



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

45th PARLIAMENT, 1st SESSION

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# Standing Committee on Justice and Human Rights

EVIDENCE

**NUMBER 030**

Monday, May 25, 2026

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Chair: James Maloney





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• (1105)

[*English*]

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

Good morning, everybody. Welcome to meeting number 30 of the House of Commons Standing Committee on Justice and Human Rights. Pursuant to Standing Order 108(2) and the motion adopted on May 6, 2026, the committee is meeting to study the mandate and priorities of the Minister of Justice and Attorney General of Canada. In the second hour, pursuant to the order of reference of February 26, 2026, the committee will study the 2026-27 main estimates of the department.

Today's meeting is taking place in a hybrid format, pursuant to the Standing Orders. Members are attending in person in the room and remotely using the Zoom application. I can confirm that sound tests have been done successfully.

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. Please mute yourself when you are not speaking. For those on Zoom, at the bottom of your screen, you can select the appropriate channel for interpretation—floor audio, English or French. For those in the room, you can use your earpiece and select the desired channel. All comments should be addressed through the chair. For members in the room, if you wish to speak, please raise your hand. For members on Zoom, please use the “raise hand” function. The clerk and I will manage the speaking order as best we can. We appreciate your patience and understanding in this regard.

Appearing today is the Honourable Sean Fraser, Minister of Justice and Attorney General of Canada.

Welcome, Minister. Thank you for being here.

With the minister today are the following from the Department of Justice: Marie-Josée Hogue, deputy minister and deputy attorney general; Bill Kroll, chief financial officer and assistant deputy minister, management sector; Owen Ripley, senior assistant deputy minister, policy sector; and Christina Van Loon, director general, programs branch.

Welcome to all. Thank you for being here today. I appreciate your taking the time.

I will now turn the floor over to the minister for opening comments.

Minister, you have up to 10 minutes.

[*Translation*]

**Hon. Sean Fraser (Minister of Justice and Attorney General of Canada):** Thank you, everyone.

I'm pleased to be here to discuss the priorities of my department and of Parliament in the area of justice.

First, it's important to understand that, although the Department of Justice has a number of functions, public safety remains a top priority for the government.

[*English*]

You'll have noticed that a significant number of the bills that have come before Parliament since the time of the last federal election have focused on public safety. This is not just a series of bills being put forward in isolation. Instead, this is part of a broader strategy focused on making Canadian communities safer places to call home.

The strategy rests on three essential pillars. The first is to strengthen Canada's criminal laws. This includes, from a legislative point of view, a number of bills that will be no strangers to members of this committee: Bill C-9, the combatting hate act; Bill C-14, the bail and sentencing reform act; and Bill C-16, the protecting victims act. These three bills represent some of the most significant Canadian reforms to criminal law in generations. My sense is that they will have a positive impact, although we know that strengthening Canada's criminal laws is essential but insufficient if we're going to expect long-term improvement when it comes to public safety outcomes.

The second pillar of the strategy, to help ensure that those laws have an impact on the ground, is to support those on the front line of public safety in this country. That means police, certainly, but it also means community organizations, those who are working in communities with people who are serving victims and investigating crimes, and others who will be working on public safety in our communities. As part of this effort, the federal government will be increasing our resources to the RCMP, including enough to hire 1,000 new RCMP officers and 1,000 new CBSA officials to strengthen our borders. We're also introducing new tools to make it easier for law enforcement on the front lines to do their jobs, including through lawful access, which I know has been debated at length in the House of Commons.

The third pillar, though, in my mind is the most important if we expect to see long-term improvements to violent crime in this country and an enhanced level of public safety. That's to make upstream investments that are aimed at prevention in the long term. This will demand that we make significant investments in such areas as affordable and supportive housing, that we embrace mental health and addictions as part of a strategy to build healthier people, and of course that we invest in at-risk youth to deter people, as early on in life as possible, from going down the path of a criminal lifestyle.

In addition to these acutely focused policy areas, we should not lose sight of the fact that building healthier communities and stronger communities will result in safer communities. I view it to be important for governments to invest not only in policing or programs that directly target at-risk youth but also in the basics, whether it's recreational infrastructure or health infrastructure, the things that make people feel that their community is whole and allow them to live life fully as a member of that community.

• (1110)

[*Translation*]

In short, the strategy for strengthening public safety is based on three pillars. First, we need to strengthen criminal legislation. Second, we must support the people who protect our communities on the ground. Third, we need to invest in affordable housing and mental health care, including addiction treatment. We must also support young people and move forward with programs that make our communities safe.

[*English*]

It's important that we take this holistic view, because you could claim victory when you achieve royal assent on a piece of legislation, but the people I talk to across Canada are far less concerned with the date of royal assent and far more concerned with whether their kids can play in the streets. We have an opportunity to advance public safety in this country through the work of this and other committees, and I'm honoured to be a part of it.

Mr. Chair, I would prefer to leave a little time on the table to allow for questions from members. I'm happy to take what questions members have.

Thank you.

**The Chair:** Thank you, Minister. We appreciate that.

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

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

Thank you, Minister.

Thank you, officials, for your attendance today.

Minister, the position and messaging from you and various other ministers, including Prime Minister Carney and former prime minister Justin Trudeau, have not aged very well. In 2017, you appeared before the FEWO committee on December 7, and you said as follows:

On the issue of mandatory minimums and conditional sentencing restrictions...I don't know how we think we are better positioned in Ottawa, with no facts or

evidence, to decide what a sentence should be than a judge who is aware of the facts and evidence in a particular case.

Minister, also in 2016, you criticized mandatory minimum sentences by suggesting that Ottawa legislators were not better positioned than judges with the facts before them.

Now you are Minister of Justice here in this 45th Parliament and defending a bill that aims to restore mandatory minimum penalties. What has changed?

**Hon. Sean Fraser:** Thanks very much for the question, because I don't view my position when I was a member of the status of women committee in 2017 to be at odds with the position, posturing or language used since I've taken over this particular set of responsibilities. The point that I was making in those comments... Now, that being nearly a decade ago, you'll forgive my memory, but I think the point holds.

If you try to make a rule that applies in every single circumstance, without regard for extraordinary cases that may arise and are beyond the contemplation of people who advance legislation with the best of intentions, you come up short when those unique cases actually do emerge. The balance that I think we've struck by restoring mandatory minimums that were previously struck down, or that I believe were constitutionally vulnerable, but allowing some residual discretion where applying the mandatory minimum would be grossly disproportionate allows you to deal with those oddities that would not necessarily result in what the public would view to be justice.

**Larry Brock:** Thank you, Minister.

Do you now accept that Parliament has a legitimate role in setting mandatory prison sentences for serious crimes, yes or no?

• (1115)

**Hon. Sean Fraser:** I've always believed that we have a role, but I think that having some residual discretion for the court in certain circumstances is a useful tool.

**Larry Brock:** Why did your government vote against so many Conservative amendments to restore or protect mandatory minimums for serious firearm offences, sexual offences, child exploitation, extortion and drug-trafficking offences during clause-by-clause consideration of Bill C-16?

**Hon. Sean Fraser:** Now, one of the things that are important to understand is that when we made a decision to move forward with the restoration of mandatory minimums with the residual discretion I've discussed, we did it from the point of view that we wanted to protect the mandatory minimums that exist or that a court had struck down. We did not undertake a policy exercise to analyze each of the mandatory minimums that existed at one point in time in Canada's history but that Parliament had made a decision to repeal.

By saying that the laws on the books were going to be made constitutionally compliant and that those decisions have overturned existing mandatory minimums we could restore, I think we've taken the right approach, but to answer your question, the policy work for mandatory minimums that fell outside of that scope was not part of the formulation of the bill.

**Larry Brock:** That's the problem, Minister. You have not touched mandatory minimum penalties that have been challenged and upheld as constitutionally valid. Those are still in place, but you've actually weakened every single one of those mandatory minimum penalties by giving an escape hatch to accused and their counsel, by making an argument that this would constitute an infraction under section 12 of the charter.

I'll give you an example, Minister. I know you've never practised criminal law. You've never been, I don't think, in a criminal forum before, whether it be trial court or plea court or bail court. Name one accused facing his second, third or fourth driving conviction who would not make an argument that a mandatory minimum penalty of 60 days or 90 days would constitute cruel and unusual punishment, particularly if they were the breadwinner of the family. You have now opened up an argument to allow judges to undercut those mandatory minimum penalties that have consistently been upheld by the courts as being constitutionally sound. You've now given them an excuse to go below that and, if necessary, impose a one-day jail sentence.

Why on earth would you be weakening our current sentencing regime, particularly in the area of drinking and driving, which is generally the number one or number two leading cause of death in this country? Why on earth would this government, which claims to care about public safety and community safety and the rights of victims, do that?

**Hon. Sean Fraser:** With respect, I disagree fundamentally with your characterization of the position we've taken. I will not accept your invitation to start naming a single accused who may have had cases before the court. I think that would be poor form for someone in my position. With respect to driving under the influence, I'd also remind you that one of the bills that's going through the parliamentary process restores as a potential penalty a prohibition on driving for those who have been convicted of driving drunk, for example.

On the fundamental point behind your question, you've suggested that this represents a weakening of Canada's criminal laws. I could not more fundamentally disagree. What you neglected to mention during your questioning was the constitutional vulnerability of many provisions that were in the code that now will be protected with the residual discretion that we put in place and that members of your party, the Bloc, and Liberals have all supported in the past.

I know that during a previous session, Mr. Baber in particular raised concern around the use of reasonable hypotheticals by the court. We've taken that out of the equation to a large degree by saying that you now have to look at the specific facts of an individual case to determine whether the penalty would be grossly disproportionate and constitute cruel and unusual punishment under the Canadian Charter of Rights and Freedoms. I believe this represents a strengthening of the code, a restoration of mandatory minimums

and a protection of the constitutional validity of those that remain in place today.

**The Chair:** Thank you, Minister.

Thank you, Mr. Brock.

Ms. Gladu, it's over to you for six minutes.

**Marilyn Gladu (Sarnia—Lambton—Bkejwanong, Lib.):** Thank you, Chair.

Thank you, Minister. Good morning. Thanks for being here today.

In your first year as Minister of Justice, you've consistently spoken about the importance of taking a balanced and comprehensive approach to public safety. You described the three-pillar strategy that involves stronger criminal laws, investments in frontline enforcement and upstream supports that address the root causes of crime.

Could you elaborate on that approach for the committee and on how your government's work over the last year reflects those priorities?

• (1120)

**Hon. Sean Fraser:** Certainly, and I think the starting point in this analysis is getting past preconceived notions that certain people in Canada may have about political actors who belong to one party or another.

The reality, I think, is that parliamentarians from every partisan persuasion understand that if a person poses a public safety threat and commits a crime, they should face penalties, and incarceration may be an appropriate penalty if it's required to maintain public safety in this country. It sounds obvious when you say it out loud, but I think that sometimes we have to say that. As a Liberal, if there is a violent person who's going to threaten my neighbours, I'm comfortable with them being incarcerated.

I also know that changing the criminal law in and of itself is not sufficient in the long term to have permanent marked improvements when it comes to public safety. If we're not trying to advance a strategy to achieve those long-term public safety outcomes, then we're doing it wrong. Strengthening the criminal law is part of it, and also making sure that law enforcement have the tools they need to enforce and investigate those laws and work with the prosecution to bring them to trial, including having not only the resources they need, which will engage concerns around provincial responsibilities as well, but also the legislative tools they need.

At the end of the day, you have to take a citizen-centred and community-centred approach and realize that we know, from extensive academic study, that people who live with mental health and addictions are at an increased risk of interfacing with the police. People who do not have a place to sleep are at an increased risk of engaging with public safety officials. People who grow up in low-income neighbourhoods and low-income families are disproportionately represented when it comes to the criminal justice system. There's obviously a significant racialization to the population of those who interface with the system as well. You realize that there's a very long-standing, deep set of layers of social issues that intersect with the public safety issues we're discussing.

If we don't try to tackle those social issues, we're going to be repeating this conversation 10 or 20 years from now when various governments repeal or put in place new laws. We need to make sure that people in Canada have the ability to live safely in their communities. That means making those upstream investments at the same time as we support those on the front line.

It doesn't sound like magic to me. It sounds rather obvious. Let's have tough laws to make sure that dangerous people aren't in the community, but good supports that prevent people from becoming dangerous in the first place. We can do all of these things at once. It's just going to take a consistent effort over a significant period of time.

**Marilyn Gladu:** Thank you.

Minister, provinces, municipalities, police leaders and frontline workers have all welcomed action on repeat violent offending. How does Bill C-14 respond to the concerns Canadians have been raising in their communities?

**Hon. Sean Fraser:** It does a number of things. I heard—from the moment I was appointed to this position—primarily from law enforcement but also from ordinary Canadians and communities in every part of the country, that we need to do more when it comes to public safety and specifically when it comes to bail and sentencing.

In my view, people are more than willing to give an honest person a second chance, but when a certain individual is in the community for the 28th time and is being accused of a crime for which they have previously been committed, particularly if it's a violent crime, people are right to ask questions.

We have advanced Bill C-14, the bail and sentencing reform act, which represents the most significant strengthening of the bail system in particular in many years, to ensure that for certain violent repeat offenders or those tied to criminal organizations there is a reverse onus put in place and there can be aggravating factors on sentencing, and we will ensure that the court, when looking at the principle of restraint, doesn't use that as a get-out-of-jail-free card but instead insists that they can protect public safety before a person will be released after being charged with any offence that would require them to conduct that analysis.

The measures included in that bill alone—in excess of 80 new reforms in the bail and sentencing system—are going to significantly strengthen the system and have a unique focus on violent repeat offenders who have the potential to make their communities more dangerous.

**Marilyn Gladu:** Thank you.

Will Bill C-14 help address the increased extortion and intimidation that we're seeing across the country?

**Hon. Sean Fraser:** Yes, very specifically. Maybe first in general terms, when you look at some of the measures, including the clarification around the principle of restraint that I've just discussed, it would impact a wide range of offences, including but not limited to extortion.

Very specifically, there are measures included in the bill that are tied to violent extortion. The underlying theme through the bill that touches on organized crime will implicitly capture significant extortion because of the enormous representation of criminal organizations that are tied to extortion-related offences. In my view, this will be one of the tools that will help improve dealing with extortion.

I would be remiss if I didn't highlight Bill C-22 in particular, around lawful access. When I talk to law enforcement officials who have experience working with and preventing extortion, making sure they have the tools to investigate and prosecute crime that often is cross-border, fast-moving and digital in nature is one of the best things we can do to help crack down on extortion in this country, in addition to having harsher penalties and a bail system that is more reflective of the standard Canadians would expect.

● (1125)

**Marilyn Gladu:** Thank you.

**The Chair:** Thank you, Ms. Gladu.

Thank you, Minister.

Mr. Fortin, it's over to you for six minutes.

[*Translation*]

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

Good morning, Minister. Welcome to the Standing Committee on Justice and Human Rights.

I see that you're joined by the qualified people needed to help you effectively carry out your mandate as minister. Your team includes our former colleague from the Barreau du Québec, Ms. Hogue. She used to be a judge at the Quebec Court of Appeal. I would like to extend my greetings to her as well.

Minister, your priorities for the coming weeks and months include a topic of particular concern to us. This topic is the Clarity Act. In recent weeks, you must have noticed a number of different statements that we found contradictory, to say the least. Your parliamentary secretary confirmed, for example, that 50% plus one was a valid percentage—a clear result—in a referendum. However, you and the Prime Minister seemed somewhat conflicted about the issue. Some journalists spoke of reframing.

I would like to hear your opinion on this matter. In a referendum—in Alberta, Quebec or another place—is 50% plus one a clear majority?

**Hon. Sean Fraser:** First, I don't think that it's a good idea to speculate on a potential referendum in Quebec. There may be one, but it isn't certain. I'm an anglophone from Nova Scotia. It isn't a good idea for me to put forward any ideas on this matter. In my opinion, there's no Canada without Quebec and there's no Canada without Alberta. That said, it isn't my place to speculate on the possibility of a referendum in Quebec.

**Rhéal Éloi Fortin:** Thank you. Minister, it's music to my ears to hear that the federal government and you, as Minister of Justice, don't get to decide what constitutes a clear majority. In our view, at least in the Bloc Québécois, the matter must be decided by the legislative assembly concerned in Alberta, Quebec or another province.

I gather that the Minister of Justice currently has no opinion on what would constitute a clear majority in a possible referendum, wherever it might be held in Canada. Is that right?

**Hon. Sean Fraser:** Let me clarify my response in English.

[English]

We would not formulate a legal opinion in isolation of a given set of facts. As the world changes and new issues emerge, as we're required to engage in certain conversations, we would do so. Obviously, the Clarity Act exists. There is a role in that conversation for Parliament. The federal government would follow federal laws.

It's essential that we don't foment this conversation. I think it's uniquely unhelpful for someone in my position to be suggesting what would happen during a referendum that may not happen at all, in Quebec's instance, or to speculate on what legal analysis may result on facts that have not yet been determined, given the nature of questions and debates playing out elsewhere. From my perspective, we would form a legal analysis with the full benefit of facts that have not yet emerged in either case.

[Translation]

**Rhéal Éloi Fortin:** Still, you must admit that your parliamentary secretary, as I said earlier, the Prime Minister—your leader—and you yourself made statements on the matter in recent weeks. You'll appreciate that it's a hot topic.

There are two aspects to the Clarity Act. The first is the clarity of the question asked in a referendum and the second is the clarity of the result. I gather that you don't want to comment on the clarity of the result. We can take a look at where things stand with the clarity of the question.

That said, I gather that 50% plus one was a clear result in an election. If a party has 50% plus one of the seats in the House of Commons, it becomes the majority party.

Is that also your opinion, Minister?

• (1130)

[English]

**Hon. Sean Fraser:** Again, I think it's important, as facts have not yet revealed themselves, for me not to be speculating on what the legal opinion would be on the result of a referendum that has not yet taken—

[Translation]

**Rhéal Éloi Fortin:** Sorry to interrupt you, Minister. I don't mean to be rude. However, I set the referendum aside for the moment. I have only a few seconds left.

When it comes to Parliament, in the House of Commons, 50% plus one is a clear majority. Do you agree?

[English]

**Hon. Sean Fraser:** When you're calculating a majority of the seats in the House of Commons, yes. I think the terms of the Clarity Act are specific in how they are framed.

[Translation]

**Rhéal Éloi Fortin:** I understand. However, I just want to ensure that I can make reasonable comparisons.

I gather that you agree that a result of 50% of seats plus one gives the governing party the right or opportunity to decide on just about everything in Parliament. However, you hesitate when it comes to whether the provinces benefit from the same interpretation of clarity.

[English]

**The Chair:** You have to wrap up, Mr. Fortin.

**Hon. Sean Fraser:** It's only that things can be very heavily fact-dependent. A clear majority of the population in a given jurisdiction obviously is how the Clarity Act considers things, which is different from a majority of members of Parliament, which is also a finite number when you count all of them.

I'm only suggesting that, absent of very real-world facts, I think it would not only be inappropriate but also particularly unhelpful for me—again, an anglophone from Nova Scotia—to insert myself into debates that are playing out in local jurisdictions where people know their communities best.

If I may, because I don't know if I'll have the chance, Mr. Chair, to finish this elsewhere.... In particular, Canada would not be the same without either Quebec or Alberta. I spent five years living in the province of Alberta. It was good to me, to my family and to my neighbours still today. We are better together, and we should all be working ferociously towards a united Canada at every opportunity, in my mind.

**The Chair:** Thank you, Minister.

Thank you, Mr. Fortin.

[*Translation*]

**Rhéal Éloi Fortin:** Thank you, Minister.

[*English*]

**The Chair:** We'll move into the second round and begin with Mr. Baber for five minutes, starting now.

**Roman Baber (York Centre, CPC):** Attorney General, the Department of Justice looks at every government bill for charter compliance. Bill C-22 orders various companies to hold on to all Canadians' metadata for up to a year. Names, IP addresses, geolocations, phone numbers, etc., all of it, would be held on behalf of the government and without a search warrant. Your department's charter statement is almost silent on this issue. How does that not amount to arbitrary seizure, contrary to section 8 of the charter?

**Hon. Sean Fraser:** I have a different view. When I look at the function of the bill, I see that obviously the portions included in part 2, to which I assume you're referring, exist so that part 1 may function. When you look at what can actually be requested under part 1, you see that you first have the connection between a particular number, an IP address, or a phone number to a service and the subscriber information. To me, having this information available is akin to what used to be published in the phone book, and allowing cops to access a modern version of that tool to help them bust crime is just a good idea.

**Roman Baber:** Where a Canadian hung out in the last year and where they have attended in the last year would not be available in the phone book. You talked to me about the mechanics of the bill, but you failed to address my question, which is this: How is holding the metadata without a search warrant, without an offence having been committed but in the event that an offence is committed, not a breach of arbitrary seizure under the charter?

**Hon. Sean Fraser:** I don't view this to be the seizure of information by the government. We had the opportunity....

**Roman Baber:** It's held because of a government request. It's the government that's ordering the private sector to hold it. It doesn't matter whether the government is holding it or whether the private sector is holding it for you. The private sector would be an agent of the government.

• (1135)

**Hon. Sean Fraser:** It would be subject to the charter as always, in which case your right to a reasonable expectation of privacy is protected, subject to reasonable limits outlined in section 1, of course. From my perspective, as long as the use and collection of that information is compliant with the charter, I would not share your concern the same way you've described it.

**Roman Baber:** I'm saying that it's not compliant with the charter. It sounds to me like you're already moving in the direction of section 1, trying to rely on reasonability. I believe I've made out a prima facie case that it violates the charter.

I want to talk about the definition of "electronic service provider" and who may be bound by those ministerial orders. It's anyone who "provides electronic service" to Canadians in Canada. An "electronic service" in part 2 "involves the creation...transmission, reception...or making available of information" by "electron-

ic...or other...means". This means that anyone who sends emails or has a website may be caught in that definition of "electronic service provider". Did you intend that the local bakery shop may be caught as an electronic service provider, or is that a drafting error?

**Hon. Sean Fraser:** In my view, it's neither. I don't believe the local bakery shop would be scoped in, given the definition. In fact, we went through a significant exercise in revisions along these lines by really limiting the definition of an electronic service provider. Someone who sent me an email would not be an electronic service provider. An Internet service provider or cellphone company, for example, would be.

**Roman Baber:** I know that officials say that, but that's not what the definition says. It essentially says that anyone who makes electronic information available, which could be a website, or anyone that transmits or receives information electronically may be caught by the definition. I think it's outrageous that right now Bill C-22 defines it that widely.

Is the online harms—

**Hon. Sean Fraser:** Can I add this, just for clarity?

**Roman Baber:** Yes, please.

**Hon. Sean Fraser:** In the initial version of the draft, a significant number of other service providers could have been captured by a much broader definition. We listened to the feedback, including from parliamentarians, to significantly reduce the scope to make it clear that we're not interested in the kind of information that might exist in a local health care practice or bakery. This is about the information that will help investigate and prosecute crimes, where we can work with service providers, at the risk of stating the obvious.

**Roman Baber:** I don't know what you're interested in today or what your government might be interested in tomorrow. I'm saying that right now the scope is very wide. I believe we should be addressing this at committee.

Will online harms be tabled this June?

**Hon. Sean Fraser:** I don't have a tabling date, and I don't want to speak for one of my colleagues who will be leading on that file.

**Roman Baber:** I don't understand why the Liberal government is so obsessed with policing speech and imposing censorship. Will online harms include a bringing back of section 13, as existed in its previous version, where anybody who essentially takes offence to something said online can bring a complaint to the tribunal?

**Hon. Sean Fraser:** I disagree with your characterization of that piece. You should not expect, though, a simple copy-and-paste job of the previous legislation. I think there's an independent opportunity for the minister responsible to look at the work and to advance protections that they think will help make the online environment in Canada a safer place for everyone. I won't prejudge what measures will be included in that legislation. That's something I'll be engaged with, but I'll let my colleague have the space to do their work.

**Roman Baber:** Thank you.

**The Chair:** Thank you, Mr. Baber.

Thank you, Minister.

Ms. Dhillon, it's over to you for five minutes.

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

Thank you, Minister, for being here today.

Throughout the debate on Bill C-14, we've talked about balancing stronger public safety measures with charter rights and judicial independence at the same time. Can you speak to us a bit about why maintaining that balance is important?

**Hon. Sean Fraser:** Let's be specific about it. When we were first looking at the bill and balancing some of these rights, we weren't planning on including, from the outset, some of the measures that impacted mandatory minimums, but in the middle of the bill's formulation, the *Senneville* decision from the Supreme Court of Canada landed in the public conversation. Obviously, it drew significant attention to the issue of mandatory minimums, and we saw yet another one struck down. What we've seen over the course of Canada's history is that governments of different persuasions will periodically seek to advance a political priority. Courts will say that's outside the authorities that citizens have given unto you as a government; therefore, we will remove that law from the books, effectively.

If you don't engage in the exercise of making sure you respect Canadians' constitutionally protected rights, you end up with a bunch of laws that exist on paper but have no impact in communities. If we can't breathe life into the laws that exist on the books, into the communities where people live, then those laws are not worth the paper on which they are written. We need to ensure that we insist on the protection of Canadians' rights to the extent where, if a court determines that we fall outside the bounds of what's applicable, we have the opportunity to appeal. At the end of the day, when it comes to interpreting Canada's laws, we will respect decisions taken particularly by the Supreme Court of Canada.

In my view, the good news is that public safety and the protection of rights are not mutually exclusive. When Canadians know that they will have an opportunity to have their rights respected, and you combine that with adequate policing resources and criminal laws that will help to advance public safety, you can create a country and a society where people can live freely and live safely. I think that is what we should all aim to promote.

• (1140)

**Anju Dhillon:** Speaking of public safety, the bill includes transit workers and frontline workers. Why was it important to include them?

**Hon. Sean Fraser:** There are certain people in our communities who put themselves at risk in providing an essential service. You mentioned transit workers. First responders are an obvious choice to include. Before I articulate the reasons behind this change, I want to say a thank you to my Manitoba counterpart, Matt Wiebe, for helping to advocate this. We also have a Senate bill coming through on very similar measures that are attacking the same social harm.

Think about what it means to expect a person to go to a job where they are harassed and assaulted routinely. We would have an expectation that they're going to be at their very best in delivering public safety outcomes. I want to say thank you to every police officer and every first responder in our community, the paramedics and firefighters who are facing ungodly working conditions. If we can offer additional protection that may cause a person to think twice before assaulting a first responder in the line of duty, I think it's incumbent upon us to take that opportunity to make first responders' lives a little easier and in turn make Canada a bit safer.

**Anju Dhillon:** The purpose of these bills is to modernize the criminal justice system framework. This is why we're here and why you're doing this.

For a long time, survivors have felt unable to navigate the justice system. How would Canada be able to assist them in moving closer to the goals of being able to navigate the system and feel safe in it?

**Hon. Sean Fraser:** That's a big question, and it will be difficult to squeeze an answer into just a few moments. There are so many angles to help promote faith in the justice system, but since you mentioned survivors, I'll talk about those who have been victims of crime and who wish to seek justice.

There is no one thing you can do that will improve the system for everyone, but there are a lot of things you can do that will have an impact.

First of all, we have significantly renovated the Victims Bill of Rights in Bill C-16, which makes clear what a person is entitled to when they're going through this horrific experience of having complained to law enforcement and being made to tell and retell their story, which is sometimes very traumatic. The use of testimonial aids, proactively sharing information about what the experience could entail, making space for victims and their families to give statements on sentencing at Parole Board hearings are all positive changes that I think are going to have an impact.

We also need to look at the system itself. Maybe there are delays that are resulting in cases being thrown out without a trial coming to its natural conclusion.

In other instances, the challenges people have in navigating the system are far more basic. I hear often about a lack of public transit for low-income families to a family courthouse somewhere in Canada, as I do about the evidentiary process in sexual assault trials. Access to justice and advancing access to the justice system vary enormously from individual to individual and from province to province. I don't want to be too blunt, but you will see included in each of these bills a series of measures that are designed not only to strengthen Canada's criminal law but also to ensure that those who've been victimized by crime and have survived to tell their story have an experience that's more sensitive to what they've gone through.

**The Chair:** Thank you, Minister.

Thanks, Ms. Dhillon.

**Anju Dhillon:** Thank you so much.

**The Chair:** Mr. Fortin, we'll go to you, sir, for two and a half minutes.

[*Translation*]

**Rhéal Éloi Fortin:** Thank you, Mr. Chair.

Minister, I heard your answers to my questions about a clear majority in a possible referendum. Let's now turn to the broader issue of whether the Clarity Act should be applied.

This morning, at a press conference, the Prime Minister said that he was studying the issue of whether the Clarity Act should be applied to Alberta. He argued that the matter wasn't on the ballot or in the mandates or platforms of either the governing party or the official opposition. I haven't looked at Ms. Smith's party platform in Alberta. I suspect that the Prime Minister did so before making this statement.

However, I'm looking at this argument in light of the situation in Quebec. The Quebec sovereignty issue appears in article 1 of the Parti Québécois platform. This has been the case since the founding of the party.

Does this mean that the same reasoning wouldn't apply and that the federal government would have more consideration, so to speak, for Quebec's jurisdiction in the case of a referendum on sovereignty?

• (1145)

**Hon. Sean Fraser:** Your question has different parts.

First, you're asking whether the Clarity Act would be applied in certain cases.

In the case of Quebec, it currently isn't possible to make this type of statement. There isn't any referendum question. Quebec may put forward this type of question in the future. The government of the day will then need to decide whether the legislation should apply in that case.

Alberta has a referendum question. However, I still need time to consider the application of the Clarity Act.

**Rhéal Éloi Fortin:** Minister, I nevertheless understand that, in your assessment of whether this legislation applies, the referendum's inclusion in the governing party's platform plays a key role.

[*English*]

**Hon. Sean Fraser:** It's one issue to consider among many, but that's obviously a very important political point for a voter to consider. The Clarity Act has several elements that it would consider in terms of the requirements for the federal Parliament to take part in the process. However, certainly I think what people have campaigned upon is always politically important.

**The Chair:** Thank you, Minister.

Thank you, Mr. Fortin.

[*Translation*]

**Rhéal Éloi Fortin:** Thank you, Minister.

[*English*]

**The Chair:** Mr. Lawton, I go to you for five minutes.

**Andrew Lawton (Elgin—St. Thomas—London South, CPC):** Minister, thank you for being here.

I'm going to start with Bill C-22, which has generated a huge amount of concern from civil society groups which, I think quite justifiably, do not trust your government to respect fundamental charter rights, given your government's track record. You keep coming back, as do your colleagues, to this line that, when you force electronic service providers to retain metadata, it's no different from just having a copy of the phone book that someone could leaf through.

The problem with this, and where it falls short, is that metadata is so much deeper than that. It includes, for example, location data. Why is where my wife and I went to dinner the other night, why is a Canadian's movement pattern—a Canadian who hasn't been suspected or accused of committing a crime—relevant to withhold and to force companies to withhold?

**Hon. Sean Fraser:** Maybe I should have given this disclaimer at the beginning of some of my answers. I'm engaged with and aware of the bill. My colleague, Minister Anandasangaree, particularly on the part that you've mentioned, is leading on this, and I'll leave it to him to offer specifics. Keep in—

**Andrew Lawton:** Could you urge him to accept our invitation to appear before this committee? So far, he has not come.

**Hon. Sean Fraser:** If you put it on the record, he will be aware.

What's important to me is for us to have protections in place that will allow people to know that their information is not going to be abused but, at the same time, enable us to catch up with the rest of the world in allowing law enforcement to investigate and prosecute dangerous criminals who are causing harm to our country today. In my view, having a system that allows you to request information but not a requirement that the information exists would leave an obvious gap that would render the legislation ineffective.

Again, not to speak for my colleague, but if there are proposals that you think will not eat away at the ability for law enforcement to do their job but will offer superior protections to Canadians' privacy—we're members of Parliament, we have the opportunity to put forward proposals and amendments to bills—I think that that would be, if you deem it appropriate, the best use of your energy as a committee.

• (1150)

**Andrew Lawton:** When you say, “catching up with the rest of the world”, though, this actually goes further. It goes into areas that other democratic countries have rejected in the past.

To be clear, I want law enforcement to have the tools available to do their jobs. When I spoke to police chiefs in my riding, and others in law enforcement, a lot of what they said they wanted is in part 1 of the bill. They did not talk about wanting to force back doors into these technological services, which is exactly what Apple, Meta and Google have said this legislation will force them to do to comply with the demands that your government is putting on these companies, which have vast amounts of Canadians' data.

**Hon. Sean Fraser:** Well, I would disagree. I think some of that may come from facts that are not known, which are left to the regulatory powers included in the bill. I don't see the back door that people have become concerned with.

**Andrew Lawton:** I'm sorry to interrupt, Minister, but do you not believe it is justifiable to be concerned about where the regulatory power that a bill grants regulators could go?

**Hon. Sean Fraser:** I think it's possible, but to the extent that you think that leaves a space for abuse in the future, that's the kind of thing for which it would be appropriate to propose suggestions to the minister responsible for the legislation. However, it would be essential that we expect that the information that could be discoverable under part 1 of the bill, through the process I discussed with Mr. Baber, actually exists among the service providers who hold the information on networks that are being used to traffic and elicit criminal behaviour.

**Andrew Lawton:** The indiscriminate retention of data—

**Anju Dhillon:** I'm sorry. I have a point of order, Chair.

That is not part of the minister's mandate.

**Andrew Lawton:** May I make a submission on this, Mr. Chair?

The minister himself touted this very bill in his opening statements, so for his colleague to try to bail him out because he doesn't like the questions, potentially, I think is entirely inappropriate.

**Roman Baber:** Also, his ministry—

**The Chair:** Mr. Baber, this isn't just random speaking when you feel the urge, but thank you.

Mr. Lawton, go ahead.

**Andrew Lawton:** What we're talking about here is not only the indiscriminate retention of the data that all Canadians hold...but also forcing companies to build back doors into it. Can you guarantee that encrypted communications will be protected?

**Hon. Sean Fraser:** As Minister Anandasangaree has discussed in public, the bill is not designed to give access to encrypted materials. It's designed to provide the information about which account is using a network and the subscriber information—again, with the authority of a court—that could be disclosed as part of an ongoing criminal investigation.

I don't share your concern, but conversations are obviously ongoing between parliamentarians and private sector entities who've raised similar issues. I would encourage you and others to continue that conversation with the public safety minister.

**The Chair:** Thank you, Mr. Lawton.

Thank you, Minister.

Ms. Begum, I go over to you for five minutes.

**Doly Begum (Scarborough Southwest, Lib.):** Thank you very much, Chair.

Good morning, colleagues. It's great to be part of the justice committee. It's my first time joining.

Thank you very much, Minister, for being here. One thing I hear in my community is an increasing concern about deepfakes and, specifically, deepfake sexual imagery and online exploitation. In fact, I've heard from constituents who speak about online violence. I know you spoke a bit about Bill C-16 already. How is Bill C-16 helping modernize Canada's laws to address these evolving harms?

**Hon. Sean Fraser:** Thank you very much.

Before I begin, let me, for the first time on the record, congratulate you on joining the House of Commons. It's a remarkable achievement, and we're thrilled to have you as a colleague in the House.

Maybe before I deal with the specific legislation, I'll just say that the world evolves, and, as the world evolves, crime evolves. Increasingly you are seeing new tools deployed to commit criminal acts or morally culpable acts that our criminal law has not yet caught up to. The example you mentioned, AI deepfakes, presents perhaps the most obvious example in the Canadian legal landscape.

In my home province, just in the last month or two, we've seen a judge draw specific attention, when rendering their decision, to the fact that the behaviour, while morally reprehensible, did not constitute a criminal act, because the use of AI to create a deepfake did not constitute an "intimate image" as defined by the Criminal Code. When you see very clear injustice playing out in terms of a person's likeness being used without their consent to create an image in an intimate scenario, obviously it demands action. Bill C-16 fills this gap, and it does so by scoping in intimate images that would be considered illicit for the purpose of the Criminal Code but for the use of artificial intelligence.

There are other examples in the bill as well. The modernization of criminal harassment is a good example. We increasingly see harassment being carried out with electronic devices—with the ability to track a person by using GPS built into their phone, for example, among other things—along with a shift to the nature of the standard that's actually deployed to ensure that it can be more easily prosecuted.

I think we should be mindful that life in Canada and crime in Canada are not static. As the world changes, so too we must change; otherwise, we'll be left behind.

• (1155)

**Doly Begum:** Thank you very much. I think this is welcome news to a lot of folks, especially because online violence has increased as well and, as you spoke about, evolved into different types of violence.

Minister, many survivors and advocacy organizations have called for and welcomed the trauma-informed approach reflected in Bill C-16 as well. Could you speak about the legislation and how it would improve supports and protections for victims, specifically?

**Hon. Sean Fraser:** Certainly. Supports and protections are part of it, but the rules and outcomes are important as well.

When I think about some of the supports and protections that we want to put in place, the changes that we're making to the Victims Bill of Rights are among the first things that come to mind: making sure a person understands that, if they need a testimonial aid to participate in the trial, they should be entitled to one; making sure a person proactively receives information about what to expect in the process, knowing that there is a space for their voice through victims impact statements, through statements that they or their family can make at parole hearings, and through other information they should be receiving throughout the course of the trial. We can make the process better supported and, often, that's informed by those who have experience in dealing with cases involving trauma.

Separate from that, we should recognize that there are rules in place. You drew attention to one that was insufficient to deal with a very traumatic experience, and we need to change it so that we can catch up to the modern understanding of what can be a trauma-related experience.

I should take this opportunity as well to mention that, of all the many different crimes that exist in the world, sexual crimes hold a particular status when it comes to the trauma that impacts a victim when their bodily integrity has been violated. By ensuring that we move forward, not just by redefining "sexual crimes" in Canada but

also by addressing challenges related to delays that have been leading to the routine throwing out of far too many cases—nearly 10,000 that were reported publicly—we know that we can deliver a better sense of justice.

It just never felt like justice, to me, to talk to someone who had been through a sexual assault and to hear them say that they never got their conclusion in court and, in some instances, were forced to live in the same community as the assailant. That doesn't feel like justice, and we can improve upon that.

**The Chair:** Thank you, Ms. Begum. That's the end of your time.

We'll suspend for a couple of minutes, then we'll start with the second hour.

• (1155)

(Pause)

• (1205)

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

Welcome.

This is the second hour of our study of the main estimates for 2026-27 of the Department of Justice. We still have the Minister of Justice and Attorney General of Canada present, along with the department officials. Thank you for staying.

We will have an opening statement from the minister, if he wishes, followed by questions from the members of the committee.

We need to reserve a few minutes at the end to vote on the 12 items under the Department of Justice. Please remember that we have 12 items to vote on in the end.

Minister, I don't know if you have any further opening remarks. Perhaps we'll jump right into questions.

**Hon. Sean Fraser:** I know Mr. Lawton is very excited to hear me talk about the details of the main estimates for 10 minutes.

No, Mr. Chair, I'm fine. We can go right back to questions.

**The Chair:** I was prepared to give you extra time, actually.

**A voice:** Oh, oh!

**Hon. Sean Fraser:** Okay, in that case....

**The Chair:** We'll jump right into questions, then.

We will start with Mr. Baber for six minutes.

**Roman Baber:** Attorney General, your government and you yourself often talk about the need to combat anti-Semitism.

I represent one of the most Jewish ridings in the country. Since the passage of Bill C-9 in the House of Commons, there have been at least five shootings at Toronto synagogues. Shootings at a place of worship are already illegal, but we don't have an absence-of-law problem; unfortunately, we have a law enforcement problem.

Would you agree with me that when the Prime Minister is on the campaign trail and falsely alleges that Israel is committing genocide, he fuels hatred against Canada's Jews?

**Hon. Sean Fraser:** I don't think it's appropriate to suggest that any one political actor is responsible for anti-Semitism or is fomenting anti-Semitism in this country. I would forcefully disagree that the Prime Minister is among any Canadians who would be on a list of those seeking to do so.

My own view is that it is a complex but very important social issue. Everyone, regardless of which god you pray to, deserves to have the opportunity to practise their faith freely in this country. The answer to your question is no.

We don't want to dismiss the extraordinary importance of anti-Semitism and the need to do more, both in advancing new laws and by increasing the ability of law enforcement to do the work that they've been tasked with for years.

**Roman Baber:** Minister, we don't need Bill C-9 to agree that incitement to violence is criminal conduct. The word "intifada" literally translates as "violent revolt". It's not peaceful resistance. When someone chants for "intifada" in North York or yells that an intifada revolution is the only solution and, in other words, incites violence, should that not be an arrestable offence?

**Hon. Sean Fraser:** The details of any given set of facts are going to be important when you're making a legal analysis.

In those acute instances, I think it's also important that we leave it to law enforcement and prosecutors to investigate and to prosecute. I don't think it's helpful for a sitting politician—the Attorney General in particular—to be suggesting what outcome may flow from a given set of facts on the ground.

• (1210)

**Roman Baber:** Attorney General, we engage in the application of facts in law and we engage in these questions every day of the week, and that's what's happening in my riding in north Toronto, so I'd like to take exception to what you're saying.

The chant for intifada has been deemed criminal in the United Kingdom, in Germany and in many gulf states. I think it's outrageous that while we all agree that the definition of intifada is not peaceful resistance but violent resistance, somehow the justice minister has difficulty saying that incitement to violence, even though it cites that word, should not be an arrestable offence.

I'll give you another chance.

**Hon. Sean Fraser:** You're taking some liberties with the perspective that I've shared.

I'm not condoning an incitement to violence. What I'm suggesting is that when you're dealing with a group of individuals who may make comments that could potentially constitute a hate crime in this country, having the sitting Attorney General discuss what

outcome should result from a given set of facts is dangerous behaviour.

I think it's important that the justice system operate independently of my office. Our system has been specifically designed to ensure that this independence exists permanently in this country. I think it would be uniquely unhelpful if we adopted the practice that you see in certain other jurisdictions in the world of having elected officials suggest what the appropriate criminal penalties would be for individual cases. We have a different and better system.

**Roman Baber:** I wasn't asking what the appropriate penalty should be. I was asking if you believe that incitement to violence should be an arrestable offence.

You're familiar with my private member's bill, Bill C-257, to criminalize the wilful promotion of terrorism. During clause-by-clause consideration of Bill C-9, MP Housefather brought amendments to essentially affect the passing of my bill but then subsequently withdrew them. The Association of Chiefs of Police has explicitly endorsed the passage of such a bill to address a significant deficiency in the law.

Will you work with me to adopt the passage of my bill to criminalize the wilful promotion of terrorist activity or terrorist groups?

**Hon. Sean Fraser:** First of all, I want to thank you for drawing attention to Mr. Housefather's work on this particular issue. He's been a champion for his community and for the Jewish community across Canada, and I want to say "thank you" with him present in the room.

With respect to your bill, I don't want to prejudge what outcome would result, but the reason I wasn't comfortable including it in the previous piece of legislation is that we hadn't done the same policy work on the issue that you've just raised that we did on the measures that were included in the bill.

To the extent that this committee or other committees wish to identify the best path forward, I think that would be a useful exercise, but I don't want to suggest that there's a preordained outcome in terms of a given issue in advance of that policy work being done.

**Roman Baber:** Well, surely, if Mr. Housefather's amendments were before this committee, then there was some work done. I know that the MP for Eglinton—Lawrence has done some extensive work on this issue as well.

Just to confirm the timeline here, I brought forward Bill C-257 to criminalize the wilful promotion of terrorist activity or terrorist groups. Subsequently, in Bill C-9, we saw almost identical language from MP Housefather. We went back to negotiate changes to his language, and I understand that he was subsequently instructed to withdraw the amendments.

Could you please tell me why the department blinked? Why did we not pass these amendments in Bill C-9 if they were already on the floor? Why was Mr. Housefather made to withdraw these amendments?

**Hon. Sean Fraser:** Look, I'm not aware of the.... You described it as the department "blinking". I'm not aware of any moment in time when this took place, and individual committee members will have discussions with one another and with other actors within the government. I would disagree with your characterization. I don't think I have the authority to make any of my colleagues do anything, if that was the insinuation.

What I meant to say when I offered my explanation earlier was that after last summer, before we came back to Parliament in the fall, we spent a considerable amount of time and energy conducting deep policy work to understand the expected outcomes of different changes that we were proposing to the Criminal Code in Bill C-9. I have confidence that the measures included therein, with the benefit of amendments, including those from this committee, are going to help combat hate in this country and make our community safer.

With respect to the item that's included in your private member's bill, that wasn't part of the set of issues that we examined to the same degree and with the same rigour as we did before Parliament resumed in September of last year.

**The Chair:** Thank you, Minister. Thank you, Mr. Baber.

Welcome, Ms. Miedema, to the committee. I'm going to give you the floor for six minutes.

**Shannon Miedema (Halifax, Lib.):** Thank you very much, Mr. Chair.

Good morning, everyone, and thanks for having me. This is my first time at the justice committee.

As a fellow Atlantic Canadian caucus member, I'm really happy to see you here, Minister Fraser, and to talk a bit about what I think must be a pretty happy part of your portfolio, which is being the minister responsible for the Atlantic Canada Opportunities Agency.

I've heard a lot from my constituents in my riding of Halifax on the importance of crime prevention, inclusive community spaces, public safety and building really thriving, strong and resilient communities. I know that you're soon going to be responsible for managing some of the funding delivered from the direct delivery stream of the build communities strong fund, which I'm really excited about. I think it's going to really help our local organizations and partners across this country in building strong communities.

Can you please tell us a bit more about who will be eligible for this funding and give details about the process to apply?

• (1215)

**Hon. Sean Fraser:** Thank you. It's rare that I get an ACOA question, and you're right that we still find all issues we get to work on rewarding, no matter how difficult, even if they may not be happy issues, to use the phraseology that you've chosen.

First of all, before we get to the mechanics of the build communities strong fund, there's a message that was left with me years ago. It was during a visit to Iqaluit for work, and one of the gentlemen who works for the government was talking about an aquatic centre that was put up in the community. The community had a big discussion about whether it should go forward. He said that his wife had said something to him, which he shared with me: When it

comes to kids, you either give them something to do or they give you something to do.

When you make investments that improve the quality of life in your community and allow people to participate fully, engage with their neighbours and deploy their energy to something that's useful or even healthy, you end up seeing that communities become safer places. I've talked to police chiefs who have told me that when you have facilities in the communities, you create a culture in which people are out in the streets, enjoying their community. That's not just a symptom of a safe community but a cause of a safe community, because people who would target a particular residential neighbourhood and see kids out playing in the streets and parents watching over them tend not to go to those neighbourhoods.

To answer your specific question at the end of your intervention, we expect that we'll very soon have an opportunity to roll out a particular component of the build communities strong fund that is focused on smaller community infrastructure.

We've had different iterations of this during my time as a member of Parliament, including Canada 150 and subsequently the Canada community revitalization fund. It can help with larger-scale pieces of infrastructure, such as community halls, recreational facilities and cultural facilities, but it also helps with accessibility upgrades, such as a new ramp or an accessible washroom at the local hall.

What I find is common among the projects that we've supported is that they offer a space for the entire community to congregate, enjoy new services, get to know their neighbours and participate in some shared activity. This is one of my favourite programs across government, and to be able to administer it on behalf of Atlantic Canadians is something I'm very much looking forward to.

**Shannon Miedema:** Thank you very much.

I am also excited about the launch of the Atlantic Economic Panel through ACOA, which you've taken on since becoming the responsible minister. I think it's great to go from supporting local organizations all the way to exploring a strategy for Atlantic Canada and how we capitalize on the opportunities we have in front of us on defence, trade, transport, etc.

Can you talk to us a bit about the vision you had behind creating this initiative?

**Hon. Sean Fraser:** Certainly.

For those committee members who are not aware, we've launched a panel of private sector leaders from Atlantic Canada to identify the greatest economic growth opportunities that will help improve productivity in our region, which historically lags behind.

The three maritime provinces find themselves ranked at 58th, 59th and 60th in terms of productivity per capita among states or provinces in North America. We need to do better. This is what motivated me to run for office in the first place, and having the advice and perspective of private sector leaders whose reputation is unsailable is going to help identify the biggest opportunities.

Some of the conversations I've been having adjacent to the panel—which you would see in Halifax, MP Miedema—are remarkable. Think of what Halifax is doing in defence. It's not just the shipyard: NATO, in looking for a defence innovation accelerator, chose Halifax. The start-up community—not just in Halifax, but across Atlantic Canada—is remarkable in the defence space.

Obviously, primary industry continues, with forestry, fisheries, agriculture and mining, but we have massive opportunities to increase exports and to embrace AI in particular as a growth strategy with some of the work that's going on at Dalhousie University in your constituency.

Before I finish, I should mention the renewable energy opportunity, with offshore renewables in particular providing a game-changing economic opportunity like we've not seen in my lifetime. The panel will help shine a light on what these opportunities are and also offer validation based on the panel membership's many decades of collective experience.

• (1220)

**Shannon Miedema:** Thank you very much.

**The Chair:** Thank you.

We will move to Mr. Fortin for six minutes.

[*Translation*]

**Rhéal Éloi Fortin:** Thank you, Mr. Chair.

Minister, we spoke earlier about what constitutes a clear majority in a referendum and whether the result of 50% plus one is sufficient. I gather from your responses that you consider it a bit premature, at least for Quebec, to answer that question. However, I would like to focus on one aspect.

In Quebec, we have something called Bill 99. This legislation states that a result of 50% plus one is a clear and sufficient majority for a referendum, particularly a referendum on sovereignty.

At the federal level, we have the Clarity Act, which says that this issue is to be determined. It says that a clear majority is required, but it doesn't specify what constitutes a clear majority.

So Quebec says that a clear majority is 50% plus one. Ottawa says that we need a clear majority, but doesn't define a clear majority. In the meantime, we have the various statements that I spoke about earlier from your parliamentary secretary, from you and from the Prime Minister.

I have the following question. What do you think should take precedence? Aside from determining whether it's 50% plus one, plus two, plus twenty, plus one hundred or any other number, what should take precedence between the Quebec legislation—that defines a clear majority in the case of a Quebec referendum—and the federal legislation?

**Hon. Sean Fraser:** Thank you, Mr. Fortin.

In my opinion, it isn't up to me to say which legislation is more important.

[*English*]

I think it would be very inappropriate for me, in the absence of a question coming forward, to be declaring which laws would take precedence or how an individual law would be interpreted.

I am hyperaware of the importance and political sensitivity of this conversation in at least two Canadian provinces today. I don't want to do anything that will foment this conversation further, because I believe the removal of either Quebec or Alberta from the federation would be a social and economic disaster for which the country would never forgive itself.

My only interest here—and I wish to deploy every ounce of energy I have—is to make sure that we build a federation that works for Quebecers, that works for Albertans and that works for every Canadian in this country. Every ounce of energy I dedicate to another item that is adjacent to this issue is an ounce of energy that is misplaced, in my view.

[*Translation*]

**Rhéal Éloi Fortin:** Thank you, Minister. I understand that. Your response obviously aligns with the arguments used in Quebec in 1980 and 1995. I don't need a crystal ball to tell me that, in the next referendum, this will continue to be the case. The proponents of federalism will tell Quebecers that Quebec sovereignty would be, as you say, a financial disaster. In 1980, they said that we would lose our retirement pensions and so on. Clearly, these arguments will be debated during the referendum campaigns.

However, the purpose of my question today is to say that, before embarking on a referendum campaign, I think that we need to know the rules of the game. On the one hand, Quebec has legislation defining what constitutes a clear majority. It's a fact. It isn't hypothetical. On the other hand, the federal government says that a clear majority is needed, but it doesn't define what that means. In this situation, what should take precedence? Does the federal government need to comply with Quebec legislation?

**Hon. Sean Fraser:** I received basically the same question. I'll provide the same response. Without a referendum question in the real world, I think that it would be a bad idea for me to make any projections regarding the outcome of these discussions.

• (1225)

**Rhéal Éloi Fortin:** Yes, but this—

**Hon. Sean Fraser:** It's a debate that exists in Quebec—

**Rhéal Éloi Fortin:** Sorry, I don't mean to be rude, Minister. However, as you know since you used to sit here with us, our time is limited. I have just over a minute left.

Minister, I want to know whether the federal government intends to comply with the Quebec legislation.

**Hon. Sean Fraser:** Again, Mr. Fortin, it isn't up to me to state a preference for federal or provincial legislation. Any government must comply with legislation in general. However, it wouldn't be appropriate to make a statement without a real question.

**Rhéal Éloi Fortin:** There's a real issue, Minister. We have legislation in Quebec City and legislation in Ottawa. Both can be interpreted without contradicting each other.

If the federal government says that it wants clarity, that it wants a clear majority and that it will accept that the clear majority defined by Quebec is sufficient, I'll have an answer to my question. It's a clear question. It isn't hypothetical. What's your answer?

**Hon. Sean Fraser:** No. I don't agree with you.

[English]

It's very important to me that we don't start engaging in an interpretation of varying laws that may never come to pass—

[Translation]

**Rhéal Éloi Fortin:** It's your legislation, Minister. The federal government's legislation states that a clear majority is required. So you're the one who must interpret it. This is your legislation, so how do you interpret it? What does a clear majority mean? Do you acknowledge the right of the provinces to decide this?

[English]

**The Chair:** There's time for a quick answer, Minister. That's all the time.

**Hon. Sean Fraser:** I think at this stage it's actively damaging to have an anglophone from Nova Scotia projecting upon a discussion that is playing out in different provinces. If it comes to be that there is no question on this, though that would be my strong preference, I think this conversation should be first and foremost played out in the jurisdictions that have concerns about their autonomy within a united federation, versus seceding from Canada altogether.

**The Chair:** Thank you, Mr. Fortin.

[Translation]

**Rhéal Éloi Fortin:** Thank you, Minister.

[English]

**The Chair:** Mr. Lawton, it's over to you for five minutes.

**Andrew Lawton:** Minister, when you laid out your government's approach to justice, you established what you said were three pillars. On the second of those, I agree in principle with what you say you're trying to do here, which is to support those on the front lines.

We have had before this committee law enforcement officers representing police associations, representing police departments and representing the Canadian Association of Chiefs of Police, and every single one of them has said that your government's firearms confiscation scheme should not be a policing priority and will not improve public safety.

Why is this still a priority for your government, when almost every police service in the country wants nothing to do with it?

**Hon. Sean Fraser:** Thank you, Mr. Lawton.

With respect, this is a file that rests with one of my colleagues, the Minister of Public Safety—

**Andrew Lawton:** Yes, but he doesn't know what a firearms licence is, so I'm asking you, sir.

**Hon. Sean Fraser:** You can continue to put your questions to him in that regard. However, we did make a commitment to Canadians that we would advance this particular priority. We work very closely with law enforcement, including the Canadian Association of Chiefs of Police, which you referred to, and I'll note that they are supportive of the criminal justice agenda that I described during the opening.

With respect to questions that are entirely on a colleague's portfolio, I'll defer to their answers.

**Andrew Lawton:** You are the Minister of Justice and Attorney General of Canada. You are here talking about your priorities in the main estimates, on which your government is spending, I believe, three-quarters of a billion dollars at a minimum, and police services have been cut—

**Marilyn Gladu:** I have a point of order.

Chair, the minister has been clear that this is not his file. It's Minister Anandasangaree's. I think we should move on.

**The Chair:** Thank you, Ms. Gladu.

It is pretty clear, Mr. Lawton, that we're a bit off the beaten track here. Maybe get back to being focused on the matters at hand, if you don't mind.

**Andrew Lawton:** I appreciate that, Mr. Chair, and I appreciate my colleague Ms. Gladu's interventions on criminal justice in the past. For example, on Bill C-14, one of the points that Ms. Gladu raised is that it does not remove the principle of the least restrictive punishment at the earliest possible opportunity. She says it is a reason that this bill is not going to fix crime—

**Iqra Khalid (Mississauga—Erin Mills, Lib.):** I have a point of order, Mr. Chair.

I believe that the witnesses are over there and are not any of our colleagues on this side. If we can please direct questions to the witnesses, that would be really helpful.

**Andrew Lawton:** I was looking at the minister and directing a question to him. Thank you, Ms. Khalid.

Minister, do you agree with your Liberal colleague, Ms. Gladu, that Bill C-14 is not going to fix crime?

• (1230)

**Hon. Sean Fraser:** I think it's going to have a significant and positive impact, and since you've referred to one of my colleagues, I will share with the committee that I think she's been doing her job precisely the right way.

She may be new to our caucus, but she's a long-time friend. Upon joining our caucus, she asked for time—which I would have given to her, regardless of which party she was affiliated with—to sit down to discuss some concerns that she had. She raised her understanding of the principle of restraint with me.

One of the things that I'll share with you, which reflects the perspective I shared with her, is that the principle of restraint exists independent of legislation that had put it into place, and if it were simply repealed, it would still exist and be enforced largely as is. We thought there was a better approach, which is to specifically clarify how it should be applied and to make it absolutely clear that if a court is not satisfied that it can manage the public safety imperative—the second ground, so to speak, for bail hearings—then the person should not be released.

This is a better and stronger approach, in my view, than repealing the principle of restraint from the code altogether, given its continued existence in the common law.

**Andrew Lawton:** I had the pleasure last week of spending some time in Sarnia—Lambton—Bkejwanong. I spoke to a couple of firearms owners there who I think will be incredibly frustrated that their member of Parliament just tried to defend gun confiscation by blocking you from having to answer questions about this important criminal justice issue.

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

I have to say, first of all, that the line of questioning relates to a jurisdiction that is public safety, not justice. Number two, this is a constant effort to harass Ms. Gladu, and I find it really unfortunate that this is happening at this committee.

**Andrew Lawton:** Own your words.

**The Chair:** Mr. Lawton, we have had this discussion about showing respect for our colleagues in many different contexts in the past, regardless of the circumstances. I would just ask you to continue to bear that in mind and to continue to keep the questions....

To other colleagues, this is not a free-for-all discussion. If others would speak only when they have the floor, I would be grateful, as would others.

Mr. Lawton, we are speaking about the estimates too, so let's bear that in mind as well.

Thank you.

**Andrew Lawton:** I didn't realize that quoting members disrespected them, Chair. I appreciate that nudge in a different direction here.

On Bill C-16, Minister, you have put a safety valve in this bill that allows judges to basically decide on their own if they believe a mandatory minimum sentence is going to be “cruel and unusual punishment”. I delved into this with some of the officials from your department during the clause-by-clause review, and I want to get your clarification on this.

Could a judge use a convicted offender's immigration status as justification to waive a mandatory minimum penalty if that penalty would jeopardize their status as a non-Canadian?

**Hon. Sean Fraser:** Not in ordinary circumstances. There would be the ability to use the residual discretion only if the result would be grossly disproportionate, to the point where a common person would understand that it's not an appropriate result.

**Andrew Lawton:** You said, “not in ordinary circumstances”, but your design on the so-called safety valve is that it is an extraordinary circumstance, so is it legitimate, in your view—

**Hon. Sean Fraser:** It's not specific to the circumstances you've identified, though.

**Andrew Lawton:** Do you not believe it would be legitimate to use someone's immigration status to formulate a view of a mandatory minimum sentence as being cruel and unusual?

**Hon. Sean Fraser:** It would have to result in a grossly disproportionate outcome, and we've left that discretion to be determined—

**Andrew Lawton:** But is deportation a grossly disproportionate—

**The Chair:** Mr. Lawton, that's all your time. I will allow the minister to answer that question.

**Hon. Sean Fraser:** Oftentimes, deportation for serious crimes is the appropriate result, not a grossly disproportionate result. It's important that regardless of immigration status, if a dangerous person commits serious crimes, particularly violent crimes, they should face the full suite of consequences.

**The Chair:** Thank you.

Ms. Khalid is next.

**Iqra Khalid:** Thank you very much, Chair, and thank you, Minister and officials, for being here today.

Minister, I appreciate your three-pillar strategy of stronger criminal laws, investment in frontline enforcement and upstream supports in addressing the prevention challenges.

Can you help us—and Canadians, especially—understand where delays in courts fit in within these priorities that you've outlined in these pillars?

Also, on the jurisdiction of the federal government, what can the federal government do and what is the responsibility of the provincial government?

**Hon. Sean Fraser:** To the first part of your question, in theory it could blend in between the first and third pillars. The first, strengthening Canada's criminal laws, is primarily where this particular set of reforms would fall, because by dealing with some of the issues around delays, we have the opportunity to ensure that justice is served in circumstances where cases may currently be dismissed for delay. The strengthening of Canada's criminal laws will have a very direct result in more cases going to trial and presumably more people who have committed a crime being convicted.

You're very right to point out that there are multiple cooks in the kitchen in this conversation. Obviously, for our part, we appoint superior court judges as a federal government. However, the administration of justice continues to fall to the provincial level of government. This means that the actual resources made available to churn through cases in provincial court hearings where the vast majority of bail cases, for example, take place is going to remain a responsibility of the province. The administration of the system more broadly, with the exception of the appointment of judges, will typically fall to them, with some perhaps obvious exceptions.

That said, there is a role for the federal government. It's not just appointing judges. There are certain processes that we can control and certain outcomes that we can help influence. For example, insisting that there are additional consequences that courts ought to consider, besides a stay of proceedings, is a federal rule that we can change that will have an impact.

We are also streamlining the evidentiary process, particularly when it comes to sexual assault trials, to make it far more expeditious to bring a case to trial. As a result, you'll not see only the negative outcome when time expires. You will see time expire less often.

Keep in mind that cases being thrown out is a fairly new phenomenon that is a result of a decision in the Jordan case a number of years ago—in 2018, if memory serves. However, the problem of delays in the justice system is long-standing. Delays do not benefit the accused, the victim or society at all. We need to address the underlying cause of delays by working with our provincial counterparts and cleaning up areas of federal jurisdiction, and also by addressing the consequences of cases that do in fact drag on longer than anyone would hope.

• (1235)

**Iqra Khalid:** Thank you. I appreciate that.

It really comes down to access to our justice system and equality of access for everybody.

We fund portions of the justice system and the administration of justice. For example, in my community, Mississauga Legal Community Services provides that legal aid support to individuals who are seeking access to justice. We have the court challenges program that the federal government supports to make sure that Canadians are able to go to court when they feel that their constitutional rights are challenged.

How important do you think that is in building accountability and the perception of justice being delivered?

**Hon. Sean Fraser:** There's a sense among many in the general public that fighting in court is the sport of kings. If you can't afford to be represented, you feel like you don't have a place there.

Justice must be for everyone in our society. It should not matter whether you are rich or poor when you seek justice through the system. Making sure that we are able to provide supports to ensure that more people have a just outcome is essential, without obviating the need for provincial governments to do their part in making good on their areas of responsibility.

You mentioned legal aid. This obviously is primarily contributed to provincially, with federal supports in certain areas. That's something concrete we can do to help particularly the most vulnerable, such as low-income families, to ensure that they have access to counsel. Self-representation is generally a bad thing across the system, and we have an opportunity in certain cases to help reduce the proliferation of self-represented litigants.

You mentioned the court challenges program. Understanding that the government is not only subject to law but also willing to make supports available for organizations that would challenge it is a unique and important idea. In my view, it improves not only the quality of the laws we have but also the ability of citizens to participate in democracy on issues of systemic importance.

There will be other items on which we won't usurp provincial jurisdiction but will work with provinces to fund programs that will deliver a positive systemic outcome. I'm thinking about work we're doing now to collect better data on bail, for example, by collaborating with provincial governments.

There are roles for us to play, but we need to make sure we work with willing partners as part of a collaborative approach with provinces, all of which want to solve these problems, in my experience, regardless of region and regardless of partisan affiliation.

**The Chair:** Thank you, Minister.

Thank you, Ms. Khalid. That's all your time.

I notice that the bells are now ringing, which means I need unanimous consent if we are to continue. Do I have it?

• (1240)

**Larry Brock:** You have it from the Conservatives.

**Marilyn Gladu:** No.

**The Chair:** There is no unanimous consent.

**An hon. member:** Of course not.

**Marilyn Gladu:** Chair—

**Larry Brock:** How hypocritical—

**The Chair:** Okay, okay, okay, Mr. Brock.

**Larry Brock:** —of Ms. Gladu and that entire Liberal bench.

**The Chair:** The meeting is adjourned.

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