hon. members: Oh, oh!

Larry Brock: Can I listen to my colleague?

The Chair: Mr. Brock, please.

Everybody keep your voices down.

I can control the room, Mr. Brock. It's easier without help, frankly.

Please continue, Ms. Anstey. I didn't hear you.

Carol Anstey: I will bring forward a motion right now, Mr. Chair. I move that the committee shift its focus and study Bill C-14, which deals with the legislation that is in the hearts and minds of Canadians.

The Chair: Thank you.

To clarify for people sitting around the table, Mr. Anstey has been substituting for Mr. Lawton so she is able to bring such a motion. However, having dealt with this motion over and over again, we're not going to consider it. That's my ruling.

We'll move on to Mr. Baber.

Jacob Mantle: I have a point of order, Mr. Chair.

The Chair: You can't raise a point of order, Mr. Mantle; you're not a regular member of the committee at this point. I'm sorry.

Roman Baber: On a point of order, he doesn't have to be a member.

The Chair: Yes, he does. We made that ruling a few minutes ago. You might not have been in the room.

Roman Baber: Any member can move a point of order.

The Chair: No. The ruling has already been made, Mr. Baber. That moment has passed.

Garnett Genuis: What's the basis of that ruling?

The Chair: You weren't here, Mr. Genuis. You don't have an opportunity at this point to debate it.

Mr. Baber, you have the floor on the subamendment.

Roman Baber: Thank you.

Jacob Mantle: Excuse me, Mr. Chair, but I'm subbed in for a member, so I believe I have the ability to raise a point of order.

The Chair: The clerk has no record of that.

Mr. Baber, you have the floor.

Jacob Mantle: Could you double-check that, please, Mr. Chair?

The Chair: We just did.

Mr. Baber.

Roman Baber: I'm a member of this committee, and I find more about what's going on with this bill from the media than I do from this room. It appears now that at least twice the Attorney General has U-turned on the Bloc amendment that passed the other day and is the subject of the subamendment.

Yesterday, just before question period, I learned that the Attorney General now believes that he ought to go out and consult with communities and consult with religious leaders with respect to the Bloc subamendment that just passed to repeal the defence of religious expression.

In that spirit, if the Attorney General wants to consult, he should have consulted before the Bloc amendment—before the Liberals adopted it and repealed the religious defence. Why not suspend and allow the Attorney General to perhaps change his mind again? By my account, that would be a third U-turn on this bill.

That is why I'm well within my right to seek unanimous consent. I move that this committee now proceed to the consideration of Bill C-14, the bail and sentencing reform act. May I please have your consent to study bail and sentencing and to allow you guys to reconsider whether you wish to repeal the religious defence?

Larry Brock: That sounds very reasonable.

• (5850)

The Chair: Do we have unanimous consent?

An hon. member: No.

The Chair: Mr. Baber, are you finished?

Roman Baber: I cede the floor.

The Chair: Mr. Bailey, you have the floor.

Burton Bailey: Thank you, Chair.

The Liberals and the Bloc Québécois have made a deal to eliminate Criminal Code safeguards for freedom of expression and religious freedoms in exchange for the Bloc supporting Bill C-9. They are removing paragraphs 319(3)(b) and 319(3.1)(b), which state that people cannot be prosecuted for expressing, in good faith, an argument or opinion on a religious subject or based on belief in a religious text.

The Bloc has long pushed for the ability to persecute people for religious expression. It unsuccessfully attempted to make these changes in the previous Parliament through Bill C-367. The Bloc often cites the case of Montreal imam Adil Charkaoui, who in 2023 used a prayer to call for the extermination of Jews. Prosecutors denied to charge him. There is no evidence he was not charged because of the religious defence protection.

What Charkaoui said is really illegal. There is no defence for advocating genocide under section 318 or public incitement under subsection 319(1). The defence only exists for the wilful promotion of hatred and anti-Semitism charges. The refusal to charge Charkaoui was yet another example of authorities taking enforcement—

The Chair: I'm sorry. I'm going to interrupt you, Mr. Bailey. Just bear with me.

The room is getting a little loud again. Mr. Bailey has the floor.

Burton Bailey: I'll repeat that. The refusal to charge Charkaoui was yet another example of authorities failing to enforce existing law. The Supreme Court has recognized the religious defence as necessary to keep Canada's hate speech laws constitutional because of how crucial freedom of expression and freedom of religion are.

The justice chair, Marc Miller, said in committee on October 30 that there was clear hatred in some books of the Bible and the Torah, singling out Leviticus, Deuteronomy and Romans. I'll quote him: "Clearly, there are situations in these texts where statements are hateful. They should not be used to invoke...or be a defence." He was clear: Prosecutors should be able to press charges.

Numerous witnesses told the justice committee that the religious text defence is narrow and does not offer blanket immunity, as the Liberals are suggesting. People of faith could be imprisoned for up

to two years for expressing deeply held religious convictions that the government finds offensive.

I can speak louder.

The Chair: Mr. Bailey—

Burton Bailey: Yes. I can barely hear myself think.

The Chair: I got it.

Okay, well, the room is getting a little—

An hon. member: We have earpieces.

Burton Bailey: Well, put them in. Stop talking.

Some hon. members: Oh, oh!

The Chair: *Mr. Bailey, we don't need that kind of tone.*

An hon. member: Oh, oh!

The Chair: Ms. Acan, we don't need—

An hon. member: Okay, wait a second. He has the floor and you don't.

The Chair: All right. We're suspended.

• (1050)

(Pause)

• (1050)

The Chair: The meeting has resumed.

We had a discussion off the record, with a gentle reminder that we need to maintain decorum. I think we've all landed in a good place in the spirit of the season.

Mr. Bailey, you still have the floor.

Burton Bailey: The good-faith religious defence protects minorities and those who sincerely hold religious beliefs. Religious communities, including Jewish, Christian, Muslim, Sikh, Hindu and Buddhist communities, hold a vast range of beliefs on religion, morality, sexuality, politics and culture. Though some may find these beliefs objectionable, old-fashioned or even hateful, a free country does not criminalize the expression of sincerely held religious doctrines. We debate people we disagree with; we don't silence or arrest them.

The courts have been clear that violence and calls to violence are not and never have been protected as free expression and are not in good faith, as the defence requires. Liberals insist their new bill is needed to protect religious Canadians from hate. Removing the religious freedom safeguard from the Criminal Code will not make Canadians safer. It will not protect anyone, least among them people of faith, from hate. This change will expose people of faith to criminal prosecution for the simple act of quoting their own sacred texts.

The Charter of Rights and Freedoms protects the freedom of expression and the freedom of religion. It is not an accident that section 2 of the Canadian charter begins with the fundamental freedoms, in this exact order: the freedom of conscience and religion; freedom of thought, belief, opinion and expression; freedom of peaceful assembly; and freedom of association.

In a free country, we answer speech with speech. We answer bad ideas with better ideas. We do not answer prayer, even ugly prayer, with prison. That is the road to tyranny. This bill will not make a single Canadian safer. In fact, removing the protection for good-faith religious beliefs is a path to state tyranny.

The government is repeating the oldest trick in the authoritarian playbook: declaring certain religious beliefs hateful, criminalizing their expression and then claiming they are only protecting minorities. That is how every police state begins. This change will turn the wilful promotion of hatred into a sword hanging over every sermon, Bible study or Torah reading. The act claims to combat hate; it sows it by silencing minorities of belief.

The government is prepared to combat hate by stripping away the only explicit Criminal Code protection for Canadians who, in good faith, express an opinion on religious subjects or quote their own sacred text. That is not combatting hate. That is combatting faith.

John Diefenbaker said on August 10, 1960, “I am Canadian...free to speak without fear, free to worship...in my own way.... This heritage of freedom I pledge to uphold for myself and all mankind.” Diefenbaker would be rolling in his grave at this clause. It's not a conservative issue or a progressive issue. It is the foundation upon which every other democratic freedom stands.

On April 1, 2024, Scotland's new hate crime act came into force. Religious aggravators were added, and the old religious offences were weakened. In the first eight weeks, 8,000 complaints were filed. That's more than one every seven minutes. Police in Scotland logged every single one, even anonymous ones.

A Catholic priest was investigated for preaching the catechism on marriage. Comedians were visited by police for jokes. J.K. Rowling dared police to arrest her. They didn't, but only because she was rich and famous. The Scottish Police Federation warned that the law had turned officers into thought police.

This is the future that subclause 4(2) is importing into Canada with Canadian politeness. Even if charges were to be eventually dropped, the process is the punishment—five years of investigation, \$100,000 in legal bills and your name dragged through the media. That is enough to silence 99% of pastors, imams, rabbis or other religious defendants for expressing their deeply held beliefs.

• (5855)

I could go on about the hundreds of emails that my constituency office received. On December 16, I will be holding a Zoom meeting with 70 churches. I am one of the few MPs who have an entire city. Most cities now have two MPs. It just shows me how important this is to the people of Red Deer.

Our values have been tested by this Liberal government—our religious freedoms. We've been teased—I'm going to use that word—

about charitable statuses, to the point where churches were calling my office constantly and sending emails concerned they could lose their revenues.

At this point, Chair, I would really like you to hear me out on a point of order. I'm seeking the unanimous consent of this committee to proceed with the consideration of Bill C-14.

• (5900)

The Chair: I'm sorry, Mr. Bailey. As I ruled previously, since you're not a regular member, you're not in a position to do that.

Burton Bailey: I've been subbed in, sir.

The Chair: Actually, you're not subbed in.

Burton Bailey: Chair, I'm a sub.

Patricia Lattanzio: Mr. Chair, I have a point of order.

The Chair: Let me check. I'll make sure the clerk is receiving it.

An hon. member: Is she subbed in?

Patricia Lattanzio: Is who subbed in? Me?

The Chair: The clerk has received it.

Mr. Bailey, Please proceed.

Garnett Genuis: You don't have to be subbed in to raise a point of order.

Patricia Lattanzio: I have a point of order.

Burton Bailey: I am seeking unanimous consent for this committee to proceed to the consideration of Bill C-14, the bail and sentencing reform act.

The Chair: Do we have unanimous consent?

Some hon. members: No.

The Chair: All right.

I'm sorry. You had a point of order, Ms. Lattanzio.

Patricia Lattanzio: Mr. Chair, it looks realistic that we are not going to be able to finalize clause-by-clause today. I am still very hopeful and positive, but at this point, I will seek unanimous consent. Conservative members have said time and time again that Bill C-14 is very important, and so have we, so we seek unanimous consent to send the bill back to the House.

If we keep going in this direction.... Look at the amount of time it is taking for us to study Bill C-9. It is a very important bill, so I seek unanimous consent to send Bill C-14 back to the House.

Roman Baber: No. We need to study the bill. Let's study it.

The Chair: We do not have unanimous consent.

It's straightforward. She sought unanimous consent based on discussions earlier to send the bill back to the House for third reading, and we didn't get unanimous consent.

Larry Brock: I have a point of order.

The Chair: You're not at the table, and you've been subbed out, Mr. Brock. I'm sorry.

Larry Brock: Sub me back in.

The Chair: Okay.

Larry Brock: Mr. Chair, on a point of order, you referenced that previous discussions had taken place. I'd like to know with whom Ms. Lattanzio spoke on the Conservative side. I'm the vice-chair. I've not spoken to Ms. Lattanzio for weeks on prioritizing Bill C-14 without any study and without hearing from any witnesses whatsoever.

The Chair: I take your point.

Larry Brock: I'd like some clarification as to where that came from.

The Chair: That's a valid point, Mr. Brock. In my comments, when I used the word conversations, it was a reference to the numerous times you and your colleagues had wanted to expedite Bill C-14. That's what I was referring to.

Larry Brock: Expediting means studying and hearing from witnesses.

The Chair: All right.

Larry Brock: That was the exact wording of the motion I sought unanimous consent for.

The Chair: Look, Ms. Lattanzio sought unanimous consent to expedite it even further. It has not been provided, so we will move on.

Mr. Allison, you have the floor.

Dean Allison (Niagara West, CPC): Thank you very much, Mr. Chair.

I hope to speak again. My remarks will be a little shorter this time.

Just in case I don't get a chance to speak again, I want to thank the staff. I've chaired committees before, as you are doing, Mr. Chair, and I know the staff always do great work. They're the ones who have to work long hours to make sure they provide...so I want to give them a shout-out. I've worked with a lot of clerks, legislative clerks, etc., in the past. I'll just start with that and wish everyone a merry Christmas.

One of my concerns in the 20 years I've been here is that there are always unintended consequences of the legislation we create. This amendment has been one of those things that have created a whole bunch of unintended consequences that haven't been thought through. Some of the regular members on this committee pointed

that out, quite frankly. It's probably better to go back and have a look at that. That's not for me to decide, but I'll point it out.

When we bring forward legislation in this place, we need to consider all those things. When things are brought to our attention, it's never a bad thing to say that maybe we got one thing wrong and that maybe we should go back and look at it.

When I look at faith communities, in Niagara in particular, I feel that there's a huge disconnect with what's going on in Ottawa versus what's actually happening on the ground. I've noticed, after being here over the last 20 years, that sometimes we think things are so smart and so wise, but if we go back to our ridings, people wonder what we are talking about. They say they've never heard of it before and wonder why we are doing it.

When I show up at Tim Hortons, I don't hear people saying they think we need to deal with some of the scripture study groups in their churches because they're terrified about where quotes come from in some scriptures. We all agree that hate speech has no place in our society. We don't incite violence, and a number of these things have issues.

People in my community are talking to me about crime. My riding is Niagara West, which is between Hamilton and St. Catharines. There are cars being stolen out of driveways. We know this has happened in big cities before, but the amount of crime that's migrated around the lake, past Hamilton and into Niagara and small communities blows me away. I represent about a half a dozen small communities, like Grimsby, West Lincoln, Lincoln, Pelham and Wainfleet, that aren't major communities at all. We have rural break-ins.

During the campaign, as a matter of fact, a jewellery store was hit for the third time in three months. It was three or four doors down from my campaign office on the main street, in broad daylight, in the middle of the day. A truck backed into it for a smash-and-grab. There was a gentleman in there fixing the cabinets from the previous smash-and-grab, and he was almost run over.

I posted this footage on my Facebook account, and millions of people from around the country had a chance to look at it. The crazy thing was that they used a stolen vehicle to do the smash-and-grab, and they got in a stolen vehicle in daylight. People were filming this on their phones in downtown Grimsby, which has a population of 25,000 people. A stolen truck was used for the smash-and-grab. A stolen car was used for the getaway, and they ditched the stolen car just as they were heading back towards Toronto. Obviously, I didn't know where they were heading at that time. There were three stolen vehicles.

Bill C-14 has been talked about here, but people are not talking about hateful text in the Bible. They're talking about not feeling safe. They don't feel safe when they go for walks after dark. With the amount of extortion I've seen going on out west, in B.C., it's mind-blowing to me that we're not dealing with that in any major way or with the whole issue of repeat violent offenders.

In Welland, a man broke into a home and raped a little baby. You guys heard about it on the news. The challenge was that this individual was a repeat violent offender and was out when he should not have been out.

• (5905)

I realize the Liberals are in government and they've decided that this is a priority, but the other disconnect I have is that while we're here talking about trying to move towards Bill C-14, Kevin Lamoureux is in the House of Commons asking for the swift passage of Bill C-14. That's kind of ironic. We're here dealing with issues for which, once again, none of my constituents came to me and said, "Dean, we have a burning issue here. This is a problem. We need to deal with it." As a matter of fact, they came to me after we announced this and said, "What is going on? How did this end up happening?"

The church groups in my riding are there to reach out to. We have a disconnect when we have someone like Kevin Lamoureux in the House today—while we're sitting here trying to deal with this issue—calling for the swift passage of Bill C-14. I find there's a bit of irony there. At the end of the day, bail reforms are pretty important.

We talk about clearly hateful statements coming out of religious texts. In Niagara, our faith communities are not fringe groups. I am so grateful for our church communities in Niagara. They are very constructive. They volunteer. We have a number of organizations. We just built a new hospital in Grimsby. It took 20 to 30 years to make that happen. So many groups came forward and made it happen. As in all of your communities, we have a great sense of community.

When we start talking about faith communities, I don't really.... A lot of the people who participate in our communities are part of faith communities. That could mean synagogues, temples, community centres, churches, mosques or a number of other different things.

We need to look at this and we need to be concerned. When we look at the very narrow defence in the Criminal Code that protects people who are, in good faith, expressing religious beliefs based on scripture, it's only for one offence: the wilful promotion of hatred. It doesn't apply to the incitement of violence—I know we talked about that before—advocating genocide or threats or any other Criminal Code offences. This is part of the safeguards that are already there to make sure this is not an issue.

When we look at some of the examples mentioned before, we talked about Adil Charkaoui. He was mentioned by some of the previous speakers. Some of his statements were actually illegal, and they were already chargeable and already outside the possible defences, so it seems like we have an extra layer now when we already have laws in place to deal with these things.

Quite frankly, when we have laws to deal with these things, I think we should be working on trying to make sure that.... When I talk to police in Niagara, they're frustrated when they bring people forward and charge them with offences. The revolving door of justice seems to frustrate even the police.

I think if you talk to police in any of the communities, you'll hear there's a huge disconnect. There's a concern that they're feeling. They wonder, "Does our work matter?" They work all the time. They work to make sure that people are actually taken in and charged, but before the paperwork is even done, what ends up happening is these people are back on the streets. That's a challenge we have as we move forward.

We just went through an election six months ago, and I heard at the doors people saying, "Listen, Dean, fix the bail system. We've have to keep criminals off the street. We have to give police the tools they need and we need to make communities safe again." When we say to give police the tools, the police do have the tools; the challenge is the revolving door of justice and the fact that people are not kept behind bars when they end up there. That's one of the things we need to do. I know Bill C-14 is part of that, so at the end of the day, these are some of the things we need to look at.

You're not going to be surprised by this, Mr. Chair, but I want to present a motion that we proceed to the consideration of Bill C-14, the bail and sentencing reform act. I'm going to put that motion before us.

• (5910)

The Chair: Is it a motion, or are you seeking unanimous consent?

Dean Allison: I'm seeking unanimous consent. Thank you for the clarification.

The Chair: Do we have unanimous consent?

Some hon. members: No.

Dean Allison: Thank you very much, Mr. Chair.

The Chair: Thank you very much, Mr. Allison.

Patricia Lattanzio: Mr. Chair, I have a point of order.

I would like to seek unanimous consent to send Bill C-14, a very important piece of legislation, back to the House, as the hearings on C-9 are going to go on and on. It's quite obvious that we'll never be able to get to C-14. We don't have the collaboration of the members opposite.

An hon. member: No, you don't.

Patricia Lattanzio: It's quite clear. You heard it there, Mr. Chair. We do not have that collaboration, so it is easy to understand that we will not be able to get through Bill C-9, and if we don't get through Bill C-9, we won't be able to get through Bill C-14.

The Chair: Thank you, Ms. Lattanzio.

Patricia Lattanzio: I seek unanimous consent to send Bill C-14 back to the House for third reading so that we can deliberate on it.

Larry Brock: Chair, may I be recognized on Ms. Lattanzio's unanimous consent?

The Chair: Do we have unanimous consent?

An hon. member: No.

Larry Brock: Mr. Chair, can I clarify?

The Chair: We do not have unanimous consent. Thank you.

Ms. Kronis.

Roman Baber: I have a point of order.

The Chair: Go ahead, Mr. Baber.

Roman Baber: We have had some experience, in the last few weeks, of trying to work collaboratively. I hear Ms. Lattanzio and the desire to go on with Bill C-14. That's precisely what—

The Chair: Is this debate?

Here's what we're going to do going forward. People are going to state what their point of order is, and then, if they have further submissions.... I don't want to spend the day listening to long submissions, with members saying, "Oh, I'm going to get to a point of order eventually." I want to run this efficiently.

What is your point of order, Mr. Baber? State that up front.

• (5915)

Roman Baber: I am content to take a break, if we need to suspend. We can have a conversation with Ms. Lattanzio about moving on with Bill C-14. We need to hear from witnesses.

Patricia Lattanzio: Let's send it to the House. That was my motion.

Roman Baber: I propose that we have a discussion about moving on with Bill C-14, the bail bill.

Patricia Lattanzio: Let's finalize Bill C-9.

The Chair: This is not productive. I think—

Patricia Lattanzio: We can do Bill C-9 and go to Bill C-14.

The Chair: We did not get unanimous consent for Ms. Lattanzio's proposal. We have not had unanimous consent for other proposals.

Larry Brock: I have a point of order, Chair.

The Chair: I was going to say that Mr. Lawton had his hand up first, but he's pointing at you.

Patricia Lattanzio: We don't have the collaboration locked in. We made it clear.

The Chair: Go ahead, Mr. Brock.

Larry Brock: I made it clear, Mr. Chair, that as the vice-chair and as shadow minister for the Conservative Party of Canada, I wanted to speak on behalf of our position. I sought clarification. You denied my ability to seek clarification. If you continue to refuse my ability to seek clarification from Ms. Lattanzio, I am asking for a brief suspension so I can have a conversation with her to determine under what circumstances and conditions she is seeking unanimous consent. I think that is a reasonable request given what has transpired for almost three hours now.

I share her frustration. Hopefully, she shares our frustrations as well, but in the spirit of the season and in the spirit of collaboration, which this justice committee has always earned a solid reputation for on difficult issues—we are very passionate about our positions,

but in the end, we always strive to work collaboratively—I am asking for this indulgence so I can seek some further clarification.

Patricia Lattanzio: Mr. Chair, Mr. Lawton has made it quite clear that there will be no collaboration.

Andrew Lawton: I have a point of order.

Patricia Lattanzio: We are trying to work diligently on Bill C-9 so we can move to Bill C-14—

Andrew Lawton: I have a point of order.

Patricia Lattanzio: —but it is not going to happen.

The Chair: I'm going to interrupt. I'm looking right down the middle of the table. If something is done on this side of the table or that side of the table, I'm going to call it out. Speaking over each other is not going to work. I think both sides have made their positions very clear.

I'm not sure of a suspension at this point, Mr. Brock.

Andrew Lawton: I have a question of privilege, Chair.

The Chair: You have a question of privilege. Go ahead, Mr. Lawton.

Andrew Lawton: A comment that I did not make on the record was just misstated and misrepresented on the record by Ms. Lattanzio. I said that the Liberals did not have unanimous consent. That is what I said. She was seeking UC. I said, "You do not have it." It is very irresponsible to read into the transcript a misrepresentation of what I said, and I want to state my intentions clearly.

The Liberals do not have unanimous consent on that request, with the caveat from what Mr. Brock said, which is entirely valid: that we need to understand what exactly they're seeking agreement on first.

The Chair: I understood it clearly and I think everybody else did too. I will suspend for about three minutes.

• (1115)

(Pause)

• (1125)

• (5925)

The Chair: I call this meeting back to order.

Ms. Kronis, you have the floor.

Tamara Kronis: Thank you very much, Mr. Chair.

I want to confirm that I'm sitting in as a member of the committee for MP Brock for the duration of my remarks. Is that correct?

The Chair: As long as he continues to sit back there, yes, you are.

Tamara Kronis: Thank you.

The Chair: Talk as long as you want, please.

Tamara Kronis: I get it.

I'm really glad to see in her remarks that Ms. Lattanzio is starting to understand the importance of Bill C-14. My constituents are looking to this committee to study that bill. I am getting a lot of emails about it. They are not just looking for us to send it back to the House. They're looking to hear the perspectives of other Canadians on it.

Colleagues, I want to speak today in favour of MP Brock's sub-amendment and MP Lawton's amendment, which would restore the protection for freedom of speech and religion in Bill C-9 after the Bloc and Liberal members of the committee passed an amendment to remove the defence for good-faith religious speech from it two days ago.

All of us around this table know that this defence has never protected the kind of speech that people sometimes imagine it does. It's never shielded those who deliberately promote hatred. It's never shielded those who promote violence, and it's never actually been a loophole for extremism. The reason it has existed, as I explained in my intervention a couple of days ago, is to protect sincere expressions of belief by people who are acting in good faith, even when others strongly disagree with them. Yet, the moment the Liberal-Bloc amendment passed, we started to see exactly what many of us warned about.

My honourable colleague from Niagara West just spoke about unintended consequences, and I'd like to provide an example of that. On my own social media, in the short time since this amendment has passed, a community member—who does, I will acknowledge, comment frequently—wrote that happily it passed and that people like Charlie Kirk in Canada won't be able to hide hate speech behind religious freedom.

Every member of this committee knows that the amendment will not enable any such thing. It is not going to touch the kind of speech that this individual was talking about. What the comment does reveal is something very important to our deliberations. It reveals a sentiment that I hope this committee finds very troubling, because it is an example of just how quickly and in what manner this amendment will be weaponized.

In my remarks the last time we sat, I warned that this amendment would be interpreted by members of our communities as having significance to those who want to silence people whose views they don't approve of. This comment, which came in such a short period of time, shows how easily people will assume that the removal of the defence gives them licence to silence views they dislike. It demonstrates how eager some Canadians are in this moment and at this time of tension and division to believe that the Criminal Code should be used not only to stop hate but also to stop conversations they find uncomfortable.

That is exactly why this defence existed in the first place. It was never about protecting bad actors. What it was about was protecting the space for good-faith disagreement in a diverse and pluralistic country. It acknowledged that Canadians hold deeply different convictions on questions of faith, ethics and morality, and this is reflected in some of the case law. Some of the differences we have around these topics do run directly into each other. That is the reality of pluralism.

The good-faith religious defence ensured that people could express their beliefs without fear that someone would accuse them of hate simply because they hold a traditional or unpopular view. Removing the defence doesn't stop hate. Hate is already prohibited. Removing the defence, though, does send a very different signal. It suggests that the state is narrowing the space for sincere disagreement. It invites people to believe that if they find a belief offensive or outdated, it might be criminal. It encourages exactly the kind of misinterpretation that I saw within hours of the vote to pass that amendment, where someone confidently declared that this amendment allows us to target each other.

If the Liberals and the Bloc continue to support the removal of the good-faith defence from Bill C-9 and don't support our amendments to protect freedom of speech and freedom of religion, Canadians will be able to conclude—and will conclude—that it is the intention of these parties to encourage the kind of misinterpretation we are already seeing online and that they support the weaponization of Bill C-9 against people of good faith with views that are distasteful to them.

● (5930)

Tensions are high in our society. People are frightened by what they see online. They are exhausted by polarization and are desperate to make some of the dialogue out there stop. I understand that impulse. I think every one of us in this committee does, but of all the times in our history, this is an especially irresponsible moment to remove this defence.

The Criminal Code is literally the bluntest instrument we have. It allows the state to restrict people's freedom—the fundamental freedoms of movement and liberty. It cannot and must not be used to manage discomfort. It cannot and must not be used to stifle legitimate conversations.

When emotions are running this hot, Parliament needs to be especially careful, because in moments like this, people do not draw fine distinctions between hateful expression—which is already illegal—and beliefs that they find personally objectionable. They see disagreement and they assume danger. They see traditional religious statements and they assume hostility, and now, without the defence that has long reassured faith communities, they may also assume that these sentiments are criminal. That's why the committee's amendment this week was so irresponsible and why Mr. Brock's sub-amendment and Mr. Lawton's amendment are so important.

This committee's misguided amendment did not strengthen protection for vulnerable communities. These protections are already strong. Instead, it weakened the safeguards that preserve space for peaceful disagreement and it increased the likelihood that ordinary Canadians will misunderstand our intentions and misunderstand the law and try to use it to silence those they disagree with.

The examples that I gave at the beginning of my remarks today are not outliers. They're a preview of the very outcome that many of us warned about and how quickly this disturbing Liberal-Bloc amendment will be deployed, not against hate but against dissent—against neighbours, against community members.

Once accusations of criminal hate speech begin to be thrown around, in some cases lightly, trust will break down even further. People will retreat further into their corners. Dialogue will become harder, and the very fabric of our pluralism may begin to fray.

Our responsibility as legislators is not only to protect Canadians from hate, but also to protect the conditions that allow Canadians to live together despite profound differences. That includes protecting the space for those who express their beliefs in good faith, whether we agree with them or not.

The good-faith religious defence was one of the mechanisms that allowed us to maintain the balance. Its removal creates uncertainty where clarity is needed. It invites misuse at a time when restraint is essential.

I urge this committee to reflect carefully on what is happening in this room this week and on what we are already seeing out there on social media. When the public misunderstands a legal change within hours of its passage, that is a sign that Parliament is doing the wrong thing.

The person who made this comment on my social media is not an unintelligent person. They are not an unkind person. They are simply a person who saw what this committee did and believed that circumstances had changed sufficiently to enable them to go after people whose views they find distasteful.

When people believe that the Criminal Code can now be used to silence views they dislike, it is a sign that we have created expectations that law cannot meet. When those expectations encourage people to weaponize accusations of hate, it is a sign that we are moving in a dangerous direction.

We must recommit ourselves to a balanced approach. We must protect Canadians from true hatred, and we must also protect the space for good-faith expression, including religious expression and religious expression that we find offensive or distasteful in a country that depends on respectful disagreement to function.

● (5935)

Removing this defence does not advance justice. It undermines the very conditions that allow justice, pluralism and civil dialogue to survive. This committee's unwillingness to put Bill C-9 aside, despite its obvious shortcomings, also stops this committee from dealing with the important issue of Liberal bail. As the Liberals sit here trying to restrict the freedom of Canadians, they are letting violent criminals out on bail to do more damage in our communities.

Their colleague, the Parliamentary Secretary to the Leader of the Government in the House of Commons, is also sitting in the House verbally attacking my Conservative colleagues to relax our “stubbornness” on not moving swiftly to pass Bill C-14. I think he must have meant the Liberals.

As the people who have been following these proceedings and the proceedings of the House at home can see, we can't get this committee to move to study Bill C-14. I implore this committee to move on and do the work that is necessary to make all Canadians safe.

Accordingly, I move, in light of the remarks I've just made and in light of the remarks made by the Parliamentary Secretary to the Leader of the Government in the House of Commons within the last 90 minutes, that this committee now proceed to the consideration and study of Bill C-14, the bail and sentencing reform act.

Thank you, Mr. Chair.

● (5940)

The Chair: Thank you, Ms. Kronis.

To clarify, are you seeking unanimous consent? Is that what you're doing?

Tamara Kronis: I am. Yes.

Andrew Lawton: You're moving this.

Tamara Kronis: Yes. I'm actually moving a motion, as I believe I'm entitled to do. It's a dilatory motion. I believe we must go to a vote.

The Chair: You're allowed to bring the motion. It's just that we've seen a bit of both throughout this morning. I wanted to make sure which one we were on.

Tamara Kronis: I'm bringing a motion, Mr. Chair. I'd like a recorded vote.

The Chair: Okay. Well, I'm ruling on the motion. We've already decided on that motion several times today, so we'll move on.

Who has the floor next? It's Mr. Mantle.

Jacob Mantle: Just to confirm, I'm subbed in for MP Gill. Is that correct?

The Chair: That's correct.

Jacob Mantle: Thank you, Mr. Chair, for the opportunity to speak to this issue, and in particular to speak to Mr. Brock's subamendment to Mr. Lawton's amendment. They are critical to bringing back religious freedom and the freedom to express sincerely held religious beliefs and to read from sacred texts, whether that be the Bible, the Torah or any other text, which my colleagues in the Liberal Party seem to believe are hateful.

We know they believe that, because one of the ministers—

Anthony Housefather: I have a point of order.

The Chair: Mr. Housefather has a point of order.

Anthony Housefather: I'm so sorry, but to make the claim that we believe a religious text is hateful goes beyond debate. I would ask that it be withdrawn. It is very unfair.

Melissa Lantsman: I have a point of order.

The Chair: I'm inclined to agree with Mr. Housefather, Mr. Mantle. We're all entitled to express our views on the pros and cons of the subamendment, the amendment or the bill itself, but suggesting that of anybody in here or challenging their faith in that way, with all due respect, sir, is completely over the line. I would ask that you refrain from doing that going forward.

Mr. Lawton.

Andrew Lawton: On the same point of order, I have a quote from former justice committee chair Marc Miller on October 30. There is "clear hatred" in books of the Bible and Torah—

The Chair: This is debate.

Andrew Lawton: No, I'm affirming that what he said—

The Chair: This is debate, Mr. Lawton. Thank you very much.

Andrew Lawton: Your predecessor literally said—

The Chair: Mr. Mantle, please continue.

Andrew Lawton: —that holy books are hateful.

The Chair: Mr. Lawton, you're done.

Mr. Mantle, please continue.

Jacob Mantle: Thank you, Mr. Chair.

I take your comments seriously. I don't mean to suggest that certain members or all members have that view, but I will read into the record the views of one member of the Liberal government who made these comments on the record. I don't believe that could be impugned in any way. These are his words. They're not mine.

Is that permitted, Mr. Chair? May I read his words into the record?

The Chair: I don't know which member you're talking about or which words those are. Let's deal with that as it comes.

Jacob Mantle: Okay. I will read Mr. Marc Miller's words into the record. If you think that's inappropriate, you can tell me at that time. He said this at committee on October 30: "Clearly, there are situations in these texts where statements are hateful. They should not be used to invoke...or be a defence." He further said that prosecutors should have the ability to "press charges".

My view is that it's Mr. Marc Miller's opinion that these texts I just referenced are clearly hateful. I think it's fair to say that. Those are his words, not mine. That goes to the point of why it's important that Mr. Brock's subamendment to Mr. Lawton's amendment be passed by this committee. We have a Liberal minister who made these comments. In fact, he was promoted after those comments were made.

I'm not sure what signal Canadians should take from that, from the Prime Minister's decision and judgment to move someone who holds those views into a position of authority in the government. It's not just any position. It's the culture and heritage minister. I think our religious beliefs and faith, and our ability to express them, are critical, and—

• (5945)

The Chair: I'm sorry to interrupt you, Mr. Mantle.

The room is getting a little loud. Mr. Mantle has the floor. I think we need to show him some respect on both sides, please, and at the back. I know there's food in the room, but please keep your voices down, or preferably just don't talk at all.

Jacob Mantle: Thank you, Mr. Chair, for that reminder. It's well noted.

I'll just move back a step to what I was saying. I was asking a rhetorical question about what type of signal it sends to Canadians when the Prime Minister, in his judgment, decides to promote a minister who holds that view and who has said it publicly.

In my view, that calls into question the Prime Minister's judgment. That calls into question his commitment to free expression and the ability to express our religious views, which should be protected by the government, recalling of course that the charter is meant to protect Canadians from the overreach of government. Part of its purpose is to curtail the ability of government to circumscribe Canadians' fundamental freedoms.

I'll remind members that the freedom of conscience and religion is in a section of the charter that refers to them not only as freedoms but as fundamental freedoms. There has not been, in my view, enough scholarship and discussion on that, because when we interpret a constitutional text or a legal text, we have to give effect to the words that are there. That's a general principle of interpretation. I'm sure my justice colleagues would agree with that maxim. When the charter says that these are fundamental freedoms, I think we have to ask ourselves why that is and what the drafters of that section meant to convey to Canadians about these freedoms.

I want to talk about three things in my remarks. First, I want to talk about a laudable goal. I also want to talk about the faulty premise the Liberals have about a laudable goal. Finally, I want to talk about misplaced priorities.

The laudable goal, of course, is combatting hate and acts that promote it, propagate it or normalize it. I share the goal that Liberal members, Conservative members and Bloc members have. We want a society that does not promote, tolerate or accept that. That is a laudable goal, but unfortunately, that laudable goal will not be achieved by Bill C-9, and that's the faulty premise.

The faulty premise is that the government, the Liberals, with their co-conspirators, the Bloc, believe that taking away people's religious freedoms will somehow stop the promotion of hate in Canada. On its face, on a common-sense, prima facie basis, that doesn't follow. However, it's worse than that, because not only will this not achieve the goal they have set out for themselves, but in fact we are seeing that it might be weaponized against those who hold a different view from those who are in power.

That was on display with Mr. Miller's comment. For Mr. Miller—I won't impugn his intention; I'll just read his words—it might not have been about a “defence”, but rather using it as a sword. Oftentimes, in legal discussions, we talk about whether laws can be used as a sword or a shield. This defence was of course meant to be a shield against an allegation of hate speech, but we're seeing it potentially being used as a sword. That undermines the laudable goal and leads me to believe that Bill C-9 was brought forward on a very faulty premise.

It's also a faulty premise, because we know that many of the things that members have complained about or that members of our community have raised with us are real. For just over the last eight years, I worked right downtown. My office was at Bay and King, and after October 7, I played witness to marches right in the centre of Toronto that I had never witnessed in my life. There are often protests downtown, and frankly, none of us who work in ivory towers pay much attention to them, but this was different.

● (5950)

Many times, colleagues of mine and I, out of the BMO tower, First Canadian Place, went down to the street to see what these were about. Frankly, I was horrified to hear what members of those protests—if you want to call them that—were saying, what their views were based on what they were yelling and what they were arguing with people on the street about. I'm not a prosecutor. It's not my area of practice, so I'll leave out whether it rose to the Criminal Code definition of hate speech. As a layperson, it certainly seemed pretty hateful to me.

Then I saw, over the next months, that it progressed to not only marching in downtown Toronto but marching into northern Toronto, up Bathurst Street into Jewish neighbourhoods. Again, I'm not an expert on protests, but you have to ask yourself why people want to protest in an area of our city that is heavily populated by one community and one community only. It doesn't take an expert to know that this section of the city was picked because of the members of the Jewish community who live there. Again, as a layperson, I think that's pretty hateful.

This goes to my faulty premise, because the actions of the people in those protests may have been already criminal. I'll mention a few of the provisions of the code that I think may have been at issue and, of course, leave it to the Crown and the police to make the ultimate determination.

There is, for example, in the code, section 63 for unlawful assemblies. Section 175 is about causing a disturbance. Section 176 is about obstructing or disturbing religious worship or meetings. Section 264 deals with criminal harassment. Section 264.1 is about uttering threats. I certainly heard threats at those marches. Sections 298 to 317 are about defamatory libel. Section 423 deals with intimidation, and section 430 with mischief.

There may be other sections. That's just what I was able to glean in reading through the Criminal Code. I would submit to members of the committee and to those who support Bill C-9 that what they are trying to achieve is already achievable in the Criminal Code. The question then is, why are the police and Crown prosecutors not going forward with this?

There's at least one reason that comes to mind, and I would suggest that it's a lack of political support and political will. That's both at the municipal level of government with the City of Toronto and also at the federal level of government with the Liberal government.

I don't think it's unreasonable for police and prosecutors to want their political leaders to stand up for them if they are going to enforce these provisions of the Criminal Code, but they don't. They don't, going back to Mr. Miller's comments, hear comments from the government and from senior ministers about how they should understand what's happening in Toronto and other places across the country. They don't see support for them to enforce these laws.

I would encourage—in fact, I demand it—the police to enforce the laws that exist to protect our religious liberties and those of our Jewish community in this particular example, and to do that for all religious communities in this country. I think all parliamentarians should expect the police to do that, but I understand why they may hesitate, because they do not have the support of the government. They do not have the support of the Prime Minister. They do not have the support of the justice minister, and they certainly don't have the support of the new minister of culture and heritage. It is a laudable goal, but a faulty premise to achieving it, unfortunately.

The last thing I want to talk about in my submission is misplaced priorities. That has been on full display here at the committee.

● (5955)

We have all heard the stories of violent offenders out on bail or being released on bail who then commit more violent offences. These stories are from across Canada. One poignant example is the case of Bailey McCourt. As we've learned, the accused in that case, James Plover, was supposed to have gone through a consideration of various factors prior to being released. In that story, Mr. Plover was released and committed the horrible murder of his estranged wife. That has shaken Canadians, and rightly so, because Mr. Plover should never have been released.

I have a report on that. This is important, especially for Mr. Chang. This is in his province of British Columbia. I wonder if I could have unanimous consent to table this report with the committee as evidence, especially for Mr. Chang and other members from British Columbia. Would I have unanimous consent for that?

The Chair: Do we have unanimous consent?

Some hon. members: No.

Jacob Mantle: Mr. Chair, just to clarify, there is no unanimous consent.

The Chair: There is no unanimous consent.

Andrew Lawton: On a point of order, with respect to my colleague, when we were suspended earlier, there were some discussions among the parties. Conservatives have always been willing to try to find a way forward on this.

Given that the Minister of Justice is in Ottawa today, I wanted to ask that the committee invite him to appear immediately in relation to Bill C-14.

The Chair: That's not a point of order.

Andrew Lawton: It is. I'm seeking unanimous consent, Chair, for the minister to appear immediately on Bill C-14.

The Chair: I heard a no.

Andrew Lawton: They haven't heard what I'm asking unanimous consent for. They don't know they're against it yet, unless they're against all requests to co-operate across party lines.

The Chair: I understood what you were asking for, and I heard a no, so we're going back to Mr. Mantle.

Andrew Lawton: I didn't finish the request. Don't the Liberals want the minister to testify?

The Chair: It wasn't a point of order anyway.

Andrew Lawton: That's strange.

The Chair: Mr. Mantle, continue, please.

Jacob Mantle: Thank you, Mr. Chair.

To recap my understanding of my requests, there is no unanimous consent to table information about the case of Bailey McCourt.

The Chair: That's correct.

Jacob Mantle: Thank you. That's unfortunate. I don't know why members of the Liberal Party would not want more information about a very serious case, but Canadians can make their own judgments on what that says about the priorities of the Liberal members of the justice committee and what they want to talk about.

Sima Acan (Oakville West, Lib.): That's nonsense.

Jacob Mantle: They can heckle that it's nonsense, but I leave it to Canadians to decide for themselves what they think those priorities are.

The Chair: I'm sure there are a lot of Canadians asking those questions today, Mr. Mantle. Rather than ascribing motives and things to other people, let's stick to the core discussion here.

Jacob Mantle: Mr. Chair, I completely agree with you. On the record, I did not suggest their motives. I said the public can make their own determinations.

Going back to my discussion of misplaced priorities, they are misplaced. I think the members of the Liberal Party on this committee have misplaced their priorities in not wanting to discuss the issues of bail and sentencing reform. We have asked numerous times to go to the consideration of Bill C-14, the bail and sentencing reform act, which the government said is an important piece of its criminal justice agenda. I have to wonder if it really is when Liberal members refuse to move to consider it. It's not like they're suggesting there's something more important that should be considered; they're suggesting that, instead, we should be arguing about the circumscription of religious expression and freedom in this country.

To me, that's very clearly a misplaced priority on the part of the government. It doesn't want to talk about bail and sentencing reform and how we fix a broken system, which has been broken, frankly, by the actions of the Liberal government.

● (6000)

Anthony Housefather: On a point of order, what's the relevance of this to the amendment on the table, Mr. Chair?

An hon. member: Allow him some leeway.

Anthony Housefather: I gave 11 minutes of leeway before you—

The Chair: You don't have the floor. We're not going to have this back-and-forth across the table, please, gentlemen.

You made your point of order.

Mr. Mantle, can you explain how this is relevant to the sub-amendment?

Jacob Mantle: Absolutely, Mr. Chair. I think I laid out quite clearly how this is relevant to the discussion.

There's a laudable goal in Bill C-9, which was undermined by the Liberals' decision to remove the religious defence. Mr. Lawton sought to amend it by adding clarification on that. Mr. Brock's sub-amendment then sought to further clarify and expand the scope of it. That's the laudable goal, the faulty premise of Bill C-9 and their misplaced priorities in not wanting to deal with Mr. Lawton's amendment and Mr. Brock's subamendment.

I would suggest that's directly relevant if—

Anthony Housefather: We're happy to vote on both of them immediately.

The Chair: Carry on, Mr. Mantle.

Jacob Mantle: We can get to a vote after members have had the ability to express their opinions on that. They can laugh all they want, and if their laugh is suggesting that religious freedoms are not an important—

The Chair: Nobody's laughing at that, Mr. Mantle.

There are procedural shenanigans going on around the table. We all know that and anybody watching knows that. Telling people that they're laughing over some substantive issue is not accurate.

Garnett Genuis: Mr. Chair, you can't be the ref of—

The Chair: Carry on, please, Mr. Mantle.

Garnett Genuis: You can't make substantive, opinion-oriented comments.

The Chair: You can't talk right now.

Carry on, Mr. Mantle.

Jacob Mantle: I still have the floor, Mr. Chair, so I'll continue.

I respect you as chair, and I'm still new in this place and learning about the role of the chair, so I accept that, but I would suggest that it's not the chair's role to police the content of speech in the committee. Obviously, relevance is important, and I've explained how I think it's relevant. If you disagree, you're free to do that as the chair and use what power you have, but I suggest it's relevant, and I'm going to continue with my other points.

I'm going back to the third point of my remarks today, which is about misplaced priorities. I am suggesting that the Liberal government has misplaced priorities by not wanting to talk about bail and sentencing reform, which they have said is an important issue. Frankly, it's only because we have been raising it and Canadians have been raising it in response to these outrageous acts of violent offenders being let out on bail and committing horrendous violence again. Instead of wanting to talk about that, we are stuck on the Liberals' Bill C-9, an attempt to curtail and suppress religious ex-

pression and sincerely held religious beliefs, including those from religious texts. I think that's a serious misplacing of priorities.

In summary, I think Bill C-9 had a laudable goal, but unfortunately, it was brought forward on a faulty premise. In fact, it will not achieve the goal the government says they hope to achieve. Instead, they are moving to misplace their priorities by talking about this issue rather than bail and sentencing reform.

Mr. Chair, given that misplaced priority, I would like to move the following motion: That, given the Minister of Justice is in Ottawa today, the committee invite him to appear immediately in relation to Bill C-14 with respect to bail and sentencing, followed immediately by clause-by-clause consideration of Bill C-14, followed by clause-by-clause consideration of Bill C-9.

If they are serious about what they say, Liberal members will support that and bring the minister here today.

The Chair: The motion is out of order, Mr. Mantle.

Larry Brock: I have a point of order.

The Chair: Mr. Brock, go ahead.

Larry Brock: I'm asking for unanimous consent for the following: That, given the Minister of Justice is in Ottawa today, the committee invite him to appear immediately in relation to Bill C-14—

The Chair: You cannot do this on a point of order, Mr. Brock.

Larry Brock: —with respect to bail and sentencing, followed immediately by clause-by-clause—

The Chair: Mr. Brock, we can talk over each other or—

• (6005)

Larry Brock: —consideration of Bill C-14, followed by clause-by-clause of Bill C-9.

The Chair: —you can respect the chair and respect the interpreters. We can do this all day long—

Jacob Mantle: I have a point of order, Mr. Chair.

The Chair: I'm addressing Mr. Brock's point of order, Mr. Mantle. Be patient.

That's inappropriate at this time, Mr. Brock.

Larry Brock: I'll be raising it again when I'm recognized.

The Chair: That's your right.

Larry Brock: When is that, Clerk?

Jacob Mantle: I have a point of order, Mr. Chair.

The Chair: I'm going to suspend for a few minutes.

Jacob Mantle: This is directly on my—

The Chair: I've had a request that we suspend for personal reasons, Mr. Mantle.

• (1205) _____ (Pause) _____

• (1220)

• (6020)

The Chair: We'll call the meeting back to order.

Mr. Mantle, you still have the floor.

Jacob Mantle: Thank you, Mr. Chair.

I believe when we suspended, I had moved a motion to request that the justice minister appear before committee to do clause-by-clause consideration.

The Chair: We've already moved on from that.

Jacob Mantle: I realize that you ruled on that, Mr. Chair. What I would like are the reasons for that ruling.

The Chair: There are no reasons, Mr. Mantle. I made up my mind based on information I had before me.

Jacob Mantle: Thank you. I assume it's arbitrary, then.

The Chair: No, it's well thought out, in fact, Mr. Mantle, but if you want to question my judgment again, feel free to do so. It will be the last time you speak.

Jacob Mantle: I can't question it without the reasons. Feel free to put them on the record.

The Chair: All right. Who's next?

Go ahead, Mr. Brock.

Larry Brock: Thank you, Chair.

I have some housekeeping matters to address first. I asked you some questions earlier today, and I found out that an email shared with our leadership seems to indicate that resources are now available on today's date until midnight. I would like clarification on that, sir, if you have the information to confirm or deny it.

Second, several colleagues have approached me with issues regarding travel, specifically in relation to whether we are sitting tomorrow. Decisions need to be made and flights need to be booked. I don't know if you have an update for us, Chair, with respect to sitting tomorrow.

Again, the Conservatives are prepared to do that if resources are available to us. If you could address that at some point, sooner rather than later, Chair, it would be appreciated.

Now that I officially have the floor, perhaps I'll give you the opportunity of addressing that before I move on.

The Chair: I was going to say that I thought it was official.

I haven't seen the email you're referring to. As I explained to you earlier today, I put in a request for additional resources in the future. I have no further information for you beyond what I had earlier today.

Roman Baber: Which future is that? Is it the distant future or the near-term future?

The Chair: As far as travel plans go, with the nature of our job, I probably change my flights three times every week. I will give you the information as soon as we have it, Mr. Brock.

Larry Brock: My only concern is that given the House is expected to rise shortly after QP, there are going to be a number of members utilizing the Ottawa International Airport. Many of us may not be able to book a flight, so the sooner we know, the better, so we can make appropriate arrangements.

The Chair: Again, it seems you have better information than I do. The House is rising.

Larry Brock: Maybe I do.

The Chair: That's the best thing I've heard you say all day.

Larry Brock: Maybe I do. I have a lot left in the tank, believe me. I have hours and hours left in the tank.

Given that I officially have the floor, I am now moving this motion: That, given the Minister of Justice is in Ottawa today, the committee invite him to appear immediately in relation to Bill C-14 with respect to bail and sentencing, followed immediately by clause-by-clause consideration of Bill C-14, followed by clause-by-clause consideration of Bill C-9.

I'd like a recorded vote, please.

The Chair: The motion is not receivable, Mr. Brock, because we're still in the middle of the discussion on the subamendment. If you have submissions on the subamendment, you have the floor.

Larry Brock: What authority are you relying upon, Chair?

The Chair: We're dealing with a subamendment, which is a motion in itself. It's one motion at a time. It's not receivable at this time.

Larry Brock: All right.

Can I seek unanimous consent at this point, for all the reasons I have read out?

The Chair: You can try.

An hon. member: No.

The Chair: You do not have unanimous consent.

Larry Brock: I guess the Parliamentary Secretary to the Minister of Justice has said no—

• (6025)

The Chair: Mr. Brock, these are not recorded votes. It's not appropriate to identify people who are speaking when the mic is not on.

Larry Brock: Well, this is televised—

The Chair: You do not have unanimous consent, which I've made very clear. If you have submissions on the subamendment, the floor is yours.

Larry Brock: Yes, I have some more submissions to make.

I just received notice of a woman from Quebec, in Longueuil, who was out on bail and was arrested again after a Black child, aged 10, was scalded with boiling water. Given the significance of this case and given the significance of the bail and sentencing reform act that is Bill C-14, I would like to table this article with the committee at this time.

The Chair: Do we have unanimous consent to table the article?

Patricia Lattanzio: Mr. Chair, what is the source of this article?

Larry Brock: It's from the Gazette.

Patricia Lattanzio: When is it dated?

Larry Brock: It is dated—

The Chair: Is it translated, Mr. Brock, just out of curiosity?

Larry Brock: It is not translated. It's only in English.

The Chair: Okay. We would need unanimous consent to waive the—

Patricia Lattanzio: Mr. Chair, how is that relevant to the subamendment?

The Chair: It's not translated anyway, so I think we're not going to get anywhere.

Patricia Lattanzio: Thank you.

Larry Brock: Do we not have unanimous consent?

The Chair: We do not have unanimous consent, if for no other reason than the article is only in one official language.

Larry Brock: Thank you.

I'm prepared to cede my time at this time.

The Chair: Thank you.

That takes us to Mr. Gill.

Harb Gill (Windsor West, CPC): Which Mr. Gill?

The Chair: That's a good question.

It's Mr. Gill who's a regular member of this committee.

Amarjeet Gill: Thank you, Chair.

I'm grateful to once again speak to Bill C-9, the combatting hate act, and specifically to Mr. Brock's subamendment. It is an excellent subamendment.

I believe I can state without controversy that all members of this committee want to take action to combat the rise in hate crimes. We all want to help make our communities safer places for residents to live, to work and to raise families. We all want to give our law enforcement officials and prosecutors the tools they need to keep Canadians safe. This is important.

Soft-on-crime Liberal policies have created chaos in communities across Canada. Police have reported that since 2015, hate crimes in Canada have increased by 258%. Extortions are up 330%. Anti-Semitic hate crimes alone are up 416%. Hate crimes against South Asians have risen by almost 380%. In 2014 alone, Canada

saw almost 5,000 police-reported hate crimes—the highest number on record. In Toronto alone, hate crimes jumped by 19% in a single year, with assault-related hate crimes rising by 42%.

Addressing the issue of crime is incredibly important to my community of Brampton West, and it is my duty as a parliamentarian to try to find a solution to make my community safer. However, instead of taking action on our shared objectives and finding solutions to address the explosion of hate crimes in our communities, we are stuck debating the Liberal-Bloc backroom deal that directly assaults freedom of expression and religious freedom.

I want to draw the attention of members to two recent news stories about hate crimes in my community. The first is from October 16, when men assaulted a victim with a replica firearm after hurling racial slurs in Chinguacousy Park. The second is from November 15, when a 22-year-old man was charged after he struck a pedestrian with his car after yelling racially charged comments.

Both of these reported hate crimes have been committed since the start of this committee's study of Bill C-9. This is what I mean when I say this is an incredibly important issue in my community. I am upset that we are wasting our time on the Liberal-Bloc plan to strip Canadians of their charter rights.

For a party that brags about being the party of the Canadian Charter of Rights and Freedoms, the Liberals clearly have not read the document. The very first fundamental freedom laid out in our charter under section 2(a) is freedom of conscience and religion, followed by freedom of thought, belief, opinion and expression in section 2(b). Those fundamental rights are what Mr. Brock seeks to further enshrine through his subamendment.

Paragraphs 319(3)(b) and 319(3.1)(b) of the Criminal Code exist to protect those fundamental freedoms in the charter. This committee heard just that from Derek Ross of the Christian Legal Fellowship on October 30. When questioned by the Bloc about repealing those two paragraphs, Mr. Ross stated that they “have been pivotal in demonstrating to the courts that the legislation does strike the right balance and doesn't intrude too far on citizens' rights to freedom of opinion and expression.” He went on to add that “If [the good-faith] defence, or the other defences for truth, as examples, were removed, we would be concerned that could undermine the constitutionality of this regime and the careful balance that has been struck.”

• (6030)

To back up their intent to undermine Canadians' constitutional rights, the Liberals and Bloc rely on extreme or made-up scenarios about how the good-faith defence could be abused. The only issue with that argument is that there is no evidence to back it up.

In the 2023 case in Quebec that the Bloc cites, there were never charges brought, and even if there were, advocacy for the genocide of Jews is most certainly not good faith. Our courts have been consistently interpreting paragraphs 319(3)(b) and (3.1)(b) very narrowly. Mr. Ross spoke to that effect, stating that the example the Bloc often cites would be “a misuse of both the defence and, frankly, of religion.” Our courts are aware of that fact as well.

The committee heard from the Canadian Constitution Foundation on November 6 that these sections have never been successfully invoked, and that their existence is “central to the court’s conclusion that the law is constitutional as it is.” As Mr. Ross told us, “The courts have been very clear that this defence cannot be used to cloak hateful expression with impunity—the language they use is “as a Trojan Horse to carry the intended message of hate”.

Removing provisions of the Criminal Code that are central to our courts’ interpretation of our laws and Constitution would be, to use another metaphor from Greek mythology, like opening Pandora’s box. We have no idea what kinds of horrors could be released on our communities if the Liberal-Bloc proposal is passed.

Our system of good-faith protection is working. We heard that from witness after witness during this study. What we also heard from witnesses during this study is that after 10 years of Liberal soft-on-crime policies, there are many things in our criminal justice system that are not working and need to be fixed. We could talk about bail reform. We on this side of the committee have tried numerous times to get started on our study of Bill C-14.

Patricia Lattanzio: Mr. Chair, I have a point of order.

The Chair: Go ahead, Ms. Lattanzio.

Patricia Lattanzio: Once again, I will invoke relevance in terms of Bill C-14. We’re on Bill C-9. I have tried, since this morning, to outline that the Conservatives are obstructing the final clause-by-clause study of Bill C-9, and because of that, we are not able to finish Bill C-9, nor are we even able to begin the study of Bill C-14. I think it’s a bit rich to start invoking that we don’t want to study Bill C-14.

• (6035)

Roman Baber: This is debate. This is not an appropriate point of order.

Patricia Lattanzio: The Conservatives have been clear, ever since Tuesday, that they do not want to study Bill C-14—it’s obvious. That is why I brought forward motions seeking unanimous consent, Mr. Chair, to bring this bill to the House.

The Chair: I understand your point. Thank you, Ms. Lattanzio.

Mr. Gill, I’ve been very generous in how broad people can go with their comments. Although some may not agree with that assessment, I think I’m being accurate when I say that. If you could try to keep the focus on the amendment and the bill we’re dealing with, I would appreciate it.

Amarjeet Gill: Absolutely, Mr. Chair.

The Chair: Thank you, Mr. Gill.

Amarjeet Gill: For quite a long time, I was reading about hate crimes and how they are impacting our communities and society. At the same time, violent repeat offenders are on bail, and Bill

C-14.... I’m just going to get to the relevance before anybody.... It is their right to raise points of order, and I don’t complain about that, but if they will allow me, they will see that I’m coming to my points. What I’m going to talk about is very important for us as lawmakers and for Canadians, Mr. Chair.

The Chair: I understand, Mr. Gill. I’m happy to give people lots of latitude. Let’s just try to keep it close, that’s all.

Amarjeet Gill: Thanks to Bill C-5 and Bill C-75, both by Liberal governments, our bail system is broken in Canada. Violent repeat offenders are back out on the streets.

Patricia Lattanzio: Mr. Chair, I have a point of order.

The Chair: Mr. Gill, I apologize, but we have another point of order.

Go ahead, Ms. Lattanzio.

Patricia Lattanzio: Mr. Chair, once again we’re talking about bail reform, and there’s no relevance with regard to the subamendment on the table. If the member opposite wants to deal with Bill C-14, obviously we’re not going to be able to get to Bill C-14 as long as they keep on obstructing—

Roman Baber: This is the same point of order.

Patricia Lattanzio: —the finalization of Bill C-9. If that’s the case, that’s why I moved this morning to seek unanimous consent—because we’re never going to be able to get to Bill C-14 in this committee—to send Bill C-14 for third reading in the House.

The Chair: Thank you.

Mr. Gill, could you bring it back to the bill at hand? I understand people’s desires around this table. They’ve been made very clear time and time again, frankly, but if we can redirect the focus very quickly, we can avoid further points of order.

Roman Baber: If I may, on a point of order, I think it’s entirely within the member’s right to discuss the direction and priorities of this committee. I appreciate—

The Chair: That’s not a point of order. That’s a point of debate, Mr. Baber. Thank you very much.

Roman Baber: This is debate against Ms. Lattanzio’s point of view.

The Chair: Mr. Baber, you’re getting into debate, which we’re not going to do.

Mr. Gill, you have the floor.

Amarjeet Gill: Mr. Chair, I understand your point of view. As Mr. Baber said, I am coming to that, but I did not even finish a line, and the next point of order came in. They will see the relevance when I go into my next paragraph.

My focus is on having safe communities. I do not want to see any sort of crime, whether it's a hate crime or one done by violent repeat offenders. Whether it's Bill C-9 or Bill C-14, criminals should be out of the street. They should be where they belong, which is to say that I want to see them in jail, not get bail. Violent repeat offenders and hate crime offenders are out on the streets hours after being arrested for crimes.

This is a major issue in my community. This committee heard directly from the mayor of Brampton, Patrick Brown, as part of this study. I want to quote from his testimony to highlight the urgency of this issue to my constituents. Mayor Brown told committee members about Darian Henderson-Bellman, who lost her life to five shots from her former intimate partner. This individual was released on bail five times. It was a preventable tragedy. A violent repeat offender—

Wade Chang: I have a point of order on relevance.

The Chair: Mr. Gill, you did promise us you would get back to it in your next paragraph.

If you want to cede the floor to Mr. Baber rather than take instructions from him, that's okay too.

Amarjeet Gill: Okay.

We need to get acting on bail reform as well. Minister Fraser was quoted yesterday as saying that he will personally, over the next number of weeks, be engaging “to make sure that we fully, first, understand the nature of the concerns being addressed”. If the minister will be taking the next few weeks to consult further on the mistake he has made with his deal with the Bloc, we at this committee should not rush to finish the clause-by-clause review of Bill C-9. We too should take a few weeks to reflect on the proposed amendments and devote our time to more pressing matters, such as Bill C-14.

I would like to move this motion, Mr. Chair: That, given the Minister of Justice is in Ottawa today, the committee invite him to appear immediately in relation to Bill C-14 with respect to bail and sentencing, followed immediately by clause-by-clause consideration of Bill C-14, followed by clause-by-clause consideration of Bill C-9.

• (6040)

The Chair: I'm sorry. There's a lot of conversations going on in the room, Mr. Gill. Can you repeat what you just said?

Amarjeet Gill: I said I would like to move a motion: That, given the Minister of Justice is in Ottawa today, the committee invite him to appear immediately in relation to Bill C-14 with respect to bail and sentencing, followed immediately by clause-by-clause consideration of Bill C-14, followed—

The Chair: Mr. Gill, I'm going to interrupt you.

Amarjeet Gill: —by clause-by-clause consideration of Bill C-9.

The Chair: Mr. Gill, you can't bring that motion up at this time. If you're seeking unanimous consent, we can proceed that way. We've done that a number of times.

Amarjeet Gill: Can I ask for unanimous consent?

The Chair: You can ask, yes.

Do we have unanimous consent?

Some hon. members: No.

The Chair: Are you finished, Mr. Gill?

Amarjeet Gill: Yes, I am.

The Chair: Thank you very much, sir.

Next we have Ms. Wagantall.

Cathay Wagantall (Yorkton—Melville, CPC): Thank you very much, Mr. Chair.

I am very pleased to be here today, not just to speak but to hear from other colleagues.

Tamara Kronis: I'm sorry, Mr. Chair, but I'm sitting right next to Ms. Wagantall and I cannot hear her.

The Chair: I'm having trouble myself.

To people in the room—in the back, on the sides and all around—when somebody is speaking, please show some respect so that people can hear them.

Jacob Mantle: If you want to have a conversation—

The Chair: Mr. Mantle, I have this this under control, but thank you. I don't need help.

Jacob Mantle: [*Inaudible—Editor*]

The Chair: Mr. Mantle, we can have this banter back and forth, and Mr. Genuis is now joining in on the fun.

I've made my request; it's pretty clear.

Ms. Wagantall, you have the floor.

Cathay Wagantall: I'm going to take a bit of a different approach to this. I think it's really important that as we're speaking here, people understand who we are, where we come from and what our values are. It basically impacts how each of us performs in this place and who we represent.

First and foremost, I'm a Christian. I love my faith. I depend on my faith. I teach my faith to my children, and my husband and I are of one accord on that faith. We have an incredible privilege in this country that makes it so attractive to so many different people, even now, as it did back when my grandparents came to Canada under duress from where they had to leave. You can come here and know that you have the opportunity to be yourself and have the right to express yourself and discuss, debate and talk in the public square about your faith. This is something that every person who comes to Canada has the opportunity to do, and it's been abused extensively over the last decade.

I had the opportunity to go to India with my husband. I need to go again. We need to go everywhere in the world at least three or four times, which we don't have a lifetime to do. We went to the Lotus Temple, where Mr. Gandhi is buried, and inside at that time, every book of faith was displayed. The idea with that, of course, is that every religion has its opportunity and its right to exist.

Our Bible was sitting there, and you could look at it, but honestly, when my husband, who is a pastor, looked at it, it couldn't have been open to a more ambiguous portion of what this book represents than what was on the page. My husband, being who he is, said to the individual overseeing and protecting, "Could I please change what page our scripture is showing?" Of course, he wasn't able to do that.

The point is that for a politician to stand up in this place as the leader of a committee and declare that a portion or segment of this holy book is hateful, which means whoever reads it out loud or shares about it should go to prison, is unacceptable. It is unacceptable to everyone in this place, and I'll tell you why.

In the House of Commons, when I was standing in my place and speaking, I was asked a question, but it wasn't a question. It came from a Bloc member who said to me that I had no right to bring my faith into this place. Note that I'm just repeating what I was told. My response simply was that we all have faith. As I told the Speaker, that individual has faith. It's just a question of where we put our faith.

The government is treading on various dangerous ground by going in this direction, and I think the government has been made aware of that fact. I can assure everyone in this room who is studying these issues that you have opened up an incredible can of worms that you do not want to deal with. That's not a threat; that's just a reality. There isn't a single faith in this country that hasn't risen up in arms against this, because it is inappropriate for our government to be once again trying to control the lives of Canadians.

When it comes to family decisions about parental rights, this government has challenged that. Confiscating the firearms of law-abiding firearms owners, freezing Canadians' finances and now attacking our faith are inappropriate.

• (6045)

I have had many people come to me who came here years ago under duress seeking freedom and the opportunity to worship God. What this generation of the hundreds of thousands of immigrants who have ended up in Canada is saying to us is, "This is not what we expected. We want to leave. We want to go somewhere else. This is no different from where I came from."

That is a huge statement against our country. It needs to be dealt with. The very fact that this is before this committee now, I think in ways that it wasn't expected that Bill C-9 would be dealt with, says that this has to be removed. You've heard that from people from all over this nation. You've heard that from people with authority within faith, from everyday Canadians and from people from all different kinds of civil liberties groups. This government has opened up, for a second time, the hearts and minds of Canadians and those who are calling this place home to say, "Not on my watch."

It has happened before. During that time, I was also subject to this government's overreach. I was not allowed to exercise my responsibilities as a member of Parliament, because the government was telling me what I could and could not do. It was unacceptable. As a result, there was a swelling across this whole nation that grew all the way to this capital.

In that group of people, that huge group of people, do you know what? Every people group was represented. It was not what the prime minister of the time and others said was representative of our nation. It was abusive. It did not reflect the incredible pride of every group of people represented, from indigenous to Indian to European—you name it. Every faith was represented.

Here we are again today, in a situation where Canadians are coming together to say no and to say that this bill in its entirety needs to be scrapped, let alone what's come forward since in the amendment that was brought forward that basically attacks our faith. I've been here for a decade. This began in my first year here with the shutting down of the office of religious freedom. That's what this government did. They brought in Motion No. 103 to divide. We tried to amend it to include every faith in this country. They denied it. They did not support it.

Our personal autonomy has basically been abused. This is moral injury. I think the government doesn't understand it in the same way they don't at the veterans affairs committee, where I've served for a decade. I'm the old matron on the team. Its makeup has changed every time there's been an election, with many different leaders on both sides of the floor, but having been there, I've heard stories over and over again about moral injury. What our veterans have experienced has caused them to become dismayed, despondent and discouraged.

We have just finished a study. Many of them are seeking suicide. They cannot cope anymore. At the same time, they're being encouraged to do it in another way. What we have learned at that committee, which I find astounding, from three different organizations, one of them being Mr. Roméo Dallaire's, is that we cannot solve these kinds of problems when they're moral injuries by just treating the body and mind with pharmaceuticals. We have this third part that's the pinnacle of the triangle, and that is your soul. Until you deal with the reality of the soul, you can never fully heal.

• (6050)

What this bill is doing is trying to disrupt Canadians' health, as has been constantly done in so many other ways. My riding has been so engaged on every level since I became a member of Parliament that they become exhausted in trying to respond to this government. Here they are again, rising to the surface and saying, "This is wrong. This is inappropriate. This cannot happen." As a result of the divisiveness that's happening in our nation, the level of hate is real. It's been encouraged. I'm sorry, but it's been encouraged, and divisiveness is causing that.

I'll just say one thing here. People of faith and faith leaders have been writing to the Prime Minister and expressing their deep concern about the removal of religious freedom exemptions from the Criminal Code. Do you know why? It's because they also know it will not make Canadians safer and certainly will not protect any people of any faith from hate. It's spin when you say we're trying to protect people of faith from hate and then you turn around and are creating the hate. This has to end.

Witnesses have told you at this committee that the religious text defence is narrow and does not offer blanket immunity, as the Liberals are trying to suggest. As they're saying, trying to veto or shut down faith text is not going to bring safety to Canadians. The good-faith religious defence protects minorities and those with sincerely held religious beliefs.

The separation of church and state is being used inappropriately because Thomas Jefferson wrote one letter in 1802 to a Baptist group that was concerned about the freedoms they had. In it, he said they did not need to worry, because separation of church and state, which he was referring to, meant not protection of the state from the church but protection of the church from the state.

Those are the circumstances that we find ourselves in today, first of all with the shutdown of the office of religious freedom, and then with trying to pit one faith group against another and removing charities. Canadians are seeing all of these things, and they are not foolish. They are not fooled. They know that this is inappropriate.

Religious communities, including Jews, Christians, Muslims, Sikhs, Hindus and Buddhists, hold a vast range of beliefs on religion, morality, sexuality, politics and culture. I go by my faith in the word of God. It is not the government's job to dictate what people believe. Every person has the free will to make those decisions on their own, and it is not the government that should be controlling the free will of people.

Though some may find different beliefs objectionable, I don't agree. I love to debate with people of other faiths. We should have that confidence. My husband is a pastor who has told young people all their lives, "If your faith is true and you know and understand it, you can talk with anyone else about their faith and what they believe." We are not there to threaten each other. We are there to have reasonable conversations, because every person in this place, every person in the world, has a soul. That shows in the extent of faith and belief across the world, including secularism. I'm sorry; that is faith. That is a religion.

My religion happens to be a relationship. It's not me trying to figure out how to get to God; God has come to me. That's my faith in a nutshell.

Some of these beliefs we may find objectionable, old-fashioned or even hateful. A free country does not criminalize the expression of sincerely held religious doctrines. We have laws in place that this government has refused to use. Obviously, then, I'm sorry, but you have to ask the question of why that is.

• (6055)

If you have an opportunity to deal with hate, why would you not be dealing with it? What is preventing you from doing that? The courts have been clear that violence and calls to violence are not and never have been protected as free expression and are not done in good faith as the defence requires. That's why we have laws.

I would encourage this government to get back to.... I will not bring forward a motion, but the reality is that the depth of darkness in crime and everything going on in this country that is negative is due to this government not doing its job in those areas.

The bail reform bill needs to be dealt with. It is not the fault of the people here today representing Canadians on Bill C-9 and on this particular amendment that has roused the angst of Canadians. It is the responsibility of this government to deal with that, to get it out of the way, to remove it and to get back to dealing with the issues around crime in this country and around having jail, not bail.

Thank you.

The Chair: Thank you very much, Ms. Wagantall.

Jacob Mantle: Hear, hear!

The Chair: Mr. Au, I'll turn the floor over to you, sir.

Chak Au (Richmond Centre—Marpole, CPC): Thank you, Chair, for allowing me the opportunity to speak. I am not a permanent member of this committee, but I feel compelled to speak today for two main reasons.

One, I am really concerned about what is unfolding here in this committee. I came two nights ago, and I saw that the amendment was passed to remove the good-faith defence from the bill. I think what is happening is really dangerous.

Not only that, but I feel compelled to speak because I have received hundreds of emails and messages in the last few days. I would say that none of the emails I received supported removing the good-faith defence from the bill. These people have urged me to speak for them. They don't have the privilege to speak in this committee or in Parliament. I'll share later on some of the messages I received, but first I will speak directly to the amendment and the subamendment.

Before I share the messages I received, I want to give you a bit of background about my riding and myself. My riding is Richmond Centre—Marpole, which is probably the most culturally diverse riding in the country, with 60% of people not born in Canada and 75% of the population identified as visible minorities. We have people coming from all over the world. We have over 110 languages being spoken at home or in the community. We have people coming from all walks of life, with all kinds of religious and cultural backgrounds. I think this is something we need to put into the debate on this bill.

Personally, I came to Canada in 1988 for this reason: I wanted to find a place where I could practise my faith without fear, a place where I didn't have to fear whether or not I would be allowed to practise my religion, whether or not I could speak freely about my beliefs and whether or not the Bible and the other religious writings I have would be subject to censorship. That's why I came to Canada. I believe many of my people in Richmond Centre—Marpole came for the same reason. I think they are alarmed, seeing what's happening in this debate on Bill C-9.

As I said, I want to share some of the messages I received. For example, one message said that if scripture can be put on trial for being offensive, then religious freedom itself is on trial. Another one said that if passages are labelled hateful, then tomorrow's target could be the Bible, the Quran or the Torah.

The other day, my colleague Tamara Kronis gave a history of the constitutional development of Canada and how we arrived at the balance between protecting religious freedom and protecting people from hate. In response to that, one sender said that when Parliament forgets its own constitutional history, it repeats its constitutional mistakes. Another one said that religious oppression does not begin in faraway countries; it has happened on Canadian soil. Another one said that every slide in repression begins with small, reasonable-sounding steps.

• (6100)

On the amendment being proposed by MP Andrew Lawton, one of the senders said that Andrew Lawton's amendment is not a loophole; it's the last line of defence for freedom of expression and religion. Finally, another person shared with me and said—listen to this—that once government is given power to prosecute without limits, it will use that power eventually against someone you didn't expect.

The Chair: I'm sorry, Mr. Au, but we have a point of order, I believe.

Go ahead, Ms. Lattanzio.

Patricia Lattanzio: I have a point of clarification, actually. I just heard the member opposite speaking about Mr. Lawton's amendment. Maybe he should be reminded that we are on Mr. Brock's subamendment.

The Chair: Thank you. That's a good reminder. We are dealing with Mr. Brock's amendment.

Chak Au: Yes, I know that, but I'm sharing some of the emails that I've received in the past few days, just for the information of the committee, so that you know where I am coming from when it comes to the discussion.

An hon. member: I have a point of order.

• (6105)

Patricia Lattanzio: Mr. Chair, it was just a point of clarification so the member knows and so that I can appreciate whether his intervention is relevant or not.

The Chair: Yes, I understand. It's just a general reminder to try to keep it focused on the matter at hand. I appreciate that.

Chak Au: Of course, and as I mentioned from the beginning, I am going to speak directly to the amendment and the subamendment.

The Chair: Continue, Mr. Au.

Chak Au: As I said, I'm going to give the background of the kinds of email messages I've received in the last few days.

Patricia Lattanzio: Mr. Chair, we are on the subamendment.

The Chair: She's quite right. We are on the subamendment.

Chak Au: Yes, okay.

I believe my colleagues on the other side may have received similar emails. You may also be struggling with these kinds of concerns, whether you support the amendment or not.

From what I heard and observed, I believe the amendment made the other night to remove the good-faith defence is a very dangerous move. It will lead Canada down a slippery slope, and once we get into that kind of path, there's no way we can come back.

As I mentioned, from the contacts I outlined earlier, the question that's been posed to me, and I believe to my colleagues, is that if passages of scripture can be deemed to be hateful or offensive, what is coming next? It is only logical to deduce that if parts of the Bible or a religious scripture are deemed hateful, in the end, maybe the whole book itself could be seen as hateful and be banned. It's not like we haven't seen this happen in other countries.

What will happen next? Are we going to have redacted versions of the Bible? Are we going to have “clean” versions of the Bible or other religious writings approved by the government? I think this is a logical question that people ask, and we need to address it in our debate on Bill C-9 and the amendment that has been passed.

Don't laugh at this. Don't say this will never happen in Canada. What we're already seeing is that in many school districts, books written by great authors such as Charles Dickens and Shakespeare have been banned because some school districts have deemed those writings and novels as discriminatory, racist, sexist or not up to the modern standard. It has happened. There's nothing to prevent, once we enter this slippery slope, this kind of thing from happening—to ban books or have clear, clean versions being approved by the government.

The other night, my colleague talked about the history of how we arrived at a good balance between protecting freedom of expression and freedom of religion and protecting people from hate crimes. That was a good lesson and a good history for us to learn. I understand that some of my colleagues don't want to hear that. They challenge it by saying, “You're giving me a history lesson,” but we need to learn from history.

One of the people who sent those messages to me said that this has happened before. Canada is not immune to religious oppression. Some of us here who have lived in Canada for a long time might still remember that sometime between the 1940s and 1950s, there was religious oppression against a faith community in Canada. At that time, as I was told and I learned, Jehovah's Witness communities were under oppression. Their homes were raided, their gatherings were banned and they were being persecuted. Don't say that this will not happen again if we do not learn from history.

I also agree with, as I mentioned, one of the messages that I received, which said that we need a safeguard against what's been approved in the amendment to Bill C-9. Again, that took away the good-faith defence. I believe one of the reasons the amendment was brought forward... The intention was not to suppress or take away people's religious freedom.

• (6110)

I believe the amendment by Mr. Lawton and the subamendment by Mr. Brock are going to make this even more clear. They're not taking away anything that was passed the other night, but will clarify even further for the general public that it was not the intention to go on the path of oppressing religious freedom.

I don't see why the amendment and subamendment cannot be supported. They only serve the purpose of clarifying further to the people of Canada that clearly this was not the intention of the amendment or the bill itself.

Patricia Lattanzio: I have a point of clarification, Mr. Chair.

The Chair: Yes, Ms. Lattanzio.

Patricia Lattanzio: I was just wondering if the member can maybe tell me if there is not a contradiction between the amendment and the subamendment.

Garnett Genuis: This is not—

Patricia Lattanzio: I have a clarification. I just want to understand.

The Chair: Thank you, Ms. Lattanzio—

Patricia Lattanzio: He's talking about the amendment and the subamendment—

The Chair: Ms. Lattanzio, you can address the chair. You can ignore Mr. Genuis.

Patricia Lattanzio: —and I'm trying to understand. Can the member tell me if he does not see that the two contradict one another?

Chak Au: Thank you for the question.

I don't have Mr. Lawton's amendment before me, but I remember that his amendment was very clear. For the purpose of clarity, the amendment being passed was not targeting religious freedom or freedom of expression, and the subamendment being presented by Mr. Brock today is further clarification that this is not to target freedom of religion, freedom of association and freedom of peaceful assembly.

It's directly relevant to the amendment and the subamendment. As I said, it's only to clarify further that this is not what we are trying to arrive at. For whatever reason the Bloc and the Liberals made their amendment, we are making a distinction that it's not what they want to do at the end of the day.

I also want to appeal to my colleague from the Bloc Québécois. I think in Canada, you are the community that knows best that when you give the government unlimited power, it can come back at you. You could be the victim of the power you gave to the government.

Again, I don't believe my colleague from the Bloc Québécois moved the amendment for the reason that they want to oppress religion. I hope they can support the amendment and the subamendment to make this very clear so that they will not be misunderstood by the rest of Canada or people who have questions about why that amendment was being moved.

With that, thank you, Mr. Chair, for giving me the time to speak.

The Chair: It's my pleasure. Thank you very much, Mr. Au.

Mr. Brock, I believe you're next.

Larry Brock: Thank you.

I would ask every member here to grant me the indulgence. I think what I'm about to share with you is going to please my Liberal colleagues, but I'm asking for indulgence.

After several days of debate on Bill C-9, I've lost track and I've lost count of the numerous motions and numerous requests for unanimous consent to prioritize Bill C-14. We're probably looking at a couple of dozen, conservatively—pardon the pun—over the last several days, or liberally.

It was important, because I think we've all heard from every major stakeholder across this country. Canadians, premiers, law enforcement, mayors and victim advocacy groups have been crying out for a government response to a crime epidemic that seems to be rising year after year. I'm not expecting my Liberal colleagues to agree with this, but clearly, for 10 years, ill-thought-out and ineffective criminal justice policies have contributed, to a very large degree, to a crime crisis. It's clear that any attempt to move forward with a unanimous consent motion to deal with Bill C-14 is not going to be met with approval. We understand that.

In the spirit of the season and in the spirit of addressing what every stakeholder I've identified asked us to address, I am asking...not to be accused any further of any obstructionist attempts. I know that we've made the same allegations with regard to the Liberals obstructing their own pieces of signature legislation. We've waited several months—in fact, almost eight months post-election—for our justice minister to introduce reforms to bail. While it is not a perfect bill, it does address issues that are germane and have been requested by law enforcement.

Chair, bearing in mind the comments and the request for unanimous consent that Ms. Lattanzio presented to this committee maybe an hour ago, I am now asking for unanimous consent from all the voting members at this committee that we move to Bill C-14 and report it to the House immediately.

• (6115)

The Chair: I didn't think I'd be saying this today, but I think we have unanimous consent.

Mr. Fortin.

[*Translation*]

Rhéal Éloi Fortin: Mr. Chair, I would ask you to suspend the meeting. I understand that this is unusual, but I need to consult with someone.

[*English*]

The Chair: You want to suspend.

Okay, we'll suspend for a few minutes.

• (1315) _____ (Pause) _____

• (1330)

• (6130)

The Chair: I call the meeting back to order.

[*Translation*]

Rhéal Éloi Fortin: Mr. Chair, I respond no to the request for unanimous consent.

[*English*]

The Chair: Okay.

Ms. Lattanzio, do you have a comment?

Patricia Lattanzio: Mr. Chair, again, in the spirit of being able to find a solution and perhaps a compromise, I'd like to move a motion. I have only the English version. I'm going to read it out.

I move that the committee invite the Minister of Justice and Attorney General of Canada, Sean Fraser, to appear for one hour on Friday, December 12, at 9 a.m. to testify on Bill C-14, an act to amend the Criminal Code, the Youth Criminal Justice Act and the National Defence Act (bail and sentencing); that upon the conclusion of the minister's testimony, the committee proceed immediately to a resumption of clause-by-clause consideration of Bill C-9, an act to amend the Criminal Code (hate propaganda, hate crime and access to religious or cultural places); that all amendments be deemed moved and put forward without further debate or amendment; that the committee not adjourn until clause-by-clause consideration of Bill C-9 has been completed; and that the chair be instructed to report Bill C-9 back to the House at the earliest opportunity.

Can we get that translated into French?

The Chair: We are suspended.

• (1330) _____ (Pause) _____

• (1330)

The Chair: I call the meeting back to order.

There's no unanimous consent, which takes us to Mr. Dalton.

Marc Dalton (Pitt Meadows—Maple Ridge, CPC): Thank you very much, Chair.

I appreciate the opportunity to share a few moments on Bill C-9 and the motion before us.

Most members in the House are probably receiving a lot of correspondence right now from people who are very concerned about this bill and the impact upon their—

Larry Brock: I have a point of order.

The Chair: Go ahead, Mr. Brock.

Larry Brock: Normally and generally, I refuse to interrupt a colleague with a point of order, and I hope he forgives me.

The Chair: We're all colleagues here, just for the record.

Larry Brock: Well, it's an internal colleague, as opposed to external.

I apologize to Mr. Dalton, but I have a proposal. I seek unanimous consent to take the first part of Ms. Lattanzio's unanimous consent reference to the Minister of Justice appearing for one hour on December 12—I don't know if she mentioned a particular time—and add everything else that she had to say with respect to reporting it back to the House without amendment. That would be satisfactory to our Conservative team. I would be seeking unanimous consent on that, with no reference to Bill C-9.

• (6135)

Anthony Housefather: No.

Larry Brock: Okay.

The Chair: We do not have unanimous consent.

Mr. Dalton, please proceed.

Marc Dalton: Thank you.

As I mentioned, I've been receiving a lot of correspondence on this bill. A lot of very concerned Canadians from coast to coast who are quite often not really thinking about politics and about the impact upon their own lives, as much as we might be wishing they were, are writing, and they're asking how this is going to impact them. I would say that I'm quite concerned about the bill before us. I know that's why we have the motion.

An important fact is that the government legislation already has the tools it needs to prosecute those who promote hate and genocide. I see this bill as politics—surprise—and bad politics, and bad for Canadians. It's hard to believe that the legislation before us is here in Canada. As a country, we've been known as a beacon of freedom. People from all over the world have immigrated here, and this seems quite contrary to the values of freedom of faith and expression that we have had over generations.

This is an extremely important bill. For me, it reminds me of the direction of other states that have banned different scriptures. I think of countries like China in the past under Mao. In Communist Russia and in Communist regimes, scriptures were banned. I actually have some friends who were involved in smuggling not drugs, not arms, but Bibles into the former Eastern bloc Communist countries, where people would be imprisoned and tortured for their faith, for having a Bible.

It moved into other countries, like China, later on. They said, "Well, do you know what? You can have the Bible, but here's what you can believe and what you can say." You take off this section and this section and this section. Tell me what the difference is with what's before us here, Mr. Chair. You don't have to. That's a rhetorical question.

This is the same direction. I think we need to talk about the direction before us. This is a bad direction, whether you are a Christian, a Muslim or a Jewish person of faith—or even secular, because we're talking about fundamental rights for all Canadians. We shouldn't be going in this direction.

Personally, I am a Christian. My faith is fundamental to who I am. It's much more important to me than being a parliamentarian. It informs everything about direction and values. It's a light upon me. It's personal.

This motion before us expands it. It's saying that this needs to be more than just faith. It needs to talk about beliefs and your conscience. King David said that it's a light to our path. Actually, it shines inside of me, in the sense that it exposes things that I need to make changes in personally, even as a politician. It's a variety of things. It shines.

• (6140)

We just need to reflect here as a society, as a government, as the House of Commons, as parliamentarians, about the contributions. I'll make reference here specifically to Christians and the contributions of the Judeo-Christian faith. I know, obviously, that others can speak to other faiths, but let's reflect on its contribution to society, to the very foundation of who we are as a nation.

Yes, there are blemishes. People are people. I don't care what faith you subscribe to. At the same time, look at the importance of the Christian faith in education. I was a teacher for many years and taught socialism and history and looked at medieval Europe. Think of the importance of, for example, the monastic schools, where there was education and training. Think of the hospital system. Think of the Red Cross, which comes from a faith-based background, and Florence Nightingale. Think of the Salvation Army. Other members probably met with the Salvation Army when they were here on the Hill recently, talking about the influence that they've had and the help they give to those who are in need of emergency services. The work they do is amazing. From a secular, non-religious point of view, I think we would all say that this is very commendable. They're very clear in saying that it comes from a faith-based position of service.

What is core, and it is the challenge that I would say Christians feel, is that Christians feel like they're a punching bag. What's so important to realize is that so many of our perspectives as a culture have come from a Christian foundation. Even equality of men and women, for example, has not always been there, but in the scriptures, there's no such thing as man and woman in a biological sense. It's in terms of equality before God. It's always been a source of equality. I would even say to those who are feminists that some of that might come from a biblical perspective, in the sense that equality means not being subjugated under men, but equal. That isn't everywhere.

When I think about the whole issue of slavery, Christians were involved in that. Think of Wilberforce in the British Parliament bringing in legislation decade after decade to stop slavery and finally being successful. There's a song we've all heard, I'm sure. You hear it with the bagpipes. What comes to mind? It's *Amazing Grace*, written by John Newton in the 1700s. He was a slave trader involved in capturing slaves in Africa or in transporting them from Africa to the New World, imprisoning them and shackling them. These were terrible things. What happened to him? Read the song. What does it say?

Amazing grace! How sweet the sound
that saved a wretch like me!

I guess I'm choked up, because it's not just him; it's me. It really is. We all need saving, as far as I'm concerned. I'll just put that out there.

It says:

Amazing grace! How sweet the sound
that saved a wretch like me!
I once was lost, but now am found:
was blind, but now I see.

You see the transformation of his life from someone who was in that position as a slave trader, as an evil person, and then being transformed. That's the message, I would say, of Jesus Christ and of the Bible. That's the difference that made me personally, and I'm speaking personally....

There's a verse that made me feel very alive. I was in the military and I was in my uniform. It's a verse that you probably may be familiar with. The verse is what? The verse says, "For God so loved the world that he gave his one and only Son"—that's Jesus Christ—"that whoever believes in him shall not perish but have eternal life." That can just roll off, but it struck me.

• (6145)

I thought, "You know what? He didn't just die for the world; he died for me." It wasn't because I was doing this bad thing or that terrible thing. It was more because of an attitude of selfishness in everything around me.

It motivated me—and it motivates Christians and people of faith—to realize that I'm here not to give through my own accumulating wealth and accumulating experiences, but to serve our community and our country. I think we're all here for that. We're here to serve our country. We're here to serve people. You've heard of the "cabinet minister". We're here to minister and to serve.

That touched me in my life. It transformed me when I was an adolescent, and it has been directional my whole life. Look at the scriptures. They were written over 3,000 or 4,000 years ago—it was a long time ago—and in a lot of different cultures. We can look back and say this doesn't fit in and that doesn't fit in, but there are cultural and generational things—there are a lot of things—and they really come together.

As a Christian, I would say it's summed up in one phrase: God is love. That's in John 1. He's not just filling up; it's his whole heart. Even in his regulations, the rules and the structures, everything he has for mankind is out of love.

There's the Old Testament and the New Testament. Christians don't just take.... We believe it's a whole, but Christ clarifies it right there. He says this: You've heard it said, an eye for an eye, but I say to you, if someone slaps you on the cheek, turn to them the other cheek, and if someone persecutes you, don't return evil, but return good for evil.

That's transformative. For us as politicians, with our laws and with Bill C-9, to say take this out and take this in.... There's a lot of correction within the scriptures. It's not correction, but Christ explains a lot of that.

Members of the committee, thank you for your patience and for not making your interventions during my time. Take some time to think and realize that we should pull back on this.

To my colleagues and friends from Quebec, I get it. My mom is a French Canadian. I've lived in Quebec.

[*Translation*]

I know that the Church has been very influential for centuries and that this has been difficult. I understand that many people have resisted because the clergy was too powerful. We don't want that; we want freedom, and I understand that. However, there is a balance to be found. It is important that people be free to express themselves, and we already have laws that ensure that balance. So I encourage my colleagues to vote against this bill.

Thank you very much.

[*English*]

The Chair: Thank you, Mr. Dalton.

I'm looking at the clock. I'm going to suspend for question period.

Mr. Gill, you're next in the batting order, but I'm wondering if now is the right time to do it.

• (6150)

Andrew Lawton: What time will we be back?

The Chair: I think there are votes after, so as soon as QP and/or the votes are done—

Andrew Lawton: It will be 15 minutes after—

The Chair: It will be 15 minutes after whatever the last event is.

Okay. We'll suspend.

Harb Gill: I can be brief, if you like.

The Chair: If you can do it in five minutes, that's up to you.

Harb Gill: I'll try for five.

The Chair: Trying is different from doing. I don't think anybody here has been this anxious to get to question period in a long time, but go ahead. I'll give you five minutes, and then I'm going to suspend.

Harb Gill: Thank you, Chair, for giving me the opportunity to speak to Bill C-9 and the subamendment by Mr. Brock.

Let me begin with the obvious. Hate is harmful, it is corrosive and it has no place in Canada. Anyone who has served in uniform, as I did for nearly three decades, has seen the damage it inflicts on families and entire communities, but here's the part that doesn't fit on a podium or a press release. You can't fight hate with slogans. You fight it with clarity, enforceable tools and legislation that respects both public safety and the Charter of Rights and Freedoms. That is where Bill C-9 falls short.

Police leadership—the Canadian Association of Chiefs of Police—has endorsed this bill. They believe it clarifies thresholds and streamlines prosecutions. That's fine. That's the lane they have chosen. I think it's misguided.

What do the rank and file—the men and women who are actually responding to the calls at two in the morning—say? They're telling a different story. Frankly, those who work the front lines often understand the operational realities far more than those issuing press releases. Here are the concerns they raise consistently, privately and with far more candour than you'll ever hear at a podium.

First, they say we already have the tools; we just don't use them. Officers point to the Criminal Code, which I've used many times. It covers intimidation, harassment, threats, mischief and incitement. These laws exist. They work, but they're underused, mainly because leadership is afraid of political blowback.

Second, their complaint is that the definitions in this bill are too fuzzy. Frontline officers know that one misread situation can turn their career into a headline. They don't want that. If the difference between a heated argument and a hate crime rests on vague language, they'll hesitate, and hesitation is the worst operational environment you can create for them.

Third, if the command structure won't support charges under existing laws, why would they support new ones? That is not cynicism. That is their lived experience and was mine. Removing the Attorney General sign-off puts everything on us. That's their complaint. Without that oversight, the constable becomes the choke point and the political lightning rod as well.

Finally, this bill risks policing feelings instead of conduct. I can tell you from experience that officers are trained to respond to behaviour, not to interpret emotional or ideological content in the heat of the moment. These concerns matter. They matter because if officers don't feel confident using a law, it won't be used, and if vaguely drafted legislation is used poorly, it becomes a flashpoint that damages community trust for years.

Let's talk about the communities this bill claims to protect, not the ones in the press releases, but the real communities. Faith-based organizations, churches, mosques, gurdwaras and synagogues have raised serious concerns. Many of them fear that the law's ambiguity could unintentionally criminalize the wrong conduct or chill religious teaching or cultural expression that has never been and should never be criminal. Civil liberties groups have issued the same warning. The charter protects the freedoms of expression, assembly, religion and conscience. When legislation uses broad language, those freedoms become vulnerable to selective or uneven enforcement.

This is not a theoretical risk. This is Canada in 2025. Communities are more polarized, economic pressures are higher, institutional trust is weaker and, yes, government policies over the last 10 years have exacerbated divisions. Rising affordability pressures, social fragmentation and eroding public trust in institutions create the perfect conditions for resentment, anger and eventually hate to grow. You cannot legislate away the root causes of hate. You have to address them. We have to address them.

Bill C-9 does nothing to address the root causes. It broadens offences, removes safeguards and tests the limits of charter rights, all without fixing the underlying cultural and enforcement gaps inside policing itself. Here are the real-world consequences. If this bill is applied unevenly, if one community feels targeted or another feels ignored, tensions get worse, trust erodes further and the very hate we're trying to combat gains more oxygen. That is the danger of poorly drafted law in a fragile environment, which we are living in. Yes, we absolutely need to fight hate, but we need to do it with clear, enforceable laws, proper training, proper resourcing and the courage to use the existing tools we have.

• (6155)

We need to address the social and economic conditions that fuel hate, and we need legislation that does not compromise the freedoms that define this country. Canadians deserve safety and freedom, not one at the expense of the other. Bill C-9 as drafted does not strike that balance. The subamendment proposed by Mr. Brock is necessary to correct the severe imbalance in this legislation. The subamendment is fundamental to our society and our country.

Thank you, Mr. Chair.

The Chair: Thank you very much, Mr. Gill.

We'll suspend now until 15 minutes after QP or votes, whichever is later.

• (1355)

(Pause)

• (1605)

• (6405)

The Chair: The meeting is resumed.

Mr. Lawton is the next speaker, but I believe Mr. Brock has a point of order.

Larry Brock: Yes, Chair. It's on housekeeping again, to confirm our end time for today and whether we're sitting tomorrow and into next week. Have you received any further word?

The Chair: I'm still working on the final details, but I will commit to giving you an answer within the hour. Is that all right?

Larry Brock: Thank you. Will it be on all three issues?

The Chair: Sorry, what was the third issue? There's today and tomorrow and—

Larry Brock: There's also sitting next week.

The Chair: Yes, all three. Okay.

Larry Brock: Thank you.

The Chair: Mr. Lawton, you have the floor.

Andrew Lawton: Thank you very much, Mr. Chair.

To recap where we are now for a moment, we are debating Mr. Brock's subamendment to my amendment to Bill C-9. I realize that for those who do not immerse themselves in this, it can sound convoluted, but the subamendment I actually welcome. It broadens considerably the protections that I wanted to put into Bill C-9, to refer to all section 2 rights in the Charter of Rights and Freedoms—the freedom of conscience and religion; the freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; the freedom of peaceful assembly; and the freedom of association. I said when I moved my amendment that it was not in itself capable of undoing the tremendous harm that Liberal members did to Bill C-9 and to, frankly, fundamental liberties in Canada on Tuesday with their amendment eroding religious freedoms from the Charter of Rights and Freedoms.

Look, over the last 48 hours, we tried 17 times, I believe, to emphasize a far less divisive subject that is far more pressing for Canada, one that, as I think was evidenced by some of our discussions earlier, would be far easier to find consensus on among different parties. That's the need to reverse the broken Liberal bail systems that have been causing considerable damage. A point that emerged in question period was that the Liberals are far more invested in dealing with thought crime than actual crime. That's why the subamendment to Bill C-9 is necessary.

I want to go back to the first principles of why this issue has become so central to what this committee is doing right now. I realize that our officials from the Department of Justice have been incredibly patient. I'm so grateful that they're putting the time into this that they are. I'd like to ask about Bill C-9 more broadly. I'll bring it down to the subamendment at hand in a moment.

As is customary with any legislation of this nature, a charter statement is issued. Were either of you involved in either writing or contributing to the work on that charter statement?

Joanna Wells: It's a product of the Department of Justice. Yes, we would have seen it.

Andrew Lawton: In the charter statement for Bill C-9, there is a recognition of freedom of religion, freedom of expression, freedom of peaceful assembly, the right to liberty, the right against unreasonable search and seizure, and another section that's less relevant to this. All of these are potentially engaged by the proposed measures. Other parts of the charter statement are a bit more explicit in saying that some of these freedoms will likely be infringed on by Bill C-9. Is that correct?

• (6410)

Joanna Wells: The charter statement does not suggest that Bill C-9 would infringe the charter, no.

Andrew Lawton: The charter statement talks about limitations. It talks about section 1 of the charter, which requires that courts look at reasonable limits on these things. Was removing the religious defence from the Criminal Code under the wilful promotion of hatred ever considered when analyzing the potential constitutional implications of Bill C-9?

Joanna Wells: The charter statement that was tabled by the minister speaks to Bill C-9 as it was introduced. Nothing in the charter statement specifically references the proposed amendment moved by the committee to remove the defence.

Andrew Lawton: Do I take from this that there has been no assessment of the constitutional implications of this amendment? Is that a fair characterization of what you're saying?

Joanna Wells: The charter statement that was tabled by the minister doesn't speak to it.

Andrew Lawton: Has there been a constitutional analysis, a charter analysis, that the government has done, that the minister has done or that your department has done about this now adopted amendment?

Joanna Wells: As a department, we continually support the minister's office in providing legal advice and policy advice on issues relating to criminal law and the charter. On the issue of the religious exemption, the good-faith religious exemption defence is something the department is well aware of and has been engaged on for years as the issue comes and goes. I can't speak to any more detail about what would have been in the advice, but it's certainly something we are aware of.

Andrew Lawton: You used the word "exemption" in your description of it. Does the word "exemption" appear in the Criminal Code anywhere, relating to the religious defence?

Joanna Wells: I'm sorry. I don't think it appears specifically related to the religious defence. It is sometimes a word that we use interchangeably, but maybe I used it incorrectly to describe that.

Andrew Lawton: Okay. It's not a problem. Thank you.

In the charter statement your department tabled, there is actually a section, if I can find it—and this is specifically when dealing with a different section of the Criminal Code—that talks about some of the defences that exist in criminal law. It talks about specifically the religious defence.

The constitutionality of Bill C-9, or the constitutional assessment that your department did, was based in part on a defence that Bill C-9 would now remove, would it not?

Joanna Wells: Could I ask you to refer me specifically to the page so I can help, Mr. Lawton?

Andrew Lawton: Yes, I can do that.

This is the new hate propaganda offence section of the charter statement. I'm looking at it in HTML, so I don't have page numbers. It says specifically, "The Bill would clarify that no person shall be convicted of this offence"—and I can see that this is section 319, but it's the principles I'm getting at here—"if the display of the

symbol was for a legitimate purpose, including a legitimate purpose related to journalism, religion, education or art".

Your assessment of Bill C-9 and some of the constitutional implications is tempered by the fact that this religious defence exists in the Criminal Code.

Marianne Breese: The charter statement provides considerations that support consistency with section 2(b), and it does identify that the two defences reinforce the understanding that the offence does not catch symbols for legitimate purposes. It helps to clarify the scope of the offence, which in itself would preclude legitimate purposes.

Andrew Lawton: If a bill is amended, as happens through clause-by-clause consideration, some amendments can fundamentally alter the assessment that's been provided ahead of time. How does that account for how we as lawmakers are supposed to rely on this when assessing whether we could be potentially passing an unconstitutional law?

Joanna Wells: As a matter of practice, the department does not update the charter statement. The charter statement accompanies the bill as introduced.

Andrew Lawton: Okay. I appreciate that.

I know that the Public Service Alliance of Canada, which represents many employees of the federal government, including some employees of the Department of Justice, has joined an open letter, alongside, I believe, nearly two dozen other organizations, calling for Bill C-9 to be withdrawn. Some of the concerns that have been raised—and we've discussed a lot of them—are that we are going to see unchecked expansion of police authority and are going to see a direct threat to charter rights and public accountability—the criminalization of dissent through vague and subjective criteria.

This is not at all a shot across the bow at the witnesses who have been here. I'm speaking generally about some of the stakeholders who have signed this letter. Even employees of the federal government have rung the alarm about the dangers of Bill C-9.

I find it interesting that even as this issue has come up in question period the last few days, the Minister of Justice does not want to talk about Bill C-9. He does not want to respond to it. It took him eight days to address the report that the Liberals were considering passing this amendment. We had absolute silence from Liberal members of this committee, with one small exception—a small intervention from Minister Fraser's parliamentary secretary when the amendment from the Bloc Québécois was debated.

We have now been for hours and hours debating an amendment that I tabled, and now Mr. Brock's subamendment, to try to at least mitigate this harm, to mitigate this assault on religious freedom, and to include in Bill C-9 language affirming the importance of protecting, as I put it, "religious freedom and freedom of expression", and as Mr. Brock puts it, all section 2 charter freedoms.

This morning, we had at one time, I believe, six attendees at committee who were Liberals, in addition to you, Mr. Chair, and in the time that we've been debating this since 8:30 this morning—correct me if I'm wrong, Mr. Chair—not one single Liberal has added themselves to the speaking list, has intervened to make any substantive arguments—

• (6415)

The Chair: That is incorrect. I can tell you that.

Andrew Lawton: Who has made a substantive intervention? Are there some on there now?

The Chair: You said “added” their name to the speakers list.

Andrew Lawton: Okay. Good. I'm sorry.

Not one single Liberal member has intervened on a substantive point about this. What I take from this is that discussing the fundamental freedoms engaged by Bill C-9 is not a topic of interest.

Anju Dhillon: I have a point of order.

Andrew Lawton: I'll bet it won't be.

The Chair: Go ahead, Ms. Dhillon.

Anju Dhillon: The member cannot make assumptions about what people are thinking or not thinking.

An hon. member: That's not a point of order.

Anju Dhillon: He cannot dictate how somebody can speak or cannot speak, or what they have to say and how they should say it.

Larry Brock: That's debate.

Anju Dhillon: No, no. That's what they're doing. It's been hours we've been listening to it.

Larry Brock: That's not a point of order.

Anju Dhillon: They said it this morning as well: Liberals have not been speaking up.

Through the chair, these guys are really embarrassing themselves. I'll give an example of that kind of embarrassment. This morning—

Andrew Lawton: This is debate.

Larry Brock: Chair, this is not a point of order.

Anju Dhillon: No, no, no. It's a point of order.

Andrew Lawton: It's not a point of order.

Anju Dhillon: There's a point of order there.

The Chair: State your point of order.

Anju Dhillon: I'm going to get to my point of order right now.

This morning, as you know—

Jacob Mantle: Mr. Chair, you told people to state their point of order first.

The Chair: You asked her to state her point of order and then you started interrupting.

Anju Dhillon: It's a point of edification. It is a point of order.

The Chair: Hold on. Here we go again.

An hon. member: A point of edification...?

Anju Dhillon: Oh, I'm about to edify you.

The Chair: She has the floor. I've asked her to state her point of order.

Larry Brock: Chair, we don't need threats—

The Chair: I didn't hear what she said.

Larry Brock: —from a Liberal member.

The Chair: I didn't hear what she said.

Larry Brock: Come on. You know you're better than that, Anju.

The Chair: State your point of order, please, and we can move on.

Anju Dhillon: My point of order is that we don't have to say anything at all.

Andrew Lawton: Correct. That's not a point of order.

Anju Dhillon: The Conservatives are embarrassing themselves as it is.

Andrew Lawton: Mr. Chair, this is an argument.

The Chair: Ms. Dhillon, thank you.

Anju Dhillon: This morning, Mr. Lawton said that he doesn't...

Here's my point of order. I'd like to clarify that you said this morning—

Andrew Lawton: A clarification is not a point of order.

Anju Dhillon: This morning you said you don't speak Indian.

Andrew Lawton: What?

Anju Dhillon: During your debate in the morning, in the statement you made, you said you don't speak Indian and that you have a mandir. Sikhs go there. Hindus go there.

Andrew Lawton: Yes.

Anju Dhillon: “Indian” is not a language.

Andrew Lawton: I actually did not say—

Anju Dhillon: Yes, you did. You actually did say that.

Andrew Lawton: Do you have the transcript?

The Chair: I'm going to stop this right now.

Ms. Dhillon, I think you've made your point. I'm grateful for that.

Mr. Lawton still has the floor.

Anju Dhillon: There are 120 different dialects in India—yes, languages.

The Chair: In terms of people not speaking up, I was always taught that listening is a far better use of your time than talking sometimes.

Your point is understood.

Please carry on.

Andrew Lawton: Mr. Chair, I have not reviewed the blues. I don't know if the member is going from memory, notes or the blues. I would welcome anyone here to please send them to me.

In the comments she's referring to—which, interestingly enough, were speaking about an incredible and incredibly successful institution in my riding in which Sikhs and Hindus worship in the same building despite being of different faiths—I was apologizing because I do not speak any Indian language, as in a language spoken by—

• (6420)

Anju Dhillon: You said “Indian”.

Andrew Lawton: What I was saying, Chair, was that because I do not speak any of the many languages spoken by Indian people, including—

Anju Dhillon: That's not what you said, though.

The Chair: Ms. Dhillon, you've made your point.

Andrew Lawton: —Malayalam, Punjabi and Hindi, I did not want to offend anyone by mispronouncing this incredible Hindu temple in my riding. I have had the great privilege of attending and visiting it, and speaking to the people who go there.

The Chair: Okay. I think we've addressed this point. If anybody wants to pursue it further, they're free to go back and look at the blues.

Perhaps you can just carry on, Mr. Lawton.

Andrew Lawton: This is precisely why I do not support legislation in which the Liberals get to police language. We've seen the tremendous misrepresentation of language, the misrepresentation of intent and the projection that comes from people who do not have respect for differing beliefs, opinions and views. It's actually quite shameful that this debate has to exist.

The point I made, before I was interrupted on a false point of order, was that we need to wonder why there has not been a desire for Liberals who supported this very dangerous amendment to speak up and say they do believe in religious freedom and that they will support this amendment because they want to make sure Bill C-9 is minimally impairing.

An hon. member: There's silence.

Andrew Lawton: It's silence that I do not—

The Chair: We've established that somebody is on the speaking list. I think that point has been addressed.

Andrew Lawton: I'm talking about interjections to date, and I look forward to hearing from whomever it is. You'll notice, Chair, as all members will, that we have had a long list of speakers. This has been an opportunity in which many members—Liberal, Conservative and, I believe, Bloc as well—who are not regular members of this committee have been in this room, and we welcome them. We have had people share very heartfelt interventions on how this is relevant to their ridings, their professional experiences and their personal faith traditions. That is incredibly important.

I note that all members of Parliament are protected by parliamentary privilege, which is a very unique right that I've tried to learn more about as a member of Parliament. I hope I will continue to learn more about it. However, I understand that parliamentary privilege protects what we say as members of Parliament because of the understanding of how important it is that we can represent our con-

stituents and speak our minds. In a way, we have a privilege that a lot of Canadians are denied.

Canadians have been targeted for their speech. Canadians have been targeted by the Canadian Human Rights Commission, which, up until the Stephen Harper government repealed it, had a very Orwellian provision called section 13 of the Canadian Human Rights Act, which went after online speech that the government found offensive. That's why I was so piqued when Minister Fraser, in his only appearance at this committee to date in this Parliament, acknowledged that there is going to be an online application of Bill C-9. It will police what people say and post on the Internet. That is, to me, an incredibly chilling concept.

The Liberal government has, in its defence of adopting this amendment and removing the religious defence from the Criminal Code, leaned on the idea that it has never been successfully used. Mr. Baber made the point incredibly effectively earlier that law sends a signal. What is on the books versus what is not on the books sends a message as to what type of speech is acceptable and what type of speech is not.

People who have reached out to me from my community and from across the country, who have come from markedly less free countries than Canada, have talked about how the threat of prosecution is the greatest tool of censorship. The threat of prosecution is a tool because it prevents people from speaking about something. It leads to self-imposed censorship where debate has been chilled, even without the state having to lay a single charge.

If you compound this with some of the other changes that have been discussed, proposed and debated and will soon be debated, possibly, on Bill C-9, like whether the Attorney General's consent is required for this or that, there's an interesting point there. We could have a situation in which police looking at a complaint they have—which may have been made in bad faith about someone who, from a religious perspective, shared an objectionable point of view or a view that someone found objectionable—could say that members of Parliament removed this religious defence, so that must mean it is something they now need to investigate and lay charges on.

Then you have, in the legislation, the removal of a safeguard for that, which is what was going on here. Now you've basically deputized every police officer in Canada, including some from very small police services that might not have a dedicated hate crimes unit like the one we heard from in the course of our very minimal Bill C-9 study, the Edmonton Police Service.... They're forced to decide whether someone's religious expression is hateful or not.

A point that I think often gets obscured by this.... There are the comments made by Minister Miller, which have become so contentious across the country. He said that prosecutors should be able to “press charges”—his direct words were “press charges”—in the event that someone uses words or scriptures that the government finds offensive. The point I would raise there is that he was saying that, under the existing law, there is no way to quote those scriptures “in good faith”, as the religious defence requires. The Liberals believe that quoting scripture is already illegal, possibly, which is why we need to take this effort so seriously.

We have brought this up time and time again. I'm hoping that after the few hours we have been in question period and suspended and whatnot, we can let cooler heads prevail, because our belief is that thought crime should not be a priority for the Government of Canada. It certainly should not be a priority for the justice committee when we have so many other pressing issues to deal with. I note that we have our study on bail, which I do not believe, to my knowledge, has been completed, and we have bail legislation that has been put toward us.

• (6425)

I move, understanding that the passage of time may change perspectives on this and that there have been side conversations, that we proceed to consideration of Bill C-14, the bail and sentencing reform act.

The Chair: You're seeking unanimous consent to see if you can move that—

Andrew Lawton: I would love to seek unanimous consent.

The Chair: Is that what you're asking for? Otherwise, you can't move the motion. We're debating a motion. You can't introduce a new motion. You can seek unanimous consent.

Andrew Lawton: What I'm proceeding to is a dilatory motion.

The Chair: We've been through this several times today.

Andrew Lawton: I apologize, Mr. Chair.

I seek unanimous consent for this.

The Chair: Do we have unanimous consent?

Some hon. members: No.

The Chair: All right.

Thank you, Mr. Lawton. Are you done?

Andrew Lawton: I suppose so.

The Chair: Mr. Brock, you're next.

Larry Brock: I don't know if the Chair has any further information about timing, but I could literally talk out the clock. I don't intend on doing that, because I have a number of colleagues who want to add their perspective on this issue and share stories regarding their faith, if not stories from constituents in their riding.

A number of times we've heard the derogatory, negative comments from Marc Miller, now Minister Miller, in the role of the chair, which is largely supposed to be independent and impartial. I had to weigh in. Quite frankly, to my colleague Mr. Lawton's point, it has been the only clear direction that anyone has received from the Liberal Party that they're supportive of the Bloc amendment. How the conversation initiated over the weekend and who initiated it don't really matter to me. The fact is that the truth is now out.

The Liberal Party produced a piece of legislation when this issue was never an issue. By and large, the number of witnesses we heard from who gave testimony and were examined by members at this committee, with the exception of my Bloc colleague, never really focused squarely on the issue of removing the religious defence—not exemption, but defence. However, here we are, with the telegraphing of a message from the governing Liberal Party that it's prepared to do that. I suspect, until someone tells me otherwise, that

was the only path it saw to get Bill C-9 passed back in the House and ultimately into the Senate to receive royal assent.

I want to put on the record the exact words of Marc Miller, because we have all used various versions based on memory or certain passages from newspaper articles. I took the opportunity of checking the blues, and I have the actual transcript.

Marc Miller said, "I'll use chair's prerogative to ask a follow-up question of Mr. Ross." For those who don't remember Mr. Derek Ross, he testified as the executive director of the Christian Legal Fellowship.

Marc Miller continued:

As despicable and as unlawful as the statements made by Mr. Charkaoui are—and would be, if they were stated again—we don't know why the prosecution chose not to continue with the charges. Perhaps this is to Mr. Fortin's point.

I want to dig a bit into the concept of good faith, Mr. Ross.

In Leviticus, Deuteronomy and Romans, there are passages with clear hatred towards, for example, homosexuals. I don't understand how the concept of good faith could be invoked if someone were literally invoking a passage from, in this case, the Bible, though there are other religious texts that say the same thing. How do we somehow constitute this as being said in good faith? Clearly, there are situations in these texts where statements are hateful.

I'll repeat that. He said, "Clearly, there are situations in these texts"—in reference to the Christian Holy Bible and other holy texts—"where statements are hateful."

He continued:

They should not be used to invoke...or be a defence. There should perhaps be discretion for prosecutors to press charges.

I just want to understand what your notion of good faith is in this context, where there are passages in religious texts that are clearly hateful.

• (6430)

That incendiary statement by the then chair of the justice committee ignited a firestorm across the country, with faith leaders and constituents from right across the country flooding our inboxes and mail services with concerns. If I've said it once, I'll keep repeating it: I have no doubt that the five Liberal members in this room probably received the very same volume, but have we heard anything from the Liberal bench? All we have heard are crickets in this committee, crickets in the House of Commons and crickets outside the House.

No one from the Liberal Party wants to talk about it, except, now, the Minister of Justice, who caged himself into a corner and is trying his best to nuance his way out by indicating that perhaps—maybe—he jumped the gun. I'm paraphrasing his comments. Perhaps he jumped the gun. Maybe he should have consulted. Jeez, I would have thought that was ministerial responsibility 101, but I guess Sean Fraser didn't get the message. He failed miserably at immigration, he failed miserably at housing and he's not off to a good start on the justice portfolio. It's a little too late.

Then we have the infighting going on with the Liberal caucus. We have the infighting in the Prime Minister's Office.

Wade Chang: I have a point of order on relevance.

The Chair: Go ahead, Mr. Chang.

Wade Chang: Is this relevant to our debate today?

Larry Brock: What's the point of order?

The Chair: It's on relevance.

Larry Brock: I'm getting to that. Relevance is very subjective, my friend. I told you I have a lot to say.

Some hon. members: Oh, oh!

The Chair: Hold on, please.

Mr. Brock, you and I have had this conversation before, and I have asked you this question once before. Tell me what judge you appeared before who told you relevance was subjective.

Some hon. members: Oh, oh!

Larry Brock: There were many judges, Chair.

● (6435)

The Chair: I want to get some more cases before those judges.

Larry Brock: It was as defence counsel and as a Crown prosecutor.

The Chair: That would make everything relevant, I think, if that was the criteria.

In any event, I would like to keep this focused on the subamendment as closely as possible.

Larry Brock: I was getting to that before I was interrupted by Mr. Chang yet again.

For the sake of timing, because I indicated that I could go on for hours but I'm not going to, I have probably, I don't know, 20 or 30 pages of emails and letters from constituents and religious leaders, not only from my riding but also from other parts of the country.

I'm going to read a statement from Bishop James Lewis, who is a bishop in the Norfolk area. He says as follows, and he's been ordained.

"My calling is simple: to help people discover a God of love, not a God of fear.

"Because of that calling, I need to speak clearly and publicly about Bill C-9, the federal 'Combatting Hate Act,' and in particular the proposal tied to it that would remove a long-standing protection for religious expression in Canada's Criminal Code.

"Let me be very clear from the start:

"I oppose hatred, intimidation, and violence against any person or group.

"I support laws that genuinely protect people from being targeted, threatened, or terrorized.

"But I cannot support any move that opens the door for the state to effectively edit, chill, or police sincere preaching from sacred texts—whether those texts are Christian, Jewish, Muslim, Hindu, Sikh, or anything else.

"That is the line for me as a pastor, and as a Canadian. Scripture is not the enemy—hate is....

"[T]he Bible—or any sacred text—is itself [not] the problem....

"Sacred texts do not stand in the pulpit by themselves. Human beings do. What causes harm is not the text, but how it is used:

"Some leaders twist scripture into a weapon: to shame, to control, to dehumanize.

"Others, and I include myself here, use scripture to call people into healing, forgiveness, and love.

"The answer to abuse of religion is accountability for abusive behaviour, not the slow criminalization or intimidation of religious teaching itself.

"When a government starts saying, in effect, 'These verses are safe, those verses are suspicious, and we'll decide whether your explanation of them crosses the line,' we are no longer simply 'combatting hate.' We are inching toward state supervision of theology. That is not paranoia; that is a sober reading of what happens when you remove explicit protections for good-faith religious expression from hate-speech law and then expand those same laws.

"Why Bill C-9 concerns me as a minister

"Right now, the Criminal Code includes a protection that says, in plain language, that a person shall not be convicted of hate propaganda if, in good faith, they express an opinion on a religious subject or based on a religious text.

"That clause has been a crucial reassurance to faith communities: 'You may preach your scriptures in good faith without wondering if every controversial passage could land you in a courtroom.' The proposal tied to Bill C-9 would remove that protection.

"Now, the government says, 'Don't worry, we're only targeting extreme hate, not religion.' I appreciate the intention. But removing the religious defence sends a very different message to those of us who actually stand in pulpits and lead congregations: 'Trust us. We'll decide later what counts as good-faith religious expression.'

"With respect, that is not good enough."

I couldn't agree more.

He continues:

"They understand what's at stake: not the 'right to hate,' but the right to teach, wrestle with, and even struggle through hard texts without the state sitting in the front row with a notepad and a pair of handcuffs."

● (6440)

That is what I am hearing in different words and different passages. That is the impact of what the Liberal government is prepared to do to secure enough votes to get Bill C-9 passed.

The bishop continues:

“The Charter is not a decoration

“Canada’s Charter of Rights and Freedoms is not a wall plaque for courthouses. It is supposed to mean something in real life.

“Freedom of religion (s.2(a)) means more than silently believing in your head; it includes the freedom to manifest, teach, and practice that belief.

“Freedom of expression (s.2(b)) means more than the right to say only what the government currently finds acceptable or comfortable.

“Yes, the courts have already said there can be narrow limits on expression where there is extreme, dehumanizing hate. I accept that. I am not asking for a free pass to incite violence or vilify human beings made in the image of God.

“But when Parliament strips out an explicit protection that was designed to keep hate-speech laws from crossing into the sanctuary, it is tilting the balance away from freedom and toward fear. That is the wrong direction for a free and democratic society.

“What I stand for as a pastor

“Let me say this personally. In my ministry:

“I teach from the Bible and other spiritual texts.

“I preach a God of love, not a God of fear.

“I refuse to dehumanize anyone—regardless of their race, gender, sexual orientation, or belief system.

“I challenge behaviour and systems that are rooted in fear, division, and ego, but I do not deny the divine spark in any person.

“I do not need a Criminal Code exemption to love people. But I do need a free pulpit to speak honestly about God, sin, grace, forgiveness, and transformation—even when that makes people uncomfortable.

He goes on:

“That is not healthy for Canada. It is not healthy for democracy. And it is absolutely not healthy for the spiritual life of this nation.

“What I am asking for

“I am not writing this to stir up rage. I am writing this to stir up clarity and courage.

“I respectfully call on:

“Members of Parliament—to oppose any amendment that removes the Criminal Code protection for good-faith religious expression...and to ensure that any law combatting hate is narrow, precise, and clearly separated from sincere theological teaching.

“Fellow faith leaders—pastors, priests, imams, rabbis, and others—to speak up together, not as rivals, but as guardians of shared freedom. We may differ profoundly on theology, but we are united in saying: the state must not become the referee of our scriptures.

“Everyday Canadians of goodwill—whether you are religious, spiritual, or secular—to recognize that freedom of religion and freedom of expression are your freedoms too. When one group’s freedom is quietly weakened, everyone’s freedom gets a little thinner.

“A final word

“I will continue to preach love. I will continue to teach forgiveness. I will continue to invite people into a deeper walk with a God who is not angry, but endlessly patient and kind. But I will also continue to say this:

“The government of Canada has no rightful authority to censor sacred texts or to intimidate sincere, good-faith preaching of them, so long as those teachings do not cross the clear line into dehumanizing hatred or violence.

“My prayer is that our leaders will have the wisdom to protect both: the dignity and safety of every person in this country, and the freedom of conscience, religion, and expression that keeps our society truly free.”

I could not have summed up my overall approach to this debate more clearer than that. I truly hope the Liberal members on this committee and the justice minister take note.

At this time, Chair, I wish to seek unanimous consent that we prioritize Bill C-14 immediately.

● (6445)

The Chair: Do we have unanimous consent?

Some hon. members: No.

The Chair: Okay.

Thank you, Mr. Brock.

Ms. Kronis, I’ll turn the floor over to you.

Andrew Lawton: I have a point of order. This is a very serious point of order and I’m getting to it immediately.

I was fully prepared to take to heart Ms. Dhillon’s comments earlier. After our exchange, I went out and listened to the audio from this morning. I’m going to read exactly what I said—not what I intended to say.

These are the words I said: “there is a temple on Redan Street in St. Thomas. It is a Hindu temple. I apologize; my knowledge of Indian languages is not particularly great, but it’s called the Shree Hari Har Mandir”.

Ms. Dhillon made an erroneous accusation. There was an implication that was incredibly offensive. If there is unanimous consent, I will play the audio into the microphone, but I'm hoping that she will just withdraw it and apologize and I can spare us that.

The Chair: I've just been told you're not allowed to have external sources on the microphone. We can't do that.

Andrew Lawton: I would invite her to review that herself. I would be putting at stake a lot of my reputation if I was misrepresenting that right now. I would ask her to apologize and withdraw it.

Anju Dhillon: I heard it in the singular sitting in this room.

Roman Baber: That doesn't make it right.

Andrew Lawton: You accused me of saying that I don't speak Indian.

Anju Dhillon: That's what you said.

Andrew Lawton: You didn't even acknowledge that I used the word "language", let alone languages.

Anju Dhillon: You didn't say "languages". You said Indian.

Andrew Lawton: I said, "my knowledge of Indian languages is not particularly great".

Anju Dhillon: I heard you say "language".

The Chair: Can I perhaps try to find a solution here?

Andrew Lawton: Perhaps we can suspend for 15 seconds so she can listen to it and then apologize, Chair.

The Chair: Hear me out first.

Sometimes people hear things or think they hear things.

Jacob Mantle: Or they experience things differently.

The Chair: Sometimes there's a misunderstanding.

An hon. member: Oh, oh!

The Chair: I have the floor, Mr. Baber. I would appreciate you respecting that.

I don't think anybody in this committee, regardless of the temperature, which has risen over the last few days, intended to accuse anybody of anything like that. I'm assuming if—

Andrew Lawton: [*Inaudible—Editor*]

The Chair: All right, do you know what? If—

Andrew Lawton: I was getting ready for the suspension.

The Chair: That was maybe a little cute, but okay.

I'm hoping we can chalk this up to a misunderstanding, because I will agree with you, Mr. Lawton, that at the end of the day, our reputations are our most important asset.

If Ms. Dhillon thinks she heard it that way, I suspect that's the reason she said what she said earlier. If the record reflects differently, I think we can find a compromise and just move past this. That's what I'm hoping for, without getting into a big kerfuffle about it.

I'm prepared to suspend for a moment.

• (1645) _____ (Pause) _____

• (1650)

• (6455)

The Chair: I would like to call this meeting back to order.

Ms. Kronis, you have the floor.

Andrew Lawton: I have a point of order, Chair.

The Chair: Mr. Lawton, go ahead on a point of order.

Oh, I'm sorry. Ms. Dhillon, go ahead.

Anju Dhillon: I would like to withdraw my comment, upon further clarification. At the time, I had heard "Indian language", but I withdraw my comment. Thank you.

The Chair: Thank you very much.

Thank you, Mr. Lawton.

Anju Dhillon: I hope we can continue with Bill C-9's clause-by-clause.

Roman Baber: On a point of order, I want to make sure that no precedent is set, further to an exchange you had with Mr. Brock.

The Chair: Mr. Baber, you and I just had a conversation. I'm not going to entertain a discussion about a legal interpretation of relevancy.

Roman Baber: That's not what I'm proposing.

The Chair: Okay. Get to your point.

Roman Baber: Chair, I'm not proposing that we have a discussion about the definition of relevancy.

The Chair: What are you proposing then?

Roman Baber: I'm proposing that what is relevant to this committee is considerably wider than what you've just interpreted with Mr. Brock.

The Chair: That's an entirely different issue from the one Mr. Brock and I were talking about. It's not a relevant point of order. You raised a point of order relevant to the discussion Mr. Brock and I had. That's an entirely different subject. It has nothing to do with subjective versus objective.

Roman Baber: Chair, I don't believe it is proper of you to now overrule me without allowing me an explanation for what I believe has just happened. I seek clarification from the chair so we know how to guide our submissions accordingly.

The Chair: I will continue to deal with issues of relevance the way I have throughout this entire meeting. If you want anything further than that, we'll deal with it on a case-by-case basis.

Roman Baber: No. You said—

The Chair: Mr. Baber, that's the end of the discussion. I'm sorry.

Ms. Kronis, you have the floor.

Tamara Kronis: Thank you, Mr. Chair.

I want to recap where we are for the people who are watching at home. What we're debating here is a subamendment to an amendment.

Roman Baber: I have a point of order.

I'm sorry, Ms. Kronis.

Let me finish the sentence, James.

The Chair: Okay. Finish your sentence, Mr. Baber.

Roman Baber: What is relevant to the subamendment, by implication, has to be relevant to the amendment, because the subamendment amends the amendment, and the amendment amends the Bloc amendment.

The Chair: Thank you for stating the obvious. Some other day, you'll have to explain to me how that has the slightest thing to do with what Mr. Brock and I were talking about.

Roman Baber: You said that submissions pertaining to PMO discussions with the minister's office on whether this bill is to proceed or not were not relevant, further to an objection brought by my friends on the other side. I submit to you that everything—

The Chair: No, Mr. Baber. Now you're questioning a previous ruling. You had an opportunity then to challenge my ruling. We're not doing it now.

This is the end of this discussion, Mr. Baber. I'm sorry. You're trying to go backwards and overrule a ruling made earlier today. We're not doing that.

Ms. Kronis, you have the floor. Please go ahead.

Tamara Kronis: Thank you, Mr. Chair.

I want to situate my questions within the amendment. As my colleague just pointed out, we have a subamendment to an amendment to an amendment. What that comes down to is that we have an amendment that would remove the good-faith defence from the section of the Criminal Code dealing with hate speech. My colleagues, through their amendment and subamendment, are trying to put back in the idea that nothing in this section is to be interpreted or applied so as to interfere with—and this is where the subamendment comes in—freedom of conscience and religion; freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; freedom of peaceful assembly; and freedom of association.

While I was waiting for my turn to speak, I got a message from one of my constituents, who is very concerned that people could go to jail and be criminally charged under these provisions in a different way, because when you change a law, there has to be meaning to it, so presumably there's some form of change. He was also concerned about the bail provisions that relate to those kinds of criminal charges.

He'd very much like us to consider Bill C-14, but if we're not going to move on to consider Bill C-14, he would like me to ask some questions of the lawyers about how bail would work if someone was criminally charged under the section of the Criminal Code that would be amended by Bill C-9.

If one of the able counsel here representing the Department of Justice wants to answer my questions, I'm happy to have either one

of them jump in. I'm wondering if you can explain how the current bail provisions work with respect to offences with hate motivation.

• (6500)

Wade Chang: I have a point of order.

The Chair: Yes, Mr. Chang.

Wade Chang: We are not talking about bail reforms now.

The Chair: I'll be honest with you. I can't hear what we're talking about because Mr. Baber was talking in my left ear, so I'm not in a position, really, to overrule or oppose your point of order.

I'll just say the same thing I've been saying all day. You started out by talking about the subamendment and the amendment, so if we could just focus on that, that would be fine.

Tamara Kronis: We know the Liberals don't want to talk about bail, but members of my community very much want me to ask about it, and they want me to ask about it specifically with respect to the offences that are being modified by these amendments and by this law. It is completely relevant because it's important for people in our communities and for Canadians to know what the consequences of the changes to this legislation might be.

I'll ask the experts this again. Can you share with us how bail works for hate-motivated offences currently?

Joanna Wells: I'll do my best to provide a general overview of bail in Canada, recognizing that it is of interest right now.

The Charter of Rights and Freedoms does include the right to reasonable bail unless there is just cause to deny bail. There are three reasons outlined in the Criminal Code for which bail can be denied: to ensure that those charged with an offence appear in court when required, to maintain public safety by assessing and managing any potential risks if an accused person is released, and to maintain the public's confidence in the justice system.

There are two minor amendments proposed in Bill C-9: to add the proposed intimidation offence to the bail provisions that would require a justice to consider whether or not to order a firearms prohibition if someone came before the bail court for that offence, as well as requiring a justice to consider electronic monitoring or a non-communication order, again for the intimidation offence.

Those are the proposals in Bill C-9 that would respond to bail.

Tamara Kronis: Thank you very much for that answer.

Can you tell me how Bill C-14 would change those provisions?

The Chair: I'm sorry—

Joanna Wells: I'm not here to speak to Bill C-14—

The Chair: I have two things.

I'm really having trouble hearing you. There are discussions going on every which way I turn, to my left and to my right. If people could—

Tamara Kronis: I'm sorry; let me repeat the question, especially since I really should have asked it through the chair.

Through the chair, I'm wondering if counsel for the Department of Justice can tell us how Bill C-14 would change the bail provision she just described.

Anju Dhillon: I have a point of order.

The Chair: I'm sorry; is this related to Bill C-9 or Bill C-14?

Tamara Kronis: It is related to Bill C-9, Mr. Chair, because what's happening here is that Bill C-9 is going to make some changes to the bail provisions, and bill C-14 is going to make further changes to those bail provisions.

I realize that my Liberal colleagues do not want to study Bill C-14, but that doesn't change the fact that members of my community have questions about how Bill C-14 will impact Bill C-9.

The Chair: Bill C-9 does not make any changes.... There are no proposed changes to the bail provisions.

Tamara Kronis: Actually, I just asked the question and got the answer.

The Chair: Look, I'm not trying to stop you or prevent you from asking questions. I was having trouble hearing.

All I heard you talk about was Bill C-14. If it's in the context of Bill C-9, then go ahead; that's fine.

Tamara Kronis: If you'll just allow me to establish the relevance, Mr. Chair, Bill C-9 amends the Criminal Code, and that means people can get arrested. The removal of a defence means that.... Unfortunately, Monsieur Fortin, getting arrested is not actually funny.

My constituency office and my community offices are getting flooded with emails from people who are genuinely concerned that with this defence removed.... Pastors have called me and said, "I've always been bipartisan. I have many members in my congregation, but they are universally asking me to meet with you, and they're asking you to express the concerns we have around Bill C-9."

• (6505)

Rhéal Éloi Fortin: They're welcome.

The Chair: Okay. This isn't a discussion between two members at the table.

Tamara Kronis: That's fair.

In terms of why it's relevant for me to ask our counsel from the Department of Justice about Bill C-14, it's that whenever anyone gets arrested, bail provisions come into play.

The Chair: Let me put it to you another way: If you were to ask a question with a hypothetical based on an impaired driving charge, that wouldn't be relevant to Bill C-9.

Tamara Kronis: But I'm not—

Roman Baber: I have a point of order.

The Chair: By the same token, neither is a question about Bill C-14.

Roman Baber: I'm very concerned about the process here.

Patricia Lattanzio: I have a point of order.

Roman Baber: You could make a very simple argument that bail is relevant because bail doesn't just deal with release. Bail deals with conditions. For instance, when someone is arrested on a hate-motivated offence, they would be subject to various conditions, such as a seizure of their communications devices or maybe a prohibition on social media, so it is relevant.

The Chair: Thank you.

You have a point of order, Ms. Lattanzio.

Patricia Lattanzio: Yes, I do.

The member just said that we do not want to debate Bill C-14. Again, I'm going to ask for unanimous consent to send Bill C-14 to the House so we can carry on with third reading and deal with Bill C-14 in the House.

Andrew Lawton: Mr. Chair, could we have a brief suspension as you granted earlier on a similar request?

The Chair: Do we have unanimous consent? Let's deal with that first.

Andrew Lawton: You earlier offered a suspension under this exact circumstance.

The Chair: I'll suspend for two minutes.

• (1705)

(Pause)

• (1705)

The Chair: I recall the meeting.

Go ahead.

Larry Brock: Mr. Chair, we would be happy—more than happy—to send Bill C-14 back to the House, because it is a priority for Canadians.

The Chair: Is there unanimous consent?

Larry Brock: It's a priority for stakeholders. The answer is yes.

The Chair: Do we have unanimous consent?

Larry Brock: From the Conservatives you do.

[*Translation*]

Rhéal Éloi Fortin: No.

[*English*]

The Chair: We don't have unanimous consent.

I promised Mr. Brock that I would give him an answer with respect to timing within the next hour, and I have one minute left.

Some hon. members: Oh, oh!

The Chair: Being true to my word, I'm telling you now that I'm suspending the meeting, and I will see you in January.

[The meeting was suspended at 5:08 p.m., Thursday, December 11, 2025]

[The meeting resumed at 11:17 a.m., Monday, January 26, 2026]

The Chair: Good morning, everybody. Welcome back, and happy new year. I say this with 100% sincerity: I'm very glad to see all of you and am looking forward to this session of working together and making some steady progress in a constructive way. We're all going to get along famously doing it. That's not in the notes; I made that part up.

I will now call this meeting to order.

Welcome to the continuation of meeting number 14 of the House of Commons Standing Committee on Justice and Human Rights.

Pursuant to the order of reference of October 1, 2025, the committee is meeting to continue the clause-by-clause consideration of Bill C-9, an act to amend the Criminal Code regarding hate propaganda, hate crime and access to religious or cultural places.

Today's meeting is taking place in hybrid format pursuant to the Standing Orders. Members are attending in person in the room and remotely using Zoom. I would like to confirm that sound tests were done successfully.

Before we continue, I would ask that all in-person participants consult the guidelines written on the cards on the table. These measures are in place to prevent audio and feedback incidents and to protect the health and safety of the participants and, more importantly, our interpreters. You also have a QR code on your desk. You can use that for further information.

I have a few comments to make for the benefit of witnesses and members. Meeting number 14 is close to becoming one of the longest meetings in parliamentary history, so you know all the rules.

Please wait to start speaking until you've been recognized by the chair. Those on Zoom have the buttons and translation devices. All comments should be made through the chair.

I'd like to welcome our witnesses back and thank them for what has been and continues to be great patience. You are a valuable resource to all members of the committee. I know I'm speaking on behalf of everybody when I say we really appreciate it, so thank you.

We have Kristen Ali, who is manager and senior counsel, criminal law policy section; Joanna Wells, senior counsel, criminal law policy section; and Marianne Breese, counsel, criminal law policy section.

We suspended the meeting on December 11, and we were debating Mr. Brock's subamendment to Mr. Lawton's amendment, which was CPC-8.1. I still have a speaker list from December 11, which I

will pick up on. Some of the people who were on that list are not here today, and some are.

Just so people know, of the people here on the speaker list, I have Mr. Genuis, Mr. Fortin and Mr. Housefather. Mr. Baber is here. I think that's it.

Patricia Lattanzio: There's also Mr. Lawton.

The Chair: Mr. Lawton, do you want to be on the list? I was just going through it.

Andrew Lawton: I do, actually.

The Chair: Okay.

Garnett Genuis: Chair, I have a point of order. I'd like some of our regular members to speak before me. If you don't mind striking me and putting me at the bottom, I would appreciate it. Thank you.

The Chair: That's done.

That means Mr. Fortin has the floor.

(On clause 4)

[Translation]

Rhéal Éloi Fortin: Thank you, Mr. Chair.

I would like to clarify that when we left off, we were discussing Mr. Brock's proposed amendment to amendment CPC-8.1.

I must say that our committee has a lot of work to do. We have important bills pending: Bill C-14 and Bill C-16. Bill C-9 is no less important. In my opinion, we have already wasted too much time, and I am convinced that everyone around the table agrees with me that we should move forward so that we can finish reviewing the other important bills we need to consider before the end of the spring session.

Before the holidays, we adopted the amendment proposed by the Bloc Québécois on the issue of religious exceptions in the context of hate speech. Now, the amendment proposed by our Conservative colleagues seeks to say something quite the opposite of what was said in the Bloc Québécois amendment that we adopted. Amendment CPC-8.1 proposes, among other things, the following wording: "This section shall not be construed or applied in a manner that infringes on freedom of expression or freedom of religion." However, these freedoms are already provided for in the Canadian Charter of Rights and Freedoms, and in no way could our committee say anything that contradicts what is written in that charter. What is there is there and will continue to be there. Therefore, I do not see the point in repeating it.

However, the subamendment proposed by our colleague Mr. Brock seeks to replace "freedom of expression or freedom of religion" with the following:

- (a) freedom of conscience and religion;
- (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
- (c) freedom of peaceful assembly; and
- (d) freedom of association.

Once again, one could say that the provisions of this subamendment are already provided for in the Canadian Charter of Rights and Freedoms, or that the subamendment aims to reinforce what has already been done by our committee through previous amendments, including the one on religious exceptions provided for in the Criminal Code. I see little point or consistency in this subamendment. I think we should stick with what has already been done. I do not want to repeat what has already been said about the importance of having a clear Criminal Code that we can all agree on and that does not create laws that apply specifically to a religious, gender or other community.

I like what has been done so far in Bill C-9. However, I will say again that the subamendment proposed by our Conservative colleagues seems to me to be either an unnecessary repetition, since the proposed provisions are consistent with what already exists in the charter, or an attempt to limit or diminish what has already been done, which I would find rather deplorable.

[*English*]

The Chair: Thank you, Mr. Fortin.

Now we have Mr. Housefather.

Anthony Housefather: Thank you very much, Mr. Chair. I appreciate the opportunity to speak.

First of all, I want to wish everybody on the committee a happy new year. I look forward to working with all of you on three very important justice bills that I think we should all send back to the House as quickly as possible. Certainly, I will support sending any bill back to the House in the form it came to the committee, if that happens, but I think what we need to do now is try to actually get through Bill C-9, which to me is an incredibly important bill.

Since this committee last—

The Chair: I'm sorry, Mr. Housefather. Apparently, interpretation is not working. Perhaps you could hold on for a second.

[*Translation*]

Anthony Housefather: Very well, then, I'll stop.

Should I test this or do the interpretation myself? I can do it. Would that be a violation of union rules?

[*English*]

The Chair: I think it's good now.

[*Translation*]

Rhéal Éloi Fortin: Of course, you are free to speak in English or French, Mr. Housefather. I would even say that I encourage you to speak in French. However, as far as interpreting is concerned, frankly, I don't think that's part of our job.

Anthony Housefather: I understand.

[*English*]

Mr. Chair, should I try seeing if it works?

The Chair: I think the English to French is now working. The French to English was not working.

Anthony Housefather: Is the English to French working? Are you guys getting interpretation?

[*Translation*]

Rhéal Éloi Fortin: The French interpretation is working, Mr. Chair.

[*English*]

The Chair: All right. Go ahead, Mr. Housefather.

Anthony Housefather: Thanks very much, Mr. Chair.

Since our committee last met, there was a mass shooting at Bondi Beach in Australia. Fifteen people were murdered because they were attending a Hanukkah celebration on a beach. It was a tragedy. I think all members of the committee will join me in sending our thoughts and prayers to all the people of Australia, and particularly to the Jewish community worldwide, which was deeply impacted by this tragedy.

We saw what that shooting caused to happen in Australia, which is that a royal commission on anti-Semitism was set up and laws were passed by its Parliament on gun control and hate. In fact, one of those laws proposed by the Government of Australia and eventually adopted by Parliament was similar to things in our combatting hate bill. In Canada, we were being proactive. We were trying to pass laws that police say will give them more tools before such a tragedy could occur, which theoretically could occur anywhere in the world. There's great danger that tragedies like that could occur in any place in the western world. We need to do our best to have criminal laws that give police and intelligence services the tools to stop that from happening.

One of the provisions contested in the law in Australia, proposed by Australia's Labor government, was a hate exemption based on religious conviction that was similar to what we currently have in the criminal law in Canada. Ironically enough, the conservative parties in Australia—the Liberal Party and the National Party—argued that this exemption made the law useless. It's exactly the opposite argument that our colleagues are bringing up here in Canada. They are saying we need this exemption. In Australia, the conservative parties said the opposite.

I don't think taking out this exemption is a panacea, nor do I think having this exemption to allow somebody who already has promoted hate and been charged with promoting hate to have a defence that has never been successful in Canadian history means a lot either. This is why I want to get to the amendment and the subamendment, but I want to start with the larger principle.

The claims that have been made that people would no longer be able to preach the Bible, the Torah, the Quran or any religious text without being charged with hate speech is absurd. It doesn't deserve the credence being given to it. I can't even believe these arguments are being made.

This was a defence in the law if you had already been charged under the already high threshold of promoting hate against an identifiable group. Then you were able to claim that you promoted that hate, that horrible hate, based on sincere religious conviction. I don't know any religion in the country that promotes that kind of hate in its mainstream religion. Taking this out should not be a problem. I don't think it makes a great difference, but it shouldn't be a problem.

I wanted to put on record the op-ed in the Toronto Sun that was written by Joseph A. Neuberger, who's a criminal lawyer and the chair of the Canadian Jewish Law Association. I'm going to read that for the record.

Claims that Bill C-9, The Combating Hate Act, threatens religious freedom in Canada are false. They are not supported by the bill itself, by the Constitution, or by decades of court decisions.

More than that, the claim that Bill C-9 undermines religious freedom is not a matter of interpretation or reasonable disagreement—it is misinformation. Religious freedom is explicitly protected by section 2(a) of the Canadian Charter of Rights and Freedoms and has been repeatedly affirmed by Canadian courts as a core constitutional guarantee.

Nothing in Bill C-9 amends, limits or conditions that protection. The bill does not interfere with worship, belief, religious teaching, sermons, or doctrine. To suggest otherwise is to assert a legal effect that simply does not exist.

What is Bill C-9

Bill C-9 is proposed federal legislation that updates parts of the Criminal Code dealing with hate-motivated conduct, hate propaganda, and the public promotion of terrorism. Its purpose is limited and clear: To address conduct that causes serious harm, including the glorification of terrorist groups and extreme hatred directed at identifiable communities. It does not regulate belief, worship, sermons or religious teaching. It does not criminalize disagreement or political debate.

Religious freedom in Canada is firmly protected by the Charter. That protection is well established and robust. Bill C-9 does not weaken it. What the Charter does not protect—because it never has—are threats, intimidation or the deliberate promotion of violence or terrorism. Canadian constitutional law has always distinguished between protected belief and unprotected conduct, and Bill C-9 operates squarely within that settled framework.

I write as a criminal lawyer with more than 32 years of experience, and as the chair of the Canadian Jewish Law Association. Since October 7, 2023, we have worked directly with students, professionals, and community members—Jewish and non-Jewish—who have faced harassment, exclusion, and intimidation. We have also contributed to antisemitism training for police and are preparing similar work with judges. The pattern is consistent: When hateful conduct is excused or ignored, it escalates.

Canadian law already draws a clear line between strong opinions—which are protected—and extreme hatred, which is not. The Supreme Court of Canada made this clear in *Regina v Keegstra*, defining hatred as extreme vilification and dehumanization, far removed from criticism or disagreement. Bill C-9 does not lower this threshold. It relies on it...

Much of the opposition to the bill rests on a misunderstanding—or misrepresentation—of free expression and religious liberty. The Charter does not shield conduct that promotes terrorist organizations designated under Canadian law. No democratic society treats the public glorification of terrorism as a protected freedom, religious or otherwise.

Another uncomfortable reality is that Canada already has laws to address hate crimes and terrorism, but they are enforced inconsistently.

On this, I agree with the author and with my Conservative colleagues.

That failure has contributed to a loss of civility and restraint, and to the normalization of conduct that targets people based on identity. Jewish Canadians have experienced this acutely, particularly when they are blamed for international events beyond their control. But the consequences affect all communities.

Law alone will not eliminate hatred or extremism. But law sets boundaries. It signals what conduct a society will not tolerate. Bill C-9 reflects that responsibility. Bill C-9 also provides authorities with additional tools to combat the display

of symbols of terrorist entities and will provide additional protections for our most vulnerable religious and educational institutions, including synagogues, schools and community centers. Bill C-9 is not the only answer to the rise in hate, but it is necessary to not only send a message that hate, and antisemitism will not be tolerated but will be prosecuted.

I also write as a supporter of political campaigns, including the Conservatives in the last election, and I want to be clear that the real danger is not that religious freedom will be curtailed. The real danger is allowing false claims about religious freedom to obscure the actual purpose and effect of the law, and to prevent Parliament from responding to conduct that undermines safety, dignity and social cohesion.

Read plainly, Bill C-9 respects constitutional freedoms while reaffirming a basic principle: Freedom does not include the right to promote hatred or terror.

I wanted to put that on the record because I believe in Bill C-9. We have a bill that deals with many of the issues that have impacted our communities, particularly my own Jewish community, but also other communities in Canada. It would be a positive force to tell law enforcement that we, as a federal Parliament, are sending them a message that we expect the law to be enforced when there are demonstrations in Mr. Baber's riding in Toronto that are entirely unacceptable that target Jewish communities for absolutely no other reason than they are Jewish, or in other ridings across this country. I think we all share that objective.

I will now come to the amendment that was proposed by Mr. Lawton and the subamendment by Mr. Brock, which I think are misplaced. They are saying that the charter guarantees in section 2 remain. Obviously the charter guarantees in section 2 remain, but they remain for all parts of the bill, not just the proposed subsection where this charter right would be mentioned.

The idea to me, then, would be a complete misinterpretation where somebody could look at this bill and ask, "Does that mean Parliament intended those charter rights not to apply to the rest of the bill or to other laws where we don't expressly reference that section 2 rights are protected?" It doesn't make any sense, because charter rights remain protected. We have not used section 33 in this bill or anywhere else to remove those rights. To insert them, I believe for the first time in a bill, and say that these rights are not undermined or thwarted would cause doubt in every other bill and every other provision of the bill if we didn't repeat the same message.

I will end my remarks there, because I strongly support this bill. This bill is really important to me, as are the bills on bail and the bills on giving greater rights to victims and dealing with intimate partner violence. This bill is really important to me because it deals with something that I have requested Parliament do for almost two years now to protect schools, community centres, places of worship and other places occupied by vulnerable communities and to take action against people who carry terrorist symbols in demonstrations.

I don't want to just let this bill go, delay it and cause it to disappear off the parliamentary radar because people are misinterpreting it or misleading people about which religious rights are or are not included in the bill. I'm going to fight hard for it.

I'm asking my colleagues.... If they disagree, that's fine. Let them vote against the parts of the bill they disagree with. Let them vote against the bill if they want, but let this bill go through clause-by-clause and come back to the House.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Housefather.

Next we have Mr. Baber.

Roman Baber: Thank you, Mr. Chair.

Welcome, everyone. Happy new year to all of you.

Before I defer to my colleague MP Larry Brock, I'd like to make a couple of comments not just with respect to what my colleague Mr. Housefather just said, but in particular with respect to tomorrow, when we mark the 81st anniversary of the liberation of Auschwitz. This has been designated by the international community as International Holocaust Remembrance Day.

I'll share a personal story that I've previously shared in the provincial legislature. My family is partially from Ukraine and partially from Russia. My great-great maternal grandparents were Ukrainian Jews from Odessa. In October of 1941, Joseph and Rosalia Rosenfeld were executed by the Nazis in the courtyard of their Odessa family home. As one of the first things my family did when we first visited the Holy Land, my mom went to the Yad Vashem museum, the Holocaust museum in Jerusalem, and noted the Rosenfeld name.

For many Jews like me, the Holocaust is not just an abstract or theoretical concept. It's a reality that many in my community have dealt with for many years. It's very instructive to us in much of what we do, not just in terms of the welfare, safety and security of the Jewish people, but in terms of the welfare, safety and security of all people. When we read about the horrors of what's transpiring in Iran, with a report this morning in one of the New York newspapers, a credible report, of over 35,000 protesters, 35,000 Persians, being killed in the last two weeks alone, it is horrifying.

That brings me to the point I want to make. Too often, many in this building, while very well-intentioned.... I want to be very clear. I respect all of my colleagues, and I never impute any negative intention when it comes to combatting hate or anti-Semitism in particular, but regrettably, I have come to believe, in witnessing the events of the last couple of years, that when many use the phrase "never again", they use it more as a platitude. They don't really

mean it, and that allegation may apply to more than one of the recognized parties.

Mr. Housefather was correct in mentioning the weekly events in the riding of York Centre, and specifically my home in North York, about a kilometre from where I live, at the very intersection where my family first dwelled when we came to Canada, the intersection of Sheppard and Bathurst. I invite every single member here, every staffer and every official to come and join me in North York on a Sunday at Sheppard and Bathurst to see what goes on with a group of masked men and women. They don't just stand at the northeast corner of the intersection, because the police have decided that they're going to segregate both sides. Aside from the fact that they stand at the northeast corner of the intersection, in front of the very building that welcomed me to Canada, they chant incitement to violence every week, chant for intifada every week and encourage people to violently revolt every week. Seemingly, nothing is being done.

We had the director of legal services for the NCCM here during hearings on this bill. I think her testimony on the definition of the word "intifada" and whether she would encourage some sort of legal action or criminal action with respect to that spoke for itself. This is an organization that has received, in the last couple of years, a considerable amount of money from this Liberal government.

We had the Toronto police here during the bail hearing meeting, who said they weren't sure what the interpretation of the law was. Clearly, we all agree that incitement to violence is illegal, and that is incitement to violence but even worse.

Every Sunday, they walk off Sheppard and Bathurst and start walking west on Sheppard. Sometimes they make a right into the neighbourhood of Bathurst Manor, which is where I lived for a number of years. It is one of the key neighbourhoods that I'm blessed to represent, and it probably has one of the largest Jewish communities in the country.

These masked thugs walk up residential streets next to residential neighbourhoods, and they chant incitement to violence. They're masked. They're clearly denying residents enjoyment of their property. I would suggest, respectfully, that it's at the very least mischief.

I think it's very important, as we discuss these things, to appreciate that, number one, this is very serious for many of my constituents and Canada's Jewish community. That number is at about 350,000. We're nearing—

Anthony Housefather: It's 450,000.

Roman Baber: I appreciate my friend's correction. There's some disagreement.

We are going to mark International Holocaust Remembrance Day tomorrow, and we're all going to tweet "never again". I would invite everyone who's unwilling to implore law enforcement to do the right thing here—it doesn't matter which side of the aisle you're on; my constituents right now are threatened in their homes—to say, "We are not going to tolerate this. We have existing laws on the books, and we insist that the Toronto police, the Toronto Police Service Board and Mayor Olivia Chow enforce the law and protect Toronto's Jewish community." When we say "never again", we should actually mean never again.

I'm very grateful to my colleagues for the deference I received here. I'm going to defer my time to MP Larry Brock.

The Chair: Thanks, Mr. Baber.

I had Mr. Lawton and Mr. Brock. You both put your hands up at the same time. I'll leave it to you to decide who goes first.

Larry Brock: I'll go.

The Chair: Go ahead, Mr. Brock.

Larry Brock: Thank you, Chair.

Much like my colleagues Mr. Baber and Mr. Housefather have said, it's good to be back. I'm thankful that we are here to study three important bills. I trust everyone had a peaceful and relaxing break.

I want to welcome back the departmental officials. I know this has been a challenging exercise for you.

I'm optimistic that 2026 will usher in a fresh approach to how we get things done here at the justice committee. When I first accepted the position of vice-chair, obviously there was a different chair at that time, but I have often said that my experience has always been one of deep respect for everyone here at the justice committee. We deal with extremely important pieces of legislation and policy, and our tradition, at least from my perspective going back to September 2021, has been to be extremely collaborative. I'm hoping that is going to continue.

Clearly we are facing an impasse, and it's an impasse that in my view should never have come to be. When I listen to the messaging from the government, specifically in the messaging from Sean Fraser, Canada's justice minister and Attorney General, he often reflects about the quality time he spends engaging with stakeholders, particularly from the Jewish community in Canada but also other stakeholders involved in policing and victim advocacy and rights, all of which informed, with the direction and assistance of his departmental officials, the drafting of Bill C-9.

In Bill C-9 as it's currently stated, there is no specific reference to the government intending to remove the religious exemption that has been codified in the Criminal Code of Canada for over four decades—no mention at all. There was no indication of it in any of the press releases or technical briefings that parliamentarians received during the initial debate in the House at second reading. There was no mention at all from any member of the Liberal Party of Canada that this would ultimately be their stated intention.

Contrast that with my friend and colleague Monsieur Fortin, who made it abundantly clear, as did members of the entire Bloc Québécois during debate, but particularly during the meetings we

held on Bill C-9, with the witnesses who gave evidence and responded to all questions.... Monsieur Fortin, on a regular and consistent basis, would always seek input from those stakeholders as to their position on the removal of the religious exemption.

I may be wrong in this assessment, and if I'm wrong I will apologize to any particular member of the Liberal Party of Canada. I've done a number of interviews, written a number of articles and posted on social media, and if I'm wrong, please correct me, but I don't recall during the meetings we had on Bill C-9 any particular member—the core Liberal members and their subs from time to time—ever exploring the issue of removing the religious exemption. I could be wrong, but I don't recall that ever being raised by any member of this committee, with the exception of Monsieur Fortin.

Then we progressed closer and closer to our Christmas break knowing we were making progress with respect to clause-by-clause, but we reached an impasse when we found out—leaked by the media—that a secretive backroom deal had been brokered between the Liberal Party and the Bloc Québécois to fully support the Bloc's amendment to remove the religious exemption. Critics rightly commented that this was insincere and was not about addressing the evils my colleague Mr. Baber so eloquently and correctly put on record, which have been plaguing our country for two-plus years under the auspices of supporting the Palestinian people. Critics said this all had to do with politics as opposed to what is in the best interests of Canadians.

I 100% agree with Mr. Baber's assessment—I know he didn't use these words, but these are my words—that Bill C-9 in its entirety was completely redundant, in the sense that we've had hate laws codified in the Criminal Code of Canada for over four decades. This was not an issue of police lacking resources or tools. This was a political decision by various police services, on their own or under the direction of their municipal leaders, to not do their damn job, and they were sworn to uphold every single law in the 1,000 pages of the Criminal Code of Canada.

We have witnessed, right across this country, example after example and story after story of criminal activity that should have resulted in charges being laid against these thugs, but they weren't. It's inexcusable that they weren't. In fact, I'm not going to identify the city nor out the municipal leaders and municipal police service, but examples from one particular municipality rocked me to the core when I learned that the direction given by municipal leaders to the municipal police service was to simply act as peacekeepers—sworn, armed peacekeepers—and to not make any arrests. I heard examples in that particular city of threats being uttered, physical assaults taking place, and pushing, shoving and spitting at Jewish individuals who were there simply to enjoy their synagogue or place of recreation free from any abuse, intimidation and harm, and the police dropped the ball. That's what this issue really is.

I'm glad, Mr. Housefather, that you raised the issue of the events in Australia. It rocked the conscience of anyone who deeply cares about this issue. That was a horrific experience, and I can only surmise that perhaps the uniqueness of Canada's law enforcement interpreting the Criminal Code not in a black versus white lens but a grey lens is what has caused this hate to go unchecked. When it goes unchecked, it emboldens the participants. It gives them immunity.

I can scream and call for intifada, as some did at the Eaton Centre on Boxing Day. That was not in a public square, but in a private centre. Again, police were there. I don't know if there were any arrests, but there were certainly not enough. Let's put it that way. That's why the consciences of Canadians were shocked that it was allowed to happen again.

I appreciate the passion of everyone's arguments, but we also need to remember that we have two other pressing pieces of legislation: Bill C-14 and now Bill C-16, which is set to be debated today for the first time.

In framing my argument in support of prioritizing Bill C-14, I want to reiterate the words of the Prime Minister today in Ottawa: "tougher bail, tougher sentencing, protecting younger Canadians from online harm, protecting people who go to their place of worship or their community centre, protecting them from harassment, all of that crime legislation is being held up". It's not being held up by the Conservative Party of Canada.

Then, later, House leader MacKinnon indicated to us in the House of Commons that Pierre Poilievre should "support the quick passage" of Bill C-14 and Bill C-16. To quote him, it's time for us to "put up or shut up on crime".

Since day one, I have been an advocate at the justice committee for prioritizing community safety and the safety of Canadians, particularly victims. If the Prime Minister wants us to prioritize Bill C-14, and if the House leader wants us to shut up or put up, I'm prepared to, as are my Conservative colleagues.

I'll follow up on a letter that our leader, Pierre Poilievre, wrote to the Prime Minister, setting out his expectations, his priorities and his willingness to work with parliamentarians to prioritize what Canadians want. What they want is to live in safe communities. I've said this repeatedly, and I'll keep saying it till I'm blue in the face: Community safety is not partisan. I don't care what your background is. I don't care what your ideology is. Everyone wants to live in and raise their families in a law-and-order community. We have an opportunity here as parliamentarians to give them exactly what they want.

Therefore, I am moving the following dilatory motion, Mr. Chair: That the committee proceed to the consideration of Bill C-14, the bail and sentencing reform act, immediately.

The Chair: Go ahead, Ms. Lattanzio.

An hon. member: Is this a point of order?

Patricia Lattanzio: I would like to respond to the comments that were made by Mr. Brock. I'd like you to rule if the motion is in order.

The Chair: Okay.

Can you read your motion again, please, Mr. Brock?

Larry Brock: Yes. I move that the committee proceed to the consideration of Bill C-14, the bail and sentencing reform act.

The Chair: Okay. We'll put it to a vote.

Patricia Lattanzio: Mr. Chair, before it goes to a vote—

The Chair: Ms. Lattanzio, go ahead.

Patricia Lattanzio: Thank you for ceding the floor to me.

First of all, thank you for your intervention, Mr. Brock. I would also like to take the opportunity to wish—

Andrew Lawton: I have a point of order.

The Chair: I'm sorry, Ms. Lattanzio. Mr. Lawton has a point of order.

Andrew Lawton: As I understand it, it's a dilatory motion, so there is to be no debate on it before we vote.

The Chair: You're correct.

I thought I'd give her a moment if it was a point of order type of comment. You're quite right. We have to put it to a vote.

We'll go to a vote.

Patricia Lattanzio: Mr. Chair, can I ask for a suspension for a couple of minutes?

The Chair: Yes. We'll suspend for a moment.

• (1200) _____ (Pause) _____

• (1215)

The Chair: I call this meeting back to order.

We will vote on Mr. Brock's dilatory motion.

(Motion negated: nays 5; yeas 4)

The Chair: Go ahead, Ms. Lattanzio.

Patricia Lattanzio: Mr. Chair, I'd like to move a motion, and I seek unanimous consent to move it.

Would you like me to read it?

The Chair: Yes, please.

Patricia Lattanzio: Before I read the motion, I would like to make a few comments.

We're supporting moving Bill C-14 forward because it is fundamentally about keeping Canadians safe. This bill would strengthen our bail system, hold repeat and violent offenders to account and help ensure that individuals who pose a real risk are not released back into the communities where they have caused harm. Bill C-14 responds directly to what Canadians have asked us to do: It supports victims and gives communities peace of mind.

As we move into this new session, Canadians expect Parliament to rise above partisan lines and focus on delivering real results. That doesn't mean we will always agree on everything, but it does mean we should look for opportunities to work constructively where we can. Advancing Bill C-14 is one of those opportunities, and it reflects shared concerns about safety and accountability. It's also a chance for Parliament to show that it can act responsibly and decisively for people. This is what the Minister of Justice is seeking. This is what the Prime Minister said this morning.

At the same time, I want to be clear that Bill C-9 and Bill C-16 are also important pieces of legislation. Our work on those bills continues and they remain a priority, but when there is a clear opportunity to move forward on legislation such as Bill C-14 that strengthens public safety and reinforces confidence in our justice system, we should take it. This is about making Parliament work, focusing on outcomes and focusing and delivering on our responsibility to Canadians. That is exactly why we will always be in support of moving our own legislation forward, Bill C-14.

With that, our motion reads as follows—

The Chair: I'm sorry, Ms. Lattanzio, but you'll need unanimous consent to move the motion before you read the motion.

Do we have unanimous consent for Ms. Lattanzio to introduce her motion?

Some hon. members: Agreed.

The Chair: You have unanimous consent, so please read the motion.

Patricia Lattanzio: Thank you, Mr. Chair.

The motion reads as follows. I will read the English version.

That the committee pause clause-by-clause consideration of Bill C-9, An Act to amend the Criminal Code (hate propaganda, hate crime and access to religious or cultural places); that the committee allocate three meetings to the consideration of Bill C-14, An Act to amend the Criminal Code, the Youth Criminal Justice Act and the National Defence Act (bail and sentencing), beginning at its next meeting; that the committee not adjourn its third meeting on Bill C-14 until clause-by-clause consideration of the bill is complete; and that at the meeting following the completion of clause-by-clause of Bill C-14, the committee resume clause-by-clause consideration of Bill C-9.

The Chair: Thank you, Ms. Lattanzio.

The motion has been circulated to all members in both official languages.

Go ahead, Mr. Brassard.

John Brassard (Barrie South—Innisfil, CPC): Thank you, Mr. Chair.

I have no comment. I will ask for a recorded vote on Ms. Lattanzio's motion, please.

The Chair: Thank you, Mr. Brassard.

Go ahead, Mr. Lawton.

Andrew Lawton: Could I just ask a clarifying question? Is it three meetings and then clause-by-clause, or three meetings and the third resolves into clause-by-clause?

Patricia Lattanzio: May I respond, Chair?

The Chair: Please go ahead.

Patricia Lattanzio: It is three meetings, including clause-by-clause, and we will continue clause-by-clause until we finish the study on Bill C-14, or however long the meeting will take.

The Chair: Go ahead, Mr. Lawton.

Andrew Lawton: Thank you.

I would like to move an amendment. I'm sorry, but we just got the motion, so I'm trying to do this in real time.

I propose amending “that the committee allocate three meetings to the consideration of Bill C-14, An Act to amend the Criminal Code, the Youth Criminal Justice Act and the National Defence Act (bail and sentencing), beginning at its next meeting” to add that one of those meetings be dedicated to hearing testimony from the Minister of Justice.

The Chair: I'm going to suggest that we suspend for just two minutes so that people can absorb what you just said.

[*Translation*]

Rhéal Éloi Fortin: Mr. Chair, can we have a written version of Ms. Lattanzio's motion? I have it on my computer, but do you have a hard copy?

[*English*]

The Chair: No.

Okay, I just suggested that we suspend for a moment, but the members to my right don't see a need to do that.

Mr. Fortin, are you okay with what Mr. Lawton just proposed?

Rhéal Éloi Fortin: I'm sorry, but I didn't catch exactly what he said. That's why I asked for a paper motion that we can read and think about. This is just verbal.

The Chair: Let's suspend for a moment and give you an opportunity to absorb the motion.

We're suspended.

• (1220) _____ (Pause) _____

• (1230)

The Chair: I call the meeting back to order.

We have Ms. Lattanzio's motion and Mr. Lawton's amendment. We'll have to vote on Mr. Lawton's amendment, and then we'll vote on the language of the main motion.

[*Translation*]

Anthony Housefather: For clarity's sake, could you read it in French so that Mr. Fortin has it in French?

Rhéal Éloi Fortin: No, that's fine. Thank you, Mr. Housefather.

[*English*]

Anthony Housefather: Good. Thank you.

[*Translation*]

Rhéal Éloi Fortin: However, I have a question, Mr. Chair.

The vote we are about to take is to authorize Ms. Lattanzio to table her motion. Is that correct? It does not concern the substance of the motion. We are not there yet. Correct me if I am wrong, but you need unanimous consent for Ms. Lattanzio to table her motion.

Patricia Lattanzio: It's already been done.

[*English*]

The Chair: Unanimous consent was already granted to Ms. Lattanzio—

Rhéal Éloi Fortin: Okay. Perfect.

The Chair: —to introduce the motion. She tabled the motion, and Mr. Lawton then proposed an amendment. We're going to vote on Mr. Lawton's amendment, and then assuming that passes—well, regardless—we'll vote on Ms. Lattanzio's motion.

[*Translation*]

Rhéal Éloi Fortin: Thank you, Mr. Chair.

[*English*]

The Chair: Let's have a vote on Mr. Lawton's amendment.

Do you want to read it out again, just so everybody is clear?

The Clerk: Thank you, Mr. Chair.

It would be inserted after the words “its next meeting” and would read as follows: “and that one of those meetings be the appearance of the Minister of Justice”. That's the end of the amendment.

The Chair: We'll go to a vote.

(Amendment agreed to: yeas 9; nays 0)

The Chair: We will now proceed to a vote on the motion as amended.

(Motion as amended agreed to: yeas 8; nays 1)

The Chair: The motion is carried, so that means on Wednesday of this week, we will proceed to dealing with Bill C-14. Any amendments have to be submitted by Monday at noon.

I adjourn this meeting.

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