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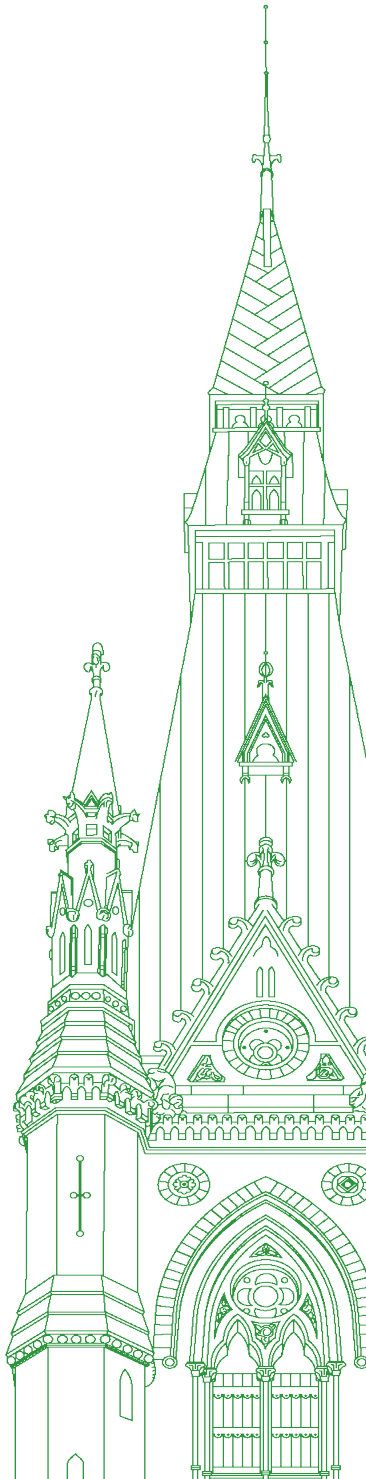

Chair: James Maloney

Standing Committee on Justice and Human Rights

Wednesday, February 25, 2026

● (1705)

[*English*]

The Chair (James Maloney (Etobicoke—Lakeshore, Lib.)): I call this meeting to order.

Welcome to meeting number 19 of the House of Commons Standing Committee on Justice and Human Rights.

Pursuant to the order of reference of October 1, 2025, the committee is meeting to continue the clause-by-clause study of Bill C-9, an act to amend the Criminal Code with regard to hate propaganda, hate crime and access to religious or cultural places.

Today's meeting is taking place in a hybrid format, pursuant to the Standing Orders.

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 mic. All comments should be addressed through the chair.

I would like to welcome our witnesses. From the Department of Justice, we have Chantele Ramcharan, deputy director general and general counsel, criminal law policy section, and Joanna Wells, team lead and senior counsel, criminal law policy section.

We are continuing the debate on Mr. Lawton's subamendment to Madam Lattanzio's amendment. When we are done with those two, we will go back to Mr. Brock's subamendment to CPC-8.1.

We left off at the subamendment proposed by Mr. Lawton. At the end of the last meeting, Mr. Housefather and Mr. Baber had both made some submissions on whether it was admissible or not. There was a lot going in the room, and I wasn't able to hear everything clearly. What I'm going to do is ask both of you to repeat what you said on Monday.

I'll start with Mr. Housefather and then I'll go to Mr. Baber.

Anthony Housefather (Mount Royal, Lib.): Thank you, Mr. Chair.

Basically what occurred on Monday, which feels like forever ago, was that Ms. Lattanzio proposed an amendment that would clarify the state of the law with respect to when you would not be charged with wilful promotion of hate.

Mr. Lawton had proposed a subamendment to remove the last part of the sentence, “if they do not wilfully promote hatred against an identifiable group by communicating the statement.” The subamendment was specifically, “That everything after 'publication or debate' found in 11.1(1) be deleted, and that everything after 'publication or debate' found in 11.1(2) be deleted."

In my representation, Mr. Chair, in the event you rule this in order, I will have substantive arguments against the subamendment by Mr. Lawton.

In the normal course, simply removing words from an amendment would be a perfectly legitimate subamendment, but in this case, what Mr. Lawton is proposing would not be valid, because it goes completely against the intent of both the amendment of Ms. Lattanzio and the bill. It could not have been proposed as an amendment on a stand-alone basis. Let me explain why.

Ms. Lattanzio's amendment was clarifying the law when someone could not be prosecuted. Mr. Lawton's subamendment changes the law. Mr. Lawton's subamendment would essentially mean that anybody could communicate a statement on a matter of public interest, including an educational, religious, political or scientific statement made in the course of a discussion, publication or debate, and then not be charged with wilfully promoting hate even if the statement was not made in good faith under the Keegstra case.

As such, Mr. Lawton's subamendment changes the state of the law, and it changes the intent of the bill. The intent of the bill was to give greater protection to targeted minority groups, and Mr. Lawton's subamendment would essentially do the reverse. It would create a new state of law, and I'm sure you can clarify that with the officials. In that way, I don't believe that it is a valid subamendment. I think there are other ways of phrasing this that would be more palatable.

The Chair: Thank you, Mr. Housefather.

Go ahead, Mr. Baber.

Roman Baber (York Centre, CPC): Mr. Housefather's submissions spoke to the admissibility of the amendment. There's nothing precluding us from amending the law. There's nothing precluding us from amending the bill. That is the entire reason we are here.

I'll start very briefly with the fact that the subamendment cannot be ruled out of order if it basically seeks to delete a portion of the proposed amendment. This is precisely what a subamendment is meant to do.

I think Mr. Housefather's concern is more of over substance and policy. I don't agree with Mr. Housefather that the deletion of the last line and a half would not be in line with the intent of the bill, or the criminal law as it is now or will become, should this bill pass.

That is a substantive argument that my friend is making, and as such I kindly ask that you allow the subamendment to be in order.

● (1710)

The Chair: Thank you.

I'm going to ask the officials if they have any comment on this. I don't mean the procedural component; I'd like you to address Mr. Housefather's point on whether this changes in substance the nature of the amendment with respect to the bill.

Joanna Wells (Senior Counsel and Team Lead, Criminal Law Policy Section, Department of Justice): I can speak quickly to that. It would change the substance of the proposal.

The Chair: All right. Thanks.

I've reflected on this over the last couple of days. My job at this point is to determine whether it is procedurally admissible. I've listened to Mr. Housefather and I've listened to Mr. Baber and I've discussed it with the officials, and I'm going to rule that it is admissible.

We will proceed to debate on the subamendment.

We'll start a new speaking list.

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

Just hearing Mr. Housefather's concerns on this and having reflected on it as well, if the purpose of what the Liberals are seeking to do through Ms. Lattanzio's amendment is truly to send a signal that religious texts and the expression of religious sentiments will be protected, I can propose an alternative by which the subamendment would be withdrawn. I am seeking unanimous consent to withdraw the subamendment and undo the adoption of BQ-3.

If we reinstate the religious defence as is, we have the perfect clarity that the law needs.

An hon. member: Oh, oh!

The Chair: I will ask the question.

Andrew Lawton: I see Liberals laughing at religious freedom, so I guess that's a no to unanimous consent.

Some hon. members: Oh, oh!

Patricia Lattanzio (Saint-Léonard—Saint-Michel, Lib.): We're laughing at you.

The Chair: Mr. Lawton, that's....

Hold on, everybody, please. This—

Andrew Lawton: If you want clarity, it would give clarity.

The Chair: I don't think the commentary interpreting other people's physical expressions is necessary or an accurate reflection.

I will pose the question. Do we have unanimous consent on what Mr. Lawton is proposing?

Some hon. members: No.

The Chair: Okay, thank you.

I will now start a new speaking list on the subamendment proposed by Mr. Lawton.

[*Translation*]

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

[*English*]

The Chair: Go ahead, Mr. Fortin.

[*Translation*]

Rhéal Éloi Fortin: I just want to make sure we're talking about the same things.

Mr. Brock proposed a subamendment to modify amendment CPC-8.1. Do I understand correctly that this has been put on hold for the time being?

Some hon. members: Yes.

Rhéal Éloi Fortin: We're talking about Ms. Lattanzio's proposal to add section 11.1 and the subamendment proposed by the Conservatives to strike a part of that and to add “good faith”. Is that correct?

Given that there is no agreement on the amendment, should we not go back to amendment CPC-8.1 and to the subamendment proposed by Mr. Brock?

[*English*]

The Chair: You're accurate in terms of where we are in the proceedings, but if there is debate on the subamendment, we'll hear it and then vote on it. Then we'd have to continue the debate on the proposed amendment, whether it's amended or not, and then vote on that before we can go back. That's where we are.

Mr. Brock, you had your hand up. Was this on the subamendment?

Larry Brock (Brantford—Brant South—Six Nations, CPC): Yes, it is.

The Chair: Was there anybody else?

I have Mr. Housefather, and Mr. Baber, you're nodding. You're already on there. All right.

Go ahead, Mr. Brock.

Larry Brock: Thank you, Chair.

I want to acknowledge that it's 5:15. This meeting started at 4:30. Canadians are most definitely following this discussion, this debate, and we owe it to them to explain what transpired. What transpired has been partly put on the record, but there are other aspects to it that require clarification, Mr. Chair.

Following the meeting on Monday, I'm aware that the justice minister, Sean Fraser, did an interview with iPolitics, and the headline reads:

> Fraser says Liberals hopeful of a compromise with Conservatives on C-9 but won't wait forever

That's followed by a direct quote from the minister that reads:

> We won't let perfection be the enemy of progress for much longer.

I'm not reading the entire article, but certainly some portions of it:

> Justice Minister Sean Fraser is refusing to close the door on negotiations with the Conservatives on changes to the government's anti-hate bill but acknowledges he'll eventually move ahead with the legislation if no agreement can be reached.
>
> At justice committee on Monday, the Liberals proposed changes—

—which is the Lattanzio amendment—

> —to a contentious amendment to Bill C-9 that removes the religious beliefs exemption for the crime of inciting hate.
>
> The Liberals said they were looking to clarify that Parliament wasn't intending to criminalize religious speech but the Conservatives argued what was being proposed didn't address real concerns from faith communities.
>
> Speaking to reporters before Tuesday's cabinet meeting, Fraser said he's still hopeful the Conservatives can be brought on board and urged members of the committee to find a compromise.

It was within that spirit that the Conservatives took a really hard look at Ms. Lattanzio's amendment with Mr. Lawton's subamendment. We were also guided by communication that we received, and that in fact the entire committee received, from Mr. Derek Ross of the Christian Legal Fellowship, who professed his disappointment that the discussions he had with the justice minister in proposing certain language to reach a compromise on the rift between the Liberals and the Conservatives on this issue weren't actually reflected in Ms. Lattanzio's amendment.

He put forth some suggestions by way of changes—

● (1715)

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

I appreciate my colleague's going through a chronology of events in the last 48 hours, but I would like at this point to also make it clear—and I think it's important for stakeholders who are watching us—that we did not start this meeting 35 minutes late because we weren't ready for this meeting: We were actually trying to negotiate in good faith to try to come to an agreement on language that would put—

Larry Brock: Chair, with respect, this is not a point of order. I had the floor—

The Chair: Okay, both of you, please, just wait a moment.

Mr. Brock, her point of order is allowed because she is addressing the issue you were speaking about. Whether it's relevant or not, I'm going to hear her out.

Larry Brock: But I didn't finish my argument. I don't need Ms. Lattanzio to finish my argument for me—

The Chair: Okay, Mr. Brock, thank you. I'm going to hear Ms. Lattanzio out.

Patricia Lattanzio: What I was trying to say was the following: The Liberals, the Conservatives and the Bloc Québécois collectively want to put an end to the filibustering on Bill C-9.

We have tried—as you have noted, Mr. Chair, with regard to my amendment presented last week—to clear up the language. The minister has been very clear that he wants nothing more than to have Bill C-9 adopted by these committee members and is open to any suggestions that would make the bill more acceptable for all parties so that we can get on with it. I fear, Mr. Chair, that we are using yet again an opportunity to filibuster Bill C-9 this evening.

In good faith, the three parties have met in the last 30 minutes to be able to come to an agreement—

Roman Baber: Chair, I have a point of order.

The Chair: We're on a point of order. I'll get to you.

Patricia Lattanzio: I don't want stakeholders—

● (1720)

Larry Brock: We're still waiting to hear the point of order. Debate is what I'm hearing.

Patricia Lattanzio: —to have the impression that we did not, in good faith, try to work this through. That was why we started at 5:05.

The Chair: Thank you, Ms. Lattanzio.

I'm going to turn the floor back to you, Mr. Brock, unless Mr. Baber has something he wants to add.

Larry Brock: I want to add that this was completely a non-point of order, Chair. You've essentially allowed Ms. Lattanzio—

The Chair: I did. We've heard it and we can move on—

Larry Brock: —to paraphrase my argument. I'm more than capable of forming an opinion on my own, without the help of any Liberal—

The Chair: Mr. Brock, I'm more than capable of determining whether it's a proper point of order, which I did.

Please carry on.

Larry Brock: In addition to what Ms. Lattanzio had to put on the record, I was optimistic, after reading that report, that the door had not been closed to future negotiation on terminology, so after we received the proposed new wording from Mr. Derek Ross, we took it upon ourselves to put forth new language that I ultimately shared with the justice minister. Before question period today, I crossed the floor—not permanently, certainly not permanently—to engage in a conversation with the minister, and I actually thanked him for the article, for the language that he used and for not closing the door. He made it abundantly clear to me that he was happy with language that would satisfy not only the Liberal bench but also the Conservative bench, and that he wasn't completely married to this particular language.

He never indicated at all that there would be a poison pill that I essentially learned about when Ms. Lattanzio and I had a conversation before you gavelled in. The terms that we received from the Liberal government were that if we accept this new terminology, this would have to end the filibuster on the removal of the religious defence that Canadians and faith leaders have enjoyed for 56 years, that there would have to be a buy-in at the leadership level and, moreover, that we would finish clause-by-clause today on Bill C-9. The buy-in from leadership and ending clause-by-clause was never communicated to me by the minister himself. I learned about this for the first time after I spoke with Ms. Lattanzio.

We both agreed that of course we need some time. I need time to share that with my team. I need to share that with my leadership. We asked graciously if you would agree to not gavel in, or simply stand down, to allow these negotiations to take place. Unfortunately, because we've heard from only one stakeholder with some proposed changes, we were not in a position to communicate with the upper echelon of our party, because they were simply not in Ottawa. We needed more time. I explained that to Ms. Lattanzio. She made it abundantly clear that we would not be getting further time and that this new proposed language would therefore be off the table.

It's disappointing that on the one hand, the minister who is actually responsible for this justice file and who is responsible for Bill C-9 wanted to work with us and negotiate in good faith—pardon the pun—and give us an opportunity to come to an agreement, only for us to be time-limited now by the parliamentary secretary. That is not the definition of collaboration. It is certainly not the definition of working in good faith.

That's what I wanted to put on the record, Mr. Chair. I will cede my time to another colleague to continue this discussion, and I wish to put my name back on the list.

Thank you.

The Chair: Thanks, Mr. Brock.

We've been dealing with this bill for some time now. I think everybody is dealing in good faith. Attempts to resolve it are happening in real time. I hope we can get back to a discussion about what we are doing, rather than focusing on what we're not doing right now. Then we can move forward and get this meeting onto a productive footing.

Mr. Lawton, it's over to you.

Andrew Lawton: I will yield my time to Mr. Baber, but could you add me to the speaking list, please?

● (1725)

The Chair: Sure. You don't have to yield your time. You're on the speaking list.

Andrew Lawton: I will cede my time, rather.

The Chair: Mr. Baber, I'll pass it over to you.

Roman Baber: Thank you, Mr. Lawton.

Thank you, Mr. Chair.

Sometimes I pinch myself in this job, even though I've been here for almost 10 months. Sometimes I have difficulty appreciating the seriousness of the consequences of what it is that we actually do here. We have stakeholders in the gallery who I recognize personally and who are very passionate about the proceedings of this committee. I'm of the view that, given the importance of the issue that we're dealing with right now, which is the shaping of this "wilful promotion of hatred" section that the bill seeks to amend, we cannot get this wrong.

I would also like to remind my colleagues that I look at my role on this committee as more of a professional and technical role, not necessarily a political one. Looking at what has been brought forth by Ms. Lattanzio and looking at Mr. Lawton's subamendment, I'd like to begin by saying this: Please, let's slow down because this isn't great. I think I'm being complimentary.

To start, what Ms. Lattanzio's amendment does is soften up.... It tries to clarify section 319. It tries to clarify the wilful promotion of hatred "[f]or greater certainty".

Your amendment says that "[f]or greater certainty", someone is not in for wilful promotion for communicating x unless that person engages in wilful promotion.

I'll go to the officials on this one. If you just simply take that subsection apart, "For greater certainty, nothing...shall be construed as prohibiting a person from communicating a statement on" x unless they actually promote hatred.... Not only does it not clarify, not only does it not give greater certainty, respectfully, but it also, I think, amounts to considerably less certainty.

Again, I'm making an argument of statutory construction. Could I maybe go to our officials on this?

Tell me if I'm wrong.

Joanna Wells: I can try to take this question, Mr. Chair.

What I would say to the inquiry is that, as drafted, this is a "for greater certainty" provision. Those are used in criminal law to clarify the state of the law, to provide an alternative way, potentially, of saying something to reduce confusion and provide clarity.

As drafted, the intent is to clarify the *mens rea* of the offence, to make it clear what is or isn't the wilful promotion of hatred.

Roman Baber: I understand the intent, and I take your submissions at face value. My concern is with the language—the very language that Mr. Lawton seeks to delete, which is everything from the word.... By the way, I'll go into the fact that, for some reason, the section is predicated on the fact that statements are made in the public interest. That's already a little odd in that public interest includes "educational, religious, political or scientific" statements. In other words, you have to fit within the umbrella of public interest in order to avail yourself of this certainty.

I note that in the existing section—pre-amendment—paragraph 319(3)(c) has a separate bit for public interest:

> (c) if the statements were relevant to any subject of public interest, the discussion of which was for the public benefit....

I'm not sure if the intent here, Ms. Wells, is to say that you can't engage in "educational, religious, political or scientific" debate made in the course of discussion or publication unless it is of public interest.

If you read the proposed amendment by Ms. Lattanzio, it reads as follows: "For greater certainty, nothing in [the subsections]...shall be construed as prohibiting a person from communicating a statement on a matter of public interest, including" (a), (b), (c) and (d). In other words, do you not read the amendment as saying that, in order for you to fit within the certainty, your statements have to be of public interest?

● (1730)

Joanna Wells: The language of "public interest" responds to concerns from stakeholders that the removal of the good-faith religious exemption and those statements that might be made in the religious context, for example, would be in the public interest. I think it's speaking to that concern specifically, but it is a "for greater certainty" provision that will not change the scope of the offence. It really is an interpretive clause.

Roman Baber: I appreciate what Ms. Lattanzio is trying to do. I was happy when I saw this. Again, I go back—

Patricia Lattanzio: [*Inaudible—Editor*].

Roman Baber: With respect, Ms. Lattanzio, I don't think this is good work. I say this on a professional level.

I'm articulating two clear concerns. Number one, I'm not sure the official said that it's okay; the official tried to explain what the intent is. I'm asking the official about the quality of the language. I believe my concern is legitimate. First of all, on the basis of how the section is constructed, do you not read it to mean that in order to avail yourself of this greater certainty, the statements must be in the public interest?

Chantele Ramcharan (Deputy Director General and General Counsel, Criminal Law Policy Section, Department of Justice): Perhaps I can make an attempt here.

The clause reinforces the high threshold of the offence. The "for greater certainty" clause has to be read in conjunction with the offence. The objective of the "for greater certainty" clause—and to respond to what you're saying—is how it would be interpreted. It provides examples of the expressive activity: debate, discussion, political, religious, educational matters. These are illustrative examples and aren't meant to be an exhaustive list.

Public interest is a very broad concept. You have public interest, and you have the illustrative examples. It is, like my colleague said, with a view to providing greater certainty in how this offence should be interpreted.

Roman Baber: Do you understand my concern? This is purely a discussion about statutory construction. It's just about how this thing is drafted.

Could we please look at the section? It says, "nothing...[is] prohibiting a person from communicating a statement on a matter of public interest, including an educational, religious, [and] political". In other words, what you're trying to say is that, in order for you to be able to rely on this interpretation of the section, it has to be in the public interest.

I'm afraid that this is how it's going to be interpreted because of the word "including". If it was on a matter of public interest, educational, religious or political, etc., then I think there are some other lawyers around the table, who are not necessarily sitting on this side of the room, who understand my concern.

Chantele Ramcharan: I hear what you're saying. I appreciate that. I think the way you could read it—and with the intent—is that "a statement on a matter of public interest" is the broad, general chapeau, and then the "including" is for examples of that.

● (1735)

Roman Baber: First of all, the word "includes" doesn't necessarily mean an example, but the problem is, yes, you're right, it's the tunnel: You have to be within the tunnel of "public interest". You can certainly conceive of a lot of examples of political statements that may not be in the public interest—or scientific statements. We went through scientific statements in the last couple of years that arguably were not in the public interest.

The problem, I think, is that the drafters have conflated the meaning of "public interest", and what further complicates the situation is the existence of the public interest defence in the existing section. I am fairly sure that if I were to write this to a client, I would sign my name to my opinion.

The other thing, to now go back to my original point, which goes to Mr. Lawton's subamendment, is that this is basically circular reasoning. You're saying that wilful promotion of hatred is criminal and for greater certainty (a), (b), (c) and (d) are not prohibited unless they're wilful promotion. Then it doesn't do anything, because you seek to limit.... You have an offence. You're starting with an offence. You look to limit a certain behaviour, and then you say, "For greater certainty, I'm not precluding you from doing this unless you engage in the said behaviour." It doesn't actually clarify what you look to clarify, because you go back to the operative section.

Please, Ms. Wells....

Joanna Wells: I'm sorry. I'm looking for an answer.

I'm happy to try to clarify again.

There are a couple of things. The language of including an "educational, religious, political or scientific statement" is a very common drafting technique in the Criminal Code to suggest a non-exhaustive list of things that could be included in the "public interest" in this particular context.

I think that when you use the language of "how do you avail yourself of this?", this is not a defence, and people would not need to avail themselves of this. It's a clarification of the elements of the offence. It is a different legal tool that is being proposed as a way of clarifying the scope of the offence.

Roman Baber: I'm grateful to you.

First of all, I think it's very important that you acknowledge that this is not a defence, that we are repealing a defence that the Supreme Court has relied on, in part, to make the wilful promotion of hatred survive constitutional scrutiny.

Regretfully, you have not addressed my concern. I know that including “educational, religious, political or scientific”...I understand that is a common phrase, but the word “including” means that it's subsumed in the phrase “public interest”, correct?

Joanna Wells: As an example of what could be in the “public interest”, yes.

Roman Baber: Yes, of what could be in the public interest. However, the point is that you may have statements on these subjects that are not in the public interest, because we're not sure how we're defining public interest. Is what I had for lunch a matter of public interest? This is a serious question, and I think Mr. Housefather agrees with me. It's not a matter of public interest. It may be of interest to my family members or to Mr. Brock.

What I'm suggesting, very respectfully, is that the amendment be crafted in a way whereby the certainty is clarified in a manner that, in order to get into this clarity, something has to be in the public interest. That is a very serious limitation on the scope of the speech we're looking to protect.

If we are going to start redrafting this, I would ask, please, can you not include all of those “in public interest”? We need to decouple them, especially because public interest exists in paragraph 319(3)(c). It's a stand-alone defence.

The second thing I'm urging, and this is squarely to the amendment.... I'm not sure what the amendment actually does. It says, again, “You are....”. So x, y are illegal, but for greater certainty, this would not be unless it's x and y. That's redundant. If it wasn't illegal, I presume we would not be here. Why would you seek to make a defence to charges of hate speech? You say, “Well, no, it is hate speech,” but that's not the subargument. That's not the underlying, embedded argument as to whether this is a wilful promotion of hatred. That's the top line, not the bottom line.

You're making everything that's prior to “if they do not wilfully promote hatred”—that entire section—redundant.

● (1740)

Joanna Wells: By their nature, “for greater certainty” clauses in criminal law are essentially redundant in that they restate an existing legal principle to aid in clarification and interpretation. The objective of this “for greater certainty” clause—and I apologize if I am repeating myself, but maybe I'll say it differently or more clearly—is to respond to concerns that were heard that by repealing the good-faith religious exemption defence, there would be a risk that people who make good-faith religious statements would be captured by the offence, and it is not the view of the government or the minister that that is the case.

This is a “for greater certainty” provision to help clarify that the scope of the offence does not include that type of expression.

Roman Baber: Unless it's promotion of hatred.

● (1745)

Joanna Wells: That is correct, which is the element of the offence.

Roman Baber: That's the problem. It doesn't add the certainty. It creates more uncertainty, because I'll say to you, “Well, my statement is in the public interest of a religious discussion, ” and you'll say, “Okay, sure, but you're still wilfully promoting hatred.” In other words, I have accomplished nothing with this definition.

But wait. There's more, because, Ms. Wells, you mentioned the most important words that are absent in this discussion and from this section, which are “good faith”. That is why, by the way, the original section was so good. It's because it started, “if, in good faith, the person expressed or attempted to establish by an argument an opinion on a religious subject or an opinion based on a belief in a religious text”. The words “good faith” are a prerequisite because that goes to intent. I might say something that may sound like hate speech, but if I said that in good faith, the *mens rea*, or the intent element of the offence, would not be met.

I know I have taken a little time here, but there are at least two to two and a half issues that are really sticking out with this amendment.

I want to say to Ms. Lattanzio that we're prepared to work through it, and we want to work through it, but we really need to consider whether we want to bring the words “good faith” into this. It's remarkable that in your attempt to explain what this section attempts to do, you have used the phrase “good faith” twice, but the section doesn't have the words “good faith”.

I don't know. I think I've made my point about the section.

Thank you.

The Chair: Thank you.

Mr. Housefather.

Anthony Housefather: Thank you very much, Mr. Chair.

I listened carefully to Mr. Baber. That's a discussion to have about the amendment itself, but we're on the subamendment right now by Mr. Lawton. The subamendment by Mr. Lawton is actually much worse than anything that could be wrong with the wording of the clause.

Some hon. members: Oh, oh!

Anthony Housefather: Let's start from the principle that we remove the defence that has never once been successfully used in the history of Canadian courts. There is no change to the state of the law by removal of that defence. It simply says that somebody who was charged with wilfully promoting hate cannot rely on a religious good-faith defence to their wilful promotion of hatred. As set out, we've already agreed that we will use the Keegstra definition.

We have already had the discussions, Mr. Baber, that we agree on a definition of hate. If the bill inadvertently had a different definition, that wasn't the intent, and we will agree with you to go back to the definition that is in the Keegstra case.

What we have here is that because there has been misinformation circulated since we removed the religious defence, telling people they won't be able to read the Bible or cite the Bible or teach in church or preach, which is completely untrue—

Larry Brock: Tell Marc Miller.

Anthony Housefather: Marc Miller never said what you're claiming he said.

Larry Brock: Yes, he did.

Anthony Housefather: I'm not going to engage in a back-and-forth with you, Mr. Brock.

The Chair: Mr. Brock, Mr. Housefather has the floor.

Anthony Housefather: When you have the floor, you can have the floor.

Nobody in this committee who voted on this had any such intention, and that's not what the law would be. The law didn't change in that respect. Nothing changes in who can be charged with wilful promotion of hatred. So this clause is being inserted, to all those people who have been misinformed and confused by what people have said, whether truly or falsely—

An hon. member: [*Inaudible—Editor*]

Anthony Housefather: I am saying what I absolutely believe. People have been misinformed. This clause is stating, again, accurately what the government, what the members of the committee by majority, believe the law to be.

What Mr. Lawton's subamendment does is change the law. What Mr. Lawton's subamendment does would effectively mean that nobody could ever be charged with wilfully promoting hatred in almost any circumstance. Having listened to previous statements by Mr. Lawton, I think that may be what he actually wants to do. He may actually not want people to ever be charged with wilful promotion of hatred, no matter how much they vilify or attack a group or no matter how much it meets the Keegstra standard. Maybe he would have been a dissenting judge in the Keegstra case. I don't know. But for sure Mr. Lawton's subamendment changes the law.

I would like to ask the officials this: If Mr. Lawton's subamendment were adopted, if the committee removed the words that Mr. Lawton is seeking to remove, would that change the state of the law in Canada?

Joanna Wells: What I can say is that it would certainly change the intent of the provision. I think one of the challenges is that this has been introduced as a “for greater certainty” provision. It would no longer be appropriately a “for greater certainty” provision, or it would be inappropriately classified as a “for greater certainty” provision, because it would state the law in a way that it doesn't currently exist.

I'm probably oversharing in terms of the legal impact of the “for greater certainty” piece, but yes, it would change the state of the law.

Anthony Housefather: It would change the state of the law, because there are no words in good faith in here. I am not disagreeing with other aspects. The wording may not be perfect. There may be other ways of expressing it. But what Mr. Lawton was proposing to do was actually change the state of the law so that, essentially, nobody could almost ever be charged with wilful promotion of hatred, no matter how egregious what they did was.

That's the effect of Mr. Lawton's subamendment. This is what Mr. Lawton is proposing: The Supreme Court ruled this in Keegstra? Forget it. Let's go back to what the dissent said in Keegstra.

Roman Baber: Can you cede to me, and then I'll cede back to you?

Anthony Housefather: Let's deal with the subamendment. Let's vote against this subamendment. That's my proposal. I am happy to have good-faith conversations with anyone about the clause itself, but the subamendment is a really big problem.

● (1750)

[*Translation*]

It completely changes the legislation as it stands.

[*English*]

I'll cede the floor, Mr. Chair.

The Chair: Thank you.

Mr. Fortin.

[*Translation*]

Rhéal Éloi Fortin: Thank you, Mr. Chair.

I think Mr. Lawton or Mr. Baber said that you have to be inside the tunnel of public interest discourse, but that's not the real tunnel. The real tunnel is the fomenting of hatred. If no one was fomenting hatred or anti-Semitism, as prohibited under section 319 of the Criminal Code, there would be no need for the interpretive clause.

I agree with Mr. Housefather, who just said that the interpretation clause was proposed by our Liberal colleagues to try to allay the fears that some citizens might have because of the many public interventions made by our Conservative colleagues. If I understand correctly, they may have had the opportunity to raise funds or gain votes on this issue, and they have also commented extensively on this bill since last fall, claiming to anyone who would listen that people would be prevented from reading the Bible, the Quran or the Torah. With all due respect, that's absurd. That's not what this is about. We've never talked about it, and we'll never talk about it. At least, I hope not. I can guarantee I won't. No one in the Bloc Québécois will do that. We don't want to prohibit people from reading a religious text. We want to prohibit them from fomenting hatred. That's what section 319 of the Criminal Code says.

I still respect the fact that people may have fears, even if I don't share them. In an attempt to address these fears, which I don't think are justified, our colleague Ms. Lattanzio has proposed section 11.1, which says not to worry and that if there's no intent to foment hatred, there's no problem. That's basically what section 11.1 says. I don't think section 11.1 is necessary, but that's the way it is. When you negotiate, you can't have it both ways. I don't have a problem with including section 11.1 in Bill C-9.

However, this seems increasingly absurd. With all due respect, I don't understand the discussions we're having. If our Conservative colleagues think that section 11.1 doesn't help them, then I would invite our colleague Ms. Lattanzio to withdraw section 11.1, because it's unnecessary.

That said, I feel that we're reaching an impasse. If I correctly understood what Mr. Brock was saying earlier, our Conservative colleagues are led by religious lobbies who tell them that they shouldn't do this, that they should do that, or that they should reject this section and propose another. As a legislator, I do not agree with being dictated to by a lobby group, be it religious, corporate or otherwise. I'm not interested in that. I think of myself as, and I'm proud to be, a free man and a free politician who recommends to his constituents what he believes is best for them. So, with all due respect to Mr. Ross, whom I don't know, to be told that Mr. Ross told Mr. Brock to remove this and add that, doesn't seem to me to be an argument that'll move things forward. If our Conservative colleagues are really stymied by what Mr. Ross does or doesn't want, I don't see how we're going to get out of this.

On our end, in the Bloc Québécois, what we want is to preserve the secular nature of our institutions, both in Quebec and across Canada. We want to protect Canadian secularism and respect for the rule of law that governs all Quebeckers and Canadians. That's what we're here to talk about. What we have before us is the difference between the rule of law and secularism, which apply to everyone, and the wishes of certain religious groups dictated to our Conservative colleagues. Between what the Bloc Québécois is asking for, which is respect for secularism and the rule of law, and what the Conservatives are asking for, which is respect for what the various religious groups think or want, our Liberal colleagues are trying to please both sides, but they're making lukewarm proposals.

● (1755)

I get the impression that, once we're done with this, it won't mean anything anymore. We've been working on Bill C-9 since last fall. We've made progress. Unfortunately, the religious exemptions set out in the Criminal Code still have not been abolished, even though the committee voted to abolish them last fall. Now it's the end of February, and we're still talking about this. I don't know when we're going to finish the study, but I suspect we're really at an impasse. I feel that, as committee members, we're going to have to vote and take a position: Are we in favour of religious groups and do we want to address all of their fears, founded or not, useful or not, harmful or not? Or will we protect the rule of law and secularism? The Criminal Code applies to everyone, regardless of their religious beliefs, professions or location. In Canada, we should be governed by the Criminal Code and the rule of law.

So I'm sorry to see this impasse. We've been stuck for a long time. If our colleagues were to move a time allocation motion, I admit that I would seriously take it into consideration. Unfortunately, I don't like saying this, but I sense that there is bad faith or, in any case, an intention to block our work. We have to move past this. It's in the interest of all of our constituents. We need to work in the best interests of the people who pay us to be here and who elected us to be here, not in the best interests of one or two religious groups.

I'm sorry. I have a lot of respect for my Conservative and Liberal colleagues, but I think we've reached our limit.

[*English*]

Andrew Lawton: I have a point of order.

The Chair: Thanks, Mr. Fortin.

Mr. Lawton.

Andrew Lawton: I did not interrupt Mr. Fortin because I believe he has a right to express his opinions.

However, I would draw your attention, Chair, to a decision you made twice in December, in this committee, which was to eject two members for making a comment that you deemed imputed motive. Mr. Fortin imputed motive to us and our conduct. He said that we are beholden to religious interests. He said that we are allowing religious interests to dictate the decisions we're making and the advocacy we're taking. That motive is not true.

We are doing what we're doing because we believe in the values we're speaking about. Your own precedent dictates that his comment should be withdrawn.

The Chair: I think what I did, Mr. Lawton—if you go back and look at the record—was ask that member to stop talking, and I gave the floor to somebody else. Mr. Fortin has now finished speaking.

Mr. Brock, you—

Andrew Lawton: You asked them to withdraw the comment.

The Chair: They didn't.

Andrew Lawton: I would ask that you make the same request of Mr. Fortin.

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

Andrew Lawton: Are you ruling that my point of order is invalid?

The Chair: Yes.

Andrew Lawton: I would challenge that, please.

The Chair: All right. You have the right to do that.

[*Translation*]

Rhéal Éloi Fortin: Mr. Chair, may I respond to the remarks made by Mr. Lawton?

[*English*]

The Chair: I'm sorry. I stand corrected. You cannot challenge a ruling on a point of order.

Mr. Brock, you have the floor.

Andrew Lawton: We can't challenge a ruling on a point of order. What ruling can we challenge?

Larry Brock: Thank you, Mr. Chair.

I share the same concerns Mr. Lawton raised in a point of order. As I've said numerous times and will continue to say numerous times, I have the utmost respect for my colleague Monsieur Fortin, but his choice of language hurts. It hurts our integrity. I agree with Mr. Lawton. Although the entire committee receives input from many stakeholders—in this case, religious stakeholders who have been following this debate since the fall and have tried to assist all committee members to fully understand their position—by no means can you construe from this that we are beholden, strictly, to certain religious groups.

I can tell you what we are beholden to. We're beholden to the Canadian charter. Our party stands for the right of freedom of expression and freedom of religion, which is under attack by this particular poison pill Bloc amendment. Mr. Fortin, in trying to frame this as a philosophical, intellectual divide between the Bloc position and the Conservative position, indirectly painted the picture that it's the Liberals who are the moderates here, and that it's the Liberals who are trying to bridge this philosophical difference between the two parties.

I've said this numerous times and it bears mentioning again—and I will turn to the officials for greater clarification on this: Bill C-9 was introduced by Minister of Justice Fraser in the fall of 2025. Nowhere in the draft of the bill was there any reference to the Liberal government seeking the removal of a 56-year-old defence under section 319.

I've said that numerous times because it's important for all the stakeholders and Canadians watching this. The Liberals are by no means the saviours here, trying to come up with an agreement that everybody can live with. The Liberals never intended this when the bill was drafted, presented, debated at first reading and second reading, and then studied. I don't know how many meetings we've had on this particular bill, or how many witnesses were called. Not one specific subject matter expert on the issue of the removal of this decades-old defence was ever called.

Mr. Fortin, as he had every right to do, made it abundantly clear that this is, ultimately, his position. He used pretty much every opportunity to expand upon his concerns about the removal of the defence and get evidence from some of the witnesses. I don't recall any Liberal member on this justice committee ever displaying any support for Monsieur Fortin's line of questioning on removing the religious defence until late in the fall, when we, as parliamentarians, received news one weekend that the Liberal government—ostensibly through Sean Fraser, our justice minister—had decided to create a backroom deal with the Bloc Québécois. In exchange for the Bloc supporting the passage of Bill C-9 at all stages, they would now, some six or seven months removed, see merit in removing a 56-year-old defence.

● (1800)

With that as the backdrop, officials, please help me with this.

Were both of you involved with all the stakeholder consultations that Sean Fraser engaged in, in terms of formulating his position on how he would instruct you to draft the original Bill C-9?

Joanna Wells: We have been engaged on some, and through our own processes as well, where officials have direct engagement with stakeholders, but we are not party to all of the conversations that the minister's office has with stakeholders.

● (1805)

Larry Brock: When did you know...if you know? If you don't, you don't. Can you tell us when those discussions began?

Joanna Wells: Which discussions are you referring to specifically?

Larry Brock: In terms of creating the anti-hate bill, Bill C-9....

Joanna Wells: Elements of it were part of the government's platform, including the proposed new offences for obstruction and intimidation.

You'll also recall that other elements, like the proposed new hate crime offences, were part of former Bill C-63 and have already been introduced. Work on this issue and these related issues has been ongoing at the department for several years.

Larry Brock: After the spring election in 2025, we, as parliamentarians, were led to believe, because of statements made by the justice minister and other ministers and the Prime Minister, that extensive discussions and meetings took place, which enabled the justice minister to deliver instructions to his department to create Bill C-9. How soon after the election—if you know, tell me, please—did those meetings start, when did they end and when did you get instructions from Sean Fraser to create Bill C-9?

Joanna Wells: I can't recall the dates. I think what I can say is that the department has long been working on these issues. Part of our role at the criminal law policy section is to be ready when asked to prepare, so I think to be helpful—

Larry Brock: You can't give me exact dates.

Joanna Wells: I can't give you an exact date.

Larry Brock: That's fine. I didn't think you would have that and that's fair.

Is it also fair to conclude that some of those stakeholder discussions, whether they be in person, whether they be on Teams or on Zoom—

Patricia Lattanzio: I have a point of order.

Larry Brock: —or simply exchanging correspondence, also included stakeholders from the province of Quebec?

The Chair: Mr. Brock, I'm sorry to interrupt, but we have a point of order.

Patricia Lattanzio: I don't know how the line of questioning is related to Mr. Lawton's subamendment. I think we're still on Mr. Lawton's subamendment with regard to removing the last line of my “for greater certainty” clause. Are we not, Mr. Chair?

The Chair: That's a fair point of order, Mr. Brock. Perhaps you could bring it back in.

Larry Brock: I'll get to it, okay? I have a lot to ask and a lot to say.

Patricia Lattanzio: I just don't understand the pertinence of this questioning on consultation and, if officials were in the consultation process, how that is related to Mr. Lawton's subamendment.

Larry Brock: I'll get to that, but I'm not going to be put on a clock by you, Ms. Lattanzio, or by anyone else.

The Chair: It's a fair point of order, Mr. Brock. We have to keep it relevant. Carry on.

Larry Brock: Yes. Fair enough.

I think I formed the question before I was interrupted with a point of order.

Where there any discussions whatsoever with stakeholders from the province of Quebec?

Joanna Wells: I can't recall specifically. I can say generally that the department, at the very least, does have broad opportunities to consult with all provinces and territories.

Larry Brock: Okay.

Do you recall, if you were party to these discussions or received information from the justice minister or any stakeholders, prior to the creation of Bill C-9, specifically asking for the removal of the religious defence as contemplated by the Bloc amendment?

Joanna Wells: What I can say to that, in the interest of being helpful, is that we have been aware at the department, for a long time, that the good-faith religious defence exception has been of concern among various stakeholders, and that there are various views on it.

To bring it back to your opening remarks, you can see that—and you know this—when Bill C-9 was introduced, as you indicated, it was not part of the proposed legislative package.

Larry Brock: That's because it wasn't a priority for the Liberal government at the time.

Joanna Wells: I can't speak to priorities.

I can tell you that it wasn't part of the Bill C-9 package.

Larry Brock: Well, we can read between the lines. If it had been a priority, common sense indicates that we would have seen some reference in Bill C-9 from the Liberal government, telegraphing the removal of a religious defence that the religious community in Canada has enjoyed for 56 years—a law that was created by a Liberal prime minister, Pierre Elliott Trudeau, in 1970.

● (1810)

Chantele Ramcharan: I'm sorry. Is that a question?

Larry Brock: No. I'm putting a statement on the record. I will ask questions, but I just wanted to put that on the record. Thank you.

Were you privy, then, to the change in direction the Liberal government made in late fall 2025, one that agreed with the Bloc that they would seek the removal of this defence? Were you consulted beforehand?

I'm not asking what the opinion was, so don't claim solicitor-client privilege.

Were you asked to provide a legal opinion—

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

The Chair: Mr. Brock, we have a point of order.

Ms. Lattanzio.

Patricia Lattanzio: Mr. Chair, again, it's a question of relevance. The questions to officials are not—

Larry Brock: For relevancy, I will go back to the subamendment by Andrew Lawton. Is that okay?

The Chair: Mr. Brock, I'm going to hear the point of order.

Go ahead, Ms. Lattanzio.

Patricia Lattanzio: Again, the questions and comments being made to officials and this committee have nothing to do with Mr. Lawton's subamendment. It is very clear what's happening before our eyes, yet again.

Mr. Chair, can we keep the questions and comments relevant to Mr. Lawton's subamendment?

The Chair: Yes, I think we all agree on that. I agree that the individuals here are responsible for drafting based on instructions, Mr. Brock. Maybe we can keep that in mind. Thank you.

Carry on.

Larry Brock: Officials, were you involved in the drafting of Ms. Lattanzio's amendment?

The Chair: I said it's on the legislation.

Larry Brock: Were you involved in the drafting of this particular amendment we're discussing today?

Joanna Wells: Yes, we were involved with the drafting of Bill C-9.

Larry Brock: There's my relevancy link.

You were involved in drafting—

Joanna Wells: I'm sorry. What I said is that we drafted Bill C-9.

Larry Brock: Exactly.

Joanna Wells: We continue to provide support to the minister's office, as requested, on various issues.

Larry Brock: Absolutely.

There is my path to relevancy. Is that all right?

Ms. Lattanzio can continue to interrupt for the next 15 minutes. I'm not going to prevent her from doing that. That's her absolute parliamentary right. It's also my right to ask relevant questions. Relevancy is subjective. I have the right to ask questions that allow me to put a foundation before you, before I talk about the merits of Ms. Lattanzio's amendment, or lack thereof.

The Chair: I'm sorry. Can you clarify your answer? Were you involved in drafting the legislation but not the amendment? Is that correct?

Joanna Wells: Thank you for the opportunity to clarify.

My answer is that we were involved in the drafting of the bill and that, following the beginning of the committee's study of the bill, we continue to provide support to the minister's office on the parliamentary process.

The Chair: Thank you.

Larry Brock: By extension, support could also include aiding with the drafting and the specific language used in Ms. Lattanzio's amendment, proposed subsection 11.1(1) and proposed subsection 11.1(2).

Is that correct?

Joanna Wells: I'm mindful of where we are, now, on the line of solicitor-client privilege, but I am also aware of parliamentary privilege.

Larry Brock: I'm asking you about the advice you gave.

Joanna Wells: The only way I can answer that is to continue to reiterate that we support the minister's office in this area.

Larry Brock: The minister's office, by extension, includes the parliamentary secretary.

Is that correct?

Joanna Wells: Presumably it does, but we don't see that distinction all the time. Our direct correspondence is with the minister's office.

Larry Brock: I get that, but there's one parliamentary secretary assigned to every single minister of the government. I can understand why you wouldn't be consulting directly with Mr. Chang—without insulting you, Mr. Chang, with all due respect—or with Ms. Dhillon or with Mr. Housefather, but it's obvious that Ms. Lattanzio is an extension of the Minister of Justice, so she would be included. Whether you want to agree with that or not, I think it's just common sense that you would include a parliamentary secretary.

Again, I don't want you to say that this is governed by solicitor-client privilege, but were you asked to provide a legal opinion, prior to the declaration that was leaked to the national press in late fall of 2025, that the Liberal government was now prepared to agree with Mr. Fortin's amendment to remove the defence? Were you consulted by the Minister of Justice, yes or no?

● (1815)

The Chair: Mr. Fortin has a point of order.

[*Translation*]

Rhéal Éloi Fortin: Mr. Chair, with all due respect, I don't think the question from our colleague Mr. Brock is relevant to our debate. This kind of question amounts to challenging a witness's credibility. Most of us have done that in court. Here, officials from the Department of Justice are with us simply to clarify points of law related to the bill before us and its amendments. Knowing whether they took part in shaping the government's position for or against an amendment to the bill doesn't seem relevant to me.

I understand that my colleague Mr. Brock can ask questions about how to interpret a particular passage in the proposed amendment. That's fine. Mr. Barber did so correctly earlier. However, I don't see the point of knowing whether Ms. Wells took part in discussions with Mr. Fraser or Ms. Lattanzio in October to possibly agree on a proposed Bloc Québécois amendment. Regardless of the answer, it won't help clarify the legislation before us.

[*English*]

The Chair: Thank you, Mr. Fortin.

Mr. Brock, I'm inclined to agree with Mr. Fortin. You can ask questions about their interpretation of the language that we're discussing. You can ask them questions about the drafting of the bill. However, getting into discussions they had with the minister and, by extension, the parliamentary secretary is treading on dangerous ground. In my opinion, it's not relevant. If you could maintain those goalposts, I would appreciate it.

Thank you.

Larry Brock: Thank you, Chair. I can move on.

I listened very carefully to Mr. Housefather's intervention. Mr. Housefather essentially said there's a great deal of misinformation. Although he didn't point any fingers, I would surmise he wasn't looking at his bench, and he certainly wasn't looking at Monsieur Fortin. By elimination, he was probably accusing the members here of the Conservative Party of being the authors of that misinformation.

When challenged, when that comment came out, I raised the comment, and I'm sure Mr. Lawton did as well.... We both suggested Marc Miller. I recall Mr. Housefather saying something to the effect that Mr. Miller did not say what we were alleging he said.

I have the transcript of when Mr. Miller, who is now a minister of this Liberal government, was in your chair, Mr. Chair. This was a follow-up question, after all the rounds had been exhausted, for Mr. Derek Ross. It reads:

> I'll use chair's prerogative to ask a follow-up question of Mr. Ross.
>
> As despicable and as unlawful as the statements made by Mr. Charkaoui are—and would be, if they were stated again—we don't know why the prosecution chose not to continue with the charges. Perhaps this is to Mr. Fortin's point.
>
> I want to dig a bit into the concept of good faith, Mr. Ross.

> In Leviticus, Deuteronomy and Romans, there are passages with clear hatred towards, for examples, homosexuals. I don't understand how the concept of good faith could be invoked if someone were literally invoking a passage from, in this case, the Bible, though there are other religious texts that say the same thing. How do we somehow constitute this as being said in good faith? Clearly, there are situations in these texts where statements are hateful. They should not be used to invoke...or be a defence.

Now here's the important passage:

> There should perhaps be discretion for prosecutors to press charges.
>
> I just want to understand what your notion of good faith is in this context, where there are passages in religious texts that are clearly hateful.

That was before the agreement was reached between the Liberal government and the Bloc Québécois that had absolutely nothing to do with what's in the best interests of this country, but rather, what's actually in the best political interests of this Liberal Party and Liberal government.

Marc Miller, who is now a minister, sent a very strong message, which sent a chill down the spine of every single religious leader and follower in this country, and everybody in between, that this Liberal government has now declared war on freedom of expression and freedom of religion. Notwithstanding that some of the passages this minister referred to are over 2,000 years old, he invited prosecutors to press charges.

● (1820)

With all due respect, Mr. Housefather, that, sir, is misinformation that did not come from any Conservative member. That came from your colleague, your minister, Marc Miller. He lowered the gauntlet. He created the division we are seeing in this country and all the peddling this Liberal government is doing right now with language, trying to placate Conservative members, our party, and all religious leaders who have written every member at this committee.

I know that civil liberty groups have jumped on the bandwagon, wondering how this government could wage war against our protected charter rights. Why would they attack?

To Mr. Housefather's point, I agree with him. That religious defence has not been successful at all. However, does that give licence to this government to take steps to remove a religious defence that has guided and has protected good-faith discussions, statements and opinions across this country? Absolutely not.

To the officials, when was the last time a federal government removed a statutory defence in the Criminal Code? Do you have any idea?

Joanna Wells: It does happen.

Larry Brock: Yes. Do you know long ago it was?

Joanna Wells: If you know the answer, please, you can remind me.

Larry Brock: Yes. It was 2015. The narrowing of the provocation defence was in 2015. Prior to that, it was 1995, which was the limitation of the extreme intoxication defence. Even further prior to that, in 1983, it was the repeal of the marital rape exemption.

Does this happen a lot in legal jurisprudence, where we, as a government, take legal steps to remove a statutory defence?

Joanna Wells: It doesn't. In my experience, it's more likely that offences are added. There aren't many statutory defences. A lot of it comes from the common law as well, as you know, Mr. Brock.

Larry Brock: Would you agree with me that, quite often, when statutory defences are removed, it's largely guided by common-law decisions?

● (1825)

Joanna Wells: I think that's true in some cases. I'm aware of the examples you cite, but I'm not intimately familiar with them.

Larry Brock: On this particular issue, there is no common-law decision out there that would give licence to this Liberal government to now make a political decision, when they had ample opportunity during the drafting of Bill C-9, when they had ample opportunity to debate this issue in the House and at the justice committee, to now say that they think this is the right thing to do for this country.

They made that decision on their own. They did not make that decision because they were guided by legal decisions across this country. Is that fair to say?

Joanna Wells: What I understand the minister's justification to be in his reading of the Keegstra decision, which is not an immediate decision.... It is an older decision. Using that guidance, the minister is of the view that the good-faith religious exemption defence, given the way the offence was interpreted in Keegstra, doesn't do any legal work.

Larry Brock: What year was the Keegstra decision released?

Joanna Wells: I have to look it up. I think it's in the early nineties.

Larry Brock: It certainly wasn't in 2025, was it?

Joanna Wells: It was not in 2025. That's correct.

Larry Brock: No. In fact, it wasn't even in this century.

Joanna Wells: I believe it was in 1990, but I would have to confirm that.

Larry Brock: Exactly.

Thank you, Chair. That's my time.

The Chair: We have a few minutes left.

Ms. Lattanzio.

Patricia Lattanzio: Mr. Chair, I want to make a few comments. I don't know if I'm going to have time to get to Mr. Lawton's subamendment, but I think it's important to state at this point that our minister and our government have acted in good faith at every step of this legislation, Bill C-9. In a minority Parliament, we know that collaboration is not optional, but necessary. We have worked with all parties, including tonight, to negotiate—

The Chair: Sorry, but we have a point of order.

Andrew Lawton: Ms. Lattanzio's own admission right now is that she is not speaking about the subamendment. She says she hopes to get to it eventually.

Given the direction you've given us, Chair, on the importance of relevance—

The Chair: I'll give her the same latitude I gave Mr. Brock. She's laying the foundation for what she's getting to, which is what she said.

Patricia Lattanzio: We know that in a minority Parliament, collaboration is not optional but necessary. We have worked with all parties, including this evening, to negotiate language that protects Canadians from hate and intimidation while at the same time upholding the charter. This bill is about protecting real people in real spaces: Canadians walking into a mosque to pray, families attending a synagogue on a Friday night, children going to school wearing a hijab or a kippah, community members attending pride events or volunteers gathering at a cultural centre. No one in this country should face threats, harassment or wilful incitement of hatred simply for who they are or for what they believe.

What happened here this evening is straightforward: We've asked the Conservatives to end the obstruction and stop the filibustering so that the committee can do its work and move this bill forward. We took 35 minutes of this committee's time to talk in private to decide whether they could commit to ending the filibuster, and, ultimately, they refused. Conservatives have now filibustered this bill, C-9, for more than 50 hours, Mr. Chair. That is 50 hours of delay on legislation designed to protect Canadians from hate and intimidation. The meeting is going to end in a few minutes, and Bill C-9 did not move forward this evening.

We remain ready to work. Canadians expect Parliament to function and not be stalled indefinitely for partisan reasons. The Conservatives need to stop stalling, stop shielding delay behind the process and let this bill move forward. If they will not stand with us, they should at least get out of the way so that we can stand with Canadians.

I think it's important to read the amendment into the record once again, and remind Canadians what exactly the intent of the subamendment is and what we've inserted or suggested:

> 11.1 (1) For greater certainty, nothing in subsection 319(2) or (2.2) of the Criminal Code shall be construed as prohibiting a person from communicating a statement on a matter of public interest, including an educational, religious, political or scientific statement made in the course of a discussion, publication or debate, if they do not wilfully promote hatred against an identifiable group by communicating the statement.

Mr. Lawton's subamendment would remove “if they do not wilfully promote hatred against an identifiable group by communicating the statement.”

This would do away with the Keegstra decision and the common-law precedent that we have. Therefore, this would not allow anyone to ever be charged with hate.

This is what we're called upon to vote on, Mr. Chair. This is the proposal from the Conservatives that's sitting on the table right now. They are asking us to do away with the Keegstra decision, which, as Mr. Brock has pointed out, is an old and well-known decision that courts have been using. Mr. Lawton is suggesting to this committee that we do away with that and not have anybody ever charged for wilfully promoting hate. I think it's important to put this into context.

I understand that we've come to the end of our committee and, yet again, have not disposed of C-9.

● (1830)

The Chair: Thank you, Ms. Lattanzio.

On that note, we'll adjourn the meeting.