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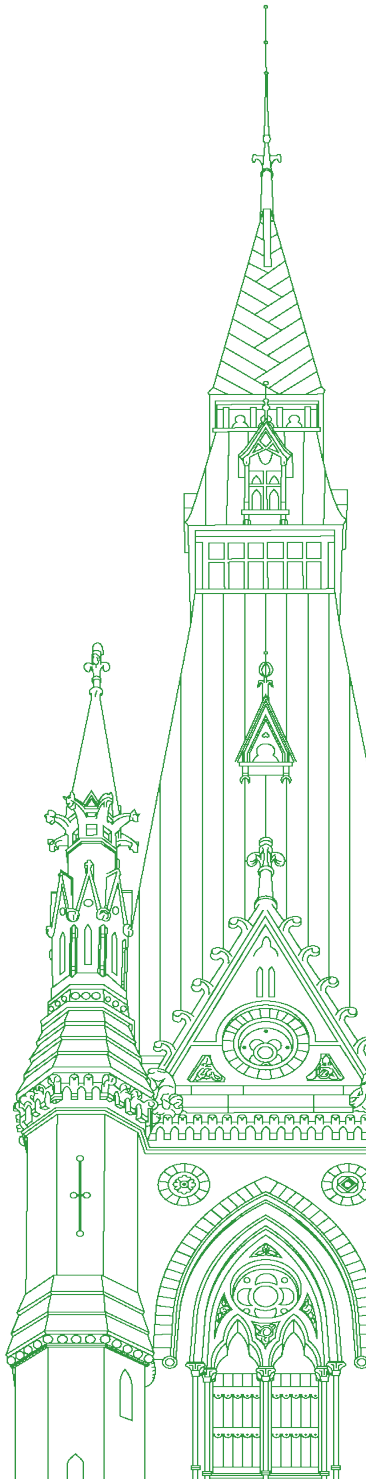

Chair: James Maloney

Standing Committee on Justice and Human Rights

Wednesday, February 4, 2026

● (1615)

[*English*]

The Chair (James Maloney (Etobicoke—Lakeshore, Lib.)): Good afternoon, everybody. Thank you for being here with us today.

I want to call this meeting to order.

Welcome to meeting number 17 of the House of Commons Standing Committee on Justice and Human Rights. Pursuant to the order of reference of November 18, 2025, the committee is to continue its study of Bill C-14, an act to amend the Criminal Code, the Youth Criminal Justice Act and the National Defence Act, regarding bail and sentencing, and to later today proceed to its clause-by-clause study.

Today's meeting is taking place in the 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 made successfully. Before we continue, I would 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 participants and especially our interpreters. You will also notice a QR code on the cards, which links to a short awareness video.

I'd like to make a few comments for the benefit of 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 microphone, and please mute yourself when you are not speaking.

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

Now, for our first hour today, I'd like to welcome our witnesses.

From the City of Kelowna, we have Mayor Tom Dyas.

Thank you for being here.

From the Regina Downtown Business Improvement District, we have Judith Veresuk, executive director, and from the Toronto Police Association in my hometown, we have Clayton Campbell, president.

I'm going to give each of you five minutes for opening remarks, but before I do that, I'm going to go a bit off script.

There's a ceremony taking place today while we are in committee: the long service awards for staff on Parliament Hill. There isn't a member of Parliament around this table who will disagree with me when I say that we are nothing without our staff. I want to say thank you to all of them, and I want to give a special shout-out to Clare Barry, who has been working with me for five years. Rather than going to receive her long service award, she's doing what she always does: She's here at my side.

Clare, I want to say thank you. I couldn't do this job without you and, frankly, I wouldn't want to.

I will turn it over to the witnesses now.

Mr. Dyas, I'll start with you.

Tom Dyas (Mayor, City of Kelowna): Chair Maloney and members of the committee, thank you for the opportunity to appear today.

I will, knowing that it's being translated, maybe not speak as fast as I am now. I may be just a little bit over five minutes, but I'll move through this. It is timed for just about five minutes.

As stated, my name is Tom Dyas, and I am the mayor of the City of Kelowna.

I am here today because what you are debating has very real financial and visible consequences in communities like mine across British Columbia and Canada.

Business owners are dealing with repeated break-ins, vandalism, theft, threats to employee safety and general disorder, including windows being smashed for repeated theft without offenders being charged or held for their previous actions. Business owners are exhausted, frustrated and losing confidence in the justice system every day.

We share in those frustrations. This is common in cities across Canada. It is systemic, it is not acceptable and it requires a significant change in policy and legislation.

Our local RCMP have recently shared a chronic offender profile with us. One individual has accumulated 223 police files between 2021 and 2025, including 31 failures to comply with conditions and 32 failures to appear in court. Offences occurred almost monthly, including assaults, thefts, threats and public disturbances. Many of those offences happened shortly after release, indicating rapid reoffending under the current bail conditions.

There are many examples of repeat failures to abide by bail conditions and failure to appear in court followed by reoffending. These situations, which are outlined, for some should be met with meaningful consequences. Considering a reverse onus in these cases would better reflect the risks posed by individuals who consistently disregard court authority only to quickly reoffend after release.

In 2024, just 15 individuals in Kelowna were responsible for 1,335 police files. This trend is regrettably not isolated. B.C. is made up of approximately 189 municipalities. When I was in Victoria at UBCM last fall, the collective of municipalities had similar experiences of individuals and repeat property and violent offenders within their communities. Persistent property offences and incidents of social disorder are having a significant and costly negative impact on our communities, affecting resident safety.

Repeat property offenders are brazen knowing there is minimal consequence in the justice system that does not hold them accountable. Canada's third-largest RCMP detachment is in Kelowna. Our hard-working frontline officers are frustrated. They know who the repeat property offenders are, they arrest them and then they see the same individuals released within days, at times even hours, recommitting similar crimes. The RCMP do not have the tools and support they need to help keep our communities safe.

Public safety is a top priority of councils across Canada. We have advocated consistently to the federal government for bail reform that addresses repeat property offending and to the provincial government for investment in Crown prosecutors and justice resources.

We have produced evidence-based advocacy papers, including “Chronic Offenders—Closing the Revolving Door”, because municipalities are living with the consequences and costs of decisions that are made elsewhere. Local governments have limited impact if the same individuals continue to cycle through the justice system and then back onto our streets.

That is why Bill C-14 matters. I urge the committee and the House to move this bill forward quickly.

In particular, the focus on repeat and violent offending and the requirement for courts to consider the number and severity of outstanding charges when making bail decisions is critically important. I ask that the committee consider further defining “repeat” with the addition of the term “property” to reflect the realities playing out on our streets, impacting our residents and businesses and hurting local economies.

● (1620)

Small businesses are the backbone of our economy. We must do what we can to support and protect them—and, importantly, to protect our downtowns.

In closing, without meaningful bail reform, municipalities across Canada will continue to absorb the impacts and costs of a system that is not functioning as intended and will not support a one Canadian economy. Communities like mine in Kelowna are asking for tools that reflect reality on the ground, allow the justice system to respond appropriately to repeat property offending, hold individuals accountable and provide tougher sentences for those who blatantly show disrespect for the law. Bill C-14 goes a long way in achieving that.

I thank you for the opportunity to share Kelowna's experience and the experience that municipalities are encountering across this country.

Thank you.

The Chair: Thank you, sir.

Ms. Veresuk.

Judith Veresuk (Executive Director, Regina Downtown Business Improvement District): Good afternoon. I would like to thank the chair and the committee for providing me with the opportunity to speak before you today.

My name is Judith Veresuk. I'm the executive director of the Regina Downtown Business Improvement District, representing over 600 businesses in Regina's downtown core. The Regina downtown BID is also a proud member of the International Downtown Association of Canada. Our mandate is to create the conditions for strong economic activity, entrepreneurship and cultural life in urban centres.

Regina's downtown, like many downtowns and main streets across Canada, is the economic and cultural anchor of our city. The downtown area is a major provider of jobs, while also serving as a gathering place for arts, events and community life. However, today crime and public safety concerns are becoming significant barriers for the residents, workers and small business owners who bring life to our downtown. The effects of repeat offenders cycling through the justice system to disturb the same downtown locations are highly visible in Regina.

These growing concerns have real consequences. Small businesses are being forced to reduce their hours. Investment is declining. New business entry is slowing. Employees don't feel safe commuting to or being at work these days. Canadians—Regina's in particular—are avoiding our downtown. The consequence is devastating for our city's small business landscape and our economy as a whole. What we are seeing mirrors what I hear from my colleagues nationally, underscoring the need for meaningful bail reform legislation from the federal government to address these challenges.

Public opinion polling in western Canada shows that downtowns across the region face this same pressure. The City of Saskatoon found that the vast majority of their residents, or 82%, felt that crime was somewhat or very high in their community. In a 2025 poll done by the Calgary Police Association, more than half of Calgarians said they felt that social disorder has increased since 2024. In Edmonton, a similar survey conducted by the Edmonton Police Service reported that just under half of their residents, or 46%, felt their city was getting less safe. That perception was even more acutely felt by the city's indigenous residents, with 64% of respondents saying they felt Edmonton was less safe.

These figures indicate a stark diagnosis for Canadian downtowns. People are losing faith in the safety of their neighbourhoods and communities. These results also point to this challenge occurring across municipal and provincial jurisdictions, reinforcing the need for effective, federally led bail reform to address the systematic changes being faced by Canadian communities. Bill C-14 represents an opportunity for such a decisive action by strengthening bail provisions for repeat and violent offenders and improving protection for workers and communities most affected by these crimes.

On behalf of the Regina downtown business community and downtown areas across Canada, our organization advocates for Bill C-14 to include strengthened bail provisions for repeat and violent offenders, including reverse onus considerations, and enhanced recognition of the serious offences committed against retail and public-facing workers. By ensuring that these conditions are met, this legislation can simultaneously address challenges with public safety and restore confidence in Canadian downtowns, which need to revitalize themselves and contribute to more vibrant communities. Our community, and many of your communities that you represent, need it. We look forward to your leadership to make this possible.

We urge the committee to advance bail reform that reflects the realities on our streets. We believe Bill C-14 does this. Subsequently, we hope that all parties can support this bill's ratification to ensure better outcomes for downtown business communities across Canada.

Thank you. I'd be happy to answer any questions you may have.

● (1625)

The Chair: Thank you very much.

Mr. Campbell, over to you.

Clayton Campbell (President, Toronto Police Association): Good afternoon, Chair, Vice-Chair, members of the standing committee and legislative staff, including Clare. You have the same name as my daughter. She just turned 17 and got into U of T, so I'm going to put that out there.

My name is Clayton Campbell. I'm the president of the Toronto Police Association.

As president, I feel very privileged to represent more than 8,500 members of the Toronto police service who work both in uniform and in civilian roles.

Since my last appearance before this committee, the TPA has continued to call for changes to bail and sentencing, especially for repeat violent offenders.

We've had formal and informal discussions with federal Liberal and Conservative members of Parliament. We've engaged your counterparts at the provincial level, including the Ford government, which has been a champion for public safety in the province of Ontario.

We've also been invited and have participated in several community town halls at the invitation of both the Conservative and Liberal parties.

From my perspective, the process of consultation on Bill C-14 has been exceptional. We have repeatedly said that this is not about politics, it's about public safety. It is why we're back here today, asking all parties to support Bill C-14 and do what's necessary to facilitate its timely passage through the legislative process.

While there's still work to be done, we have been clear about our support for the proposed legislation, which includes many of the recommendations we put forward.

Specifically, we recommend clarifying that the ladder principle does not apply to an accused who's subject to a reverse onus in a bail proceeding. At bail, the justices and judges must consider whether an allegation involves random, unprovoked violence when denying release.

It would include modifying the tertiary grounds for release to include consideration of the seriousness of any outstanding charges when determining if bail would undermine the public's confidence in the administration of justice. We recommend the creation of new reverse onuses for a number of offences, many of which will have a direct impact on the criminal activity we're experiencing in Toronto.

Conditional sentences should be made unavailable for serious sexual offences, including those against children. Custodial sentences should be made available to youth who commit bodily harm rather than requiring it to be just violent. The publication of youth information should be allowed where the youth is at large and poses an immediate grave danger to the public. We have also been pleasantly surprised to see the inclusion of offences against a first responder as an aggravating factor at sentencing.

Not only will these provisions close many of the gaps our members experience on a daily basis, but we feel they'll strike an appropriate balance, recognizing what we have always stood for, which is not more people in custody but the right people in custody.

We would be remiss not to take this opportunity to highlight a few significant recommendations that were not included in this bill.

Through the government's ongoing public safety agenda, we strongly encourage adopting the three strikes provision, placing limitations on who can be surety, and immediate parole system reform.

As these discussions continue, we remain committed to the process of engagement and consultation, regardless of the political party. Canadians, despite their differences or political affiliation, all want and deserve the same thing for themselves and their loved ones.

Thank you and I look forward to answering any of your questions.

● (1630)

The Chair: Thank you very much.

We're going start the first six-minute round.

We started late. Out of respect for the witnesses, I don't want to cut the time short, so we'll just take the witness portion a little longer rather than stop at 5:30 as we're supposed to.

Mr. Brock, it's over to you.

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

I echo the words of our chair with respect to all our staff members here on the Hill and our respective constituents. They make our job so much easier. I would agree that no one could exist without the incredible years of service that every staff member puts in.

At this point I'd love to point out my chief of staff in my constituency. Her name is Teresa Percival and she is a long-time Conservative supporter. She has contributed to all the years of service since my 2021 election. Previously to that, she worked with my predecessor, Phil McColeman, who was the member of Parliament for Brantford—Brant. I sincerely want to thank her for all her incredible efforts.

Thank you, witnesses, for your attendance. I really enjoyed your opening statements.

Mr. Campbell, it's always a pleasure to see you again. I want to sincerely thank you for all of your incredible advocacy. In my view, it was that consistent messaging that always remained the same. You are always loud and clear with other stakeholders to move this government in the appropriate direction.

We will soon go to clause-by-clause on this particular bill before it gets back into the House for third reading and ultimately to the Senate. I want to bring to you some amendments that the Conservatives are seeking and I want to get your opinion on them, sir.

One amendment that we are seeking is to add a consecutive sentence rule for repeat human trafficking offences. Is that something that policing should support?

Clayton Campbell: Absolutely.

Larry Brock: Okay. The Liberals will not support that.

Secondly—

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

The Chair: Go ahead, Mr. Housefather.

Anthony Housefather: He just made a statement with no foundation about an entire group of people. We don't know whether we will support it or not, and different people may have different views. I don't think that's appropriate, Mr. Chair.

The Chair: I tend to agree with you.

Mr. Brock, we haven't gotten to that amendment yet, so I would reserve judgment on that, with all due respect.

Larry Brock: Sure. I have a different position on that. I'm not going to elaborate, but I wanted to bring certain passages to Mr. Campbell's attention. I will certainly seek his support on various Conservative amendments that are being brought.

Another significant amendment is with respect to the principle of restraint. We've talked about that numerous times. Section 493.1, ushered in by Bill C-75, in my view as a former Crown attorney, was the origin of catch-and-release.

What we want to do, where it relates to violent repeat offending, is replace the wording in subsection 493.1 to not “give...consideration to the earliest release...on the least onerous conditions” but to make public safety and security the primary consideration when releasing or detaining those individuals.

Is that something that policing would support?

Clayton Campbell: I'm not going to pretend to be a lawyer, because there are probably lots in this room. I'm not sure how that process would work.

I know that Bill C-14 tried to clarify that in the language. I can say that the wording of “the least onerous conditions” “at the earliest opportunity” caused lots of issues that we're seeing in the community. I'm not going to speculate on how that should be done, but if there is any way to limit it, we would support it.

Larry Brock: Would policing support a term to surrender a passport as a potential condition depending on the circumstances?

Clayton Campbell: It makes sense to me. It is my first time thinking about it, but it does make sense to me.

Larry Brock: Would policing support an amendment to the tertiary grounds under subsection 515(10) to include terms such as ensuring safety and security of the public; preventing physical or psychological harm to victims, including child victims and their families; and preventing interference with the administration of justice?

Would policing find that to be helpful for a justice considering detention or release on the tertiary grounds?

● (1635)

Clayton Campbell: I would have to go back and look at each section, but clearly there's an issue with repeat violent offenders.

I know that there are some amendments around tertiary grounds for the gravity of the offence and the number of offences, so I kind of read that as repeat violent offenders, but we would be open to looking at anything that's going to keep our communities safe.

Larry Brock: Would policing support another Conservative amendment that would require mandatory detention for certain offences committed under a major offence category? This could be a current alleged major offence being committed while the accused was at large on release for another major offence. It would be for significant criminal activity and if the accused had been convicted of a major offence within the previous 10 years. Is that something the police would support?

Clayton Campbell: We did support what is commonly referred to as the “three strikes and you're out” provision. When someone is convicted of a second or a third serious violent offence, for the third offence, they're not allowed to be released.

I know there's some language around it. I think it's commonly referred to as a “release valve”, but we supported that in principle.

Larry Brock: Would policing support the expansion of the conditional sentence unavailability specifically as it relates to further firearms offences, weapons trafficking and human trafficking? Is that something that makes sense to you from a policing perspective?

Clayton Campbell: Definitely for the firearms offences and a conditional sentence, we do agree with that. We're seeing many times people out on bail or conditional sentences committing further firearms offences in the city.

Larry Brock: I've heard from a number of witnesses that the problem that we find ourselves in as a nation with respect to criminal justice issues and bail is a lack of data and sharing of the data.

One other Conservative amendment being sought is to require the Department of Justice to table an annual report on the state of judicial interim release, including outcomes and compliance, recidivism data, analysis of effectiveness of release conditions and accessibility and disparities across groups.

Would that be something that policing would support?

Clayton Campbell: I think it's really important, when we're going to see how this bill—if passed—works, to collect data. We have called for an annual report in a recommendation to both the government and the Conservatives. We went further to say that we should really be identifying judges and justices publicly if they have an ongoing pattern of releasing people. There could be training provided to them.

Yes, the public has a right to know when people are released.

The Chair: Mr. Brock, I gave you extra time because of how you started your remarks.

Larry Brock: I didn't restart my clock, but internally I thought I was probably getting close to being done.

The Chair: You deserved extra time for saying what you said.

Ms. Lattanzio, it's over to you.

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

I, too, would like to take the opportunity to thank employees, who are on the Hill today and this evening, for their long service—six years especially. I would like to thank Stefan Hoffman, my chief of staff, who is here in the room, as well as Laura Anastacio. They are also recipients of this award this evening. I'd like to thank them for their hard work and thank all employees who are going to be receiving their awards this evening.

Mayor Dyas, municipal leaders do not write criminal law, but communities experience the consequences when repeat and violent offenders are released.

What does Bill C-14 signal to cities about Parliament taking responsibility for strengthening bail where risk is at its highest?

Tom Dyas: I believe I will go back to the statement I made about being at UBCM and having roughly 189 municipalities there. At that point in time, we were in discussions. A group of us got together to ask the governments to save our streets. The effect that repeat property offences are having within communities and the revolving door—catching individuals and releasing them back into our communities—not only affects our RCMP; it also affects our local bylaws, our fire departments, our DKAs and basically our individuals who are trying to right the wrongs that are happening continually within our community.

We had a forum a week ago in Kelowna where about 300 businesses came together. The concern was consistent. The expense associated with making repairs due to the individuals who are continually breaking glass and stealing things from their store or these repeat offenders within the community is slowly deteriorating downtown cores across the country. Somehow, something needs to be put up to stop this from continually happening.

The continuation of this without addressing it one way or another continues to deteriorate exactly what we're trying to do within our country, which is to make our economics that much stronger with prosperity through many different areas.

The effects are great, but they're not just great for my community. There are continually individuals throughout communities—British Columbia and any other province throughout this country—who don't have one, two or three offences on them, but have hundreds of offences on them. Once they do get charged, they just don't show up for their actual hearing.

Bringing this together and the completion of this will mean a lot. It's just vitally important.

● (1640)

Patricia Lattanzio: My next question is for you, Mr. Campbell.

Before I ask you the question, I just want to take the opportunity to acknowledge the work of the frontline workers in Toronto. Recent statistics show significant progress, including a 47.1% decrease in homicides, a 24.8% decrease in auto theft and a 19.5% decrease in robberies. On behalf of the government, we thank you and your members for the work that has contributed to these outstanding outcomes.

Building on that progress, can you speak to how federal measures, like those in Bill C-14 that focus on strengthening bail and sentencing for repeated and violent offenders, can help support continued reductions in serious crimes?

Clayton Campbell: We go to a lot of town halls with city councillors. We've been to some with the Conservative Party. We went to one just recently with Ruby Sahota. It is the theme in Toronto. Public safety is still an issue. It's usually number one in polling. We're seeing the numbers come down. We don't want to celebrate too much right away, but we need to be happy about it.

I think a lot of it has to do with some reinvestment in public safety. The police service was underfunded for many years. We're seeing the number of police officers and special constables really increase.

I think it sends a message to the public that the government's listening and getting something done. No bill is perfect. There's not everything in it that we wanted, but it's definitely a step in the right direction. It will help us, hopefully, to keep some of these repeat violent offenders in custody. They've caused some really horrific things in the city of Toronto over the last number of years.

Patricia Lattanzio: The law itself can't solve all the issues. On that, policing outcomes depend on the full administration of justice, including courts, prosecutions and corrections.

Can you speak to some of the challenges that officers encounter in Ontario related to the broader justice system, and why federal and provincial governments need to continue working together to sustain and build on recent progress?

Clayton Campbell: I think for Ontarians, for Torontonians, we see the government sitting down with our premier and having conversations—the same thing with the mayor of the City of Toronto. I think it's something everybody wants. We want to have safe and healthy communities. We want to go about our daily business without fear of crime. You mentioned some of the statistics.

If you look at places like our TTC, our transit system, you see there is still a lot of fear of crime in the community. I think when you see everybody working together—disagreeing, debating—that's good. Hopefully we will see the passing of Bill C-14 in some form.

Again, we talked about the data—come back and review it at another time. If it hasn't had the impact everybody's looking for, then let's make changes in the future as well.

Patricia Lattanzio: Bill C-14 is focused on the federal government's role in setting the criminal law framework from a policing perspective. How important is it that bail rules clearly address repeated high-risk offending, so officers can better manage the risk in collective communities?

● (1645)

Clayton Campbell: It's been a long ongoing frustration. We're talking about a decade of frustration where we're seeing the same individuals repeatedly, time and time again. In Toronto, we're seeing some horrific crimes, such as people out on bail for shooting somebody only then to commit a murder.

I think making these changes and trying to keep repeat violent offenders in custody is going to send a message to my members too, that the federal government is listening.

I can say for both the Conservatives and the Liberal Party, it's been a great consultative process. We and our members feel like we've been listened to, and our ideas and suggestions have been included in this bill.

The Chair: Thank you very much.

Mr. Fortin, we'll go over to you.

[*Translation*]

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

Mr. Dyas, Ms. Veresuk and Mr. Campbell, thank you for joining us today.

Following the example of my colleagues, I too would like to take this opportunity to acknowledge the work of my team. Last year, one of my employees celebrated her tenth anniversary with my team and another celebrated her fifth. I want to thank Isabelle and Mireille for working with me. It's always important.

That said, I'll turn to you, Mr. Campbell. Obviously, we've talked a great deal about Bill C-14. It concerns bail, but also youth criminal justice.

I would like to hear your comments on this. The Supreme Court has already stated that youth who commit crimes are entitled to a presumption of diminished moral culpability in comparison with adults. Given their age, they have heightened vulnerability, less maturity and a reduced capacity for moral judgment.

Do you agree with this statement?

[*English*]

Clayton Campbell: We do, although we've proposed that in a small number of limited offences—we're talking about murders, attempted murder, shootings—there should be provisions for adult sentencing.

Also, with the Youth Criminal Justice Act, something you brought up, which I hadn't thought of when I was here before, there are consequences for adults recruiting youth. I was happy to see that it has made its way into Bill C-16. I can hardly keep track of all the numbers, but I think that recommendation was in there.

[*Translation*]

Rhéal Éloi Fortin: I understand that, in all cases, you consider that young people who commit crimes such as murder should be prosecuted in adult courts. Any distinctions must be made on a case-by-case basis, depending on the individual.

[*English*]

Clayton Campbell: I don't pretend to have all the answers, but in some of our discussions and recommendations, if they're showing behaviour that they planned it, that it was premeditated, that they're acting as an adult, we thought that should be something that's considered. It's definitely not that we want the majority of youth...but when we're seeing someone who murders somebody back out in three to four years or less, committing very serious offences, that's unacceptable.

[*Translation*]

Rhéal Éloi Fortin: Do you believe in the rehabilitation system, Mr. Campbell? In your opinion, is it unrealistic or is it possible to rehabilitate individuals?

[*English*]

Clayton Campbell: Absolutely. In 99% of the cases with youth, but it's just that small number of youth committing.... Say you're walking in downtown Toronto and you kill somebody with a hammer, and it's premeditated. You need to stay in custody because you're going to get back out and continue those offences.

It's a small number.

[*Translation*]

Rhéal Éloi Fortin: I gather that you agree that rehabilitation is possible in 99% of cases.

I'll move on to another question.

Bill C-14 proposes to allow police officers, in urgent situations, to publish information that identifies young people who committed an indictable offence. I would like to hear your comments on this.

Do you think that it's a good idea to allow police officers to do so, or should they ask a court for permission first?

[*English*]

Clayton Campbell: I don't have the language in front of me. I think if it's a grave, immediate danger—it's pretty limiting language—the police can get that information out right away. It's imperative. I get that there needs to be a court order in other cases, but if there's an immediate, grave risk to public safety, I think it's really good that we can get that information out quickly.

● (1650)

[*Translation*]

Rhéal Éloi Fortin: I gather that you can't think of any examples of situations experienced by your team, which includes 8,500 members, involving an urgent need to publish information without consulting or obtaining authorization from a judge or court. You can't think of any examples.

[*English*]

Clayton Campbell: I can definitely get you some examples. I can follow up on that.

When there's an urgent need with a youth who is out there, committing violence, we know their identity and we need to get that to the public immediately. I can get you some examples. Definitely.

[*Translation*]

Rhéal Éloi Fortin: I apologize for insisting. You don't need to answer me, of course. However, I would like to know whether you have an example in mind for us.

[*English*]

Clayton Campbell: I don't have one offhand, no.

[*Translation*]

Rhéal Éloi Fortin: In terms of bail data, most experts say that it's difficult for them to do their job. They don't have the data to determine whether recidivism has occurred and to assess the effectiveness of the bail. You touched on this topic a bit with my colleague earlier. I would like to hear your comments on this.

In your opinion, is it possible and feasible to obtain data from all the provinces, or at least from you in Ontario?

[*English*]

Clayton Campbell: I don't know if I'd have the answer to it. I just know that with anything you do, you want to measure it. If there's going to be a new piece of legislation, clearly, you're going to want to track whether it's effective. For the process of how that would be done, I don't have an idea offhand, but I think it's important to look at and try to do it.

[*Translation*]

Rhéal Éloi Fortin: Thank you, Mr. Campbell.

Mr. Dyas, I would like to ask you the same question. In your opinion, is it possible to share data on recidivism or bail effectiveness?

[*English*]

Tom Dyas: I hope it ends up being.... I heard it correctly; the question came through. It was about the sharing of data for repeat offences and bail.

The awareness I have on this is that when individuals are repeatedly committing offences, that information is obtained and held within the court system. At this point in time, individuals are coming before the courts and that information is not readily available and shared appropriately with the judge or the person who is making the future decisions about whether that individual should receive bail or not.

We feel it is appropriate that the information be looked upon. It goes back to the reference I mentioned of 15 individuals in Kelowna in 2024 who had 1,336 offences. Each of them had 80 situations of reoccurrences with police files within one year, and they continued repeatedly to not be held accountable for those situations.

The Chair: Thank you, Mr. Dyas.

I might have to cut off the staff appreciation extensions. Otherwise, the meeting might go on a lot longer. I know I started it. It's my fault. We're all very incredibly grateful.

Mr. Gill, it's over to you for five minutes, sir.

Amarjeet Gill (Brampton West, CPC): Good afternoon everyone.

Thanks to all the witnesses.

Mayor Dyas, thank you for your public service.

Right now, repeat offenders are causing a disproportionate amount of crime in your community. Is that correct?

Tom Dyas: Yes, that is correct.

Amarjeet Gill: Based on what you see in your community, do you agree that Bill C-14, as currently drafted, still leaves repeat offenders free to continue harming communities?

Tom Dyas: With reverse onus, with them being held responsible for their repetitive charges, there may be a couple of conditions I mentioned in my comments with regard to adding repeat property offences in there, so there could be some adjustments to Bill C-14 as it sits right now.

I'll go back to what Clayton said. There are communities, municipalities and cities throughout this whole country that need this addressed. It's affecting businesses and our residents. It may not be, at this particular time, exactly the way it needs to be. I think that would come to a future discussion to add it, but it does need to be addressed.

● (1655)

Amarjeet Gill: Would you support strengthening Bill C-14 to further reduce repeat crime?

Tom Dyas: As I mentioned, there are a few items with regard to reverse onus and adding property and a couple of items in there. However, as I said in my comments, we are grateful, and we're hopeful that this committee and both parties are successful in moving this forward and in continuing to answer those questions.

Amarjeet Gill: Based on Kelowna's experience, would you agree that, after multiple bail breaches or repeat offences, public safety should take precedence over continued release and that the law should clearly reflect that threshold?

Tom Dyas: Public safety should definitely take precedence over release.

Amarjeet Gill: Thank you.

Mr. Campbell, do you believe that judges should be required, rather than merely encouraged, to consider an accused person's prior offence when deciding whether to grant bail?

Clayton Campbell: Yes, they should.

Amarjeet Gill: In your comments, you mentioned that no bill is perfect. Do you think Bill C-14 still needs specific measures to strengthen it?

Clayton Campbell: As I said, we would encourage, at a minimum, that it pass in its current form, but there are some things we asked for that weren't in it. We asked for strengthening things around sureties. We supported the “three strikes and you're out” provision in there. We want to see some tracking and some data that can come back to us.

The parole system itself needs some work, and I had some conversations with the public safety minister on that. We would like to see some changes in that. As I mentioned, a small number of youths committing murder and other heinous acts should be treated as adults and should be sentenced more severely. Those are some things we didn't see.

As I said, no bill is perfect. We support it in its current form. If some things were added, we would support that too.

Amarjeet Gill: You might know that Conservatives have supported a jail not bail act, C-242, which has addressed surety, where criminals should not vouch for criminals for surety purposes. Do you agree with that as well?

Clayton Campbell: Yes. We put forward, in our recommendations, as our starting point, that if someone was convicted of a criminal offence, it should be strongly considered whether they could be a surety or not. If they're in a position of power, as an example, or if they've been a surety in the past and someone breached their conditions, they may not qualify for being a surety.

Amarjeet Gill: Thank you.

Ms. Veresuk, under Bill C-14, extortion punishments are not standard. Mandatory minimum sentences are not introduced. In your view, are mandatory minimums necessary to better protect businesses from extortion, especially in cases of targeted and repeat offences?

The Chair: You have time for a very short answer.

Judith Veresuk: I think any and all tools that help support the prosecution and deterrence of some of these actions that have now cropped up as more commonplace in our downtowns, including extortion, are things we need to explore. If it is not included in Bill C-14 now—as my colleague here has stated, no bill is perfect—let's continue to come at it. Let's see what's working, see what's not, see what still needs to be addressed, and then address it in the future.

The Chair: Thank you.

Ms. Dhillon.

Anju Dhillon (Dorval—Lachine—LaSalle, Lib.): Thank you, Mr. Chair.

Thank you to all our witnesses for being here today and highlighting the importance of passing Bill C-14 as quickly as possible.

As you said, Ms. Veresuk, it's not easy to get everything in a bill, but we should start somewhere.

Mr. Campbell, you mentioned that you were happy with the consultative process and were quite satisfied. You would like to see this go through. You specifically mentioned that first responders and frontline police officers were affected by this bill and that it would bring them a certain level of safety as well in their work. Can you please talk to us a little bit more about that?

● (1700)

Clayton Campbell: Yes. We were very pleasantly surprised to see first responders, paramedics and firefighters included at sentencing. That has to be considered as an aggravating factor. We work very well with the paramedics union, CUPE 416, and the Toronto firefighters union as well. They were all very supportive of this. I think it sends a really a strong message, too, that first responders are out there risking their lives in helping people. It really should be taken more seriously if they're the subject of a criminal offence or an assault.

Anju Dhillon: As well, different categories have been added with reverse onus. There's violent auto theft. With these kinds of categories, how much more efficient—I won't say easier—will it make police work?

Clayton Campbell: I think adding reverse onus provisions is important. We did see that with Bill C-48, I believe. The challenge is that I don't know if they were applied. Hopefully, some of the clarifying language in Bill C-14 will help justices and judges apply the reverse onus properly.

Yes, we're supportive of the increase with regard to reverse onus crimes.

Anju Dhillon: Perfect. Thank you so much.

Ms. Veresuk, you mentioned during your testimony that in bail reform, reverse onus is also important and something that you'd like to see. Every first minister has now called on Parliament to quickly take action. From a downtown business perspective, what does it mean to see Parliament put this bill through?

Judith Veresuk: We're thrilled. This is something that we have been directly impacted by, even more so since the pandemic, when we started to see criminality rise in all our downtowns across Canada. It really is taking a toll, not just financially but also mentally on a lot of our retailers and storefronts.

I have testimony from my colleague who operates a restaurant in the lobby of my building. She says she was physically assaulted last winter, and is verbally harassed almost every day at work. Staff feel unsafe when they're working, especially if there's a disturbance in the lobby. They see drug usage at their back door, which makes their staff feel unsafe when they're heading out to their cars at the end of the day. This is daily. This is a significant restaurant in our downtown that is on the verge of closing. They're tenuous now. They can't keep staff, because the staff are worried about being assaulted. They're also not making any money, because patrons are scared to come down.

This is just reflective of a lot of what we're seeing in small businesses across Canada. This is just a drop in the bucket.

So yes, we are extremely supportive of this bill. Any tools we can give to our communities to help enforce this and reduce crime in our communities will benefit our businesses and our downtowns.

Anju Dhillon: Thank you so much.

Mr. Dyas, you mentioned that people are not showing up to their court appearances and the importance of this bill when it comes to that. Also, can you talk to us about cities asking for clearer federal direction on bail for repeat and violent offences? How can Parliament move forward with Bill C-14 and give municipalities the confidence to know that action is being taken?

Tom Dyas: As the other panellists have said here, the advancement of Bill C-14 itself shows that Parliament is taking action. It may not have everything that everyone wants within it at this particular point in time, but that's part of the process of then continuing communication and working on it.

To have individuals within our community like the one I mentioned who had over 30 appearances but was not showing up for court, with no repercussions, with no regard to any of that actually taking place, other than going back out into our community and causing more disturbances.... Residents within these communities feel threatened. They're looking at the justice system itself and saying that there is nothing within the justice system: Where does it come from? Who is going to truly help us?

We don't want to ever see it get to a point of any vigilantism or anything along those lines, but regrettably, the reality of it is that they feel at wit's end. They don't know how to move forward.

Bill C-14 and the steps you're discussing give people hope that there's change on the horizon. It may not be exactly what everybody wants, but it gives people hope that, yes, people are listening. There are so many frontline workers and so many families who own businesses and everything else who are affected.

If I may add—

● (1705)

The Chair: Thank you. I'm sorry. We're tight on time.

Tom Dyas: Thank you, Chair. My apologies.

The Chair: Thank you.

Mr. Fortin, it's over to you for two and a half minutes.

[*Translation*]

Rhéal Éloi Fortin: Thank you, Mr. Chair.

Mr. Campbell, Bill C-14 talks about adding the use or attempted use of random and unprovoked violence to the factors for the court to consider when granting bail. I would like to hear your comments on this.

Is this a significant factor for the police officers? If so, could you explain a bit how this could affect the danger posed by the individual?

[*English*]

Clayton Campbell: We were very glad to see that in this bill. In Toronto, we've seen some really horrific attacks, especially in the downtown core, completely unprovoked, with the accused and the victim not knowing each other. There has been some really disgusting violence. Yes, we're very happy to see this included in Bill C-14.

[*Translation*]

Rhéal Éloi Fortin: What's the rough percentage of cases of random violence compared to the percentage of cases of violence committed for objective reasons?

[*English*]

Clayton Campbell: I wouldn't have that data, but I can say that they really have an impact on public safety and on the fear of crime, especially downtown. I mentioned it before: an attack with a hammer downtown and assaulting and serious injuries. What happens is that regular citizens think that they don't want to go down there.

On our TTC, as an example, where you're seeing some attacks that are unprovoked, that causes fear of crime, so the percentage isn't as relevant.

[*Translation*]

Rhéal Éloi Fortin: I apologize if I'm rushing you, but my time is running out. I understand what you're saying. However, how common is this? You keep talking about a hammer attack. I understand that it's traumatic, but is it a daily, weekly or monthly occurrence? Do you see this often?

[*English*]

Clayton Campbell: Yes, definitely in our transit system. If you take the TTC and you go down there, there are a lot of individuals.... A lot of it is mental health and addiction. There has been some investment by the municipality into the TTC, but yes, I think it's a common occurrence to see some unprovoked violence from unknown offenders.

The numbers say one thing, but we still see the fear of crime as being the number one priority in the city of Toronto. Really, those unprovoked and unknown attacks create a lot of fear in the community.

[*Translation*]

Rhéal Éloi Fortin: Thank you, Mr. Campbell.

[*English*]

The Chair: Thank you, Mr. Fortin.

Mr. Lawton, it's over to you for five minutes.

Andrew Lawton (Elgin—St. Thomas—London South, CPC): Thank you, Chair.

Thank you, witnesses, for being here.

I'd like to start with you, Ms. Veresuk.

You are not from my riding or my province, but I know that you've spoken to a lot of the concerns that have been raised. I was speaking about this issue last year with Paul Jenkins of the St. Thomas Chamber of Commerce. One of the things he pointed out some years back was how his chamber was one of those that were really pushing other chambers in Ontario and Canada to start realizing that crime and justice issues are business issues and economic issues.

I'm wondering if you can speak to what that cost is. I've heard from constituent businesses of mine about the issues they have with insurance. Just in driving down the street, I've seen that more businesses have vacated cores entirely. Especially with small and medium-sized businesses in mind, what is that cost?

Judith Veresuk: I have a cost for our community that we've been able to track as a whole.

I will give you some anecdotal information here. We have one local landlord who had to spend over $3 million converting a parkade to seal it. They were running into significant property damage and vehicle break-ins because people could get into that garage. Now they've had to put up gates and secure doors for $3 million.

A perpetrator was caught shoplifting and activating fire alarms in our downtown mall. One evening, she stole a taxi and drove it into the storefront of a local business, and then she drove through the mall. That was $2 million worth of damage.

It becomes astronomical when you add up what people are reporting plus what people aren't reporting to you. Those are the folks who have raised it with us, but there are so many others whose windows have been broken but have stopped going to insurance because the insurance is going up.

● (1710)

Andrew Lawton: It is happening in communities of all sizes. I mentioned St. Thomas. Part of London is in my riding. I've spoken about this with Kristen Duever at the London Chamber of Commerce. It's in big cities and small communities. It's everywhere.

Mr. Campbell, I wanted to get you to speak to this, if you will. I'm sure you've heard, probably with some frustration, when property crime has been diminished as non-violent crime, often it doesn't stay that way.

I was hoping you could speak to how property crime fits into the broader fabric of the types of offences we're talking about, especially with the bail system.

Clayton Campbell: Property crimes are destructive. You were just mentioning damage to homes and businesses. When you create that disorder, I think it feeds into the fear of crime, as you see things that are destroyed or see that people won't go into certain businesses or parks. Yes, I think it has a real impact on the fear of crime.

Andrew Lawton: Mayor Dyas, I don't know if you meant it as an amendment formally, but you proposed a change to the bill. I was hoping you could be a bit more specific about what you would like to see added and where.

Tom Dyas: It is with regards to property and repeat offences including the phrase “property offences”.

If I may touch upon your previous question, as a community, we did a study over three years, and our cost as a community was about $20 million to deal with all of the effects related to this. That expense is translated through to all of the businesses as they continue to incur expense.

When we do our budgets as municipalities, nowhere in our line items do they have anything to do with that. It's an additional cost that is not allowing us to spend that capital on the infrastructure that municipalities need.

Andrew Lawton: Thank you.

I yield to Mr. Brock.

Larry Brock: Thank you, colleague.

Chair, I filed a motion last week. At this time, I'd like to move that motion.

The motion reads:

> That, at the conclusion of clause-by-clause consideration of Bill C-14, the committee immediately proceed to the consideration of Bill C-16.

This is consistent with messaging not only from the Prime Minister last week but also from our Minister of Justice, Sean Fraser.

The Chair: I think I'll dismiss the witnesses, if that's okay.

We're moving on to some other business, so let me say thank you to all three of you not only for being here but for your service generally. We're all incredibly grateful. I know I speak for everybody in this room and beyond this room at large too. I appreciate it.

Mr. Lawton, go ahead.

Andrew Lawton: Thank you.

I don't want to take a lot of time. This is really just a housekeeping motion to ensure that our committee priorities are where I think Canadians expect them to be.

I just want to point out that Conservatives have been—and I'm very grateful for this—extremely productive in this Parliament. We've supported the quick passage of Bill C-19, the grocery benefit, and C-14, which we're working on now and will finish today. We are very committed to that, prioritizing bail reform. We saw Bill C-18, which is Canada-Indonesia free trade, Bill C-13, which is Canada-U.K. free trade, and Bill C-5, the major projects law.

This is very much in that spirit and in the spirit of collaboration. We want to make sure that Bill C-16 is similarly prioritized as we were finally able to do with Bill C-14. Again, in the spirit of collaboration here, to quote the Prime Minister from earlier today, “to pass the legislation Canadians are counting on”.... .

I just want to make sure that we have absolute clarity on this. We're not going to be debating this, but I want to propose an amendment to Mr. Brock's motion, and this has been translated already. We'll send it around.

That the motion be amended by replacing the words “the committee immediately proceed to the consideration of Bill C-16”, with the following: “the next priority of the committee be the consideration of Bill C-16, provided that:

“no fewer than eight meetings, totalling at least 16 hours, be provided for the purposes of receiving witness testimony, wherein the Minister of Justice and Attorney General and the Minister of Public Safety be invited to appear for one hour each on separate panels. The witnesses include victims and their advocates, police services and associations, municipal leaders and any other witnesses the committee deems relevant;

“the chair only be permitted to schedule a meeting for the purposes of clause-by-clause consideration of the bill after both the ministers of Justice and Public Safety appear as prescribed in this motion;

“the number of hours of witness testimony received is at least equal to the number of is described in this motion and the Minister of Justice has separately appeared on his mandate and priorities for two hours as unanimously requested by the committee on September 23, 2025.”

Thank you.

● (1715)

The Chair: Thank you, Mr. Lawton.

We have Ms. Lattanzio and then Mr. Housefather.

Patricia Lattanzio: It's okay, Mr. Chair. We're ready to vote.

Anthony Housefather: I'm just going to say one thing, Mr. Chair, since I have the floor.

First of all, there was a deal made last week, which the Conservatives voted for, that said we were going to move to Bill C-14. We were going to do three meetings on Bill C-14, and we would have moved immediately back to clause-by-clause on Bill C-9, the combatting hate act, which is an act that not only do I care deeply about but communities across the country care deeply about. We have voted for that and we have made the deal to move back to the combatting hate act.

[*Translation*]

It's funny. My colleague, Mr. Fortin, told me that this would probably happen. Despite all this, now the Conservatives aren't abiding by the deal that they made. It's terrible. They're now trying to tell the committee that we can't study Bill C-9.

[*English*]

I'm against Mr. Lawton's amendment, which would essentially delay the combatting hate act for generations.

I think it is important for communities across the country to know that the Conservatives have not only gone against the motion that we passed one week ago, where they voted for going back to C-9, the combatting hate act's clause-by-clause, in return for doing three meetings and clause-by-clause on this, but they are essentially seeking to delay the combatting hate act forever.

I'm against Mr. Lawton's amendment, and I'm appalled.

The Chair: We have Mr. Lawton and then Mr. Brock.

Andrew Lawton: Thank you.

It's just a very quick point. Bill C-16 was referred to this committee just this week. We have heard from countless stakeholders, including some of the witnesses who testified here today, about how important that bill is. We heard on our earlier bail study from victims about some of the measures that are in Bill C-16. We have that bill referred to this committee now. There is a lot more consensus from Canadians about this, and I think they are expecting us to get it done.

The Chair: Go ahead, Mr. Brock.

Larry Brock: I'd like to take exception to some of the comments from Mr. Housefather. I thought some of his language was rather inflammatory, prescribing ill motive to our Conservative motion.

I echo Mr. Lawton's comments. When that agreement was brokered, Bill C-16 had not been referred to the committee.

I circle back to my earlier comments with respect to moving my original motion. This is exactly what the Prime Minister of Canada and our justice minister, Sean Fraser, referenced, both in the House of Commons and outside the House of Commons, in that the priority would be the passage of these two justice bills: Bill C-14 and Bill C-16. There was no mention by Sean Fraser or Prime Minister Carney about prioritizing Bill C-9 over Bill C-14, or Bill C-9 now over Bill C-16.

It's not just Conservatives who want this priority; it's what Canadians have been asking for for 10 long years. It's what stakeholders, premiers, mayors, law enforcement and victim advocacy groups have been asking for. This is what they're asking for.

We are not suggesting that we will forever not return to Bill C-9. It is only the beginning of February. Absent our break weeks over the next several months, we are not rising for the summer vacation until the second or third week in June. We're not asking for a full-on, multimonth extension of consideration of Bill C-16. We will work as collaboratively and co-operatively as possible to move Bill C-16 through the process, absent any other priority bill that Sean Fraser introduces.

I know he's talking about an online harms bill, which, again, may take priority from the perspective not only of our justice minister, but of the Prime Minister. We have ample time before we rise for our summer vacation to return to Bill C-9.

Thank you.

● (1720)

The Chair: Mr. Fortin.

[*Translation*]

Rhéal Éloi Fortin: Thank you, Mr. Chair.

Before I speak, I would like to make a request to clarify my understanding. I don't know whether it's possible for the clerk to provide the text of the motion that we adopted last week. As I recall, the motion stated that we would study Bill C-14 and that we would look at Bill C-9 again as soon as we had finished. I would just like the text of the motion to make sure that I'm being accurate and sticking to the facts.

That said, Mr. Housefather is right. I'm a fairly optimistic person. However, unfortunately, the facts are sometimes so clear that it's hard to remain optimistic. I did tell him that we must be naive to believe that the Conservatives would let us look at Bill C-9 again. They just don't want us to work on the bill that fights hate. I must say, that's a bit sad.

Unfortunately, I must take issue with what our friend, Mr. Brock, just said. Not all Canadians want us to set aside the bill to combat hate. On the contrary, I think that it's an important bill. Bill C-14 is vital, as is Bill C-16. However, Bill C-9 is also vital.

Right now, throughout Quebec and the rest of Canada, and even around the world, we're seeing more and more population movements. We're facing unprecedented migration flows. We face the challenge of organizing our societies to ensure that all these people can live together in peace and harmony.

I'm not saying that newcomers are to blame for the problems. On the contrary, the issues are often our own fault. We either don't adapt well, or we don't adapt well to the newcomers. We need to organize our societies.

I'm thinking of situations where we see hatred, or where hatred is fomented. We were talking about demonstrations outside mosques, churches, synagogues and other places. We've seen demonstrations where people tried to prevent individuals from entering their place of worship. It isn't right. There have been fairly frequent news reports of situations in schools involving broken windows or violence against children.

I think that the entire population of Canada and Quebec needs a slightly clearer framework. We already had relatively clear legislation. We now need an even clearer framework to ensure that peace is maintained and that people can live in harmony and show respect for one another.

People are counting on us, because our job is to serve as legislators. We may forget this from time to time. However, it's our job to draft legislation and to do so as constructively and effectively as possible. It's for the benefit of our constituents. It's for the benefit of the entire population.

I don't agree with everything in Bill C-9, just as I don't agree with everything in Bill C-14. I probably won't agree with everything in Bill C-16 or in any of the other bills that we'll be studying. That said, I consider it my job to try to work on a bill and to make it as consistent as possible with what I believe constitutes the legal framework necessary for us to live together in harmony.

I would like us to work on Bill C-9 to give our constituents what they deserve and what we owe them. We owe them the most effective legislative framework possible. It must address as closely as possible the concerns of our Conservative friends and colleagues, but also my own concerns and the concerns of our Liberal friends and colleagues, the people of Quebec, the Bloquistes and everyone else. Everyone will try to put their own interests first, to some extent. That's normal when we're working on bills of this nature. However, refusing to study them and putting them off indefinitely means refusing to do our job. It's refusing to do the task that we were elected to carry out.

I think that everyone in this Parliament is acting in good faith. I've often said, even to journalists, that I've encountered plenty of people whom I've disagreed with on Parliament Hill over the past 10 years. However, I've never met anyone who was here to cause trouble. I think that people are here in good faith. We each have our own vision, our own political agenda and our own point of view. We stand by these things, which is normal. After all, that's why we were elected. I think that we're all basically people of good faith who make proposals for the benefit of the public.

● (1725)

Today, we're coming here and saying that we won't be working on Bill C-9, when the committee has already postponed this study for three meetings to work on Bill C-14.

Incidentally, I deplore how we rushed through the study of Bill C-14. We're talking about a crucial bill that will change the reality for many people. We're talking about sending people to prison. This isn't a trivial matter. This bill would have warranted more than three meetings. Perhaps we should have taken a few days, or even a week, after the testimonies for the clause-by-clause consideration. It's also important to do this step properly.

I accepted the idea of postponing the study by three days, even though I wasn't in favour of it. Unfortunately, as I suspected, we're now in a situation where our Conservative colleagues are again proposing to postpone the study, this time by eight meetings. Eight meetings means four weeks. We know what the House of Commons spring schedule looks like. I hesitate to call it light, because we'll still be working hard. However, let's just say that we won't be sitting much. After this week, we'll have next week. We then have a parliamentary break for a week, after which we'll be back for a week. I can't remember the exact order, but there aren't many sitting weeks.

If we accept our Conservative colleagues' motion and postpone the study for eight weeks, this will take us to some point in April, if not later. I don't want to sound skeptical or pessimistic. However, I suspect that, after these eight weeks, another motion will be introduced asking us to move on to something else. I'm thinking, for example, of the bill to amend the Divorce Act with regard to parents exercising control over their children. I don't remember the term.

● (1730)

Patricia Lattanzio: Are you talking about coercive control?

Rhéal Éloi Fortin: It isn't coercive control, but no matter. This bill will be referred to our committee today or tomorrow. Many other bills will be coming in. While they're all important, people will always say that they're more important than the bill to combat hate.

The entire population has been dealing with the hate issue on a daily basis for a number of months, if not years. Unfortunately, it won't stop.

So, I would like us to carry out our study of Bill C-9. We already finished the testimonies. We started the clause-by-clause consideration, and we adopted a certain number of clauses. It may take us another hour or two to complete it. It seems that, even if we don't like everything in this bill, we should be able to recognize that a bill to fight hate is important. We should work on the bill and complete our study in order to give our constituents, when the House adjourns in March, a better bill than the current one.

You can see that I'm opposed to the motion put forward by our colleague, Mr. Brock. I'm also opposed to the amendment. I can't remember whether it was moved by Mr. Lawton or Mr. Baber, but no matter. I agree that we should do this work when we have finished the study of Bill C-9. I think that postponing the study of this bill by a few months runs contrary to the mandate that we received from our constituents.

[*English*]

The Chair: Thanks, Mr. Fortin.

Mr. Brock is next, but before that, the gist of this motion and amendment is to defer Bill C-9 until we deal with Bill C-16.

I think we're all in agreement that we need to deal with Bill C-14. Our positions on this motion have been explained pretty clearly. We can stay here and debate all night. You're free to do that and I don't want to stop anybody from doing that.

I just want to remind people that we do have witnesses in the room for the next panel. Out of respect for them, I would encourage people, if they have something to be said that hasn't already been said, to do so. Otherwise, I hope we can move forward.

Mr. Brock.

Larry Brock: I think it's Mr. Baber who had the floor.

The Chair: I'm sorry. Mr. Baber, go ahead.

Roman Baber (York Centre, CPC): I'll be quick.

Canadians elected a minority Parliament and they expect all parties to work together. I do not understand the reaction by the government members of this committee when they received an offer from the Conservatives to work together and pass Bill C-16, which was just referred to our committee.

BillC-16, while not perfect, includes some important provisions regarding the Jordan principle. We have cases being dismissed for delay every day of the week, serious cases at times. It catches up on child protection, something that everybody on this committee is very passionate about.

We have debated Bill C-16 for a handful of days in the House of Commons at second reading before the bill was allowed to move through to this committee. You now have an offer from the Conservative side to work together to pass Bill C-16 fairly expeditiously, similar to the manner in which we've been working on Bill C-14. I don't understand why the Liberal government is now standing in the way of its own crime legislation and apparently filibustering Bill C-16.

The Chair: Mr. Brock.

Larry Brock: I wholeheartedly endorse the comments from Mr. Baber because that's exactly what's transpiring before us.

With respect to Monsieur Fortin's comments about our limited schedule between now and our summer break, there's also a possibility, Chair, we could look at additional sitting days throughout the week. We could prioritize this. We're willing to work with the government to ensure that we have a number of witnesses as set out in the amended motion so that we can hear from all the subject matter experts throughout this country and prioritize exactly what has been plaguing Canadians and what has been plaguing law enforcement.

With respect to Mr. Housefather's comments about Canadians wanting to deal with Bill C-9, yes and no. Canadians I have heard from, religious leaders I have heard from, religious leaders Mr. Baber and Mr. Lawton have heard from, and from Mr. Gill's perspective, right across this country never saw fit that this Liberal government that introduced Bill C-9 would then make a deal with the Bloc Québécois to put into play the removal of a religious defence that has been available to religious leaders for over four decades.

We've heard loud and clear with respect to hands off our freedom of expression and freedom of religion, and this is the path this Liberal government has chosen to take to not prioritize what the Prime Minister wants them to prioritize. Perhaps they need to be talking to the Prime Minister himself or the PMO, because this is exactly the messaging he delivered inside and outside the House. We're willing to work collaboratively to get the job done for Canadians.

The Chair: Okay, I think we're ready to vote.

Sorry, Mr. Fortin, please go ahead.

[*Translation*]

Rhéal Éloi Fortin: I had my hand up, Mr. Chair. Thank you.

I asked earlier for the text of the motion we adopted. I received it, and I'd like to read it for everyone, because that's what we decided last week. I think it deserves to be looked at.

The motion proposed that the committee pause the 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), which we were in the process of doing. The motion also proposed that the committee allocate three meetings to 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. The motion then proposed that the committee not adjourn its third meeting on Bill C-14, which is this one, until clause-by-clause consideration of the bill is complete. Finally, the part of the motion that I want to remind everyone of is 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.

That is what our Conservative and Liberal colleagues and myself unanimously decided last week. We can't change our minds every week unless our Conservative colleagues can explain what's happened since last Monday. Did something incredible happen to change everything and render invalid what we decided Monday of last week?

This is almost a point of order, Mr. Chair. We need to abide by our decision and finish the study of Bill C-9. Regarding Mr. Brock's proposal to add days, if he can guarantee there won't be any systematic obstruction, I'd agree to take an extra day next week to finish our study of Bill C-9. However, we really have to do it. There will be no postponing the study for eight weeks or putting it off indefinitely. Once again, Monday of last week, we decided to work on Bill C-9 starting at our next meeting.

Thank you, Mr. Chair.

● (1735)

[*English*]

The Chair: Thank you, Mr. Fortin.

Mr. Lawton.

Andrew Lawton: Mr. Fortin asked what changed. Very simply it's the referral of Bill C-16 to the justice committee. That has always been a priority bill. We have spoken out very supportively of the intent of the bill. We have witnesses lined up ready to testify and there is consensus. We are eager to move forward in the spirit of collaboration.

The Chair: We'll put the amendment to a vote.

(Amendment negatived: nays 5; yeas 4)

The Chair: Ms. Lattanzio.

Patricia Lattanzio: I'd like to bring forward an amendment.

Just before I do, nothing has changed from last week. I'm glad that Mr. Fortin asked for the reading of the motion because Bill C-16 had already been referred to this committee before we voted unanimously to proceed on Bill C-9.

My amendment is as follows:

"That, at the conclusion of the clause-by-clause consideration of Bill C-14, the return to clause-by-clause consideration of Bill C-9, as agreed to on January 26, 2026, and if the committee has not completed its clause-by-clause consideration of Bill C-9 by 1 p.m. on February 9, all remaining amendments submitted to the committee shall be deemed moved, and the chair shall put the question forthwith and successively without further debate on all remaining clauses and amendments submitted to the committee, as well as each and every question necessary to dispose of the clause-by-clause consideration of Bill C-9, and that the committee begin consideration of Bill C-16 at the next meeting following the completion of clause-by-clause of Bill C-9."

I will send a copy to the clerk immediately.

The Chair: Thank you, Ms. Lattanzio.

Roman Baber: I have a point of order.

This is subject to further comments that may be made with respect to whether Ms. Lattanzio's motion is indeed in order.

I'd like the chair to please consider that, in my view, the proposed amendment by Ms. Lattanzio is not in order in that she disposes with process and privilege of these members to consider clause-by-clause and argue clause-by-clause. Further to the request to suspend, please advise if the motion is in order or out of order.

The Chair: The motion is receivable.

Andrew Lawton: On the same point of order, I would urge the reconsideration of the point of order. The amendment addresses a bill that's not in the main motion, so it is out of scope as an amendment, given the motion that was put forward.

The Chair: Thank you, Mr. Lawton.

We'll suspend now.

● (1735)

_____(Pause)_____

● (1755)

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

We were waiting to circulate Ms. Lattanzio's amendment, which has now been done. There was a question as to whether that amendment was acceptable. I ruled that it was.

An hon. member: Challenge.

An hon. member: Point of order.

The Chair: What do you want, a challenge or a point of order?

Roman Baber: I have a point of order on a different ground with respect to Ms. Lattanzio's motion.

The Chair: We're dealing with this first.

Roman Baber: I'm saying that the motion is not receivable.

The Chair: It's a different ground.

We're dealing with the point of order.

Larry Brock: We're doing the challenge first.

The Chair: We have to deal with one item at a time.

Mr. Lawton has challenged my ruling.

Mr. Clerk.

The Clerk of the Committee (Jean-François Lafleur): The question is, shall the ruling of the chair be sustained?

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

The Chair: Thank you.

Roman Baber: I have a point of order.

The Chair: Yes, Mr. Baber.

Roman Baber: The motion proposed by Ms. Lattanzio addresses a bill that is not referred to in the main motion.

The Chair: Just so I'm clear, are you challenging the fact that this motion can be received or not?

Roman Baber: That's correct.

The Chair: That's already been ruled on. It's been voted on. It's been challenged and voted on.

If you're just arguing the same issue, we're moving on from that.

Roman Baber: I'm presenting a different ground.

The Chair: It doesn't matter. You're a lawyer, Mr. Baber. I don't know how many times you go into court and a judge rules and says, "Hold on. I have another argument. It might change your mind." That doesn't apply here either.

Mr. Lawton.

Andrew Lawton: I'd like to speak to the amendment.

Conservatives on this committee came in the spirit of collaboration to address the issues that Bill C-14 deals with and the issues that Bill C-16 deals with. We have been clear, as have Canadians, that these are the priorities they expect of this committee and of the House of Commons when it comes to criminal justice.

It has also been clear how much division and disagreement there is on Bill C-9, which was why it was frustrating in the fall when our numerous attempts to prioritize bail reform were blocked and thwarted by Liberal members of Parliament. I had hoped that in the new year, we would be able to have this reorientation, and I was encouraged by our ability to dedicate—it should have been more, as Monsieur Fortin said—three meetings to deal with Bill C-14. I will say, our Conservative team is prepared to sit here all night long until Bill C-14 is finished. We believe in this issue.

On the amendment that is being proposed by Ms. Lattanzio, not only does it downgrade Bill C-16, the government's own bill, as being less significant, despite the fact that there is more consensus around this, it also pushes a fundamentally undemocratic demand that not only Bill C-9 be dealt with on Monday, but that all debate must end by one o'clock, and that any division, disagreement, anything we want to address to bring in from stakeholders, from constituents, if we can't get that put on the record in two hours, Canadians do not have a right to have their voices heard.

This is not just undemocratic, but it is disgraceful on a bill about which the justice minister himself said in December, in response to some of the issues that were raised about Bill C-9, he was going to spend the winter consulting with faith leaders. There has been no report given to this committee or anyone else. There has been no formal update about what has come of those consultations. I've heard from some people who have reached out to the minister hoping their voices would be heard as part of it, who have not gotten a response. I would note that in our study of Bill C-9, we never as a committee had the opportunity to even study the removal of the religious defence.

To say that not only should we not be able to study that, but also we shouldn't even be allowed to debate it because we're going to invoke this arbitrary cut-off point where if we can't get to something by one o'clock, that's it, debate is over and we have to vote on all amendments, that is something on which no member of Parliament can look their constituents in the eye and tell them that they took the deliberative process of this committee seriously.

We had hoped that Mr. Brock's motion to prioritize Bill C-16 and stress that spirit of collaboration would be welcomed. There is a priority of justice legislation. Evidently, the Liberals do not want to get to sentencing and intimate partner violence; they do not want to get to child protection as much as they want to get to censoring religious texts.

It is clear from Ms. Lattanzio's amendment where the Liberal priorities are, and that's something they'll have to own up to to Canadians. Given that and given our seriousness about dealing with criminal justice issues that Canadians expect us to deal with, I move that the committee proceed to the consideration of witness testimony on Bill C-14, the bail and sentencing reform act, with the second panel of witnesses.

● (1800)

The Chair: What becomes of Ms. Lattanzio's amendment?

Andrew Lawton: A motion to proceed to an item on the agenda is a dilatory motion.

Anthony Housefather: Mr. Chair, I have a question.

The Chair: There's no debate because it's a dilatory motion, but if it's a point of clarification to understand the motion....

Anthony Housefather: I understand, Mr. Chair, but—

Andrew Lawton: I have a point of order.

Nowhere in the House of Commons rules on procedure does a "point of clarification" exist.

The Chair: Well, Mr. Lawton, that may be true, but in order for people to vote, I would hope that you would afford them the opportunity to understand what it is you're proposing so that they can vote on it. That's all.

Larry Brock: I'm pretty sure Mr. Housefather understands.

The Chair: Well, if we let him make his point, we'll find out, won't we?

Anthony Housefather: Mr. Brock chose to bring forward his motion to go away from Bill C-14 and stop talking about it before the second panel. Why did the Conservatives choose to do it then if they want to go to the second panel? They mysteriously interfered with the testimony. I'm confused. I would just like clarification.

The Chair: Thank you, Mr. Housefather.

Patricia Lattanzio: Mr. Chair—

Voices: [*Inaudible—Editor*]

The Chair: Hold on, please. I'm going to suspend for one second because there are too many people talking at one time. The clerk is trying to speak to me as well.

I'm going to suspend for a moment.

● (1800)

(Pause)

● (1805)

The Chair: I call the meeting back to order.

I've reviewed Mr. Lawton's dilatory motion. It is not receivable because it is procedurally incorrect. Therefore, we'll continue.

Is there any further discussion?

Andrew Lawton: I have a point of order.

Why? Can you offer the citation of the standing order that supports that?

The Chair: You can't bring a dilatory motion to move to do what we're already doing, which is having witnesses. You can move to move on to some other item or some other issue, but you cannot do this. It's in the rules.

Is there any further discussion on Ms. Lattanzio's amendment?

Larry Brock: If I understand correctly, Mr. Chair....

Do I have the floor?

The Chair: Are you making a point of order, Mr. Brock?

Larry Brock: Yes.

The Chair: Okay, well, make that clear.

Larry Brock: Are we going to continue to show disrespect to the witnesses on the second panel?

The Chair: That is not a point of order, Mr. Brock.

I made it very clear about 45 minutes ago that I would like to move on and get to the witnesses because they went to a lot of trouble to be here today. If people want to sit here and continue making accusations against one another, we're not going to get to a productive discussion.

The issue on the floor right now is Ms. Lattanzio's amendment.

Let's have one person speaking at a time, please—and I'm speaking to both sides of the table when I say that.

Ms. Lattanzio's amendment is what is before us right now. If there is any further discussion on that, raise your hand. Otherwise, we are going to proceed to a vote.

Mr. Baber.

Roman Baber: Thank you.

I believe the leaders of the respective parties have met today to look for a way for the opposition and the government to work together. We have had a sensible proposal made by MP Larry Brock to find a way forward and not just complete Bill C-14 today as intended.

I'm going to put it on the record that Conservatives are not going to leave today until we finish bail and also proceed with the second piece of legislation that's now before the committee, that deals with crime, Bill C-16.

As I've said, Bill C-16 is not perfect. We're very concerned about the safety valve. We're concerned about the fact that the bill actually undermines mandatory minimum sentences, as opposed to figuring out a way to strengthen them. Instead of figuring out a way forward to work co-operatively on priorities that Canadians expect us to work on, the government is ramming through a motion to essentially end debate—to create a time allocation on Bill C-9, which is not before the committee right now.

My friend Mr. Housefather has heard from Mark Sandler, who was invited here both by the Liberals and by the Conservatives. Mr. Sandler was sitting right there, and he said that there is nothing that Bill C-9 does, that there is nothing that Bill C-9 criminalizes, that is not already criminal under the Criminal Code.

Instead, what the Liberals have done is U-turned two or three times. On the religious defence, I suspect there may be some disagreement even within the Liberal caucus on Bill C-9. We recall that initially the PMO denied any knowledge of the Bloc amendment.

Where we find ourselves, instead of voting, discussing, debating and then voting clause by clause—

The Chair: I'm sorry, Mr. Baber, Mr. Fortin has a point of order.

[*Translation*]

Rhéal Éloi Fortin: Mr. Chair, I've been listening to Mr. Baber and, with all due respect, I'd like to remind everyone that the Bloc Québécois amendment on the removal of religious exemptions was debated, voted on and adopted. We were doing clause-by-clause on Bill C-9. So I think it's a waste of time to discuss what we did two weeks ago to see whether or not it was the right thing to do. That's one thing.

The other thing is if we want to discuss Bill C-9, we'll have to do so when we come back to that study. We're currently debating a motion to decide whether we're going to come back to Bill C-9 or discuss Bill C-14. Based on what Mr. Baber's saying, we're already discussing C-9. So let's adopt the motion and move on. However, if we want to finish our study of C-14, I suggest we put forth arguments on Bill C-9 the next time we study the bill, which will be next Monday.

Thank you, Mr. Chair.

● (1810)

[*English*]

The Chair: If I may help to clarify—I'll give you the floor back, Mr. Baber—where we are is we are waiting to hear from our last panel of witnesses on Bill C-14. We are then going to proceed to clause-by-clause. We have resources until 2:15 a.m. We do not have resources available tomorrow, but we do have resources from 11 a.m. Friday until midnight, and we will be using them if necessary, pursuant to the motion that was agreed to last week.

There's a motion on the floor from Mr. Brock and an amendment proposed by Ms. Lattanzio. If Mr. Baber, Mr. Fortin or anybody else wants to make submissions on Bill C-9, I would suggest the contextual environment for that is when we're discussing Bill C-9, not when we're debating a motion about Bill C-14 and we're in the midst of discussion about Bill C-14.

If we want to have that discussion about amendments within Bill C-9, we can do so pursuant to what the committee agreed to last week. If we're going to discuss Ms. Lattanzio's motion, I would encourage you to do so. I would ask you to restrict your comments to that and not other bills.

Thank you.

Roman Baber: I take exception to that, Chair, because Ms. Lattanzio's motion explicitly mentions Bill C-9.

However, I'd like to turn the committee's attention to the reason we're here today, and that is to get Bill C-14 done, something the Conservatives intend to call on the committee to follow both in spirit and in the letter of the motion that got us here.

Let's shelve debate; let's leave it be. Let's hear from our witnesses. Let's proceed to clause-by-clause and finish Bill C-14 tonight. That is the option I'm proposing, and to do so, I move that the debate be now adjourned.

(Motion negatived: nays 5; yeas 4)

Patricia Lattanzio: Mr. Chair, I call the vote on my amendment.

Larry Brock: I'm still recognized; I'm on the list.

Patricia Lattanzio: How many speakers do we have on this?

The Chair: At the moment we have one.

Mr. Brock, go ahead.

Larry Brock: Thank you, Mr. Chair.

With respect to Ms. Lattanzio's amendment, I move to adjourn debate.

The Chair: We just voted on that. You can't bring the same dilatory motion twice in a row.

Larry Brock: Yes, and I'm bringing it again.

The Chair: You can't.

Larry Brock: Why?

The Chair: It's against the rules. That's why we discussed this. I would encourage you to speak to your people behind you.

All right.

Who's the next speaker? I don't have anybody on the list right now.

Mr. Lawton is next and then Mr. Gill.

Andrew Lawton: Thank you.

A few minutes ago, Mr. Chair, you accurately set out where we are. We had all agreed—Conservatives, Liberals, Bloc Québécois—to deal with C-14 on an incredibly expeditious timeline. We had hoped to deal with it in the fall, but here we are. We had committed, and I'm actually still hopeful—less hopeful after the previous Liberal vote there a moment ago—that we would be able to dispense with C-14 tonight.

I've had women's groups, including from my riding, reach out to me, very encouraged about the referral of Bill C-16 to committee. I told them that I was hopeful we'd be able to get to C-16 as early as Monday. It's curious to me that the Liberals do not want that.

One of the trends that we saw in the fall was Liberals holding their own justice reforms hostage behind Bill C-9, a bill that has been steeped in division, a bill that has been denounced in whole or in part by The United Church of Canada, the National Council of Canadian Muslims, the Canadian Council of Imams, the rabbinical council of Toronto, the primate of the Anglican Church of Canada and the Canadian Conference of Catholic Bishops. It's quite disturbing to me that the Liberals think they know better about faith in this country and religious freedom than all of these groups representing virtually every denomination and every faith group in this country.

Why that is relevant—to reiterate my previous point—is that Ms. Lattanzio has put a guillotine on debate on Bill C-9, which prevents any of these voices from being considered when we meet next. In doing so, she is holding up crucial reforms to sentencing that we were eager.... Again, we could work across party lines in the spirit of collaboration and deal with this.

I had been very optimistic that we would be able to hear from our second panel of witnesses, understanding that we have only had three meetings dedicated to Bill C-14. Evidently, the Liberals did not want to hear from our witnesses, which is why they voted against Mr. Baber's motion to adjourn debate. I think that's quite shameful, but this is just what we have to deal with. We are still committed, as we always have been, to fixing the broken Liberal bail system.

I understand your previous ruling about moving to something that was already on the agenda, but I'm taking my cues from your previous ruling, Mr. Chair, and I move to proceed to clause-by-clause consideration of Bill C-14, a separate item on the agenda.

● (1815)

The Chair: We are on clause-by-clause of C-14.

Andrew Lawton: No we are not. We are on witness testimony.

The Chair: We're on witness testimony and then we're going to clause-by-clause. Are you moving to dispense with the witnesses and not hear from them?

Andrew Lawton: Actually, I move to proceed to hearing from the witnesses, but you ruled that out of order. If you're willing to reconsider, I'm happy to move again that we hear right now from our witnesses on C-14.

The Chair: You've now thrown two or three things out there. Which is it?

Andrew Lawton: Chair, with respect, I previously moved that we proceed to hearing from witnesses. You ruled that out of order. If you are not willing to accept—

The Chair: I ruled it procedurally out of order, Mr. Lawton. That's correct, yes.

What are you moving now?

Andrew Lawton: If you will not allow that, I move that that we proceed to clause-by-clause consideration of Bill C-14.

The Chair: That would require us to not hear from the witnesses. I'm asking for clarification.

Andrew Lawton: I would love to hear from witnesses.

The Chair: I'm asking what the effect of your motion is, Mr. Lawton. It's a very simple question.

Andrew Lawton: That would be the effect, but I say that with reluctance because I would love to hear from the witnesses.

The Chair: I'm asking just so we're clear, so that people know what they're about to vote on.

Andrew Lawton: Yes, but I would prefer to hear from the witnesses.

The Chair: You motion is that we don't hear from these two witnesses and that we move immediately clause-by-clause on C-14.

Andrew Lawton: Chair, you are being very playful with your words, and I think it's to serve a political purpose, with respect.

The Chair: Mr. Lawton, do not challenge my motives or my integrity ever again, please.

Andrew Lawton: You are trying to inject a motive in my motion.

The Chair: I'm asking for clarification of your motion so that everybody is clear on what they're voting on.

Andrew Lawton: With reluctance, given your previous ruling, I move to proceed to clause-by-clause consideration, which would require ending witness testimony on C-14.

The Chair: Thank you. That was a very easy way to get to that point, Mr. Lawton.

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

The Chair: Yes.

The meeting is suspended.

● (1815)

_____(Pause)_____

● (1835)

The Chair: I call this meeting back to order.

When we suspended, we had just finished clarifying Mr. Lawton's motion. Upon reviewing it, my ruling is that it is not receivable, so we're back to Ms. Lattanzio's subamendment.

Larry Brock: I challenge the chair's ruling.

The Chair: That's your right.

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

The Chair: We're back to Ms. Lattanzio's subamendment.

Andrew Lawton: On a point of order, is it not an amendment from Ms. Lattanzio?

The Chair: I'm sorry. What did I say?

Andrew Lawton: You said subamendment.

Larry Brock: It is a subamendment.

Andrew Lawton: No. It's an amendment.

The Chair: We're back to Ms. Lattanzio's amendment to Mr. Brock's motion. We voted on Mr. Lawton's amendment and now we're back on Ms. Lattanzio's amendment.

Mr. Gill, I believe you have the floor.

Amarjeet Gill: Thank you, Chair.

First of all, it is important that we get to work on fixing the Liberal broken bail system. We are here to address Bill C-14, and the panellists are also here. We must listen to them as well. It is very important, in my opinion. We are here to offer collaboration and cooperation.

We heard from business owners, local politicians and law enforcement that the bail system is broken. It's an issue critical to the safety of our communities. Canadians have been clear that they want us, as parliamentarians, to work together to fix the bail system.

The Liberals have created a system that sees our streets flooded with repeat offenders released on bail hours after their arrest, only to reoffend. I have been hearing from my constituents that they are scared. They are worried about their safety. They are begging us here in Ottawa to make their streets safe and to ensure that repeat offenders are behind bars, not out on the street or out on bail.

We should go to clause-by-clause on Bill C-14 and address all those things that matter most to Canadians, especially those in my riding of Brampton West. While we on the Conservative side of the House believe that Bill C-14 is also flawed, we agree that it is an improvement over the current catch-and-release system of Bill C-75. That is why we want the committee to move on this important bill, as our constituents are asking us to do.

I will suggest that we must proceed to clause-by-clause. This is a very important bill, and that's why we are here today. This is an important matter that we are discussing. As soon as we complete, Bill C-14, we can send it to third reading and then it can go to the Senate, and communities will feel some confidence at least.

I strongly suggest that we should go on to clause-by-clause.

Thank you.

The Chair: Thank you, Mr. Gill.

I see Mr. Lawton, Ms. Lattanzio and Mr. Brock.

● (1840)

Andrew Lawton: Thank you.

Again, I cannot stress enough that we should be finding opportunities for collaboration and consensus whenever we can. Minister Fraser was here last week. I had hoped that he would come, and I hope he still will come at some point, for his mandate and priorities appearance that this committee agreed to in September. I note, with great interest, the Liberal deference to a motion we passed last week on Bill C-14, but they have not been as keen to uphold the other motions we passed months ago to have the Minister of Public Safety and the Minister of Justice here.

Last week, Minister Fraser talked about what he views as a very aggressive crime-fighting agenda from the Liberal government. Of the three bills that he has introduced as justice bills—Bill C-14, Bill C-16 and Bill C-9—Conservatives have been very eager and willing to work on two of them with the government since the day that they were tabled.

The reason we're in this situation is that the very first justice bill the Liberal government put forward was Bill C-9, a bill that we heard testimony on from a range of groups, from civil liberties activists to labour groups. In doing so, we heard a lot of really frustrating concerns about the bill that were not just coming from people of faith but from people who value the Charter of Rights and Freedoms—again, not voices the Liberals typically want to hear.

Why this is important is that Bill C-9 got even more divisive and toxic in the committee stage when it was amended, by an amendment from Monsieur Fortin that was supported by my Liberal colleagues, to remove long-standing religious protections. That is why Conservatives have taken the position we have on Bill C-9 and have done the work we have done. I spent much of our winter recess engaging with communities that were not consulted as part of Bill C-9, were not allowed to testify before committee and had not even been invited to weigh in on the religious defence aspect because it was introduced as an amendment. My office took the liberty of asking for people to submit unofficial briefs that, when we will deal with Bill C-9, I am going to continue to cite, because these are people who should have had their perspectives heard as part of the original consultation.

I bring this up to stress the point that it is absolutely negligent and undemocratic to try to condense all further discussion about Bill C-9 into two hours on Monday morning, which is what Ms. Lattanzio's amendment would do. By the way, I don't know the exact number, but there are numerous amendments from all parties—Conservative, Liberal and Bloc—that have been put on notice, that we cannot discuss the contents of because of parliamentary privilege. Each one of them raises important legal and political questions that we as a committee must, in doing our job, consider. All of that has to be done in two hours and, if we don't get to it, then it automatically goes to a vote, without our ever having the chance to discuss it or to speak to the Department of Justice officials, who have been very patient through this whole process and who have a lot of very important insights to share. That is why we do not believe that it is fair or reasonable for the Liberals to hold Bill C-9 hostage behind bills that we are eager to work with them on and, as evidenced by what we've done on Bill C-14, are willing to do.

It is 6.45 p.m. Chair, you told us that we have resources until 2:15 a.m. I have seen the amendments. I think that there is a lot of common ground among parties. I still hold out hope that we could have Bill C-14 completed tonight and sent back to the House. That is my sincere hope.

This poisonous amendment from Ms. Lattanzio is yet again attempting to hold our work on Bill C-14 hostage, behind something that we cannot support on Bill C-9. However, I am willing to have this discussion and to debate this amendment and the motion at hand, as amended or not amended. I ask for unanimous consent from this committee that we continue this discussion, in good faith, on Ms. Lattanzio's amendment and Mr. Brock's motion, at the conclusion of clause-by-clause consideration of Bill C-14. That would allow us to, tonight, in a matter of hours, send a bail bill back to the House of Commons for third reading. I am seeking consent that we prioritize that now, whether that is witnesses or clause-by-clause.... I would hope that we could do witnesses first, but I am seeking unanimous consent from the committee on this.

● (1845)

We'll continue this motion after clause-by-clause on Bill C-14 is concluded.

The Chair: Thank you, Mr. Lawton.

Do we have unanimous consent?

Patricia Lattanzio: No.

The Chair: Thank you.

Is that the end of your submission, Mr. Lawton?

Andrew Lawton: That was hesitant.

The Chair: Is that the end of your submission, Mr. Lawton?

Andrew Lawton: No. I'll just point out for the record that once again Liberals have obstructed fixing the bail system right now.

Anju Dhillon: No they haven't.

Andrew Lawton: Now I'm finished.

The Chair: Next, I have Ms. Lattanzio and Mr. Brock.

Patricia Lattanzio: Thank you, Mr. Chair.

We have been at this for maybe close to two hours. Can I indulge and ask the clerk, Mr. Chair, how many speakers from the opposition have spoken to my amendment up until this point? I'm just curious. How many times have they taken, for example, the floor to speak to an amendment that was brought forward by—may I remind the committee here—Mr. Brock?

While we were in the middle of listening to witnesses, we could have easily continued listening to witnesses this evening and carried on, on what we set out to do, which was the clause-by-clause study on Bill C-14. What are we doing? We are arguing over a timetable of Bill C-9 as to when we are going to conclude the study of Bill C-9.

We took a unanimous decision last week to continue the study of Bill C-9 and here we are reversing course. Not only that, we have taken advantage of introducing this motion in the middle of having witnesses here. They've been very patient and I feel for you. We could have done this perhaps at the end of the meeting. But no, we need to do this now. This is classic obstruction and filibustering. They have the gall to say, “We want to pass Bill C-14.” The actions don't reflect what they're saying.

Mr. Chair, can I just have a readout of how many people have spoken on this amendment, and how many times have they taken the floor to speak on this amendment?

The Chair: There are four members from the Conservative Party. I'm not sure how many times they have spoken.

Larry Brock: All four of us have spoken.

The Chair: All four have spoken.

Patricia Lattanzio: Over and over and over, this is not complicated. You're either for this or you're against this. Let's carry on. If your intentions are to get Bill C-14 done, Mr. Chair, let's do it. Let's vote on this. You vote in favour of it or you vote against it. Let's carry on. It's classic filibustering. It's classic obstruction right here.

There you go. I call the vote.

The Chair: Thank you, Ms. Lattanzio.

Mr. Brock, you have the floor.

Larry Brock: Thank you.

All I can say is, wow. I'm not done, not even close to being done, okay? Mark your clocks, because I'm not even close to being done. Wow from the parliamentary secretary who is virtue signalling, trying to suggest that we are here to filibuster Bill C-14, when the parliamentary secretary herself decided to censor Conservatives from sharing stories gathered right across this country since we adjourned just before Christmas.

Patricia Lattanzio: I have a point of order, Mr. Chair.

I take exception. What is this censor?

The Chair: We've discussed this in the past and I'm going to say this to both sides.

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

The Chair: Mr. Brock, I'm trying to maintain a level of civility here. I think you respect the fact that I do try to do that. I'm asking all members of this committee to speak in a manner that shows respect to your colleagues on both sides of the table. I don't want to get into a situation where I have to rule on something somebody said that might have been offside. Just keep that in mind, that's all I'm asking.

● (1850)

Larry Brock: I don't want to offend the sensitivity of my Liberal colleagues. I'll move away from the word “censorship”, but she certainly wants to restrict my parliamentary privileges—and Mr. Baber's, Mr. Gill's and Mr. Lawton's—by unilaterally deciding that, as parliamentary secretary, and I guess by extension, speaking on behalf of the Minister of Justice, who promised the House that he was going to be meeting with stakeholders over Christmas.... We've heard that several stakeholders have reached out to his office asking for a response, and he doesn't have the decency to respond, nor have we heard anything from his office or through Ms. Lattanzio as to who he met with. How many individuals did he meet with? What were their concerns? What were their suggestions? What did he telegraph?

Ms. Lattanzio, as parliamentary secretary, has decided that she wants to breach parliamentary privilege. She wants to put a limit on our democratic rights as members of Parliament. We all represent constituencies, some larger than others. I have heard loud and clear from stakeholders in the great riding of Brantford—Brant South—Six Nations. I've taken meetings. I've answered emails. I've responded to phone calls. I've made presentations at churches and at community groups. There is absolute outrage out there that this government, not on their own initiative....

Now, I appreciate Mr. Housefather's passions, and I'm sure that as a very strong advocate he made his position known not only to Ms. Lattanzio, but to Mr. Fraser: his concerns about the events that we heard about through Monsieur Fortin, about that radical Islam preacher in Montreal, which in my belief was the genesis of the creation of their amendment. I'm sure Mr. Housefather shared those concerns. I have no doubt that he advocated, to some degree, for its removal.

For Bill C-9, as introduced in the House at first reading, as debated at second reading and as studied over the course of I don't know how many days, Mr. Chair—but several, at least a half a dozen days—we heard from witnesses chosen by the Conservative Party, by the Liberal Party and by the Bloc Québécois.

I'll say this again. I've repeated this comment at least three times. This might be the fourth time. Apart from Monsieur Fortin's advocacy, the focus of all of his interventions was to gain a perspective as to whether or not individual witnesses from across this country supported the removal of the religious exemption.... Not one member of the Conservative Party pursued that avenue, and not one member of the Liberal Party, maybe with the exception of Mr. Housefather. If Mr. Housefather raised it during one of his questions, I'll stand corrected. It certainly was not, Mr. Chair, a persuasive theme that was introduced by any member of the Liberal team, save and except the advocacy of Monsieur Fortin.

We get to the point where clause-by-clause is about to start and all three parties put forth their suggested amendments.

● (1855)

There was no amendment from the Conservative Party that supported Monsieur Fortin's amendment to remove that exemption and, of great significance, I might add, there was not one amendment by the Liberal government to support Mr. Fortin's amendment to remove that defence.

I would dare to say that, perhaps with the exception of Mr. Housefather, not one member of the Liberal front bench—including the justice minister and the Prime Minister—or backbench spoke in favour of the Liberal government supporting the Bloc amendment. I want Canadians to really appreciate that narrative because that narrative is the absolute truth. It is all on record for anyone who sees fit to review the comments I've made, to verify those comments as being said in the House of Commons or even outside the House.

I'm a ferocious reader when it comes to Canadian politics. Sometimes my staff get quite angry with me because I might be reading something at five o'clock in the morning and I feel the need to share that. Sometimes I'm disturbing the sleep of my staff. That's just who I am. I've warned all my staffers in the interview process, “You have to accept the idiosyncrasies of your boss. Sometimes an idea might come to me at three o'clock in the morning, and I need to reach out to a staff member. That's just who I am.”

During the course of all of my review of various political articles from all the major publications that are out there and of the media, not once did I review anything remotely coming from the Liberal Party of Canada, specifically the members on the justice committee, telegraphing any support for Monsieur Fortin's amendment.

We were optimistic, as Conservative members, that we were going to work collaboratively with the Liberal government. I agree with Mr. Baber's assessment that there is nothing in Bill C-9.... In fact, in part of my speeches that I made on Bill C-9, I clarified that Bill C-9 is completely redundant, absolutely redundant. Does this give the police services that magic elixir to finally deal with the hatred that has been spewing on our streets on a daily basis? No.

This never was an issue of a lack of tools. This was a lack of will, a will being dictated either by management of police services or by—or in conjunction with—their municipal leaders and partners.

In fact, I think on the last occasion I gave an example; I didn't identify the city. I'll repeat it again. There were blatant examples of criminality directed towards Jewish people who simply wanted to enjoy their faith, to congregate with their peers and to celebrate whatever celebration existed on the Jewish calendar when that event took place. What they were subjected to in the presence of police was appalling.

Really, Mr. Chair, it's no small wonder that the Canadian public has completely lost faith, not only in our federal institutions but also in police services, and this is another theme that I often speak about in my interventions in the House and at committee.

● (1900)

I recently returned from a trip in Surrey. I spoke to media out there. I spoke to victims of extortion and this is, in my view, not only a local but a provincial and national crisis. Again, the theme is, “We don't trust the police.”

The police are telling them to just pay whatever the amount is that they're trying to extort from them or to maybe hide in their basement or in a locked room, or create a safe room. It's horrible advice. It's absolutely despicable advice. Someone should enjoy the sanctity of their castle peacefully, knowing that they're not going to be facing an extortion crisis or someone shooting into their residence or their business and threatening to kill them. This is what life is like on the streets in Surrey. It's a breakdown again in policing.

Again, it's full circle. Where are we at now? We're at this point where the government.... I don't know why. There has not been any explanation offered by the Prime Minister or any member of this committee on the Liberal side or from our justice minister, Sean Fraser, as to why he saw fit to secretively reach out to the Bloc Québécois and broker a deal to support the Bloc's amendment to remove a four-decade-old law and defence in the Criminal Code in exchange for buying support for the passage of the rest of the bill.

The media certainly caught on to it. That particular weekend, I read about this secretive backroom deal. The only thing I could surmise from that, given the history that I have shared with this committee today and on other days, is that there must have been some fear on behalf of the government that Bill C-9 was in jeopardy. Why else would they make an absolute political decision that runs completely contrary to anything that they did by way of communication or in terms of interviewing witnesses at this committee?

I think it was Mr. Lawton or Mr. Baber who raised the point that, had we known that this would be an issue, perhaps there would have been a refocusing of questioning from my Conservative colleagues. Quite frankly, we need to hear evidence from subject matter experts on this issue. I don't think we necessarily got the best evidence for any member of this committee, maybe with the exception of Monsieur Fortin, to make that reasonable conclusion that there was evidence to support his position.

We were critical of the government's approach to prioritizing Bill C-9 as the first piece of criminal legislation introduced by this so-called new Liberal government led by Mark Carney. We knew that crime was a major issue in the last election because all the parties were talking about it. How could they not talk about it? I dare say, I can't wake up—sometimes at three o'clock or four o'clock in the morning—and look at my news feed. I can't read another heartbreaking story of some other repeat violent criminal promising the court that they'll comply with all of these conditions.

● (1905)

I don't care how restrictive the conditions are, Your Honour, I'll agree to electronic monitoring if necessary, I'll stay away from victims, I'll stay away from certain places, I'll refrain from the use or possession of firearms. It's a whole litany of conditions, knowing full well....

Again, this hearkens back to some 20 years of crowning in the province of Ontario. They'll say just about anything, include anything, to secure their passage out of jail. It's one story after another, and in literally minutes, sometimes hours, sometimes, days, they've completely abandoned that promise they made to the courts, sometimes putting sureties at risk. Sometimes these sureties might be close friends, maybe family members. They're putting the whole process at risk just so they can continue what they know best, and that is breaking the law without any concern about consequences. Why would they be concerned about consequences when in the last 10 years this Liberal government has created a climate of non-compliance and zero consequences? It is telegraphed.

Patricia Lattanzio: I have a point of order.

The Chair: Sorry, Mr. Brock.

Yes, Ms. Lattanzio.

Patricia Lattanzio: Mr. Chair, in reading and rereading the amendment, I would invite the member to reread it also. It's very clear we want to continue the study of clause-by-clause of Bill C-14. All that amendment does is set the timetable and reaffirm what we've already decided last week. Now my colleague is just going all over and there's no relevance basically to the amendment.

Andrew Lawton: I have a point of order on that.

The Chair: A point of order on the point of order?

Andrew Lawton: It's on the point of order.

The Chair: Mr. Lawton.

Andrew Lawton: Ms. Lattanzio is I presume deliberately misrepresenting what was agreed to last week. There was no limitation of debate. The actual desire by the Liberals to censor and restrict debate was not agreed to by anyone. That is a misrepresentation of the motion at the end.

The Chair: I didn't hear her say that.

Mr. Brock, you have the floor.

Larry Brock: Are there other Conservative members?

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

Larry Brock: I'm asking the chair a question.

The Chair: You have the floor to make submissions.

Larry Brock: I'm going to make submissions, Chair. I'm just asking if other Conservative members have indicated their willingness to intervene on this issue.

The Chair: They have.

Larry Brock: Thank you.

I can continue to wax on, but I want to get to the point because I guess Ms. Lattanzio doesn't appreciate relevancy and I was going to circle back to relevancy literally within, I don't know, maybe another half an hour from now. I can cut to the chase and if necessary I can go back and I can finish the history that I wanted to share with this committee.

I'm prepared to move a subamendment to Ms. Lattanzio's amendment to read:

> That, at the conclusion of clause-by-clause consideration of Bill C-14, the committee immediately proceed to the consideration of Bill C-16.

That was the preamble to my motion.

Ms. Lattanzio's amendment was to return to clause-by-clause consideration of Bill C-9 as agreed to on January 26, 2026. I would delete the following: “and if the committee has not completed its clause-by-clause consideration of Bill C-9 by 1 p.m. on February 9, all remaining amendments submitted to the committee shall be deemed moved, and the chair shall put the question forthwith and successively without further debate on all remaining clauses and amendments submitted to the committee, as well as each and every question necessary to dispose of the clause-by-clause consideration of Bill C-9,”

That entire passage would be deleted, and the rest of the motion continue: “and that the committee begin consideration of Bill C-16 at the next meeting following the completion of clause-by-clause on Bill C-9.”

That is the subamendment I'm moving at this time.

● (1910)

The Chair: Thanks, Mr. Brock.

Do you have that in writing?

Larry Brock: I can get it in writing.

The Chair: Okay.

Let's suspend for a few minutes and we'll get it in writing.

● (1910)

_____(Pause)_____

● (1930)

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

When we suspended, Mr. Brock had just put forward his subamendment to Ms. Lattanzio's amendment, which I believe has now been circulated and received by all, and you've all had an opportunity to read it.

Is there any discussion on Mr. Brock's subamendment?

(Subamendment agreed to: yeas 9; nays 0)

Larry Brock: Let's go to the witnesses.

The Chair: We still have to vote on the amendment and the motion.

Anthony Housefather: We have to go back and [*Inaudible—Editor*].

A voice: Do the motion as amended.

The Chair: No, we have to go back to the amendment.

Now we're going back to Ms. Lattanzio's amendment as amended by Mr. Brock's subamendment.

Anthony Housefather: The amendment has been changed by the subamendment and it was voted for. Wouldn't we just go to the main motion with the subamendment as included?

The Chair: We voted on the subamendment. Now we're voting on the amendment as amended by the subamendment. That's procedurally the correct way to do it.

Anthony Housefather: It's the same wording again that we're voting to accept that we just accepted.

● (1935)

The Chair: Let's be crystal clear here.

Ms. Lattanzio introduced an amendment to Mr. Brock's motion. Mr. Brock then introduced a subamendment to her amendment. We just voted on the subamendment. Now we're going to vote on the amendment as amended by Mr. Brock's subamendment.

Mr. Lawton, go ahead.

Andrew Lawton: I'd like to speak to the amendment.

Patricia Lattanzio: What amendment? We've moved on to the subamendment.

Andrew Lawton: No, we dispensed with the subamendment and now we are on the amendment.

Patricia Lattanzio: We're back on mine.

Andrew Lawton: Yes.

The Chair: We're back on the amendment as amended.

Mr. Lawton, you have the floor.

Patricia Lattanzio: It's as amended. Okay.

Andrew Lawton: I want to make something clear, which is that this whole exercise that the Liberals have subjected this committee to has been entirely unnecessary.

They can laugh about it. Just as they—

Anthony Housefather: I have a point of order.

This was a motion by Mr. Brock that interrupted witness testimony. The Liberals haven't subjected us to anything.

Andrew Lawton: That's not a point of order.

Larry Brock: That's debate.

The Chair: Thank you, Mr. Housefather.

Anthony Housefather: We just agreed on something. You could stop and we could vote and go ahead, but now you have to again—

Larry Brock: That's debate.

The Chair: Okay, both sides, we're not having debate across the table. Anybody who wants to make submissions will do it through me, please.

Thank you, Mr. Housefather.

Mr. Lawton, you have the floor.

Andrew Lawton: Again, there are further Liberal interruptions in what we're trying to do here.

The exercise is unnecessary because we have been trying to, this whole night....

I remain an optimist. I haven't been in Ottawa long enough to have that stripped from me, apparently. I remain optimistic that we can deal with Bill C-14 in its entirety tonight.

The issue at hand, and this is where we're quite frustrated with our Liberal colleagues, is they have not been taking a very easy opportunity, which we have offered now more times than I can count, to prioritize a bill for which there is a lot more consensus among Canadians and some of the witnesses we've heard from today and to deal with Bill C-16 as soon as Monday.

That still remains the preference not just of Conservative members of this committee but of Canadians who have been asking for the Liberal government to finally respond to some of these calls. You know what's—

Anthony Housefather: Mr. Chair, I have a point of order on relevance.

We just adopted, based on a subamendment by a Conservative member, a motion that says what sequence we're going in. There's no debate related to the clause anymore about the order. It was just adopted. The relevance of this is not there.

We've had two and a half hours where they've made this point. They've just accepted a subamendment that puts Bill C-9 back on Monday, and this is not in there.

What Mr. Lawton is saying is not relevant anymore. He's just further filibustering and delaying the meeting based on a motion his own party put forward.

The Chair: Thank you.

Mr. Lawton, Mr. Housefather has a point, so try to keep it within the context of the discussion.

Andrew Lawton: The point of the motion as amended is about the priorities of this committee and the priorities of legislation, so my comments are entirely in keeping with that.

I don't know if there's anyone behind me on the speaking list. I'm fully prepared to go to a vote in a matter of moments here. I'm just stating for the record here, because I think it is important, that we have been trying to ensure that bail and sentencing reform are this committee's priorities. That has certainly been the olive branch we've been extending to the Liberals for many months, and it has been swatted away by the Liberals at every stage in this particular meeting.

The most egregious part of the subamendment—I'm glad we dispensed with that—was limiting the time that we could debate Bill C-9. But I still think it is incredibly concerning that the Liberals are prioritizing this bill without the minister having informed Canadians as to any of the consultations he's purportedly taken; that this bill is still, in their mind, more pressing than a bill that deals with mandatory minimum penalties, a bill that deals with intimate partner violence, a bill that deals with protecting women and children, which should be a priority that all of us do share. It should be a higher priority than a bill that takes aim at religious freedom.

With that being said, I appreciate the Liberal willingness to remove the limitation on debate, but I still have to question why they are so hell-bent on moving forward a bill that has provisions they found so objectionable.

The priority for us is and always will remain fixing the broken Liberal bail system. I'm glad we can finally get back to Bill C-14, so I thank the Liberals for that.

The Chair: Thank you.

I'm calling the vote on the amendment as amended.

(Amendment as amended agreed to: yeas 5; nays 4 [*See Minutes of Proceedings*])

● (1940)

The Chair: I'm going to call the vote on the main motion as amended now.

Larry Brock: What are we voting for? Can I get that clarified, please?

The Clerk: I will read the motion as amended. Please bear with me, there are some changes.

I will read it in English to begin with and in French after.

[*Translation*]

Rhéal Éloi Fortin: That's okay, Mr. Clerk, there's interpretation.

The Clerk: Okay, that's perfect.

[*English*]

The motion as amended would be, “That, at the conclusion of the clause-by-clause consideration of Bill C-14, the committee return to clause-by-clause consideration of Bill C-9 as agreed to on January 26, 2026, and that the committee begin consideration of Bill C-16 at the next meeting following the completion of clause-by-clause on Bill C-9.”

Larry Brock: Thank you.

The Chair: Thank you, Mr. Clerk.

I don't think we need to start over again. Everybody understands what they're voting on.

[*Translation*]

Rhéal Éloi Fortin: Mr. Chair, there is an issue with interpretation. I rarely listen to the interpretation; I usually listen to the floor audio. However, the interpreter said something other than what—

[*English*]

The Chair: Hold on, Mr. Fortin, the translation is not working.

[*Translation*]

Rhéal Éloi Fortin: Mr. Chair, with all due respect, I believe the interpreter made a mistake. What I heard in French is not what the French version I have here says, where the motion proposes at the end that the committee undertake the study of Bill C-16 at the following meeting, after the completion of the clause-by-clause consideration of Bill C-9.

Is that what we're voting on?

[*English*]

The Chair: Just so we're clear, everybody, why don't we start the vote over again so that there's no misunderstanding? I don't want anybody uncertain at the conclusion of this.

(Motion as amended agreed to: yeas 5; nays 4)

The Chair: The next line in my script says that we're starting the second hour of the meeting. I'll skip that part.

I want to ask the committee members to not speak unless they have the floor.

I want to thank our witnesses. I can't stress enough how grateful we are for your patience in sitting here and waiting to testify. It's important to us, and we know it's important to you that you're here. Please accept our appreciation on behalf of the entire committee.

Our witnesses are, from the International Downtown Association of Canada, Paul MacKinnon, chairperson; and from the Retail Council of Canada, Matt Poirier, vice-president, federal government relations.

Gentlemen, thank you again.

Mr. Poirier, I'll start with you. You have up to five minutes.

Matt Poirier (Vice-President, Federal Government Relations, Retail Council of Canada): Good evening, Mr. Chair and members of the committee. Thank you for the opportunity to represent the Retail Council of Canada, the voice of retail in this country.

We represent over 54,000 storefronts of all sizes, from national chains to independent merchants. As an industry, we are the largest private sector employer in Canada, providing jobs to more than 2.3 million Canadians. That is one in eight working Canadians. We also contribute over $80 billion annually to Canada's GDP. Simply put, when retail is healthy, the Canadian economy is healthy.

Right now our sector is facing a crisis that is unique in the Canadian landscape. If you ask any retailer in this country what their number one issue is, they won't say it's inflation or supply chains, which are pretty big problems at the moment; they'll tell you it's retail crime. This is no longer just the cost of doing business. It is a full-blown national emergency for our sector. Data from Statistics Canada backs this up. Last year, while the overall crime severity index fell by 4% and property crimes dropped generally, police-reported shoplifting rose by 14%. It has increased now for four consecutive years. Retail is the glaring statistical exception in Canada's crime landscape.

Our industry estimates that the total impact of this crime is nearing the $9-billion mark annually. But the real story isn't just the value of goods stolen. It is the diversion of capital. Every dollar a retailer is forced to spend on security guards or a locking case is a dollar not being spent on productivity improvements. Those are the types of investments that would benefit the economy and Canadians alike. We are essentially forcing our businesses to invest in defence rather than growth. This results in a massive hidden tax on every Canadian consumer.

How big is that $9-billion hit to consumers from retail crime? It works out to $580 per household, and more still when the rising costs of additional security measures are added. The perpetrators also, I'll add, aren't Robin Hoods. They are hurting their neighbours economically, as well as store owners, with increasing violence, brazenness and gang activity.

We are here today because we want to move past describing the problem to implementing its solutions. Bill C-14, in our view, is a common-sense first step.

First, Bill C-14 addresses the revolving door. The expanded reverse onus provisions for repeat violent offenders directly target the prolific criminals responsible for a massive percentage of these incidents. When a retailer sees the same face back in their store, stealing 48 hours after an arrest, it demoralizes the staff and undermines public confidence. This bill gives the courts the tools to stop that cycle.

Second, it targets the business of crime. By making organized retail theft an explicit aggravating factor in sentencing, this legislation finally acknowledges that we aren't dealing with petty shoplifting. We are dealing with sophisticated criminal networks that sell stolen property for profit. Bill C-14 ensures that the punishment actually fits the organized nature of the offence.

Third and finally, it prioritizes worker safety. With the surge in retail violence since the pandemic, our 2.3 million workers need to know that the law is on their side. The focus on deterrence for repeat offenders sends a clear message: The safety of the person behind the counter is a national priority.

Looking beyond this bill, we see Bill C-14 as the foundation for a broader national strategy. To truly turn the tide, we will eventually need to complement this legislation with a national reporting portal to track organized rings across provincial lines and modernize information sharing between retailers and police forces. Of course, ensuring that our justice system and police forces are adequately funded to tackle these big challenges is vital.

Bill C-14 is the catalyst we've been waiting for. It is the solution that retailers, and the communities they serve, need. We urge this committee to support its swift passage.

Thank you.

● (1945)

The Chair: Thank you.

Mr. MacKinnon.

Paul MacKinnon (Chairperson, International Downtown Association Canada): Good evening.

Thank you to all the members of the committee for the opportunity to appear before you today.

My name is Paul MacKinnon. I am the chair of the International Downtown Association Canada, and I'm also the CEO of the Downtown Halifax Business Commission.

IDA Canada is a national coalition of more than 500 business improvement associations, BIAs. As such, we collectively represent hundreds of thousands of landlords and business owners, large and small, in downtowns and main streets across the country.

Our organization's clear mandate is to advocate on behalf of our members, but our broader goal is to ensure that our downtowns remain centres of commercial activity and innovation and also cultural hubs enjoyed by all citizens.

Canada's downtowns reflect our national character. They are the showroom of our cities. For that reason, IDA Canada believes that it is important to speak to this committee today about an issue that is increasingly affecting downtowns and urban cores across the country, and that is crime.

While crime is certainly not exclusive to downtowns, its impacts are most visible and felt most acutely on our main streets, not just in large cities but increasingly in small towns and increasingly from coast to coast from Vancouver, British Columbia to Thunder Bay, Ontario, to my hometown of Bridgewater, Nova Scotia.

Downtowns are shared public spaces, places where people work, live, shop and gather to celebrate, to mourn or to peacefully protest. When public safety deteriorates in these settings, the trust that sustains these communities erodes. The consequences of this erosion are increasingly visible in downtowns across Canada. I'm sure you've seen it in your own communities, especially these past five years or so.

All of my colleagues across the country tell similar stories. Beyond increasing social disorder, homelessness, addiction and visible drug use, we see an escalation in brazen daytime shoplifting, a crime that victimizes business owners and terrorizes frontline staff, often young women. This crime is perpetrated again and again by the same individuals, some driven by need but oftentimes organized and seemingly with impunity.

Frustrated local police report that arrests are ineffective, and businesses grow increasingly frustrated by a catch-and-release system. It's a downward spiral. Businesses reduce operating hours, foot traffic declines, Canadians feel unsafe coming back to the office and commercial assessments decrease. This further limits municipal budgets and services that are frequently already stretched very thin.

The media has noticed this as well. Two recent headlines, no doubt worded to increase clicks, were particularly disturbing to many of us. “'Don't go downtown!' Inside Canada's small-town homeless catastrophe”, said The Globe and Mail on December 12. “The Canadian downtowns being economically gutted by street disorder”, wrote the National Post on January 9.

Public opinion data reinforces these concerns. In Canada's three largest urban centres, Toronto, Vancouver and Montreal, residents increasingly believe that crime is worsening. In downtown Toronto, 76% of residents believe crime has increased in the past year, representing a significant increase over 2024. In metro Vancouver, more than seven in 10 residents believe crime and violence have worsened, and nearly eight in 10 express concern about the state of their downtown core. In Montreal, only 3% of residents believe that the city has become safer since 2020.

This is not just a large-city issue. We hear exactly the same thing from our members in smaller communities. While perception of crime may not completely align with crime statistics, a poor perception of safety will kill our downtowns, regardless of what we do with regard to promotion, events and beautification.

These surveys all point to a broader national trend of declining confidence in the safety of Canada's downtowns and urban centres. When communities across provinces, governing structures and policing models report similar patterns, it becomes clear that this challenge cannot be addressed by municipalities or provinces alone. Federal leadership is essential. Without action to address systemic issues within the justice system, the social and economic contributions of downtowns and main streets will continue to erode.

Our members are taking action locally within their own communities. Local BIAs invest in safety initiatives and collaborate with police and social service agencies, and we work closely with municipalities to support vulnerable populations.

However, there are clear limits to what we can achieve when systemic change is required. This is why this committee's work is so important. IDA Canada supports bipartisan legislative efforts, including Bill C-14, as an opportunity to restore balance, strengthening public safety and confidence in urban centres while maintaining the integrity of Canada's justice system.

For downtowns across the country, the measures under consideration are consequential. They will help determine whether our streets remain places of opportunity and engagement or increasingly become places that people want to avoid.

We encourage this committee to consider the national implications of this issue and to act decisively. The future of Canada's downtowns and the communities and economies that they sustain do depend on it.

Thank you for your time, and I'd be happy to answer any questions you have.

● (1950)

The Chair: Thank you both very much.

We'll start the six-minute round with Mr. Baber.

Roman Baber: Thank you very much, Chair.

I will not be looking to credit my time as I make a few brief comments about tonight's event for our staff and for my own staff.

First, I'm very pleased that, earlier today, my constituency assistant, Martina Rosini, was awarded the long service award. She's been with the House of Commons for six years. She previously served in the whip's office. She is simply the best constituency assistant one could ever have. I get emails about her, at least every other week, thanking her for her service to our constituents. On the record, I'm incredibly grateful to Martina for all she does for my office, for the people of York Centre and for all Canadians.

Even though she did not obtain an award tonight, I would like to recognize my chief of staff, Bathusa Baskararajah, who is, I believe, in the room today. She has been serving the House of Commons for only about 10 months, since I was elected about 10 months ago, but she has been working with me for the last 14 years. That is just simply a remarkable accomplishment. She first worked at my law firm and then at Queen's Park. Then, she worked for me in the time between Queen's Park and Parliament Hill, and she has now joined me in Ottawa. I'm very grateful to Bathusa for the 14 years that she has been with me, and I couldn't be happier and more proud.

Also, I want to welcome our newest associate, Jonathan Lesarge, who has just joined our office and has been making wonderful contributions already.

To the witnesses, thank you for your patience, gentlemen. We got to joke around earlier that we ran out of coffee. We worried that we weren't going to hear from you today, but I'm glad you're here.

Mr. MacKinnon, I'm a huge fan of downtown Toronto. I represent a riding in north Toronto, and I'm blessed to still go downtown quite often.

> ...downtown
> Where all the lights are bright, downtown
> Waiting for you tonight, downtown
> You're gonna be alright...

I think that's how it goes.

I am very concerned by the decay experienced in downtown Toronto. On every other block you see a lot of retail vacancy. People no longer feel safe on the TTC going downtown. Folks come out at Union Station and see a lot of homelessness. Frankly, the experience of going downtown to a Leafs game, to a Raptors game or just out to dinner on Queen Street with your loved one on a Saturday night is not the same anymore.

Other than bail—and I hope my colleagues will indulge your presence a bit—is there anything else the federal level of government can do, for downtown Toronto in particular, or generally?

● (1955)

Paul MacKinnon: Yes, those are great points.

Downtown Toronto is often a litmus test for other issues that are going to be coming to other downtowns. We work a lot, very closely, with our colleagues in Toronto. Toronto's blessed to now have 85, I think, business improvement associations and six large ones in the core that do great work.

However, it's a real concern, and it's a trend we're seeing across the country. There's a lot of co-mingling of things: homeless encampments, crime, social issues, addiction issues.

When we, as a group, came to Ottawa last fall and met with a number of MPs and senators, one of our big focus areas was broadly public safety. What we really encompassed in that was the stick approach of bail reform, Bill C-14, and better, more effective law enforcement, especially for repeat offenders. That's one part of the equation.

The other part of the equation is that we're also advocating for more effective deployment of funds around mental health services for addiction and for homeless issues as well, because there is a lot of cross-pollination. A good example we often hear—it's probably more anecdotal than evidence-based—is that people may be shoplifting initially from a sense of need because they're homeless or have addiction issues or whatever, but because of the catch-and-release system, suddenly, people are able to shoplift with impunity. We're hearing, especially from western Canadian colleagues, that those are the perfect people to be employed by organized crime to do retail theft for them, and that's what we're seeing escalating.

It is a small number of individuals, but we're also very concerned about how it seems to be becoming much more organized, and it's coming across the country.

Roman Baber: Yes. In fact—this is to Mr. Poirier—when I look at Bill C-14, there's very little mention of organized crime.

My riding borders the Yorkdale mall and the Centerpoint Mall, which have been subjected to brazen daytime robberies at jewellery stores. It's unthinkable. Regrettably, the only thing Bill C-14 does is direct the judge to put his or her mind to the principle of deterrence and denunciation on sentencing. There's no change in terms of the actual time. No sentences will be amended by Bill C-14, other than for contempt of court.

Mr. Poirier, while you're somewhat supportive of the bill, would you have wished to see longer sentences for organized crime prescribed in the bill?

● (2000)

Matt Poirier: Certainly. The three of us all mentioned the word “brazenness”. That's the biggest challenge we're seeing, and it's not getting better, particularly when we're talking about retail crime.

Our view of Bill C-14 is that, finally, we're here, and there's a good bone structure to it, but we need to add a bit more to it. We have some specific recommendations that we have shared with the committee for consideration, which, indeed, revolve around sentencing.

Consecutive sentencing versus concurrent sentencing would be a huge help. Whether you want to treat it as an aggravating factor when they're considering sentencing.... We're calling it the discount effect. In retail crime, the particular nature of it is that you don't just steal once; you steal multiple times. With the more you steal, if you can serve those sentences for those crimes concurrently, they get thrown into a blender and then with every instance of theft you commit, you actually get less of a sentence.

We would love to see a bit more teeth in that area, particularly on sentencing, and certainly on aggregating the value of theft, too. Right now, if what you steal is under $5,000.... All of the organized crime rings we're seeing for retail theft are gaming the system, knowing what the law is. They're recruiting vulnerable youth to commit these crimes because they'll face less of a punishment as a youth offender. We're seeing them organize how and where they're stealing to make sure that they're under the $5,000 threshold. Let's start adding it all together. If I steal something from one retailer and go to the next, those thefts are treated in a vacuum in the legal system, but I stole all of those things in that one day. There are some changes there that we would love to see, certainly.

The Chair: Thank you, Mr. Baber.

Ms. Dhillon, it's over to you.

Anju Dhillon: Thank you, Mr. Chair.

Thank you to both of our witnesses for being here to testify about this bail reform bill. You were supposed to start testifying around three hours ago, so I apologize on behalf of the Conservatives for their filibuster.

You and other witnesses have come and testified over and over that there is a dire urgency for this bill to be passed and that there is even a certain desperation, because communities, businesses and vulnerable people are being affected. Over and over, witnesses have said it's not perfect, and that's fine, but at least it's a start.

I would like to start by asking Mr. Poirier a question. I don't know if Mr. MacKinnon would like to jump in. I'd also thank you for patiently waiting—I'll reiterate that—and for using your valuable time to come and testify today before us.

What do you think of the delay tactics of the Conservatives that you are presently seeing? Would you not like to see this bill quickly passed?

Matt Poirier: In our remarks, we said we hope Parliament passes this as soon as possible. I would reiterate that comment.

Anju Dhillon: Thank you.

How about you, Mr. MacKinnon?

Paul MacKinnon: I think there are two things happening. One is that there is business confidence and the actual, real costs that businesses are suffering. A general sense from businesses is that they don't necessarily always parse which level of government is responsible for which pieces of law and enforcement. They're frustrated overall with the system and the catch-and-release they're experiencing. There's the business confidence piece, which we see and are monitoring, and it's just going down.

The other piece, with the general public, is that downtowns are like people. Their reputations can be ruined very quickly and they take a long time to recover. In our business, we're used to saying, “Come downtown. It's perfect.” It's very hard for us now to make a pivot to say, “You know what? Things aren't perfect.” We're hearing this from our customers, so we really see the urgency in acting now, providing confidence to business owners and getting the message to the public that there's going to be a change in the way things are enforced downtown.

I would agree that there is some urgency to move this along.

Anju Dhillon: Wonderful, thank you.

Mr. Poirier, retail workers are often on the front lines of these thefts and, in a way, they're right there in the middle of danger. What does Bill C-14 signify to these businesses and these workers about Parliament taking their concerns and safety seriously? They're just trying to earn a living and trying to run a business.

Can you please elaborate on that?

● (2005)

Matt Poirier: Worker morale is a big issue in retail right now. You can look at it from a workplace safety issue alone. In instances of brazen theft and armed robbery, workers are trained, rightly so, to not engage and to stay back. That has the unfortunate effect of angering customers in the store, who then redirect it at the retail workers. It's just creating this very nasty and toxic environment for them to work in. As you would understand, morale is suffering as a result of this.

I referenced it in my remarks, and I'll say it again. This bill, if it translates into retail crime being prosecuted and punished more severely, will help. It will send a better signal than what workers are getting right now, where you see repeat offenders coming back into the store. “Here we go again." That's sort of the feeling they have.

I'll also add that retail crime is unique as to where it falls on the spectrum of crime generally. People often think, “Oh, it's shoplifting, it's harmless stuff.” Well, it isn't. Resources from police forces on down are allocated accordingly. They see it a lot more because it's happening more.

Anju Dhillon: Perfect, thank you so much.

Mr. MacKinnon, your members have emphasized the need for practical and workable solutions. How does Bill C-14, in your opinion, address downtown safety by focusing on repeat offending rather than attempting to solve every issue all at once?

Paul MacKinnon: Passing an imperfect bill quickly is much better than waiting for perfection. There is no perfect bill. We've heard that quote a couple of times today. There is definitely some urgency to it.

I'd like to echo some of the comments that we get from our own police force. They're feeling a lot of frustration in a lot of cases. They're feeling the brunt of it. They typically are the ones that get blamed by the businesses. When we have town hall meetings with the police, they explain that they're being told by prosecutors in the courts, “Stop wasting my time bringing these people in, these repeat offenders.”

There's a lot of frustration within the system, so anything to kind of clear that frustration and empower the police.... I think they do want to do more. They're seeing the impact that it's having on the community. They do want to do much more about it. This bill would really help empower them to do much more.

Anju Dhillon: I thank you so much for coming today and for the time you've spent with us.

The Chair: Thank you.

Mr. Fortin.

[*Translation*]

Rhéal Éloi Fortin: Thank you, Mr. Chair.

Thank you for your patience, Mr. MacKinnon and Mr. Poirier. I don't want you to think your comments aren't useful, quite the opposite. They are very useful to our work. We're all very happy to hear what you have to say.

My next question is for Mr. Poirier, from the Retail Council of Canada.

Mr. Poirier, do you think your members generally believe in the virtues of rehabilitating offenders?

Matt Poirier: Certainly. We work regularly with police forces and communities on prevention or to rehabilitate young people in this situation.

Rehabilitation is very important. We think it's part of the solution. However, we're seeing a problem in the stores, and that has to be dealt with upstream. Our work as an organization is to work on prevention and with other organizations on rehabilitation, especially with young people who often find themselves in situations where they're being taken advantage of. That is a concern for us, and we're working on resolving that issue. I would say that it's also important for a number of retailers.

Rhéal Éloi Fortin: If I understand correctly, acts of violence or delinquency in retail establishments are mainly perpetrated by young people.

What is the ratio of young people versus adults perpetrators? Would you say it's half-and-half?

● (2010)

Matt Poirier: It depends. It can also be young people. Crime has no age and comes in all shapes and sizes. Sometimes, criminal organizations are involved, and they take advantage of young people and recruit them because the law isn't as hard on them if they are caught.

Rhéal Éloi Fortin: Are you personally aware of any situations where criminal organizations have hired young people to commit crimes? Can you speak to that?

Matt Poirier: Sure. It's happening across the country. That's why we're pleased to see that Bill C-14 proposes measures that target the likely leaders. We think these measures could also be strengthened to give authorities more power and to target those who take advantage of young people. That's one of our proposals.

Rhéal Éloi Fortin: Is shoplifting the most common crime reported by your members, or is it violent acts?

Matt Poirier: I would say both. However, we're noticing an increase in violent thefts, which are dangerous. That's a source of concern. There are ways to manage shoplifting, but when it comes to dangerous acts where people are armed, it's much more complex. We can't manage that anymore, and it becomes an issue for police forces to handle.

Rhéal Éloi Fortin: Okay.

We've heard from experts that incarcerating young people who have committed crimes or acts such as theft can often have a negative impact on them, as it can lead to family separation, job loss, loss of housing, and so on. It seems it can sometimes cause more harm rather than contribute to their rehabilitation.

I understand that you're not an expert in criminology, but as a representative of the Retail Council of Canada, what would you say if I told you that we need to keep those who commit violent crimes in custody, and focus our efforts on rehabilitating those who commit nonviolent crimes, or at least less violent crimes? What would you think?

Matt Poirier: We see that Bill C-14 gives more power to the relevant authorities to manage these cases or make these decisions. We think it's important that the police and the justice system have these tools.

As I said earlier, we're working with organizations concerned about this situation. We see that young people are often trapped by criminal organizations, so targeting those who manage criminal organizations makes sense.

Rhéal Éloi Fortin: Thank you very much, Mr. Poirier.

I will finish by acknowledging Michaël Akettia, sitting behind me, who has been working for me for five years. He didn't go get his medal earlier.

Thank you, Mr. Akettia.

[*English*]

The Chair: Thank you, Mr. Fortin.

We'll move into the second round.

We have Mr. Lawton for five minutes.

[*Translation*]

Andrew Lawton: Thank you for joining us, Mr. Poirier.

[*English*]

Thank you, Mr. MacKinnon, for being here.

A couple of weeks ago, I had the great privilege of speaking to a group of high school civics students at St. Joseph's high school in my riding. Unlike my Liberal colleagues, I'm not sure they were as excited to have a member of Parliament come in to talk to them.

As is important to relate, I was trying to get them to understand some of the political implications of things that exist in the world around us. I asked how many of them feel safe when walking around downtown St. Thomas. It was not only that the answer was "no", but that it was a punchline. They just laughed, because it has been so far from that in their experience.

This is something that we've seen degrade over the last 10 years. People do not feel safe walking down the streets that they have walked down for decades. We have not only mental illness, homelessness and addiction problems that are part of this, but also open and brazen criminality.

We spoke about this a bit with the earlier witnesses, but I was hoping you could speak—first you, Mr. MacKinnon—to exactly what the toll is on businesses, because this is not an issue that affects just customers. When customers stop going downtown, there are whole stretches of communities, large and small, that are very deeply affected.

● (2015)

Paul MacKinnon: It's no surprise that a lot of our members and those most affected are traditionally small business owners. They run restaurants and shops. They're owner operated. They're in the business every day, so they see life on the streets on a regular basis.

There's no question that there's been this bit of a dividing line—pre-pandemic and postpandemic—and a lot of things have happened over a number of years. I think that when business owners think about tariffs, supply chains or other inflationary pressures, those are just so far beyond anything they can deal with. That causes a lot of anxiety, of course, but they probably aren't thinking that there's much they or their local police force can do about that.

Shoplifting is something different. I think there is an expectation that if they're seeing the same person coming in week after week and stealing from them, seemingly with no consequences, that's frustrating to them. It's costing them money. It's making them angry and they can't really understand, from a common-sense perspective, how that could possibly be allowed in a country that runs on law and order. There are so many different things that small business owners can't control, but they really want to control the things that they can. I think this is really why this has risen to the top.

I think the other piece of this is that, as we look at crime stats—we've been trying to do a much better job of collecting crime stats, each of us in our local downtown and across the country—we see this big jump across multiple types of crimes, from 2020 or 2021 forward. A lot of them have kind of remained stable. They're higher than they used to be, but they're stable, whereas shoplifting in particular and theft under $5,000 seems to continue to escalate. It's a societal concern. Where it used to be something—

Andrew Lawton: I only have limited time. I appreciate your answer there.

Paul MacKinnon: I didn't know I was eating into your time. I thought I was just taking my time.

Andrew Lawton: I appreciate that.

When you talk about the effect of the catch-and-release bail policies in particular, I know that a lot of your members would have probably been quite frustrated. They're calling the police, who are quite frustrated because they know they have to respond to these over and over again. In any municipality, it is a very small number of people who are typically responsible for an overwhelming majority of the crime.

Do businesses get to a point where they just stop reporting it? Do they stop filing the insurance claim for the broken window and just eat the cost of shoplifting because there is no other recourse available to them?

Paul MacKinnon: Absolutely.

Something we try to always hammer home is that resources come following statistics. They chase stats. We tell our businesses that if their window is broken overnight, there's probably no chance that the person who did it is going to be held to account, but to please still make that call because that helps the statistics to accurately reflect the situation.

That is a real challenge. Businesses are too frustrated. They don't think anything's going to happen, so they don't report it. The stats are probably under-reported.

Andrew Lawton: This will sound like an odd question, but it's fitting into a larger context here. As far as the priorities go, have any of your members ever told you that they think one of their top priorities is policing religious text or religious expression in Canada?

Paul MacKinnon: I don't think I've ever had a comment about that.

Andrew Lawton: I thought so. You're dealing with people who are on the front lines, having their windows smashed in and their inventory taken away. That's a real priority. I'm glad we're dealing with this now.

I have just one final question for you, Mr. MacKinnon.

Where do you think the holdup has been? These calls from your members and from you are not new.

Paul MacKinnon: That's a good question. I don't know.

I know that over the past number of years we've been coming to Ottawa and having these meetings. It's become a much more important topic for our association much more recently, over the past couple of years. It did seem to gain real momentum with all the MPs across different party lines we were meeting with last year. We felt that great strides were made, particularly over the past 12 months.

What was driving that? I think we were just so happy to see something that we cared about also seemingly being cared about and addressed as well.

The Chair: Thank you, Mr. Lawton.

We'll go over to you, Mr. Chang.

Wade Chang (Burnaby Central, Lib.): Thank you to the witnesses for your presence and patience while we waited for the Conservatives to finish their filibuster.

Mr. Poirier, can you please share with the committee a specific incident where repeat offending or bail conditions directly affected a retail worker or store?

Matt Poirier: Certainly, I have just such an example.

In Winnipeg, there was a retailer who saw their store and workers affected when someone who had 120 previous thefts in 12 months hit their store. That person was never jailed. They were only ever given a promise to appear in court later. You can just imagine the demoralizing effect of someone who stole 120 times in one year.

To Mr. MacKinnon's point earlier, it's reached a point where retailers, because of where they fall on the pecking order of criminality, have stopped reporting these issues. Even though the stats still show that it's increasing, specifically for retail crime, it is probably under-reported because there's a frustration in the industry. There's only so much the police can do, given their resources and the allocation of officers for these things.

We've been doing our job to work with them to build up that capacity, but you start with the tools and then you have to follow it up with the resources as well. That's what we're calling for. We're really happy with what we're seeing in this bill, but it's the first step. The money really needs to follow.

● (2020)

Wade Chang: What has been the mental health impact on retail employees frequently exposed to crime or disorder?

Matt Poirier: It's tremendous. Like I said, morale is at an all-time low in the industry.

From the employer perspective, when you're dealing with labour shortages to begin with, this doesn't help. I'll use Ottawa as an example. Just in the ByWard Market, a lot of chain restaurants have decided to close up shop. One of the issues is the criminality, but it's also about finding people to work in those areas. Who would want to?

Those are the big challenges. Morale takes a hit, and then retention takes a hit, and then recruitment takes a hit. It's just a vicious cycle that we need to break.

Wade Chang: Which specific provisions in Bill C-14 are most likely to produce measurable reductions in retail crime, and how should Parliament evaluate success?

Matt Poirier: Certainly the reverse onus provision is a welcome change. Just make it harder to get bail so these people aren't back in the store right away, or put the onus on them to prove why they shouldn't be, especially in the example I gave where someone was caught stealing 120 times within one year. That's a top one.

What we're particularly happy to see in the bill is the specific mention of organized retail theft as an aggravating factor in sentencing. We love to see that—it's about time—but I think we can add to that, as I was saying to Monsieur Fortin, to target the bill towards the ringleaders of the organized criminal networks and away from the vulnerable youth or people with mental health issues who are being recruited into these networks.

Wade Chang: What additional supports or coordination does RCC believe are necessary for Bill C-14 to truly improve retail safety?

Matt Poirier: What we would like to see beyond Bill C-14 is a national reporting portal. Right now you have police forces across the country that have data, which they feed into various systems, but it doesn't really cross borders. It doesn't even cross within police departments sometimes.

We have a very big issue reporting and finding out. If the crime gravitates from Windsor, Ontario, to Toronto or over to Montreal, it's hard to track all that. We think the creation of a national reporting portal, where it's not just police forces, but also people like retailers who can feed into it and access information from it, frankly, will give better data for the government and for law enforcement.

That's a low-hanging fruit thing. It's just a coordination problem. We have the technology now to be able to make this dynamic and live to try to prevent crimes from happening. That's not in Bill C-14. That's a public safety jurisdiction, but certainly that's something we've been talking about for a while, and we would love to see it as a next step.

● (2025)

Wade Chang: Thank you.

The Chair: Mr. Fortin, you have two and a half minutes.

[*Translation*]

Rhéal Éloi Fortin: Thank you, Mr. Chair.

Mr. Poirier, you were just talking about a reporting portal. Police officers have been asking for this for a long time actually, and it's one of the things we want to put in place. However, I'm a bit surprised to hear you bring it up, because I didn't think the Retail Council of Canada would be interested in such a tool, which seems a bit technical to me.

I heard you say that you could also have access to it. I'd like to know what you mean by access. What would be helpful for your members? How would they access this information and for what purpose?

Matt Poirier: There are obviously limits to privacy, and we totally respect the related rules.

Our members have their own services that work at preventing thefts and other crimes. That said, they have no information. They work with police forces, but information is often found in one city and not in others. There's a lack of data. Our members could provide such data at the national level or use it in their own businesses to identify trends. Basically, they could use that information for a lot of things.

Rhéal Éloi Fortin: Are we talking about banning people on this registry from going into retail stores, for example?

Matt Poirier: No, it wouldn't be that serious. It would just allow us to see the evolution of the criminal trend, for example. That could help a great deal and we think police forces could use such a system. When they find and pick up someone, for example, they can see if that person has previously committed other offences. That gives them a better idea of who they're dealing with. More importantly, they can build a stronger case if it needs to go before a judge.

Rhéal Éloi Fortin: I understand.

Mr. Poirier, thank you very much for your comments.

Thank you, Mr. MacKinnon. I didn't ask you any question, and maybe I should apologize for that. It's not that your comments weren't interesting or important.

Thank you very much.

[*English*]

The Chair: Thank you, Mr. Fortin.

Mr. Gill, you have five minutes.

Amarjeet Gill: Thank you, Chair.

Thanks to both of you. Thank you for your patience. Conservatives value your time and your feedback on this major bill, Bill C-14.

This is the pattern from Liberals: when they cannot accomplish or collaborate, they like to blame the opposition. I will come straight to the question, which probably Canadians want to hear and get resolved, because we want Bill C-14 to be passed as soon as possible.

We all know that crime is surging and businesses and residents are paying the price. Reports show extortions have increased dramatically in recent years. In my riding of Brampton West, it has become a frightening reality for families and business owners.

From your perspective, Mr. Poirier, does Bill C-14 sufficiently address extortion and protect victims from repeated intimidation or does it leave gaps that still put business owners and Canadians at risk?

Matt Poirier: I think certainly Bill C-14, especially the elements that pertain to retail crime, is a marked improvement over what we have now. As I've mentioned, specifically identifying organized retail crime, which is a big problem especially in the greater Toronto area, to target that level of criminality as an aggravating factor is certainly welcome. That will improve things.

Additionally, the reverse onus will make it harder to get bail, which will help with the morale issues of retailers seeing the same repeat offenders keep coming through their doors. sometimes within days. On that scale alone, it's certainly a very positive development in our view. I think there's still room to fine-tune it and to have even more of an impact, not to have another bill but within Bill C-14.

Certainly the suggestions and the proposed language I've shared with the committee could be valuable in the clause-by-clause, but that's how we view it. We can just enhance it without betraying what this bill is envisioning and balance it, focusing it on the real bad guys and not the vulnerable people.

● (2030)

Amarjeet Gill: In your opinion, does Bill C-14 give Canadians assurance that extortion will be effectively addressed?

Matt Poirier: I'm not an expert on the extortion angle of it. It certainly is a concern in retail, but less so. I think they're more preoccupied with the brazenness. It certainly is part of it, but I could safely say that retailers would welcome any measures that would help cut down on that as well.

Amarjeet Gill: I would like to ask Mr. MacKinnon if he believes removing the principle of restraint in favour of prioritizing public safety would meaningfully help revitalize downtown areas across Canada.

Paul MacKinnon: Absolutely. It's as much a perception issue as an issue of reality. A lot of the perception around downtowns being unsafe comes from other issues, not just crime. It's social disorder. It's homeless encampments. That all creates a sense of things not being safe. But we do know, when we're talking about retail crime or theft, those are actual crimes, and there is something can do about that. We think it's really important.

There are downtowns in our country that are already being thought of as being unsafe. It's certainly not all of them at this point in time. I think moving quickly is really important. It really is the ball game. If people don't feel safe, they won't come downtown. That's going to have spinoff economic impacts that will be felt across the entire country.

The Chair: Thank you, Mr. Gill. We're going to stop there.

I do have one question for you, Mr. MacKinnon.

Are churches, synagogues and mosques typically members of BIAs?

Paul MacKinnon: The membership varies a bit. They are in my organization. Essentially, if you have a non-residential use within the catchment area of a BIA, you are a member.

I would say that most of us would consider all those faith institutions to be members.

The Chair: Thank you.

We're going to stop there. I want to say thank you again, on behalf of the entire committee, for your patience, for your evidence and for joining us here today.

I will suspend the meeting, ladies and gentlemen. Then we'll come back and go to clause-by-clause.

● (2030)

_____(Pause)_____

● (2045)

The Chair: I'd like to call the meeting back to order. Welcome back, everyone.

I want to welcome our officials, who are going to help us with clause-by-clause, and I want to start by saying thank you. You've been incredibly patient. I know you've been waiting to join us for quite a time now, so we're incredibly grateful.

We are joined again by Matthew Taylor, senior general counsel and director general, criminal law policy section; Samantha Reynolds, acting senior counsel, youth criminal justice division; Peter Grbac, counsel, criminal law policy section; Leah Burt, counsel, criminal law policy section; and Lise-Anne Wheeler, counsel, youth criminal justice division.

Before we begin, I would like to provide members of the committee with a few comments on how committees proceed with clause-by-clause consideration of a bill. As the name indicates, this is an examination of all the clauses in the order in which they appear in the bill. I will call each clause successively, and each clause is subject to debate and a vote.

If there are amendments to the clause in question, I will recognize the member proposing it, who may explain it. The amendment will then be open for debate. When no further members wish to intervene, the amendment will be voted on. Amendments will be considered in the order in which they appear in the package that each member received from the clerk. If there are amendments that are consequential to each other, they will be voted on together.

Amendments have been given a number in the top right corner to indicate which party submitted them. There is no need for a seconder to move an amendment. Once moved, you will need unanimous consent to withdraw it.

During debate on an amendment, members are permitted to move subamendments. These subamendments do not require the approval of the mover of the amendment. Only one subamendment may be considered at a time, and that subamendment cannot be amended. When a subamendment is moved to an amendment, it is voted on first. Then another subamendment may be moved, or the committee may consider the main amendment and vote on it.

Once again, any amendments or subamendments from the floor must be shared in writing in both official languages.

Thank you all very much.

Let's get on to Bill C-14. I will move to our agenda. Pursuant to Standing Order 75(1), the consideration of clause 1, the short title, is postponed.

(Clauses 2 to 6 inclusive agreed to)

The Chair: There's a new clause 6.1, which is CPC-1. However, CPC-1, CPC-2.1 and CPC-2.2 are very similar. I believe there have been some discussions on which of those three you're going to move forward with.

Mr. Baber.

● (2050)

Roman Baber: I believe you'll find consent from MP Brock and MP Lawton to withdraw CPC-1 and CPC-2.1, and we'll move on with CPC-2.2.

The Chair: You want to proceed with CPC-2.2.

Okay, CPC-1 and CPC-2.1 are withdrawn, then.

Larry Brock: That's correct.

[*Translation*]

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

[*English*]

The Chair: Mr. Fortin.

[*Translation*]

Rhéal Éloi Fortin: I just want to know something. Is amendment CPC-2, on which we're going to vote, the one we just received by email? I don't have it in my package of amendments.

I'm not saying I'm against it.

[*English*]

I maybe agree, but I just want to know which one it is.

The Chair: I'm advised that it was emailed.

● (2055)

[*Translation*]

Rhéal Éloi Fortin: I just received it.

[*English*]

Anthony Housefather: On the references to Mr. Baber's new one on the page, are you saying it's new clause 6.1 for Bill C-14? It doesn't say “2.2” on it.

The Chair: It's 13870955.

Roman Baber: I might try to make things easier, if I may, for members of the committee. I apologize. We just noticed a slight omission. If I could just direct your attention, if you're looking for a paper copy, then I suggest you look at Mr. Lawton's amendment CPC-2.1.

The only difference between Mr. Lawton's amendment and my amendment is that he has “public transit employee means an individual who works for an organization that provides passenger transportation service” and I expand it by saying “means an individual who works for or is contracted to work for a transportation service”.

Patricia Lattanzio: Are we doing away with CPC-2.1?

Roman Baber: We're doing away with CPC-2.1 because CPC-2.2 captures not just “employed” but also “contracted” for.

● (2105)

The Chair: If people want to take a moment just to look at it, we can suspend for a couple of minutes.

● (2055)

_____(Pause)_____

● (2105)

The Chair: I call this meeting back to order.

While we were suspended, we all received a hard copy of CPC-2.2, which was just submitted. As I understand things, CPC-1 and CPC-2.1 are being withdrawn, so before us we have CPC-2.2 to consider and vote on.

Is there any discussion on CPC-2.2?

Mr. Baber, go ahead.

Roman Baber: Thank you, Chair.

I'm blessed to represent a riding in north Toronto. Toronto is home to the Toronto Transit Commission. In the last couple of years, we've seen a remarkable uptick in violence on the TTC. Specifically, assaults are up 160% in the last decade and all violent crime is up about 127%.

We heard from Michael Atlas the other day, who is legal counsel for the TTC. He said that assaults against transit workers are at record highs. This is obviously slowing down the system. This is creating victims where we wish there were no victims. The people of the TTC work very hard, and so do people in all transit systems across our country.

The Canadian Urban Transit Association has been asking for this amendment, that it be an aggravating factor on sentencing when an assault is perpetrated against a transit worker and that the court consider it as an aggravating circumstance.

There has been discussion about the best definition to go with, and I submit that the CPC-2.2 amendment is drafted nicely in that it defines an employee, it defines a transit system and it also expands protection for contractors as opposed to just people who are employed. For instance, often transit systems use cleaners and they use security personnel, so protection should be afforded to them as well.

I think this is necessary. MP Brock and MP Lawton had a very similar, if not identical, amendment, both in line and spirit.

Thank you.

The Chair: Mr. Housefather, go ahead.

Anthony Housefather: We also agree with protecting transit workers, and I'll certainly be supporting it.

The Chair: Thank you.

Shall CPC-2.2 carry?

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

The Chair: That takes us to CPC-2.

Go ahead, Mr. Brock.

Larry Brock: CPC-2 would add a new clause in the bill. That would become clause 6.1, which would add a new consecutive sentence rule for repeat human trafficking offences. Specifically, it would add a new Criminal Code section—proposed section 279.031, which would immediately follow section 279.03. It is for someone being sentenced "for a second or subsequent offence under sections 279.01, 279.011, 279.02 or 279.03". If you look at the Criminal Code, this constitutes a number of ways human trafficking can take place, including the trafficking of minors. The sentence must "be served consecutively to any other sentence imposed...for an offence arising out of the same event or series of events."

Leaving aside what I anticipate to be Liberal concerns about stacking consecutive life sentences, and leaving aside that life sentences for human trafficking are next to impossible to establish....

I'll look to government officials to see if they can point out one decision of binding authority in this country that sets the bar that high—a life sentence for a human trafficker. I remember, as a young lawyer, being upset by a decision by one of my local judges, and the lack of significant penalty. I had naively argued for a maximum penalty, as a young Crown. I remember this very seasoned judge telling me, "Mr. Brock, I appreciate your passion, but maximum penalties, short of murder, are generally confined to the worst type of offender committing a predicate offence under the worst set of circumstances. I've yet to find that worst type of offender."

We know human trafficking is an absolute scourge on society, and that it is prevalent—particularly in Ontario, and particularly in my riding. All the local hotels adjacent to the major thoroughfare of Highway 403.... We have a number of hotels, and there isn't a day that goes by when my local police service, the Ontario Provincial Police or the Six Nations Police Service aren't conducting surveillance on trafficking happening in those hotels. It happens every single day. I know the trafficking of indigenous women and girls has been a plague on Canadian society for far too long; they are disproportionately impacted. We, as parliamentarians, ought to be taking a very serious position when it comes to consecutive sentences for human trafficking. Anything less, in my view, is a derogation of our responsibility of keeping victims and Canadians safe.

I suppose the amendment itself can be tweaked, because, in my understanding—officials, correct me if I'm wrong—the imposition of a life sentence depends on aggravating factors. It depends on age, among other factors.

Let me ask you two questions.

First, am I correct in terms of the imposition of a life sentence for unique aggravating factors under the human trafficking regime?

Second, are you able to rebut my comments about a dearth of case law out there, if any, that would establish any particular judge—in any province or territory, at any particular level, including appellate courts—ruling or upholding a life sentence for trafficking?

This is for anyone.

● (2110)

Matthew Taylor (Senior General Counsel and Director General, Criminal Law Policy Section, Department of Justice): I'll start with that.

On the first point, you are correct. The maximum penalty of life is in the more aggravated circumstances, and—

[*Translation*]

Rhéal Éloi Fortin: I have a point of order, Mr. Chair. There's no interpretation.

[*English*]

The Chair: Try that again, Mr. Taylor.

Is that working, Monsieur Fortin? Yes.

● (2115)

Matthew Taylor: Mr. Brock, you are correct that the maximum penalty of life is in the more aggravated circumstances for human trafficking, and it's 14 years in the circumstances where the aggravating circumstances are not established.

As to the second question, I would point you to the Supreme Court's decision in Friesen that talks about maximum penalties as not necessarily being reserved for exceptional cases but where, as the court describes it, they're warranted.

Your more practical question is the following: Are life sentences being imposed in human trafficking cases? I cannot recall a decision where that is the case, so I would have to confirm that, but I don't believe so.

Larry Brock: Thank you.

Those are my comments, Mr. Chair, to support my amendment.

The Chair: Thank you, Mr. Brock.

Go ahead, Ms. Lattanzio.

Patricia Lattanzio: I have two questions for the officials.

Can they tell me, in cases of human trafficking, the mandatory minimums in terms of that particular offence? What would be the consequences of stacking the mandatory minimum penalties?

Matthew Taylor: I might just offer one really minor procedural point before answering your questions. We noticed in the numbering that this is numbered as clause 6.1, and the previous CPC amendment also identified clause 6.1, so I don't know if you have to adjust that if both motions are adopted.

To answer your questions on the MMPs, the MMPs for the main human trafficking offence are five years in aggravating circumstances for adult victims and four years in any other case. In respect of child trafficking, which is section 279.011, it's six years in the aggravating circumstances and five years in any other case.

Then there are also MMPs for the material benefit offence, section 279.02, where it is linked to child trafficking, and that is a two-year MMP.

Then the documents offence, which is section 279.03, is a one-year MMP where it involves child trafficking.

The stacking issue that you've asked about is important in this context, because the concern that had been identified with a similar amendment that was passed by Parliament through a private member's bill but never brought into force was that, if it was brought into force, mandatory minimum penalties would be stacked back to back to back, and that would create potential charter concerns under section 12. It is the presence of the mandatory minimum penalties that creates the stacking risk more than the maximum penalties.

Patricia Lattanzio: Thank you.

The Chair: Go ahead, Mr. Brock.

Larry Brock: For clarification, Mr. Taylor, did Bill C-5 impact mandatory minimum penalties on the class of human trafficking?

Matthew Taylor: No, not to my knowledge. There were no amendments in Bill C-5 for those MMPs.

Larry Brock: To your knowledge, has any appellate court at the provincial-territorial level or the Supreme Court of Canada ruled on the constitutionality of MMPs on trafficking?

Matthew Taylor: Not to my knowledge. Not at the appellate level, and I don't think at the trial level, either, but I would have to confirm that. It was certainly not at the appellate level.

Larry Brock: Thank you.

The Chair: Okay, seeing no more hands, I will ask, shall CPC-2 carry?

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

The Chair: Shall clause 7 carry?

(Clause 7 agreed to)

The Chair: Shall clause 8 carry?

(Clause 8 agreed to)

(On clause 9)

The Chair: Clause 9 takes us to amendment BQ-1.

Mr. Fortin, do you want to speak to that?

● (2120)

[*Translation*]

Rhéal Éloi Fortin: Mr. Chair, I'd like to say that the lines we're asking to strike relate to auto theft. We agree that auto theft is obviously a scourge we need to tackle. However, we think imposing consecutive sentences for auto theft is excessive. It can only make things worse and undermine individuals' rehabilitation. For this reason, we propose to delete lines 3 to 7 on page 3, which matches the proposed subsection 333.11(1).

[*English*]

The Chair: Thank you, Mr. Fortin.

Shall BQ-1 carry?

(Amendment negatived [*See Minutes of Proceedings*])

The Chair: Next, we have BQ-2.

Mr. Fortin.

[*Translation*]

Rhéal Éloi Fortin: It's the same thing, Mr. Chair.

Subsection 333.11(3) of the Criminal Code deals with motor vehicle theft. Despite the fact that we agree on the importance of fighting this scourge and the sentences defined in the Criminal Code, we think consecutive sentences are unreasonable. As for the amount of the sentence that needs to be served, we think it should be left at the discretion of the court on a case-by-case basis. For this reason, we believe that the court must be given latitude when it comes to vehicle theft.

[*English*]

The Chair: Thank you, Mr. Fortin.

Shall BQ-2 carry?

(Amendment negatived [*See Minutes of Proceedings*])

The Chair: Next, we have BQ-3.

Mr. Fortin.

[*Translation*]

Rhéal Éloi Fortin: We're not going to move amendment BQ-3, Mr. Chair.

[*English*]

The Chair: It's not being moved, thank you.

Shall clause 9 carry?

(Clause 9 agreed to)

The Chair: Shall clause 10 carry?

(Clause 10 agreed to)

(On clause 11)

The Chair: Mr. Fortin, BQ-4 is your proposed amendment.

[*Translation*]

Rhéal Éloi Fortin: The same reasoning as for amendment BQ-3 applies. Once again, we think it should be left at the discretion of the judge, and that consecutive sentences should not be imposed.

[*English*]

The Chair: If you move this amendment, the following rule will apply. If you delete clause 11, here's the rule that you need to consider. As *House of Commons Procedure and Practice*, fourth edition, states in section 16.78:

> An amendment that attempts to delete an entire clause is out of order since voting against the adoption of the clause in question would have the same effect.

In other words, Mr. Fortin, the amendment is out of order, but that doesn't prevent you from voting on clause 11 when we get to it.

BQ-4 is not being moved. Thank you.

Shall clause 11 carry?

(Clause 11 agreed to)

This takes us to new clause 11.1, which is G-1. G-1 refers to proposed subsection 524(6.2) of the Criminal Code, which is created by G-5. This makes G-1 dependent on the adoption of G-5.

The same things applies for G-1, G-3 and G-4. As I understand it G-1, G-3 and G-4, are proposing amendments based on G-5 having been successful. In other words, I think we need to stand these down until we deal with G-5.

● (2125)

Patricia Lattanzio: Do you want me to deal with G-5 at this point because these amendments are dependent on G-5 passing?

The Chair: That might be the easiest course of action but it would require unanimous consent from the committee members to deal with G-5 and then proceed to G-1, G-3 and G-4.

(Amendments allowed to stand)

The Chair: Go ahead, Ms. Lattanzio.

Patricia Lattanzio: Section 524 of the Criminal Code enables the court to address all of an accused person's outstanding charges together, allowing for a single comprehensive bail decision and order that amplifies enforcement and compliance with bail conditions. Clause 29 would expand the section 524 bail cancellation process so that it also applies to those who have been charged with any offence rather than just an indictable offence while out on bail. Clause 29 would also change the onus from a reverse onus to the onus that would apply under section 515 rather than having a reverse onus apply to the entire section of the 524 process.

The Chair: Thank you.

Mr. Baber.

Roman Baber: I would like to seek clarification. I like the first part of your submission. I didn't like the second part of your submission. If I understand you correctly, this streamlines the bail process because it allows the magistrate or the judge to consider all of the offences pending before the court for purposes of bail.

Patricia Lattanzio: Correct.

Roman Baber: That makes complete sense to me. However, what you're saying is that as a result of this, the onus that would be attracted to such hearings would not be the reverse onus because of the lesser offences before the court rather than considering the fact that you have to meet a reverse onus burden because at least of some of the offences involved.

Patricia Lattanzio: I'm suggest we pose that question to the officials.

The Chair: Mr. Grbac, you're nodding your head.

Peter Grbac (Counsel, Criminal Law Policy Section, Department of Justice): In Bill C-14 there was an inadvertent error that removed the onus or the reverse onus that was originally in the Criminal Code. What this amendment seeks to do is to reintroduce the reverse onus for any new indictable offence committed while on bail.

Larry Brock: It's a no-brainer.

Peter Grbac: To be clear, it would also expand the first part. That remains in place.

Roman Baber: We're not going to run into charter issues here because we're coupling non-reverse onus offences with reverse onus offences? We should not, right?

Peter Grbac: What I can say is the original onus that applies in the Criminal Code would be reinstated. To my knowledge, I'm not aware of any charter issues related to that.

● (2130)

Roman Baber: It was the reverse onus.

Peter Grbac: That's correct.

Roman Baber: Thank you.

The Chair: Mr. Brock.

Larry Brock: I appreciate Ms. Lattanzio's explanation. I mean no disrespect to Ms. Lattanzio, but Mr. Grbac's explanation is far easier to understand.

Let me put this into perspective. Tell me if I'm wrong. In practical terms, when a section 524 issue comes up in the course of a bail hearing.... I used to routinely ask for a section 524 arrest, firstly. Secondly, I would put it on the record that I was seeking the cancellation of all previous releases that would be applicable to that jurisdiction. If I had resources and time, and I knew there were outstanding charges in other jurisdictions, I would have them transferred in if I had the ability to delay that bail hearing.

Am I correct that if we agree to the passage of this government amendment, it is not going to change the status quo that I just described to you? It then triggers a reverse onus provision on the accused immediately once a section 524 opposition is declared. Does that still remain the case?

Peter Grbac: Yes, that is my understanding. That would remain in place.

Larry Brock: Thank you.

The Chair: Mr. Lawton.

Andrew Lawton: Mr. Grbac, I just want to make sure that I understand this correctly. You said this was an error in the way Bill C-14 was drafted. Who noticed that error? Did it come from your department or did it come from someone on the ministry side of things?

Peter Grbac: It was in the process of drafting that the error was noticed.

Andrew Lawton: Thank you.

Larry Brock: Chair, just for clarification, if G-5 passes—

The Chair: We'll go back to G-1. We'll go back to the order we're in. We'll go back to the future.

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

The Chair: That takes us back to G-1.

Ms. Lattanzio.

Patricia Lattanzio: This motion is a technical change that is consequential to G-5, as stated previously, which amended clause 29 of Bill C-14. This change is needed to ensure that there is a correct cross-reference to proposed subsection 524(6.2). The change would ensure that someone who is summoned to attend for fingerprinting is aware of the bail consequences of not complying with the summons.

We're just cleaning up the language in the law.

The Chair: Thank you.

Mr. Housefather.

Anthony Housefather: Just to clarify, that basically means you're telling the person that if they breach their bail conditions, it could lead to detention. Is that right?

Peter Grbac: That is correct. It's effectively putting them on notice.

Anthony Housefather: Okay. Thank you.

The Chair: Mr. Brock.

Larry Brock: The purpose of this amendment is to direct judges and JPs to make that announcement during the course of a ruling. Is that what I'm hearing?

Peter Grbac: No. This would be an amendment or a cross-reference for an appearance for fingerprinting. It would ensure that an accused who receives a summons to attend for fingerprinting is aware that they could have their bail revoked under section 524 and could be detained if they fail to comply with the summons.

Larry Brock: This would be a requirement of the police service, then, and the arresting officer.

Peter Grbac: It would amend—

Larry Brock: Fingerprinting is not done at the courthouse. Is that right? It's done at the police station.

Peter Grbac: That's correct.

Larry Brock: This would be an additional onus on police officers.

Peter Grbac: My understanding is it would just be an update to advise them, so it's in the form.

Larry Brock: Why is it in a form? Is it an oral direction or in the form itself?

● (2135)

Peter Grbac: It would be in the summons itself. It would update the language that's in the summons.

The Chair: Shall G-1 carry?

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

(Clause 12 agreed to)

The Chair: We're now dealing with new clause 12.1, which takes us to CPC-3.

I made the observation, in the course of preparing for this, that there are some similarities between this and CPC-9 and CPC-10. The major difference I'd like to highlight is that CPC-3 defines “major offence”. If for some reason CPC-3 doesn't carry, then major offence isn't defined, and you have CPC-9 and CPC-10.

I just wanted to flag that for you.

Mr. Brock, the floor is yours.

Larry Brock: The intent, colleagues, behind this inclusion is to try to bridge the language and the intent behind Arpan Khanna's jail not bail private member's bill, Bill C-242. The language in jail not bail was to create an automatic detention for circumstances involving those charged with major offences or those who have a record within the preceding so many years of a major offence.

I appreciate the chair's clarification that whether or not CPC-3 passes, it will have implications on other parts of our amendments. It creates a definition of what a major offence is. A major offence is an offence other than a section 469 offence. A section 469 offence creates a presumption of detention the moment someone is under arrest, such as for murder or treason. That person does not have the ability to conduct a bail hearing at the provincial court level, but rather has to proceed to the superior court level should that person wish to conduct a hearing. It triggers a presumption of detention. We want the same application of that triggering to happen for those who are charged with, or who had been previously convicted of, major offences—major offences as defined by punishable by life; convictions of 10 years or more, or more than five years if it involves violence; and someone was harmed or could have been harmed.

As the chair has pointed out, this definition is used later by amendments CPC-6 and CPC-7 to trigger different specific bail rules.

The Chair: Thank you, Mr. Brock.

Mr. Fortin.

[*Translation*]

Rhéal Éloi Fortin: Thank you, Mr. Chair.

While I understand our Conservative colleagues' intention, and it is valid in some respects, the Bloc Québécois still thinks it should be left at the discretion of the court.

We don't think automatic detention is necessary from an administration of justice perspective. Regardless of the seriousness of their crime, offenders will face a judge, and it'll be for the judge to decide whether to impose preventative detention, for example, or to set the sentence. The Criminal Code provides minimum sentences for some cases. However, we're talking about creating an automatic detention provision for certain crimes. It removes the court's ability to tailor the sentencing and the judicial process on a case-by-case basis.

Unfortunately for our Conservative colleagues, we will be voting against this amendment.

[*English*]

The Chair: Mr. Brock.

Larry Brock: I thank Monsieur Fortin for his intervention, but I want to be abundantly clear that nowhere in my explanation, nowhere behind the intent of this amendment, does it speak to automatic detention. There is no such thing as automatic detention in the Criminal Code. We are not seeking automatic detention.

My explanation of what happens under section 469 is there is a presumption of detention. It does not preclude an offender from making a bail application; it just can't be done at the lower level, the provincial level, because there is no jurisdiction for a section 469 offence. The hearing itself must be conducted in superior court. The rationale behind this, as I've indicated numerous times at committee and in the House, is we have a significant problem with serious violent offenders who often fall within this category of potentially facing imprisonment of 10 years or more, or more than five years if it involves violence and someone was harmed or could have been harmed.

A further rationale is the problem we have in the lower courts. The court system right now across Canada is still playing catch-up because of the significant delays and problems we had during the pandemic and the justice system's response to the pandemic. We have a problem with lack of resources, a lack of courtrooms, a lack of judges and a lack of JPs. What I have been gaining by way of evidence on my town hall tours across this country, anecdotally talking to police services, talking to Crowns, talking to defence counsel, is that because of the significant delays in the justice system, there are JPs who are actually putting time limits on the ability for contested bail hearings to occur. As strange as that may sound to you, it's counterproductive. It denies the prosecutor the opportunity of making a fulsome argument. There are examples in Canada where contested bail hearings, section 524 bail hearings which we have discussed, have been limited to 30 minutes. I've had situations where it takes me 30 minutes, if not longer, simply to read out occurrence reports, outstanding charges and dissect a criminal record.

What we want to do, and the whole focus has been.... I think the government would agree with me that the public, the police, the premiers and the mayors are not concerned about the vast majority of individuals charged with criminal offences, the first-timers, the second-timers, the third-timers, who find themselves in the wrong place at the wrong time, make bad decisions and get caught up with peers. They go through the system. They learn from the system. They get rehabilitated from the system. We're not talking about that class of individual. We're talking about that small class of violent repeat offenders. We've heard witnesses, particularly in policing, indicate at this committee that they know exactly who these rounders are. They know them by name. They know their criminal past. They know where they live. They know it's simply a matter of time before they commit further offences again.

Again, the intent behind this was to ensure that we had a process that separated those violent repeat offenders, took them out of the general provincial stream, which is overtaxed and overburdened, and placed them in the superior court stream. The only way we could do that, apart from amending section 469 to include a major offence, would be to create a separate category of major offence considerations to give that same impact.

● (2140)

At the moment an accused is charged and meets the definition of a major offence, there's a presumption of detention—it's not automatic, which would be contrary to the charter—and the accused's bail hearing, should the accused decide for it to take place, would take place in a different forum, not the provincial forum. That's the intent behind the amendment.

● (2145)

The Chair: Okay, I see no other hands. Shall CPC-3 carry?

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

The Chair: Shall clause 13 carry?

(Clause 13 agreed to)

(On clause 14)

The Chair: This takes us to CPC-4.

This is Mr. Brock's, but before I go to him I want to say that if CPC-4 is adopted, G-2 cannot be moved due to a line conflict.

House of Commons Procedure and Practice, third edition, states:

> Amendments must be proposed following the order of the text to be amended. Once a line of a clause has been amended by the committee, it cannot be further amended by a subsequent amendment as a given line may be amended only once.

Mr. Brock.

Larry Brock: This, I would state, is probably the most significant amendment being tendered by the Conservative Party of Canada. It has been the mantra and the position of our party, as I've indicated numerous times, including today, that the origin of catch-and-release—arrest, release, arrest, release—can all be traced back to the principle of restraint, which was introduced by Justin Trudeau and the Liberal government through Bill C-75 in 2019.

Justin Trudeau, his then justice ministers, other various ministers, other MPs and backbench MPs all touted the line that, “All we did was codify exactly what the Supreme Court of Canada asked us to do”, in the decision known as Antic. I have read Antic, in my professional capacity, probably a half-dozen times and, probably, another half-dozen times as a parliamentarian. Nowhere in the Antic decision by the Supreme Court of Canada did it direct the federal government, at that time, to do anything by way of amending section 493.1 of the Criminal Code. They did that on their own, and the false, negative, wrong message that Justin Trudeau and his ministers provided this country was, again, that, “We didn't do anything other than what the court asked us to do.”

Leaving that aside, the principle of restraint, at its core, summarizes that courts—including judges and justices of the peace, who hear bail hearings every single day of the year because the criminal justice system does not take a break for any statutory holidays, it runs every single day of the year.... Since the year 2019, those judges and JPs have been directed by this Liberal government, with a failed Liberal policy, to mandate the release of the accused at the earliest opportunity, on the least restrictive conditions.

I have spoken, anecdotally, with a number of current and retired judges and JPs. All have told me that their ability to exercise the appropriate discretion under subsection 515(10), as it relates to the grounds of detention—the primary, secondary and tertiary grounds—were completely offset by the principle of restraint.

This particular amendment takes the language, the positioning that the Conservative Party of Canada has, literally, taken since 2019.... Specifically, since I became a parliamentarian in 2021, and, certainly, after the election of our leader, Pierre Poilievre, we have been laser-focused on articulating our position and asking the government to repeal that portion of Bill C-75 and, essentially, to replace it with what I have heard from stakeholders: Replace that principle of restraint with the principle of community protection and safety for victims.

This replaces clause 14 with a new section 493.1, which makes public safety and security the primary consideration when applying, under subsections 515(1) and 515(2), to decide release, detention and conditions. It also instructs that this applies when those bail principles are being applied via sections 498, 499, 503 and 515, which are different release pathways that have been referenced.

● (2150)

This particular amendment is taken directly from Arpan Khanna, our colleague from Woodstock, in his private member's bill titled jail not bail act.

Thank you, Chair.

The Chair: Thank you, Mr. Brock.

We'll go to Mr. Lawton and then to Ms. Lattanzio.

Andrew Lawton: Thank you, Mr. Chair.

Thank you to Mr. Brock and also to our colleague who is not on this committee, Mr. Khanna, for their leadership on this. When I have had conversations with members of law enforcement and other community stakeholders on criminal justice issues, they have drawn a direct line between the principle of restraint, put in the Criminal Code through Bill C-75, and the revolving-door bail system.

Whatever the intention may have been, and I will not impute motive here, judges and justices of the peace have interpreted this section in a manner that, as plain as the text is in the section, directs them to release offenders at the earliest possible opportunity and under the least onerous conditions. We heard in our study of bail generally, before this bill was referred to committee, numerous stories from law enforcement officials about how the principle of restraint was driving them towards having to rearrest the same people over and over because judges were taking their cues from this and not from the Antic decision, and were actually releasing them.

Of all the things that we can find common ground on—and as we've seen in the course of our discussions so far, we're sailing through this—this is a sticking point, in that adding a mere clarification to the principle of restraint does not acknowledge the really significant issues that stakeholders, and witnesses to this very committee, have identified.

As well, I would say that the act of removing certain offences from being subject to the principle of restraint is an admission by the government in Bill C-9 that the principle of restraint is an inherently lenient provision, or a provision that inherently and necessarily directs judges towards leniency. Otherwise, why would you need to remove certain offences from its capture?

I will therefore be very enthusiastically supporting Mr. Brock's amendment. I urge all members of this committee, if we truly want Bill C-14 to live up to the rhetoric, to not just accept “No, no, that's not what the principle of restraint means” from the justice minister. We actually need to have some concrete language that tells communities across the country that the primary consideration should always be public safety.

Thank you.

The Chair: Ms. Lattanzio.

Patricia Lattanzio: Thank you, Mr. Chair.

My question is for the officials.

Can we clarify that if the principle of restraint were repealed, it would still continue to apply because of common law? Can we get on the record that, even if it were repealed, it exists in common law?

● (2155)

Peter Grbac: What I can advise is that the principle of restraint would continue to apply at common law, even if it were repealed from the Criminal Code. That is because the Supreme Court has interpreted the charter as requiring restraint at the bail stage, since restrictions are imposed on the liberty of individuals who are still presumed innocent, and that is in the Supreme Court decision of Zora.

Patricia Lattanzio: Okay.

Therefore the conflict between the statutory principle of public safety and protection and the common law principle of restraint would also lead to significant confusion and likely result in litigation and delays, would it not?

Peter Grbac: What I would say is that the secondary grounds for detention in the Criminal Code under subsection 515(10) provide that detention is "necessary for the protection or safety of the public", including victims or witnesses. This could lead to potential confusion in the Criminal Code.

Patricia Lattanzio: For these reasons, I am going to oppose this motion, and I would urge members to oppose it and instead vote in favour of clause 14 of the bill, which would direct courts on how to apply the principle of restraint in order to ensure the protection of the public.

The Chair: Thank you, Ms. Lattanzio.

We will go to Mr. Baber and then Mr. Lawton.

Roman Baber: Thank you.

In my first year of law school, I remember, the professor asked us, "What do you think prevails—common law or statute?" The answer is very clear. It's statute that prevails over the common law.

If we were to adopt Mr. Brock's amendment, the principle of restraint would be overridden.

Now, I know what the officials are going to say in response: "You may have a charter issue here in that the Supreme Court may have interpreted the principle of restraint as subsumed under the charter." Well, that's fine, but you can't have it both ways. We already see, in proposed paragraph 493.11(2)(c), that we would get away from the principle of restraint. We would oust the principle of restraint for certain offences. This leads me to believe that you see room in trying to oust the principle of restraint, and you're probably going to leave it to the courts to figure out whether things pass constitutional muster or don't.

This means the suggestion made by our Liberal friends that, somehow, we'll be overriding the Constitution if we repeal the principle of restraint is incorrect. This is just a basic legal argument that I'm making.

I see Matthew Taylor nodding his head.

I know this is technical, but I'd like to get clarification that what I just stated is correct. We can oust the principle of restraint by statute. We don't know where this would land on charter issues. In any event, the legislation in its present form already circumvents the principle of restraint for certain offences, so let the courts decide whether or not Mr. Brock's amendment is constitutional, given that the Liberals are essentially doing the same thing.

Matthew Taylor: Thank you for the questions and comments.

I might approach it a bit differently, and I hope this helps you all in your deliberations.

You're certainly right that statutory language that clearly ousts the common law will take precedence over the common law. If Parliament passes legislation that intends to change a rule of common law, it can do so.

I might draw your attention, though, to the principle of restraint in section 493.1, in particular the last part of that provision. The comments made by Mr. Brock earlier are all very true and accurate, in terms of "on the least onerous conditions that are appropriate in the circumstances", but it's important to remember that, at the very end, it also says, "while taking into account the grounds referred to in subsection 498(1.1) or 515(10)".

I would say to you that the principle of restraint is not a principle in opposition to public safety or the other grounds for which detention might be appropriate, such as flight risk or confidence in the administration of justice. As discussed last week at committee, the grounds are clear. If there is a need to detain for public safety, that is what the Criminal Code mandates.

The principle of restraint doesn't say, "notwithstanding the existence of that ground, you should release". It's quite the opposite. The principle of restraint says that, in appropriate circumstances, release should be favoured where there isn't a ground for detention and where the risks posed by the accused can be managed safely in the community.

● (2200)

Roman Baber: Mr. Taylor, I'll go back to Ms. Lattanzio's question.

Her question to the panel went like this: Even if the Conservative amendment were adopted and the principle of restraint ousted—let's say with Mr. Brock's amendment—would it still survive by virtue of common law?

I submit to you, respectfully, that the answer to that question is no, it would not. You might suggest that it might still survive if there were charter litigation that sought to uphold the principle of restraint.

Am I right so far?

Matthew Taylor: Absolutely. The Constitution, the charter and the charter jurisprudence would continue to operate.

If I can just add one—

Roman Baber: I apologize, Mr. Taylor.

I'm going to separate my questions. I want to be very clear on this.

This is part one. Before we get to the Constitution, we're not going to have the common law apply if it is ousted by statute. On that, we have consensus, but you're going to say that here, the common law is the charter, and the principle and repeal of the principle of restraint might be inconsistent with the charter. I say to you that is okay, fair enough, but then that cuts both ways in terms of paragraph 493.11(2)(c), which, as currently drafted, seeks to oust the principle of restraint for certain offences.

What I'm saying to my Liberal colleagues and the officials here is that the argument that, somehow, the Conservative amendment would be ultra vires and would not be consistent with the charter is not a fair argument, because then you could say that the Liberal section, as drafted now for certain offences, would also not comply with the charter.

Mr. Taylor, as one professional to another, I believe that I'm making a fair suggestion.

Matthew Taylor: I'd offer two things in response to that.

The first is that the entire bail framework in the Criminal Code is structured in a way that is based on restraint. You would have heard testimony last week about how the latter principle operates and you go from the least restrictive to the more restrictive conditions. That is in effect a reflection of the principle of restraint and the notion of an accused being released without conditions if they don't pose a flight risk, if they don't pose a public safety risk or if their release wouldn't involve confidence in the administration of justice.

I think the entire system is premised on restraint. I would go back to what I reiterated earlier: The principle of restraint need not be viewed in opposition to public safety considerations or detention. If you look at it in that way, some of the other amendments that are included in Bill C-14 are not inconsistent with the principle of restraint. They're very much consistent with the principle.

Roman Baber: Thank you, Mr. Taylor.

Again, I suggest to my Liberal colleagues that Parliament is supreme and that we have an ability to prescribe bail, subject to various constitutional limits.

We have heard again and again, from almost every witness who appeared before this committee, that the principle of restraint is very problematic. Notwithstanding the officials' advice, the reality in our courts is that the principal consideration is given to the principle of restraint.

We know this because of the bill itself. Proposed subsection 493.11(1) says, “For greater certainty, section 493.1 does not require the accused to be released.” Well, thank you for clarifying that there is no requirement for release, but proposed paragraph 493.11(2)(c), as drafted by the government, is very clear as to how this Liberal government interprets the principle of restraint. Here's what you say:

> a justice or judge, as the case may be, shall not give primary consideration to the release of the accused at the earliest reasonable opportunity if the accused is one to whom [the following subsections apply].

In other words, you read the principle of restraint to mean that unless we're dealing with one of the subsections that you're trying to catch, a justice or a judge “shall” give primary consideration to the release of the accused. Your own legislation has tipped your understanding of what the principle of restraint is and that a justice or a judge “shall” give primary consideration to the release of the accused at the earliest opportunity. That's what I gather from your own language.

What Mr. Brock is saying is that this is exactly what causes the revolving door in our bail system, and this is precisely what the Conservative amendment, Mr. Brock's amendment, is trying to end.

I'm asking my Liberal colleagues to stop making the wrongful suggestion that somehow this would not oust a common law and the principle of restraint itself. No, I know it would not. If we believe that somehow the charter would be engaged here and charter rights would be infringed, then I would say to you that your very own legislation as drafted would also infringe the charter.

The question is the weighing exercise. The question is what a court would do, what the Supreme Court would do, when faced with this reality of a revolving-door bail system and crime and chaos on our streets.

Let's end the saga. Let's not revisit this in two years, in four years, in six years. Let's save a lot of lives. Let's end the practice that a justice or judge shall give primary consideration to the release of the accused for everything that does not fall within the narrow scope of the exceptions that Bill C-14 creates.

Thank you.

● (2205)

The Chair: Mr. Lawton.

Andrew Lawton: Thank you. I believe this will be for you, Mr. Taylor.

I just want to confirm. You adopt the same view that Minister Fraser has shared with the committee, which is that the principle of restraint in the Criminal Code is merely a codification of something that would exist if section 493.1 were not there. Is that correct?

Matthew Taylor: That's correct.

Andrew Lawton: Okay. In that sense, do you believe that adding the clarification, as clause 14 does, will make any material change in the application of the principle of restraint?

Matthew Taylor: I think you would have heard last week as well that there is an acknowledgement that the codification of the principle of restraint has resulted in certain cases of individuals being released on bail when perhaps that may not have been appropriate.

We have heard anecdotally from the conversations we've had with our provincial partners that this is happening in certain cases. The objective with the proposed amendments around these clarifications is to try to address those situations.

Andrew Lawton: The view, then, is that the judges have been getting it wrong and that this will be a nudge that will help them understand how the law is supposed to be interpreted.

● (2210)

Matthew Taylor: I'm not in the courtroom in those cases. I can only report on the kinds of conversations we've had with some of our colleagues where those concerns have been expressed.

Yes, the idea is, again, to try to provide greater guidance to those responsible, whether they be prosecutors, justices of the peace or judges, when they are making submissions on bail and are determining whether bail is appropriate, and to have regard to certain principles, rules and concepts.

The Chair: Shall CPC-4 carry?

Roman Baber: I would like a recorded vote, please.

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

The Chair: I'm going to suspend for a few moments so that people can stretch their legs, and then we'll come back.

● (2210)

(Pause)

● (2220)

The Chair: I call the meeting back to order.

We're on amendment G-2.

Ms. Lattanzio.

Patricia Lattanzio: Thank you, Mr. Chair.

This change is also consequential to the change proposed in G-5.

This motion would make a consequential amendment to clause 14 by adding section 524 on reverse onus to the list of reverse onus provisions captured under proposed paragraph 493.11(2)(c) of the bill.

Clause 14 includes an amendment to direct the courts not to give primary consideration to the release of an accused person who is subject to a reverse onus. The change would also ensure that all existing reverse onus provisions being proposed in the bill are captured under this clause.

I'm seeking unanimous consent for the vote on G-2 to be applied to G-3, G-4 and from G-6 to G-11.

Roman Baber: No.

The Chair: Shall G-2 carry?

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

The Chair: Shall clause 14 as amended carry?

An hon. member: On division.

(Clause 14 as amended agreed to on division)

(Clause 15 agreed to)

The Chair: We have a new clause. It's clause 15.1.

This is CPC-5. I've looked at this provision and have given some consideration to it, and I'm going to rule it out of scope.

● (2225)

Andrew Lawton: We would like to challenge that. It came about during witness testimony that we heard on the bill at this committee.

The Chair: You're entitled to challenge.

Roman Baber: Chair, with respect to scope, I appreciate that there's a nexus with immigration, but nonetheless, it's a bail condition. This is a bail bill, and it's not unusual for courts to give some due consideration to immigration status in criminal court. Just because there's an immigration element in this, that's no reason to consider it out of scope.

The Chair: Thank you, Mr. Baber. That's a carefully crafted legal argument.

I've made my decision based on a procedural argument, so my ruling doesn't change.

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

The Chair: That takes us to G-3.

Ms. Lattanzio.

Patricia Lattanzio: Thank you, Mr. Chair.

Once again, the motion is a technical change that is consequential to G-5, which would amend clause 29 of Bill C-14. The change is needed to ensure that there is correct cross-reference to proposed subsection 524(6.2). These changes would ensure that the bail consequences of not attending court or not complying with conditions would be set out on the accused's appearance notice or undertaking. These consequences would include a reverse onus and possibly detention under section 524.

Roman Baber: I'd like to ask for clarification. Does this apply to the summons itself, to the form?

Patricia Lattanzio: It's to inform the accused.

Roman Baber: Would this be prescribed on a form that goes out to the accused?

Peter Grbac: That is correct.

The Chair: Shall G-3 carry?

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

(Clauses 16 to 20 agreed to)

The Chair: We're on new clause 20.1, which is G-4.

Go ahead, Ms. Lattanzio.

Patricia Lattanzio: This motion is a technical change that is consequential to G-5, which would amend clause 29 of Bill C-14. This change is needed to ensure that there is a correct cross-reference to proposed subsection 524(6.2).

The change would ensure that the bail consequences of not complying with the summons would be set out on the summons that is issued to the accused, requiring them to attend court or to attend at another location for identification purposes, including photographing and fingerprints.

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

(Clauses 21 and 22 agreed to)

(On clause 23)

The Chair: This takes us to CPC-6.

Mr. Lawton.

Andrew Lawton: This is an amendment that I'm very pleased to be putting forward, although I regret that it's necessary. I hoped that surety reform would have been a part of the original bill.

This amendment simply says that, “a judge, justice or court shall not name a person as surety”—so they shall not allow someone to vouch for someone as part of their bail—if that “person was convicted of an indictable offence within ten years before the day on which the release order is made.”

Simply put, this is an amendment that will prevent people who have been convicted of serious crimes from acting as sureties for others, with the hope that they will not commit crimes or otherwise violate their bail condition.

In an ideal world, you wouldn't want anyone who's ever been convicted of a serious crime to be a surety for another. We've put in a pretty reasonable measure here that was taken from the work that our colleague, Arpan Khanna, did on the jail not bail act.

This was something we heard previously before this committee. It was called for by women's advocates. Even earlier this evening, we heard from Mr. Campbell of the Toronto Police Association about how preventing convicted criminals from acting as sureties would be an important step in strengthening the bail system and hopefully strengthening bail compliance.

I would also like to cite the input from Marc Roskamp, the St. Thomas, Ontario, police chief, who has been a witness before this committee and who has also spoken about this.

It's in that spirit that I bring this amendment forward.

● (2230)

The Chair: Mr. Brock.

Larry Brock: To the officials, I was rather shocked to learn that we had to bring this particular amendment because, I guess naively and wrongly, I just naturally assumed that there was some law or some rule that existed that precluded an individual with a record that included indictable offences from qualifying as a surety.

Again, hearkening back to my practice days, if I knew that a surety had a criminal record, I would bring that to the attention of the presiding justice. The justice himself or herself would simply disqualify that person.

Apart from the Criminal Code, is there any other law, policy or anything that currently binds judges across this country...from qualifying a surety with a criminal record without this amendment?

Peter Grbac: I can advise that in the Criminal Code, there's nothing that binds. I would point out for your consideration subsection 515.1(1), which states that before being named a surety, a person has to submit the declaration and in that declaration they would list past convictions.

In terms of the provincial and territorial levels, it would be an issue of practice. Some jurisdictions, for example, outline procedures by which a surety would come before the court. I would also note that in other jurisdictions they're developing protocols.

To answer your question, there is nothing binding.

Larry Brock: At an official level, representing the Department of Justice for Canada, is this amendment supportable by your standards to provide uniformity?

Matthew Taylor: I certainly would do that, Mr. Brock. It would provide that consistent application. Whether it's something that Parliament wishes to adopt, then it is for Parliament to decide.

Larry Brock: Okay.

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

The Chair: Next is CPC-7, and it's Mr. Brock again.

Larry Brock: CPC-7 creates a reverse onus detention rule for certain major offences while on release in a prior major offence situation.

Given the defeat of my earlier amendment with respect to creating a definition section for a major offence, does this impact the ability to debate and vote on this?

The Chair: No. I just think it means there's an absence of a definition from the earlier proposed amendment. That's all.

Larry Brock: Okay.

It adds a new 515(6)(d). What it will do is this: if the accused is charged with a major offence while already on a release order and has a conviction for a major offence in the last 10 years, then the person must be detained, unless they show cause why detention isn't justified. They must clearly demonstrate a proposed release plan that addresses the risks listed in 515(10).

Anthony Housefather: Mr. Chair, I'm looking at CPC-7 and it does not seem to be what Mr. Brock is reading out. CPC-7 is the third offence. I think you're looking at the wrong number maybe, or maybe I am, but one of us is.

● (2235)

Larry Brock: My working instructions are incorrect, so I apologize, colleagues.

It indicates that clause 23 be amended by adding after line 32, on page 9, the following:

> (xii.1) that is an offence in the commission of which violence was allegedly used and that would constitute the accused's third or subsequent indictable offence in the commission of which violence was used,

The Chair: Are there no other comments? Okay.

(Amendment agreed to)

The Chair: We're now on to CPC-7.1, which is Mr. Lawton's.

I just received it. Does everybody have a hard copy of that?

All right, it's been distributed.

Mr. Lawton.

Andrew Lawton: Mr. Chair, this one is fairly self-evident. We do need to understand and the Criminal Code already considers the interactions between it and the Immigration and Refugee Protection Act. This would add, after line 36 on page 9, the following:

> (9.1) Subsection 515(6) of the Act is amended by adding the following after paragraph (a):
>
> (a.1) with an indictable offence, other than an offence listed in section 469, and, if the accused is a foreign national within the meaning of subsection 2(1) of the Immigration and Refugee Protection Act, a conviction would make them inadmissible to Canada under section 34, 35, 36 or 37 of that Act.

The Chair: Thank you, Mr. Lawton.

Mr. Housefather.

Anthony Housefather: Mr. Chair, I tend to be sympathetic to this amendment, but we also just got it at the last minute and it's very hard to assess. It's not Mr. Lawton's fault. It came out of testimony that just happened on Monday, where I tended to agree with the witness. I am concerned because I haven't had a chance to validate whether there would be charter issues here.

Can I ask the officials, maybe Mr. Taylor, whether there is a charter concern with doing it this way. Is there a different way that it could be done from what is being intended? What would the end effect be of adopting 7.1, let's say, without amending it, but as it is?

Matthew Taylor: We will do our best to answer that question. We also have not had a lot of time to reflect on it.

You will all know that a reverse onus is a departure from charter-protected rights to reasonable bail—not to be detained without just cause—so we're automatically into a space where charter rights come into play. That said, the Supreme Court has upheld reverse onuses in certain circumstances. I would point you to a departmental resource that is publicly available, Charterpedia. It contains a lot of useful information on this provision, section 11(e), the right to reasonable bail.

I think it's important in your deliberations on this to reflect on the purpose behind the proposed amendment and whether that purpose is linked to furthering the objectives of the bail system. Again, when we think about the objectives of the bail system, they are to manage risk posed by accused persons, having regard to the grounds for detention—those being to manage flight risk, for public safety reasons or to promote confidence in the administration of justice.

I think it would be important to understand the purpose behind the proposed amendment and whether the purpose of that amendment is linked to those enumerated grounds for detention. Where that link can be more closely established, I think that is where, based on the jurisprudence, an amendment of this nature would be less likely to run afoul of charter-protected rights.

Anthony Housefather: I'm a lawyer, and that was very deep legalese. Maybe some of my colleagues understood a little bit better than I did.

I understand that there's a charter risk, but I want to understand this: Is it because you're lumping an entire category of people into one class without, for example, making a distinction between refugees who might be here and who perhaps would be different from somebody who's on a student visa, who's on a work permit or who's simply a visitor to Canada?

● (2240)

Matthew Taylor: I'm sorry for my last answer, if it was—

Anthony Housefather: No, it's late. If you could dumb it down a little bit for us, that would be great.

Matthew Taylor: I think that is a fair comment. I think one has to ask themselves whether the mere fact of somebody being a foreign national charged with a specific type of offence is necessarily evidence to demonstrate that the individual in all cases poses a flight risk or public safety concern, or that their release would undermine confidence in the administration of justice.

Anthony Housefather: Can I ask one more question? Let me take the example of a student foreign national from the United States, or a group of tourists from the United States, causing a public disturbance in Montreal for being drunk and disorderly. They went to the strip clubs on Saint Catherine Street and got drunk afterwards or whatever. But they're Americans. They could easily go back to the United States, theoretically, across the border.

How would that impact? If we adopted this, does that rise to the class of offence that would fall here? I'm just trying to see at what level you hit this.

Matthew Taylor: Thanks for the example.

There are two points, I would say. First, as I understand the motion, it is limited, in its class of alleged offending, to indictable offences. It would have to be more serious offences.

Anthony Housefather: Let's say it's more serious than drunk and disorderly. Let's say it's assault. Let's say they got into a bar fight.

Matthew Taylor: Sure. Were it an indictable offence, then yes, this would apply. I'd point out as well that there's an existing provision in the bail scheme that creates a reverse onus in relation to people who are not ordinarily resident in Canada. The ordinarily resident in Canada reverse onus is more clearly aligned to flight risk.

To your example, Mr. Housefather, about somebody who is here visiting, who is not a resident and doesn't live in Canada, that reverse onus in that circumstance would trigger—to your point—because you are concerned about a potential flight risk.

Anthony Housefather: Are you saying that there actually is a provision already that relates to foreign nationals, although it would be basically hinging on flight risk? Can you can you refer me to what section of the Criminal Code that is or where it is ?

Matthew Taylor: It's paragraph 515(6)(a.1). It's not foreign nationals, it's people who are not ordinarily resident in Canada. It could be a Canadian citizen or a permanent resident who doesn't live in Canada. Again, the policy rationale there is the link to flight risk, because they don't have a connection in terms of residence to Canada, whereas a foreign national may be a long-term resident in Canada and maybe not necessarily have a connection to another country.

Anthony Housefather: Thank you.

The Chair: Mr. Lawton.

Andrew Lawton: Thank you very much.

On the timeline, I'm sympathetic to Mr. Housefather's concerns. I think this speaks to the importance of having witness testimony. It was on Monday, with Dr. Sundberg, when this gap in the bail system came up. We very quickly tried to work with the drafters, and we're very grateful they were as swift as they were, but it does mean we lacked a couple of days to review this.

I will read from Dr. Sundberg's brief on this to speak to the question Mr. Taylor raised of intent:

> This proposal reinforces fairness and legitimacy. Canada welcomes millions of immigrants and temporary residents who comply with the law and contribute to society. A narrow reverse-onus provision tied to IRPA ss. 34–37 affirms a clear principle: Canada is open and fair, but it will respond firmly and lawfully when a small subset allegedly abuses that openness to engage in serious criminality, organised crime, or security-related conduct.

I just want to be very clear about what sections we are applying this to from the IRPA. Section 34 is security, which includes terrorism, section 35 is human or international rights violations, section 36 is serious criminality—and I think that's important; it's not about drunken disorderly or speeding tickets—and 37 is organized criminality.

We do know, especially in the context of extortion, which has been ravaging Mr. Gill's community of Brampton and Surrey, a lot of the organized crime entities behind it are comprised of people, in some cases in large numbers, who are foreign nationals; flight risk is a big component. We are proposing a reverse onus provision be extended to a very narrow subset of people who do not have status in Canada, so we can detain them and uphold the fundamentals of the justice system.

I would just point out that amendment as framed specifically narrows it to those four sections of the Immigration and Refugee Protection Act to ensure that it's not being used to create a broader class that is as indiscriminate as one might be concerned about.

● (2245)

The Chair: Thank you.

Mr. Fortin.

[*Translation*]

Rhéal Éloi Fortin: Thank you, Mr. Chair.

I have some questions for the witnesses.

We've touched on this, but I'm wondering about the impact this amendment could have with respect to the Immigration and Refugee Protection Act.

Correct me if I'm wrong, but I believe the case we're talking about here is that of an accused—someone who has not yet been convicted, but who is charged with an indictable offence—who is also a foreign national within the meaning of the Immigration and Refugee Protection Act, and for whom a conviction would be grounds for inadmissibility. In other words, a person is arrested and charged with a crime other than an offence mentioned in section 469 of the Criminal Code. If the individual is a foreign national, they will be detained even if they have not yet been found guilty.

Here's my question: What effect would this amendment have?

Obviously, if the person is convicted, they would be inadmissible under the proposed wording. However, if the person is found innocent and had been detained preventively, would that have an impact on their immigration application, first of all?

Second, how would it impact their family? In many cases, these individuals come here with a spouse and children. They are foreign nationals within the meaning of the act, but they may have been here for a year or two, I don't know.

I'm wondering about the impact of this amendment. If we pass it, what impact will it have with respect to the Immigration and Refugee Protection Act? Can anyone provide answers about that?

Matthew Taylor: Unfortunately, I don't think so. I'm not an expert on the Immigration and Refugee Protection Act. I don't know if there would be an impact on a person accused of a crime or on their application under the Immigration and Refugee Protection Act.

Rhéal Éloi Fortin: I don't imagine anyone else can answer that either.

Matthew Taylor: I will look for an answer for you and report back to the committee.

Rhéal Éloi Fortin: Yes, I'd like that.

[*English*]

The Chair: Thank you, Mr. Fortin.

Mr. Baber.

Roman Baber: I'm not sure that Mr. Fortin correctly interpreted the amendment before us.

We're not talking about the effect of a criminal conviction on immigration status or admissibility to Canada. What Mr. Lawton is doing with this amendment is saying that reverse onus would apply if, under these four sections of the Immigration and Refugee Protection Act, when convicted, folks would be inadmissible to Canada.

The Immigration and Refugee Protection Act already makes them inadmissible upon conviction if it's organized crime, terrorism or something very serious. What the amendment is saying is that, if we're dealing with one of those, reverse onus should apply on bail.

● (2250)

[*Translation*]

Rhéal Éloi Fortin: Can I respond to Mr. Baber, even though it's not how we usually operate?

I'm wondering about this because, in the scenario we're talking about, the accused person has not yet been found guilty. They've just been charged. They may be found guilty. If they are found guilty, there's no longer a problem, obviously, or at least my question no longer applies. However, if the person is found innocent and had been detained beforehand, will that have an impact, whether during or after their detention, on them, their family, their immigration application or their children?

I'm wondering what's being done to all these people. Perhaps my concern is unfounded—that's what I would have liked to hear—but I'm being told that nobody knows, so I'm still concerned about that. Do you understand?

[*English*]

The Chair: Thank you, Mr. Fortin.

Mr. Lawton.

Andrew Lawton: I'll just say, in response to Monsieur Fortin's questions, that this does not amend anything in the immigration process. As it stands right now, a foreign national who is charged with one of these offences could be detained already. Under the current law, there is nothing stopping them from being arrested, detained or given bail, and then convicted or found to be not guilty. That immigration process would play out. The only thing we are changing, I would say to Monsieur Fortin, is that there is a reverse onus on bail for people in that subset. Because this is the only thing we're changing, there would be no effect whatsoever on their immigration status, given what we're doing here.

All we're doing is expanding a category of offences that's already designated and ensuring that the reverse onus applies. It doesn't even change whether someone would be eligible for bail or not. It just shifts that burden.

This is not touching the Immigration and Refugee Protection Act for a reason.

The Chair: Do you have a question, Mr. Baber?

Roman Baber: No, it's just a comment.

I thank Mr. Lawton, and I hope Monsieur Fortin is satisfied.

I'd like to point out that, in the legislation currently drafted, subclause 23(9) adds a provision at the end. The very last section in the existing section already has an expansion to the list of reverse onus offences—offences that are contrary to the Immigration and Refugee Protection Act.

If you look at page 9 of the bill, subclause 23(9) says, “Paragraph 515(6)(a)...is amended”. In subparagraph 23(9)(xiv)—the last part—reverse onus would apply to an offence “under section 117 or 118 of the Immigration and Refugee Protection Act”.

All we're doing here is adding a couple more...in an attempt to expand a bit on what Bill C-14 is already doing.

Anthony Housefather: Is it section 117 or section 118?

Roman Baber: Well, I guess we need to have a look.

Anthony Housefather: Let's go look.

Roman Baber: I appreciate your enthusiasm, Mr. Housefather.

The Chair: Can I make a suggestion here, ladies and gentlemen? Rather than having a back and forth across the table, why don't we suspend for a couple of minutes to sort out what the meaning is and what these sections referenced in there are referring to? Then we can come back to have a more informed discussion, perhaps, of a vote?

I'll suspend for a few—

Roman Baber: May I propose that we continue? Maybe we can just stand it down for a second, and I'll look up the answer. We're almost there; we're almost—

The Chair: I'm going to suspend, Mr. Baber.

● (2250)

_____(Pause)_____

● (2250)

The Chair: I call the meeting back to order.

At the point when we suspended, nobody really had the floor. Let's reinforce that rule.

I'll start with Mr. Baber.

● (2300)

Roman Baber: Thank you.

We went to the Immigration and Refugee Protection Act to clarify that section 117 applies to human smuggling and trafficking. Basically, the point I'm making is that Bill C-14, in its present form, already imports certain provisions of the Immigration and Refugee Protection Act for the purpose of making such offences reverse onus offences. What Mr. Lawton is proposing with his amendment is that we expand that further by making some other very serious offences under the Immigration and Refugee Protection Act also reverse onus offences, including terrorism, organized crime, treason and stuff like that.

I think that this makes a lot of sense. We're already doing that to start with; let's do just a little better.

The Chair: Ms. Lattanzio.

Patricia Lattanzio: I have a very quick question for the officials: In considering this amendment, would there be any charter risks?

Matthew Taylor: Yes, I do think there are charter risks, and I probably wasn't explicit in my response on that point. We know, with existing reverse onuses that have been upheld, that they have been linked to furthering the purposes of the bail system. As I said, the bail system and just cause for detention are anchored in those three grounds for detention. Evidence would then be necessary to demonstrate, for foreign nationals accused of committing certain offences, that there is a clear nexus with that fact, with flight risk, with public safety and with confidence in the administration of justice. Absent that evidence, the risks become much more attenuated.

I would just add one other point for awareness. If I understand the motion correctly, for a number of the grounds for inadmissibility, which were discussed already—security, organized crime, etc.—there are existing reverse onuses that address that behaviour in a different way when a person is charged with those specific offences. Somebody charged with a terrorism offence is subject to a reverse onus. You already have that availability, much like I explained to Mr. Housefather, with the situation where the person is not ordinarily a resident in Canada.

Patricia Lattanzio: Thank you.

The Chair: Mr. Lawton.

Andrew Lawton: Just very briefly, are there charter issues with other parts of the legislation that have been raised by stakeholders, civil liberties advocates, as potential areas where any tightening of bail restrictions would leave legislation vulnerable to a charter challenge?

Matthew Taylor: As I said last week when I was here with Minister Fraser, the charter statement does provide a fairly detailed explanation of the intersection of the proposed amendments with charter rights. Certainly, like any changes to the bail system, those are going to be looked at closely. We have listened to the testimony. People have expressed concerns about potential charter risks.

Andrew Lawton: There are other charter issues in the legislation, as with anything that deals with bail. I just want to make sure that people don't see that as being a point for not advancing something because there could be concerns raised.

The Chair: Thank you.

Mr. Housefather is next.

Anthony Housefather: Thank you, Mr. Chair.

Obviously, there are charter risks in pretty much any legislation. You take those risks from a very low level, to a medium level, to a high level. In this case, I think I understand better what you're articulating.

In previous iterations or in other parts of the bill where you have created a reverse onus, or where we have in the past and now in this bill created a reverse onus, they were all related to the type of offence someone committed. Is that correct? Then basically, the class of offenders would be all of the people in the universe who potentially—because they're charged, but not convicted—committed an offence. The issue here is that it's not everybody in the universe who potentially committed an offence, but it's a class of people, such as all women, all men or all people 18 and under.

Here, we've taken a class of people—all the people who are not Canadian citizens, permanent residents or whatever we call it. We have made it by class of people instead of by offence. For some of the offences we're including in the realm of the Immigration and Refugee Protection Act—and I haven't yet had a chance to carefully review the sections mentioned in this amendment—there are other people in the universe who might commit that offence and who may be Canadian citizens or permanent residents. They would not be subject to the reverse onus, having committed the same offence as the person who is not a Canadian citizen or a permanent resident. That's where there's a charter issue. Is that correct?

● (2305)

Matthew Taylor: Yes, I think that's a very useful way of describing it, Mr. Housefather. It would be like saying that individuals from a particular part of Canada, who have committed certain offences, are subject to a reverse onus, but individuals from another part of Canada are not subject to a reverse onus for the same offence.

The Chair: We don't speak just at will here, Mr. Baber. We have a speaking order. If you want to get on that list, I will put you on that list.

In the meantime, Mr. Housefather has the floor.

Anthony Housefather: That's what I wanted to understand. It's not that I necessarily believe that people who are not Canadian citizens or not permanent residents should have absolutely the same rights as Canadian citizens and permanent residents in every instance, but I wanted to understand where you felt the risk was. Now I think I better understand it.

The Chair: Thank you.

Mr. Baber.

Roman Baber: None of this is politics for me, okay. This is a professional discussion, and I take exception to what is happening in this committee right now.

First of all, residency and citizenship is a very important consideration at bail, because we're looking at flight risk. On the distinction that Mr. Taylor is making with respect to a class of people being Canadian citizens or non-Canadian citizens, that differentiation is made at bail court very often already.

That's to your point, Mr. Housefather.

I see Mr. Taylor is nodding in agreement. Thank you. He knows what's coming next.

I very much take exception to your answer to Ms. Lattanzio's question. She asked if there's a charter concern with respect to what Mr. Lawton is bringing forward, and you said yes, but your concern relates to the general concern in the bill, which is reverse onus offences. All of the reverse onus offences that you're expanding here are subject to the same constitutional concern. That has to be clearly understood.

Except, when we're talking about the seriousness of offences and the ability to survive charter scrutiny, what Mr. Lawton is proposing is a more serious class of offences, in fact, the most serious class of offences—treason and organized crime—in that those are more likely to survive charter scrutiny than anything else in this bill. That's a differentiation that Mr. Taylor did not make. All of this is obviously subject to charter concerns, but, if anything, this one would be less, in my respectful submission.

I ask that we remain intellectually consistent and honest about how we would apply the law here as we analyze this bill.

The Chair: Thank you, Mr. Baber.

I want to remind all members here that our witnesses are here to assist us. When they're asked questions, they answer questions to the best of their ability. If people have different perspectives, they're entitled to share them, but I would do it in a respectful manner. I'll leave that at that.

Does anybody else have any discussion on this?

Seeing none, shall CPC-7.1 carry?

We'll have a recorded vote.

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

(On clause 8)

The Chair: This is from Mr. Lawton. We'll go over to him.

Andrew Lawton: I will not belabour this. I realize it's getting very late. I'll just make a fundamental point here.

When we are talking about bail and bail decisions, we have to acknowledge what's been spoken to by our witnesses and what we've all observed, which is that there is tremendous inconsistency, even sometimes in interpreting the same laws. One area where we see this is in requirements that non-Canadian citizens or non-permanent residents must surrender their passports. This is a fairly standard, one would assume, bail condition, but it is shockingly not all that standard or uniform in terms of application.

My amendment here is very simply that if someone who is not a Canadian citizen or a permanent resident within the meaning of the Immigration and Refugee Protection Act is released, the judge shall add to the order a condition that the accused deposit all their passports. This is to ensure that we do not have, as we've seen in several cases, in particular regarding extortion, people skipping out on bail and leaving the country and evading justice, because they are foreign nationals and have a place to go. This is ensuring that passport retention is a standard part when someone of that nature is released on bail.

● (2310)

The Chair: Thank you.

Mr. Brock.

Larry Brock: I will start by saying I would be absolutely shocked if any member, regardless of party affiliation, was opposed to this particular clause. When you're dealing with a non-Canadian citizen or permanent resident, the primary ground is engaged. The primary ground for detention under 515(10) is whether or not there's any evidence to establish that the accused would not show up for court. Generally, evidence would easily be adduced if the person were a Canadian citizen, ordinarily domiciled in the jurisdiction in which the bail hearing takes place. If the person had a residence, if the person had a job, if the person had other connections to the community, then it would be very easy to discharge that onus, whether it be a Crown onus or a reverse onus.

When you're dealing with a non-Canadian citizen or a permanent resident, I would put that in the same class as a drifter who just happens to find himself, say, in the Ottawa jurisdiction; he's ordinarily domiciled in B.C. and he's hitching his way across this country. The person is not released by a police service, is held for bail and makes application. Absolutely the primary grounds as to whether or not this person would show up for court would be engaged.

It's only logical that we impose a reasonable condition where primary grounds are at stake. We do not want any individuals facing criminal charges in this country to pack their bags and flee this country to avoid criminal responsibility. One way to safely guarantee that this person is going to remain in Canada, not necessarily guarantee their attendance in court but that they remain in this country, is to remove their passport. I circle back. I would be absolutely shocked, dismayed and concerned if any member of this justice committee was not in full support of this amendment.

The Chair: Mr. Baber.

Roman Baber: I have a 15-second comment. Every time you leave bail court, the judge or the justice of the peace leans over. What do they say in the province of Ontario? They say, don't you leave Ontario. Don't you leave your given province. This amendment gives teeth to one of the most important conditions that bail magistrates impose every day.

Thank you.

The Chair: Does anyone else want to comment?

Mr. Fortin, go ahead, please.

[*Translation*]

Rhéal Éloi Fortin: Mr. Chair, when I read CPC-8, I find it very similar to CPC-5, which you stated is beyond the scope of the bill. I'm trying to understand why the same reasoning doesn't apply to both amendments.

There are other things that bother me about this.

Clearly, under the Criminal Code, a judge can order the seizure of passports or request the surrender of passports when releasing an individual. Paragraph 501(3)(f) of the Criminal Code already provides for this measure. The idea now is to make it not an option available to the court, but rather an obligation. Instead of being allowed to demand that individuals surrender their passports, the court would be required to do so. That bothers me a bit, because it takes the privilege away from judges, whom we trust, to decide what is appropriate on a case-by-case basis.

I would not agree with that in principle, but, moreover, if CPC-5 was found to be beyond the scope of the bill, I suspect that CPC-8 should be, too. If not, then I would question why CPC-5 was found to be beyond the scope of the bill, because I think the two amendments are very similar.

● (2315)

[*English*]

The Chair: To your first point, Mr. Fortin, CPC-5 was ruled out of scope because it wouldn't have amended a provision that's dealt with in this bill. This one is slightly different.

Is anybody else on the speaking list?

[*Translation*]

Rhéal Éloi Fortin: I understand that removing passports may be important in some cases, but that's already provided for in the Criminal Code, except that it's up to the court to decide. If CPC-8 passes, however, it would no longer be possible to decide on a case-by-case basis. It would be mandatory. That bothers me a bit. I tend to trust our courts, even though they didn't always rule in my favour when I argued cases before them. Nonetheless, generally speaking, they are quite trustworthy, and I would rather have a humanized justice system that takes the distinct nature of each case into account.

[*English*]

The Chair: Thank you, Mr. Fortin.

Go ahead, Mr. Lawton.

Andrew Lawton: This amendment deals with people who have been charged, who have already been granted bail and who are not Canadian citizens or permanent residents. It simply ensures that we have uniformity and are protecting the integrity of the bail system and the justice system by requiring that passports be surrendered. I think most Canadians would probably be shocked to learn that this isn't in the law as it is. This should be very easy and, to Mr. Brock's point earlier, I expect it will be.

I have no further submission.

The laughter I just heard from one of my Liberal colleagues suggests that may not be accurate. I'm baffled as to why.

Thank you.

The Chair: I heard laughing in the room, Mr. Lawton, but I don't know that you can attribute it to anything in particular. I don't think that's necessarily fair.

Is there anybody else on this? No. Okay.

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

The Chair: We're on CPC-9. Go ahead, Mr. Brock.

Larry Brock: This amendment rewrites the just cause on the tertiary grounds factor list in paragraph 515(10)(c). It specifically replaces subparagraph 515(10)(c)(iv) and expands the list of what can count towards the term "just cause" on tertiary grounds. Right now, just cause is not properly defined in the Criminal Code.

This would now explicitly include ensuring safety and security of the public, preventing physical or psychological harm to victims, including child victims and their families, preventing interference with the administration of justice and maintaining confidence in the administration of justice.

Wherever possible, I think it's incumbent upon us at the justice committee to strive to improve legislation. Definitely, improving the language in the Criminal Code is always deemed to be a good thing. We don't want multiple interpretations of any provisions in the Criminal Code. I'd love to take a look at our criminal justice system as black versus white, without looking at the colour grey.

To do that, we require clarity and certainty and, where necessary, we need to expand on what could be interpreted differently, depending on an accused's interpretation, the Crown's interpretation or a judge's interpretation of what just cause actually means. It's silent. It's been silent for a number of years. I invite the Justice officials to correct me otherwise, but I don't believe there's been any case law—I stand corrected—in this country that provides any sort of guidance as to what the term just cause actually means.

Where we can provide clarity, certainty and consistency, it can always be seen as a positive, forward step.

I invite Justice officials to weigh in, if necessary.

● (2320)

The Chair: He said "if necessary".

Matthew Taylor: I'll just start while my colleague is pulling something up. I will reiterate some of my previous points around the grounds for detention being seen as examples of just cause by the courts: flight risk, public safety and confidence in the administration of justice.

Mr. Grbac, do you have anything?

Peter Grbac: No. That's echoed in the Supreme Court's decision and in Antic as well. That's what I was looking up.

Larry Brock: Just for clarity, has the term "just cause" been defined by any court in any province or territory?

Matthew Taylor: I don't know if I can answer that. I think the concept of just cause is open to interpretation, to your point, Mr. Brock, and the courts have interpreted "just cause" as including those concepts I've outlined in my previous answer, but it could include more.

The Chair: Thank you.

Mr. Housefather.

Anthony Housefather: If I understand correctly, gentlemen, paragraph 515(10)(b) already includes what is set out in (b) and in small italic (i). The addition would be to add the elements that are in small italic (ii). I'm reading it, and essentially it's identical up until that point. Are the factors currently listed in small italic (ii), whether or not they're listed in that section, factors that need to be considered regardless already?

Peter Grbac: They are, although I would note that the expression for major offences would not be captured under subsection 515(10) under the secondary grounds.

Anthony Housefather: However, "major offences" are not defined in the Criminal Code. Are there other locations in the Criminal Code that refer to "major offences"?

Peter Grbac: No, I don't believe so.

Anthony Housefather: Then this is based on a definition that failed in an earlier amendment. The reference now will be unusual in the Criminal Code, because this would be the only reference to "major offences".

Peter Grbac: I believe so, yes.

Anthony Housefather: I think it would be inconsistent.

Thank you.

The Chair: Shall CPC-9 carry?

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

The Chair: Shall clause 23 carry?

An hon. member: On division.

(Clause 23 agreed to on division)

The Chair: New clause 23.1 takes us to CPC-10.

I just want to remind people that it's 11:25 right now. We have resources for just under three hours tonight, until 2:15 this morning. Then we have resources available to us, starting at 11 a.m. on Friday, until midnight. This is my way of encouraging everybody to try to get us out of here before 2:15.

Mr. Brock, it's over to you for CPC-10.

● (2325)

Larry Brock: Okay. I'm just going to double-check and make sure my working notes are consistent with the actual amendment itself.

New clause 23.1 will be known as mandatory detention for certain repeat major offence circumstances. This will be included in a new amendment under subsection 515(11.1). It creates a rule that the justice must order detention, with no discretion, where the accused is charged with a major offence and both of these are true: (a) that the current alleged major offence was committed while the accused was at large on release for another major offence, and (b) that the accused was convicted of a major offence within the previous 10 years before being charged with the current offence.

The Chair: Mr. Housefather.

Anthony Housefather: We can't get into that again, because it's not defined and is not found anywhere else in the Criminal Code. I don't think anybody looking at these provisions would know what a "major offence" was in any of the sections, so I'm going to be voting against it.

The Chair: Thank you. Is there anybody else?

Shall CPC-10 carry?

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

(Clause 24 agreed to)

(Clauses 25 to 28 agreed to)

The Chair: That takes us to clause 29 and BQ-5. I'll turn the floor over to Mr. Fortin.

[*Translation*]

Rhéal Éloi Fortin: Oh, I thought we were at CPC-10.1.

[*English*]

The Chair: Hold on one second, Mr. Fortin. We're at BQ-5.

[*Translation*]

Rhéal Éloi Fortin: Okay.

Actually, I won't move BQ-5, Mr. Chair.

[*English*]

The Chair: Okay. Thank you.

(Clause 29 agreed to)

The Chair: That takes us to clause 30 and BQ-6.

Go ahead, Mr. Fortin.

[*Translation*]

Rhéal Éloi Fortin: I won't move BQ-6, Mr. Chair.

[*English*]

The Chair: Okay.

(Clause 30 agreed to)

(Clauses 31 to 34 agreed to)

The Chair: New clause 34.1 takes us to G-6.

Go ahead, Ms. Lattanzio.

● (2330)

Patricia Lattanzio: This motion is, again, a technical change that is consequential to G-5, which amended clause 29 of Bill C-14. This change is needed to ensure that there are correct cross-references to proposed subsections 524(6.1) and 524(6.2). The change would ensure that the bail decisions to release or detain an accused under section 524 are reviewable by the courts of appeal across the country.

The Chair: Seeing no hands, shall G-6 carry?

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

(Clauses 35 to 37 agreed to)

The Chair: That brings us to BQ-7.

Go ahead, Mr. Fortin.

[*Translation*]

Rhéal Éloi Fortin: I won't move BQ-7, Mr. Chair.

[*English*]

The Chair: Thank you.

That takes us to BQ-8.

[*Translation*]

Rhéal Éloi Fortin: The same goes for BQ-8, Mr. Chair. I won't be moving it.

[*English*]

The Chair: All right. We're moving right along.

(Clause 38 agreed to)

(Clause 39 agreed to)

The Chair: We now go to CPC-10.1 on proposed clause 39.1.

Go ahead, Mr. Baber.

Roman Baber: Thank you. I believe a hard copy was circulated at the commencement of the hearing.

This amendment directs judges not to consider the fact that the accused, who has just been convicted of an offence...could have some sort of an effect on their immigration status and, therefore, give them a more lenient sentence. We've seen a number of situations, in recent years, in which courts decided to impose a more lenient sentence so as to not cause prejudice to a person who had just been convicted of offence vis-à-vis their immigration file. Conservatives believe that Canadian citizenship is a unique gift, and those who are not Canadian citizens should not enjoy a more lenient sentence, because they're not citizens and are potentially working...the immigration process.

I think that this very much makes sense.

The Chair: Thank you, Mr. Baber.

Mr. Fortin, go ahead.

[*Translation*]

Rhéal Éloi Fortin: I have a question for the experts, for Mr. Taylor or someone else.

Doesn't this amendment go against what the Supreme Court, in the context of the reform, has already established as a valid interpretation of the charter?

[*English*]

Matthew Taylor: The Supreme Court discussed this issue in R v. Pham. The court discussed the ability of sentencing courts to consider what they referred to as collateral consequences as part of sentencing, and, for an offender, the immigration consequence of a sentence is considered a collateral consequence, just like how the impacts on a person's employment may be considered a collateral consequence as part of the sentencing stage in the criminal justice system.

The courts have been clear that sentencing courts can consider collateral consequences, like immigration consequences, but only insofar as that consideration doesn't change what would otherwise be a fit sentence. If a court concludes that a fit sentence is three years, and they take into consideration the immigration consequences, for example, and they say, “I'm taking those into consideration, and I'm going to, instead, impose 18 months imprisonment”, that would be inappropriate and inconsistent with the guidance of the court. However, if it is a difference of a week, a couple of days, when it's still within a range of proportionate sentences, that is something the courts have said is permissible.

● (2335)

[*Translation*]

Rhéal Éloi Fortin: Therefore, as currently worded, this amendment would go against the principles of the Pham decision. Do you agree?

Matthew Taylor: I think so. If this amendment were adopted, it would be impossible for the court to consider the impact on immigration in the event that someone is found guilty.

Rhéal Éloi Fortin: Mr. Chair, I would like to bring another matter to the committee's attention.

Our Conservative colleague, Ms. Rempel Garner, introduced Bill C-220, which is before the House and deals with this very issue. I'm not sure what stage it's at.

This amendment would go against the principles established by the Supreme Court. There is already a bill on this issue, and it will be referred to us. I therefore think we should vote against this amendment.

Thank you, Mr. Chair.

[*English*]

The Chair: Thank you.

Mr. Baber.

Roman Baber: No, it would not violate any Supreme Court ruling.

The Chair: There you have it.

Roman Baber: I'm really perplexed by what I'm hearing here.

What Mr. Taylor discussed are the permissible frameworks that the Supreme Court established for the application of this section, which is collateral considerations. What Mr. Taylor said, and he's nodding in agreement, is that a court would be entitled to consider collateral considerations, like an immigration status, and would be able to reduce the sentence if the sentence would otherwise be fit irrespective of the collateral consideration.

He gave an example of an outrageous sentence that would not be permissible. He could have also said something like, if three years would be a fit sentence and the court considered the immigration file and gave two years, and two years would be appropriate under the circumstances irrespective of the immigration file, then that would be supportable. That would be permissible.

Is that correct, Mr. Taylor?

Matthew Taylor: I think—

Roman Baber: Sorry.

That doesn't mean—

The Chair: Do you want an answer to the question, Mr. Baber?

Roman Baber: No, I don't.

That doesn't mean the application of the collateral consideration is somehow charter protected.

We talk about the principles of sentencing every day of the week, and we talk about them in this bill, as well. For instance, we direct the courts to consider the principles of deterrence and denunciation. This is despite the fact, Mr. Fortin, that courts may have other considerations.

This is what I want to question. This is what I would like an answer to. Yes, it may be a current principle of sentencing, but it doesn't mean that this principle of sentencing, collateral considerations, is constitutionally protected.

Is that correct, Mr. Taylor?

Matthew Taylor: I don't know whether there is appellate jurisprudence that considers the constitutional dimensions of that.

If I could just reiterate something I said earlier in response to one of your questions, Parliament is entitled to enact laws that can alter the common law. As I indicated in my response to Mr. Fortin, if this amendment were to be adopted and the bill passed, then that would be Parliament setting a new sentencing rule that courts would not be permitted to consider the immigration consequences of the sentence.

● (2340)

Roman Baber: Thank you.

In other words, it may be inconsistent with the current....

If I may, to my Bloc colleague, I don't think that my Bloc colleague—whose attention I don't seem to have right now—has properly understood what Mr. Taylor was saying.

I don't think Mr. Taylor made it clear that the proposal here does not violate the charter. I would appreciate it if the official, again, would be a little bit more fair—

Patricia Lattanzio: I have a point of order, Mr. Chair.

Roman Baber: —in what is being tendered.

The Chair: Mr. Baber, we have a point of order.

Patricia Lattanzio: We're asking questions of officials. Officials are answering, and then we're somehow trying to clarify or interpret what the answers are with another colleague. I'm not too sure if that's procedurally correct, Mr. Chair, but I'd like you to address this.

The Chair: I think it's a fair point. I tried to address this earlier, Mr. Baber.

These five witnesses are here to assist us. They're lawyers. They work for the Government of Canada. They're here to answer our questions. They're not here to be challenged or argued with.

If you have a different opinion, I would encourage you to ask them a question. If you don't like the answer, you can deal with that later in submissions. This is not a courtroom. There's no jury.

Please, I would ask that you show some respect to the witnesses.

We all have differences of opinion. We're entitled to them.

Roman Baber: Chair, I'm not showing disrespect to the witness.

The Chair: You've challenged Mr. Taylor a number of times now.

Going forward, Mr. Barber, I just want people to be reminded of that. That's all I'm saying.

Roman Baber: I heard Mr. Fortin interpreting, on the basis of what Mr. Taylor said, that somehow this amendment may be ultra vires, may not be in line with the charter.

If that is what Mr. Taylor suggested, I wanted to clarify that this is not the case, and that is not what he suggested, for the benefit of my Bloc colleague.

The Chair: It's fair to ask him a question for clarification, but you put the question to him and then told him you didn't want an answer. If you want to clarify it, let him answer the question.

Roman Baber: I did let him answer the question, and I believe that I was correct.

I would like to ask my—

The Chair: Well, you didn't, because I asked if you wanted an answer and you said no.

Mr. Baber, you still have the floor.

Roman Baber: Here's what I'm going to say. Again, I sought elected office, I sought to come here, in my capacity as a professional. That is why I'm sitting at this table right now. I don't care for the politics. I don't care for the fact that we sit here for hours, accusing each other on who's filibustering what bill. I want professional honesty from everyone involved. I'm entitled to insist on that, Mr. Chair.

The Chair: You're entitled to professional honesty, but your suggesting that you're not getting it is what I'm taking issue with. I would ask that we just assume we are getting professional honesty—because we are—and that we refrain from suggesting that we're not, particularly with regard to the witnesses.

Does anybody else want to address CPC-10.1?

Mr. Housefather.

Anthony Housefather: Yes, I understand all of this. I just want to give Mr. Taylor....

Mr. Taylor, I'm so sorry. You seem to be the object of some scrutiny.

R v. Pham, if I recall, focused on common-law sentencing principles; it didn't focus on charter principles. I think all that we're trying to understand is.... However, that doesn't mean there weren't charter-adjacent principles that might have been conveyed in R v. Pham.

Do you have charter concerns related to...or is the answer just that you don't know because you don't know if the court of appeal has opined on the charter-related concerns about whether or not...? Certainly, Parliament, from a common-law perspective, can change the common law and pass a statute saying this.

I'm not trying to put words in your mouth, so I'd like you to have a chance to answer, but I think what you were trying to say before is that you were never disputing that Parliament changed the common-law principles by statute. What I think you were saying is that you don't believe that a court has yet opined on the question—or that you don't know if a court of appeal has opined on the question—of whether there were also charter issues that might be involved with respect to the collateral issues that the appeals court, I think, reversed the superior court on in R v. Pham. Is that correct?

● (2345)

Matthew Taylor: Yes, and thanks for the question.

It is late. If my answers haven't been clear, I do apologize for that, Mr. Baber.

In my answer with respect to R v. Pham, I don't believe I discussed the charter at all. I think in my clarification to Mr. Baber I said as much.

Sentencing is an individualized process. Where sentencing runs into charter risk is where specific outcomes are mandated; it's where judicial discretion is curtailed.

As I understand this amendment, it would simply direct courts that they would not be able to take into consideration a certain thing when arriving at a fit sentence. They will still be required, though, to impose a fit sentence. For that reason, I don't think it runs into the same kinds of charter concerns as other types of sentencing provisions.

Anthony Housefather: Thank you very much.

The Chair: All right. Thank you, Mr. Housefather.

Does anybody else want to be on the speaking list?

Roman Baber: I just want to thank Mr. Taylor—

The Chair: Is that a yes, Mr. Baber? If it is, I would prefer that you address me, and then I can give you the floor.

Mr. Baber.

Roman Baber: I thank Mr. Taylor for his clarification and professionalism.

Thank you.

The Chair: Thank you, Mr. Baber.

I see no other hands, so shall CPC-10.1 carry?

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

The Chair: Shall clauses 40, 41 and 42 carry?

(Clauses 40 to 42 agreed to)

(On clause 43)

The Chair: That takes us to CPC-11.

Mr. Brock.

Larry Brock: Thank you, Chair.

Before I provide any justification, I'm going to turn to the officials.

Officials, you have CPC-11 before you, the content. Correct me if I'm wrong, but a substantial number of those offences as listed in that amendment carry mandatory minimum penalties. Is that accurate?

Leah Burt (Counsel, Criminal Law Policy Section, Department of Justice): Yes, that's correct.

Larry Brock: I have an idea as to which ones do not carry a mandatory minimum penalty. Can you identify those for us, please?

Leah Burt: The (ii.01) of subsection 85(1) does not carry an MMP. Subsection 85(2) and subsection 95(1).... Under section 99—and this would apply to both section 99 and section 100—they do carry MMPs where the trafficking or possession for purposes of trafficking involves a firearm, prohibited device, parts, ammunition. There's no MMP when the offences involve any other prohibited restricted weapon. Subsection 102(1) only carries an MMP for the indictable offence. Next, all of the human trafficking offences carry MMPs. The material benefit offence, which is section 279.02, only carries an MMP when the victim is under the age of 18. It's the same with section 279.03. Section 344, robbery, only carries an MMP when it involves a restricted or prohibited firearm or a connection to organized crime. Then the next two, section 355.2 and section 355.4, do not carry MMPs.

● (2350)

Larry Brock: Thank you for that clarification.

Colleagues, clearly one of the limitations of the imposition of a conditional sentence is where that offence has a mandatory minimum penalty—a number of the offences, as listed. The heart of this particular amendment is to preclude the availability of conditional sentences. Bearing in mind that list that was provided by the official, I would like to narrow my amendment to only include those offences that could proceed by way of summary conviction, or those offences that currently do not have mandatory minimum penalties.

I have one final question for the officials.

On the offences that you indicated do not have mandatory minimum penalties, is that as a result or partly as a result of the passage of Bill C-5 in the 44th Parliament?

Matthew Taylor: Partly, Mr. Brock, and I say "partly" for the following reasons. For example in section 95, the MMPs were found unconstitutional by the Supreme Court in Nur. They were inoperative. They were on the books. Bill C-5 removed them. We talked about the trafficking ones already. They weren't touched by Bill C-5. Under robbery there was one MMP removed there that dealt with long guns. I think it was a four-year MMP. There was one MMP that was removed—there had been three; there are now two.

Patricia Lattanzio: Mr. Chair, I have a point of order.

The Chair: Ms. Lattanzio.

Patricia Lattanzio: Am I understanding that Mr. Brock is amending his motion or amendment to only include the ones that were cited by the officials?

Larry Brock: She's absolutely correct, Mr. Chair.

The Chair: I think what I heard him say is that he's withdrawing the provisions in here that don't have mandatory minimums.

Patricia Lattanzio: Is that in order?

The Chair: Let me check.

Patricia Lattanzio: Yes. I'd like to get that clarified.

The Chair: All right.

That's fine, Mr. Brock. You had asked the officials a question. You hadn't formally moved it yet. You're free to move it the way you want to move it.

Patricia Lattanzio: Can we get the language clear on this?

Larry Brock: Yes. Again, I'll turn to the officials to help me as I move this motion.

The focus of my amendment to this amendment is to capture only those penalties or charges if preceded by summary conviction or by indictment that does not have any aggravating features that provide for an MMP or the stand-alone offences that do not have an MMP. Those are the only charges I want to include in this particular amendment, if passed, as those that would not allow a judge to impose a conditional sentence.

Is that understandable?

● (2355)

Leah Burt: Yes.

Larry Brock: Thank you.

The Chair: Can I ask a question, just to clarify?

In response to Mr. Brock's first question, I believe some of the sections had mandatory minimums, but only certain occasions.

Does that mean it's only those certain occasions that you want included in this amendment?

Larry Brock: They're occasions that do not mandate MMPs.

The Chair: They're out.

Larry Brock: Yes.

The Chair: All right.

Our analysts want us to suspend in order to make sure we have this clear.

We'll suspend for a moment.

● (2355)

_____(Pause)_____

● (0000)

The Chair: Let's get going here, people. I know we're getting a little giddy. It's getting late.

Mr. Brock, do we have clarification?

Order.

Larry Brock: Mr. Chair, there were two options available to me to amend this particular amendment. One was far more technical and complicated, and I sincerely thank the officials for guiding me through that potential option.

In these circumstances—bearing in mind what I anticipate to be the position of the Liberal government with respect to this amendment—the easiest way to get to a vote is to simply amend this particular amendment at the very end with a catch-all phrase that says, "where these offences are not otherwise punishable by a mandatory minimum penalty", which is, I repeat, in and of itself a disqualifier for any consideration of conditional sentencing.

The Chair: Thank you, Mr. Brock.

Is there anybody else? No.

Shall CPC-11 as amended with the wording Mr. Brock just put on the record carry?

An hon. member: Could we have a recorded vote, please?

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

The Chair: This takes us to BQ-9.

Mr. Fortin.

● (2405)

[*Translation*]

Rhéal Éloi Fortin: I also want to drop BQ-9, Mr. Chair.

[*English*]

The Chair: Thank you.

Shall clause 43 carry?

(Clause 43 agreed to)

(Clauses 44 to 46 agreed to)

The Chair: That's what I like to hear.

(On clause 47)

The Chair: This takes us to G-7.

Ms. Lattanzio.

Patricia Lattanzio: This amendment is, again, a technical change that is consequential to G-5, which we amended before. It also amends clause 29 of Bill C-14.

This change is needed to ensure that there is a correct cross-reference to proposed subsections 524(4) and 524(6.2). The change would ensure that the form used for a summons sets out the consequences of failing to comply, including the possibility of the summons being cancelled and the accused being detained in custody under section 524.

Roman Baber: Ms. Lattanzio, G-7, G-8, G-9, G-10 and G-11 are all along—

Patricia Lattanzio: Go to G-12. I ask for unanimous consent to apply the vote we're going to have on this one to G-6 through G-12.

Roman Baber: I don't see G-12.

Patricia Lattanzio: I have a G-12.

Do you have it?

Andrew Lawton: Can we say "G-7 to G-11" right now? Then, when we get to G-12—

Patricia Lattanzio: I'm seeking unanimous consent to apply the vote on G-7 all the way to G-11.

The Chair: Do we have unanimous consent to apply the vote on G-7 all the way to G-11?

Some hon. members: Agreed.

The Chair: Shall G-7 to G-11 carry?

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

The Chair: That takes us to CPC-12, if I'm not mistaken.

Andrew Lawton: On a point of order, I believe we skipped over a bunch of clauses in doing that, so we'll see.

The Chair: Yes, I'm talking out loud, which I shouldn't do, but you're quite right.

Shall clauses 47 to 57 carry?

(Clauses 47 to 57 agreed to)

The Chair: Clause 58 is now where we get to amendment G-12.

Patricia Lattanzio: Can we apply the same vote, seeing that you have your copies of G-12?

● (2410)

Roman Baber: This again just applies to the form, yes?

Patricia Lattanzio: That's correct.

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

(Clause 58 agreed to)

The Chair: Now we're at clause 58.1, which has amendment CPC-12.

Go ahead, Mr. Brock.

Larry Brock: The heart of CPC-12 adds an annual DOJ report on judicial interim release. It requires the minister to table an annual report on the state of judicial interim release, including outcomes and compliance, recidivism data, analysis of effectiveness of release conditions, accessibility and disparities across groups.

One thing that we have heard, Chair, consistently at committee and what I've heard consistently across this country, particularly from law enforcement, is about a lack of data collection, a lack of data, period, being available. Questions were put by me and some other members to a lot of judicial officials, including police officers, about the effectiveness, if any, on Bill C-48 from the 44th Parliament.

Again, the government promised that this was going to be a significant movement forward in terms of detaining violent repeat offenders. Anecdotally, the evidence simply does not bear that out. These individuals were being released at a great frequency.

Anywhere where we can obtain data, but particularly as parliamentarians, particularly when we build in a review clause in this particular bill, is a step in the right direction. I know there's a review clause effectively five years after proclamation of Bill C-48. We're not quite there yet, but it would be very helpful at review stage if we had simple data, some basic data from the DOJ, encouraging the provinces to supply and gather their data that can be shared amongst provinces.

Specifically, we're asking for that consideration. I think it's a good thing. Again, I would be dismayed and shocked if my colleagues from the other parties did not see the benefit and rationale behind this amendment.

The Chair: Seeing nobody else, shall CPC-12 carry?

Patricia Lattanzio: Is it passing on division?

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

(On clause 59)

The Chair: Now we're on to BQ-10, which is clause 59.

[*Translation*]

Rhéal Éloi Fortin: Mr. Chair, the purpose of this amendment is to ensure that crimes committed by minors with a firearm are considered violent offences. Up until now, these crimes have been considered non-violent offences. However, we think anything involving a firearm should be considered a violent offence. Pretrial detention should therefore be considered in these cases. That's why we're including them by means of BQ-10, which you have in front of you.

That's in the definition of "violent offence". I'm sorry, it's 12:15 a.m., so my thoughts might be a bit muddled. The idea is to include offences committed by minors and involving a firearm in the definition of "violent offence".

I have nothing more to add on that.

● (2415)

[*English*]

The Chair: Thank you, Mr. Fortin, no need to apologize either.

Mr. Brock.

Larry Brock: I'm glad we have Justice officials.

Clearly, we have seen a substantial rise in extreme youth violence. The propensity for youth to commit serious violent activity is disturbing on so many levels. When the YCGA was first introduced almost 25 years ago, the majority of cases that I was either defending or prosecuting at a young age involved typical young teenager mischief-related charges: shoplifting, spray painting, getting into simple assaults with peers.

You didn't read, and you didn't hear about, 12- and 13-year olds arming themselves with knives and accessing illegal weapons, discharging those weapons, maiming people, killing people or stabbing people. This is the state of youth in our country today. Leaving aside a potential review of the effectiveness or the ineffectiveness of holding these youths accountable under the YCGA, any ability to expand what I thought all along was a very weak, ineffective and narrow set of circumstances by which violent offences were defined under the YCGA, any attempt by any parliamentarian to reflect the realities of what's happening on our streets with violent youth to include weapon-related offences I think is a positive step in the right direction.

I enthusiastically support this reasonable amendment from my colleague from the Bloc, Monsieur Fortin, to address the reality that's happening in this country.

The Chair: Thank you, Mr. Brock.

Mr. Lawton.

Andrew Lawton: I may ask Monsieur Fortin to chime in after, depending on the response. I've read this, but I just want to make absolutely clear here that I understand correctly that the offences referenced in (d) of the amendment are actual firearms crimes, and that we're not talking about some of the more administrative offences that can sometimes come along with firearms ownership. I was just hoping to get confirmation on that, especially noting that section 93 of the Criminal Code, which is possession at an unauthorized place, was not included, so I assume that's the reason why.

Samantha Reynolds (Acting Senior Counsel, Youth Criminal Justice Division, Department of Justice): Although these offences fall under the Criminal Code, I'll maybe let my colleague answer.

Matthew Taylor: As I understand the motion, all of the offences that are listed in proposed paragraph (d) are offences that are found in part III of the Criminal Code.

If I take subsection 95(1), for example, possession of a prohibited or restricted firearm, loaded or easily loaded, that offence has been interpreted by the courts to apply to situations where somebody who has a licence to possess the firearm possesses it in a place they're not authorized. They're authorized to possess it in their house, but they keep it at their cottage, for example.

There are other offences—if I understand Mr. Fortin's objective here—that exist in the Criminal Code and relate to firearms or the use of firearms. For example, section 85, "Using firearm in commission of offence", is another part III offence.

However, then you can look to other parts of the Criminal Code, like subsection 244(1) and subsection 244.2(1), which describe use offences, in which you discharge a firearm at somebody, intending to cause bodily harm.

On a quick scan, I can see that there are some offences that are not included there.

● (2420)

Andrew Lawton: Thank you.

The Chair: Ms. Lattanzio.

Patricia Lattanzio: My question is to the officials with regard to the firearms.

Does this amendment include all firearms, and if not, does it lead to any interpretation?

Matthew Taylor: I might just turn to Ms. Reynolds.

Certainly, there are firearms-related offences that are missing, but I just want to.... Is violent offence included? Is it a closed list, I guess, is the....

Samantha Reynolds: "Violent offence" currently is tied to threats, attempts or causation of bodily harm, or endangering the life or safety by creating a substantial likelihood of causing bodily harm. That definition was enacted in the Youth Criminal Justice Act in 2012 by way of Bill C-10, the Safe Streets and Communities Act.

What the motion is proposing is adding a new paragraph to the "violent offence" definition that would list several firearms offences, although I take the point that it's not all firearms offences, and so there may be some that are perceived by the courts as missing. There may be some that are maybe more specific to possession and maybe not so much tied to bodily harm, which is what the definition is really focused on right now.

In terms of a conceptual understanding of the definition of "violent offence", it does expand it to listing certain offences and not others, which could be something the courts are considering—why these offences and not others?—if this motion is passed.

Patricia Lattanzio: Mr. Chair, with that, I'd like to move a subamendment.

The Chair: Okay.

Patricia Lattanzio: It's going to read as follows: "That Bill C-14, in clause 59 be amended by adding, after line 5 on page 27 the following: Paragraph 2, the definition of "violent offence" in subsection 2(1) of the act is amended by striking out "or" at the end of the paragraph (b), and by adding "or" at the of paragraph (c), and by adding the following after paragraph (c), (d) an offence committed by a young person involving the use or trafficking of a firearm."

The Chair: Mr. Brock.

Larry Brock: Can we get a copy?

The Chair: It's being distributed.

We'll suspend.

● (2425)

_____(Pause)_____

● (2430)

The Chair: I call the meeting to order.

Everybody now has the wording of Ms. Lattanzio's amendment.

Mr. Lawton, go ahead.

Andrew Lawton: Thank you.

I have a question for the officials.

I realize you've only had the subamendment for a few moments, but as you understand it, would that subamendment capture section 86 of the Criminal Code in subsection 86(1) and/or subsection 86(2)?

Samantha Reynolds: I'm just double-checking what subsections 86(1) and 86(2) are.

Andrew Lawton: Subsection 86(1) is careless use of firearm, and subsection 86(2) is contravention of storage regulations.

Samantha Reynolds: The proposed change would address an offence committed by a young person involving the use of a firearm, and that could be interpreted, I believe, broadly enough to cover that kind of circumstance.

Andrew Lawton: If subamended, violating storage regulations on lawfully owned firearms—which is serious and we have recourse available—would be classed as a violent offence then, or could be, you're interpreting.

Samantha Reynolds: I don't know if it helps to give a bit of an interpretation of how use of a firearm has been characterized in the case law.

Andrew Lawton: In your first answer you said that use could do it.

Samantha Reynolds: I think what this change would allow is for courts to look at the facts and circumstances surrounding the commission of an offence and decide whether contextually that would fit the definition of violent offence depending on the circumstances.

Andrew Lawton: The reason I asked the question I did before the subamendment was tabled was just to understand what offences Mr. Fortin's amendment was applying to. I just have to say given what you said, I'm more convinced that having these specifically enumerated offences in the original version is vastly more preferable. Again, it is a serious issue.

Thank you.

The Chair: Mr. Housefather.

Anthony Housefather: When you talk about storage of a firearm, I have difficulty understanding how storage of a firearm could be either the use of or the trafficking of a firearm.

Could you clarify if you really meant that you believe that an offence related to storing a firearm inappropriately involves either the use or the trafficking of a firearm?

Matthew Taylor: What I took from Ms. Reynolds' answer was that it's going to be contextual.

To take Mr. Lawton's example of subsection 86(2), contravention of storage regulations, you would have to look at the specific context around that. Contravention of storage regulations may also be accompanied with use conduct, so—

Anthony Housefather: Let's say, for example, instead of having my firearm locked in the appropriate box, I have it in the box, but I haven't locked it. I have thus violated the storage requirement of locking the box, but I have not used the firearm, and I have not trafficked the firearm.

Would you be arguing then that somehow use or trafficking would apply?

Matthew Taylor: No.

Ms. Reynolds, jump in if you'd like.

No, that's not—

Anthony Housefather: In that context, the answer would be no. It would not apply.

Matthew Taylor: That's correct. It's going to be contextual.

Anthony Housefather: Okay.

Thank you.

The Chair: Good.

Go ahead, Mr. Fortin.

[*Translation*]

Rhéal Éloi Fortin: I have a question, Mr. Chair, if I may. It can be for Mr. Taylor or anybody else.

Setting aside the subamendment, BQ-10 refers to sections 88, 89, 90, 91, 92, 94, 95, 96, 98, 99, 100 and 102 of the Criminal Code. As I understand it, all of these sections concern offences committed with a firearm, but can in no case be interpreted as an offence related to the storage of the firearm.

Earlier, you explained that someone may be authorized to possess a firearm at home, but their firearm is at the cottage. We can all agree that this does not make that person a hardened criminal. I want to make sure we don't mess this up.

Is there a section in that list that you think is problematic or would not constitute a violent offence?

● (2435)

[*English*]

Matthew Taylor: The offences in part III are really about possession, careless use or use of a firearm to commit offences.

I gave the example of section 95, an offence that targets possession of a prohibited or restricted firearm in an unauthorized way when it's loaded. Section 88 is possession of a weapon for a dangerous purpose.

They're not use offences in the way that some of the other Criminal Code provisions contemplate use. I gave the example of section 244.1. That is where somebody discharges a firearm, with intent to cause bodily harm.

We know that the courts have said that any offence involving firearms creates a public safety risk. There is an inherent danger where criminal conduct involving firearms occurs. Whether that conduct is use or whether that conduct is illegal possession, the criminal law framework around firearms is meant to minimize public safety risk.

[*Translation*]

Rhéal Éloi Fortin: So, if I understand correctly, I would violate section 95 if, for example, I had authorization to possess a firearm at my home but kept it at the cottage. That would be an offence under section 95. Is that what you mean?

Matthew Taylor: That's right.

[*English*]

The offence targets unlawful possession. An individual may be authorized to possess a restricted firearm, for example, but their authorization is limited to possession in a certain place, in a primary residence, for example. They may decide to take their firearm to their cottage, and they may not be authorized to do so. It's in those cases where an offence like section 95 would apply.

[*Translation*]

Rhéal Éloi Fortin: Section 95 aside, let me explain what the other offences look like to me, as a layperson. To be clear, I don't even have a gun licence, and I've never gone hunting, so I'm not a firearms expert. However, based on what I've read, it seems to me that the other sections are all about firearms use offences that are violent or dangerous. They're about committing an offence with a firearm or importing, trafficking or manufacturing firearms.

Do I understand correctly that all the other sections except section 95 are fine?

[*English*]

Matthew Taylor: I think it ultimately depends on the objective. I go back to what I said previously. The courts have recognized that with the criminal offences in relation to firearms that you've just described, there is an inherent risk associated with this behaviour. Carrying a concealed firearm in public, carrying a weapon while attending a public meeting, weapons trafficking, those are all behaviours that maybe don't involve the use of a firearm, in the sense that I described earlier, but that involve a firearm as an element of the offence. Again, the concern is around the inherent risk associated with certain conduct involving firearms that doesn't comply with requirements around possession or storage.

● (2440)

The Chair: Thank you.

I have Mr. Lawton next.

Andrew Lawton: I can just speak to section 95 briefly. I am a firearms owner. I make a point of knowing these laws very well. The one important caveat in section 95 that speaks to intent is that it's possession of a prohibited or restricted firearm with ammunition. That is what makes it more than just a regulatory infraction. There is an intent in having the firearm where you shouldn't, and also in having it with the ammunition, when normally part of the regulations on restricted and prohibited firearms requires them to be separate. I think it is very right that is included in the list Monsieur Fortin has put forward.

I just wanted to clarify, based on something you told Monsieur Fortin, Mr. Taylor.

You distinguished between possession and use. From what you've said, there is an argument, I believe—and I'm hoping you can just tell me one way or another—that Ms. Lattanzio's subamendment, which is limited only to use and trafficking, could actually exclude, or be argued to exclude, the offences that only refer to possession. That would be 95, 96 and several others on this list as well. Am I understanding you correctly?

Matthew Taylor: Yes. I think that's where I would go back to something Ms. Reynolds said a bit ago about the contextual analysis. The existing definition of “violent offence” in the Youth Criminal Justice Act, I think, arguably also addresses those circumstances.

Andrew Lawton: Thank you.

Did you have something to add, Ms. Reynolds?

Samantha Reynolds: Yes. Section 91 appears to be more of a possession and could involve, maybe, not complying with licensing requirements. If that is falling now as being deemed presumptively as inherently violent, if that's the intent of the motion and the proposed amendment, I just think that's for consideration: whether the intent is to capture the nature of that type of conduct as inherently violent and to be treated as the most serious offences in the YCJA.

Andrew Lawton: Thank you.

The Chair: Shall the subamendment proposed by Ms. Lattanzio carry?

(Subamendment agreed to)

The Chair: Shall BQ-10 as amended carry?

(Amendment as amended agreed to on division [*See Minutes of Proceedings*])

The Chair: Shall clauses 59, 60, 61, 62 and 63 carry?

Andrew Lawton: Could we separate 59, please?

The Chair: Is there an amendment to propose to clause 59?

Andrew Lawton: No. I just want to get our bearings straight, since we had an amendment pass on division. I don't want to look at 59 alongside everything else.

Anthony Housefather: Do you want to pass clause 59 on division and then get the rest of them passed?

(Clause 59 as amended agreed to on division)

(Clauses 60 to 63 agreed to)

(On clause 64)

The Chair: That takes us to BQ-11.

Mr. Fortin, that's you again.

[*Translation*]

Rhéal Éloi Fortin: Thank you, Mr. Chair.

Let me explain the purpose of BQ-11.

Clause 64 of BillC-14 would add section 49.1 to the Youth Criminal Justice Act. In French, it reads, “S'il décide...".

The issue is that the two versions don't match. In English, it says, “The youth justice court shall give reasons for any...”. I think the wording is problematic.

For clarity, in BQ-11, we propose the following wording: “Le tribunal pour adolescents fait inscrire...”. That better reflects the meaning of the word “shall” in English. It is mandatory, not optional.

That is why we are proposing BQ-11.

● (2445)

[*English*]

The Chair: Shall BQ-11 carry?

(Amendment negatived [*See Minutes of Proceedings*])

[*Translation*]

Rhéal Éloi Fortin: Did you really vote against BQ-11? If you voted against this amendment, that means we have two texts that don't say the same thing in English and in French. Don't you see the problem there?

I didn't spend much time speaking to it, because it seemed so obvious to me—

Anthony Housefather: I also wanted to add—

Rhéal Éloi Fortin: —and it's 12:30 a.m.

Anthony Housefather: I wasn't ready to vote. Hold on a second.

Mr. Chair, if I may, I had a question for the departmental officials.

[*English*]

Mr. Fortin explained this as being a translation issue. I'm asking you, having looked at the amendment, whether you consider that the French version is made better by the translation that Mr. Fortin provided. Is it now equivalent?

Samantha Reynolds: For background, the proposed amendment in the bill to proposed section 49.1 models a provision that already exists in the Criminal Code in subsection 719(3.2). That requires a court to place on the record of the case and in the warrant of committal any credit for pre-sentence custody that is credited at sentencing. The language that's used in English is, “any credit” that is to be given by the Youth Justice Court as opposed to what the motion is presenting, which is, “the credit”.

Perhaps that could be read as stronger language, almost mandating that credit be provided when it's not mandatory to provide credit for any time spent in detention prior to sentencing. The proposed motion removes some of the French language regarding if it is decided to give credit; that would be the difference. Maybe what the motion is proposing is something a little more direct about giving credit for time spent in detention, as opposed to the nuance of if any credit is given.

Anthony Housefather: The existing language proposed in the bill is found elsewhere. Is that what you're saying?

Samantha Reynolds: In English, it tracks almost identically to what's in the Criminal Code. There are some slight changes in the French. In terms of equivalency between English and French, it's intended to have the same meaning.

Patricia Lattanzio: I have a point of order, Mr. Chair.

[*Translation*]

Rhéal Éloi Fortin: I didn't hear the answer.

[*English*]

The Chair: Hold on. Mr. Housefather still has the floor.

[*Translation*]

Anthony Housefather: No, that's fine, I'll let my colleagues speak.

Rhéal Éloi Fortin: I was just saying that I didn't hear the answer.

[*English*]

The Chair: Okay.

Repeat the answer, please. Then we'll get to the speaking order.

Samantha Reynolds: In English, it's quite closely tracked to exactly what's used in the Criminal Code. There is some difference in terms of the French in the provision, but it in essence gives the same idea: that if a court is deciding to allocate credit for pre-sentencing detention, what it's required to do in terms of how much credit it gives on the record of the case.

The Chair: I have Ms. Lattanzio and then Mr. Baber.

Patricia Lattanzio: Mr. Chair, can I have a couple of minutes? If we can suspend, my reading of BQ-12 is where I thought we had the issue of the language of both texts, and BQ-11 was more on the substance. I want to make sure I'm reading the right....

Andrew Lawton: I have a point of order.

[*Translation*]

Rhéal Éloi Fortin: The two are different.

Patricia Lattanzio: Yes, I get that, but I want to make sure I understand.

[*English*]

I want to be able to understand what we're doing here.

● (2450)

The Chair: I'm sorry. I heard “point of order”. I didn't hear who said it, though.

Andrew Lawton: To confirm, we have already dispensed with BQ-11, right?

The Chair: Yes, but if there was a translation issue.... That's why I went back to it. If it was a language issue, I wanted to make sure that there was nothing left hanging in that respect.

Yes, you're correct. We did vote on it.

Andrew Lawton: I just wanted to confirm.

The Chair: Go ahead, Mr. Baber.

Roman Baber: Thank you.

I'm sorry, but to go back to you, Ms. Reynolds, what BQ-11 proposes is not just fixing translation. It may amount to a substantive change in instructions to the sentencing officer, to the presiding judge. This is not a translation change. This would amount to a substantive change, correct?

Samantha Reynolds: Because courts are already familiar with the provision under the Criminal Code, it's possible that if it's not modelled quite as closely, that may signal that a different interpretation is to be given to the provision being proposed in the YCJ.

Roman Baber: This is not a translation issue.

Patricia Lattanzio: That's why I wanted to clarify that. I understood that BQ-11 was substantive and that BQ-12 is going to be a question of....

The Chair: Okay. It's not a translation issue. It's a substantive issue.

We've already voted on it.

Shall clauses 64 to 69 carry?

(Clauses 64 to 69 agreed to)

(On clause 70)

The Chair: Now we get to clause 70 and BQ-12, which is Mr. Fortin.

[*Translation*]

Rhéal Éloi Fortin: Mr. Chair, BQ-12 is kind of the same thing. No, actually, that's not true. Earlier, we were talking about the interpretation. Now we're talking about the substance. With all due respect to my colleagues who said we were dealing with the substance earlier, I think that's what we're dealing with now.

The proposed subsection 110(4.1) in clause 70 reads as follows: “que l’urgence de la situation est telle que la publication immédiate est nécessaire pour les raisons suivantes”. As we understand it, proposed subparagraphs 110(4.1)(b)(i), (ii) and (iii) are not three separate options, but rather a set of reasons. That's why we want to add “l'ensemble des” at line 19 so that it reads “publication immédiate est nécessaire pour l’ensemble des raisons suivantes”. In English, it would be “for all of the following reasons”.

That's it.

[*English*]

The Chair: Thank you, Mr. Fortin.

Mr. Baber.

Roman Baber: Maybe this is a question for Ms. Lattanzio.

Did this provision not mean to be effective if one of the criteria is met? If we adopt Monsieur Fortin's motion, you need all three criteria to be met. I'm not sure that's what the government intended.

Patricia Lattanzio: I think the motion would add language to clarify that all the conditions must be met in urgent situations before the police can publish a youth's identity without a court order. That's my understanding. Therefore, the wording in the motion would clarify the intent of that provision and the exceptional nature of that publication.

Roman Baber: How do you feel about it?

The Chair: I'm not sure we're here to ask how people feel about it. We can ask factual questions.

Patricia Lattanzio: We will support this.

The Chair: Shall BQ-12 carry?

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

(Clause 70 as amended agreed to)

(Clause 71 agreed to)

The Chair: Clause 72 takes us to BQ-13.

[*Translation*]

Rhéal Éloi Fortin: I'm not going to move BQ-13, Mr. Chair.

[*English*]

The Chair: That takes us to BQ-14.

[*Translation*]

Rhéal Éloi Fortin: I won't be moving that one either, Mr. Chair.

[*English*]

The Chair: Shall clauses 72 to 81 carry?

(Clauses 72 to 81 agreed to)

The Chair: There is a new clause. Clause 81.1 takes us to BQ-15.

Mr. Fortin, go ahead

● (2455)

[*Translation*]

Rhéal Éloi Fortin: Thank you, Mr. Chair.

BQ-15 is our proposal for what's known as a sunset clause, a five-year review of the provisions of Bill C-14, which we are about to adopt.

The amendment would add the following wording:

> Review of Act
>
> 81.(1) As soon as possible after the fifth anniversary of the day on which this Act receives royal assent, the provisions enacted by this Act are to be referred to the committee of the Senate, of the House of Commons or of both Houses of Parliament that may be designated or established for the purpose of reviewing the provisions.
>
> (2) The committee to which the provisions are referred is to review them and submit a report to the House or Houses of Parliament of which it is a committee, including a statement setting out any changes to the provisions that the committee recommends.

You may recall that, during the minister's testimony, I asked for his thoughts on the possibility of including such a clause in the bill. I don't remember his answer word for word, but I believe he said he might consider it, or something like that.

We think it would be a good idea. This is a very serious bill. It would put more people behind bars. I think we need to handle this with as much due diligence and caution as possible.

I therefore propose this sunset clause.

Patricia Lattanzio: We agree.

[*English*]

The Chair: For the benefit of others, if BQ-15 is adopted, CPC-13 cannot be moved, as they seek to add the same provision to the bill.

Shall BQ-15 carry?

(Amendment agreed to)

(On clause 82)

The Chair: Now we're on clause 82, which is G-13.

Ms. Lattanzio, go ahead.

Patricia Lattanzio: The motion amends the transitional provisions in clause 82 in order for the National Defence Act to align with the approach taken for the Criminal Code regarding prospective and retrospective applications—the provisions that govern how the proposed amendments would affect matters before the courts at the time that a bill comes into force.

As drafted, there is an inconsistency between the Criminal Code and the National Defence Act. New aggravating factors under the Criminal Code would apply retrospectively, while corresponding National Defence Act provisions would apply prospectively. This motion ensures that the aggravating factors being added to the National Defence Act apply retrospectively, as it is proposed in the Criminal Code.

The Chair: Shall G-13 carry?

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

(Clause 82 as amended agreed to)

(Clauses 83 and 84 agreed to)

The Chair: Are you ready for this?

Shall the short title carry?

Some hon. members: Agreed.

The Chair: I want to hear a little more enthusiasm in this part.

Shall the title carry?

Some hon. members: Agreed.

The Chair: Shall the bill as amended carry?

Roman Baber: I'd just like to speak to the title.

The Chair: Is it on the short title or the title?

Roman Baber: It's on the title.

The Chair: Okay, Mr. Baber, do you want to talk about the title?

Roman Baber: Yes. I'd like to put this on the record.

The title appears to be “an act to amend the Criminal Code, the Youth Criminal Justice Act, and the National Defence Act (bail and sentencing)”.

There's very little in this bill that deals with the Youth Criminal Justice Act. The only thing is that it allows for publication of the name in urgent circumstances, and you close the loophole on the definition of violence.

Time and time again, we heard testimony from various police forces who said that we have a crisis in terms of youth participating in gang violence. We heard from Mr. Brock earlier today, who said that, when he used to prosecute young offenders, it used to be them breaking into vending machines. Now we have a completely different crisis.

I'm not sure if we're actually amending the Youth Criminal Justice Act.

What I take greater exception to is the word “sentencing”, in the words “bail and sentencing”.

You provide some direction on principles. You say that the government says that maybe they're looking at principles of deterrence and denunciation, but there are no sentencing amendments in Bill C-14. There's one. There's only one where a sentence becomes a harsher sentence, and that is with respect to contempt of court.

I'd like to understand why the government is calling this "sentencing reform" when there is no sentencing reform?

● (2500)

The Chair: Thank you, Mr. Baber.

The title has already carried.

Shall the bill as amended carry?

Some hon. members: Agreed.

The Chair: Shall the chair report the bill as amended to the House?

Some hon. members: Agreed.

The Chair: Shall the committee order a reprint of the bill as amended for the use of the House at report stage?

Some hon. members: Agreed.

Larry Brock: Chair, I'm asking for unanimous consent to ask the officials one question. It dovetails on my colleague Mr. Baber's reference to the one clause in this bill that deals with a sentencing adjustment.

I understand that the Liberals will agree to give me consent. I'm wondering if my good colleague from the Bloc Québécois, Monsieur Fortin, would give me the opportunity to ask one question of the officials.

Rhéal Éloi Fortin: That depends on the question.

Some hon. members: Oh, oh!

Rhéal Éloi Fortin: I would say yes.

Larry Brock: Thank you, colleagues.

It's in relation to paragraph 37.

I'll be very quick. It's one o'clock in the morning. We're all tired. It's been a long day. I'm very pleased with the level of collaboration that has taken us this far.

On Mr. Baber's commentary about contempt of court, of all the serious criminal activity happening in this country, with all of the headlines formulating in this country, particularly extortion, use of firearms, drug offences and the fentanyl opiate crisis, please provide some context as to why on earth you chose an obscure criminal offence that I have never prosecuted in 20 years nor defended in 12 years.

I've repeatedly asked police officers with upwards of four decades of service whether they've investigated a contempt of court charge. Under what circumstances, in the context of reforming bail and sentencing, did your department choose contempt of court?

Matthew Taylor: Certainly, Bill C-16 will have a number of other sentencing amendments that your committee will get to study.

In terms of the reason for the change to the contempt provision, as you'll know, the existing penalty is inconsistent with the normal penalty for summary conviction offences of two years less a day. You'll remember or may be aware that Bill C-75 hybridized the number of offences. This offence was not one that had been included, and I'd have to go back to see why that was the case.

This amendment is like a number of other amendments in its origins, which is that it comes from work that the federal government has done with the provinces through the Uniform Law Conference of Canada. It was identified as a technical change that was felt important to be advanced at an opportunity. This was an opportunity, and that's the reason it's included.

Larry Brock: That's very helpful. I've asked some of my Liberal colleagues to provide the justification. It was never as clear to me then as it is now. I really appreciate that explanation. Thank you.

● (2505)

The Chair: Thank you.

Before we adjourn, I just want to thank all of the members for collaborating and getting this thing done today.

I want to thank all of the staff again.

Most of all, I want to thank the people beside me and behind me, because without the analysts, the clerk, the interpreters, all these people.... The work that you all put into this to make this happen, especially in a condensed period, is heroic, and I just want to say thank you on behalf of all the committee. Honestly, we couldn't have done it without you.

Some hon. members: Hear, hear!

The Chair: All right, the meeting is adjourned.

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