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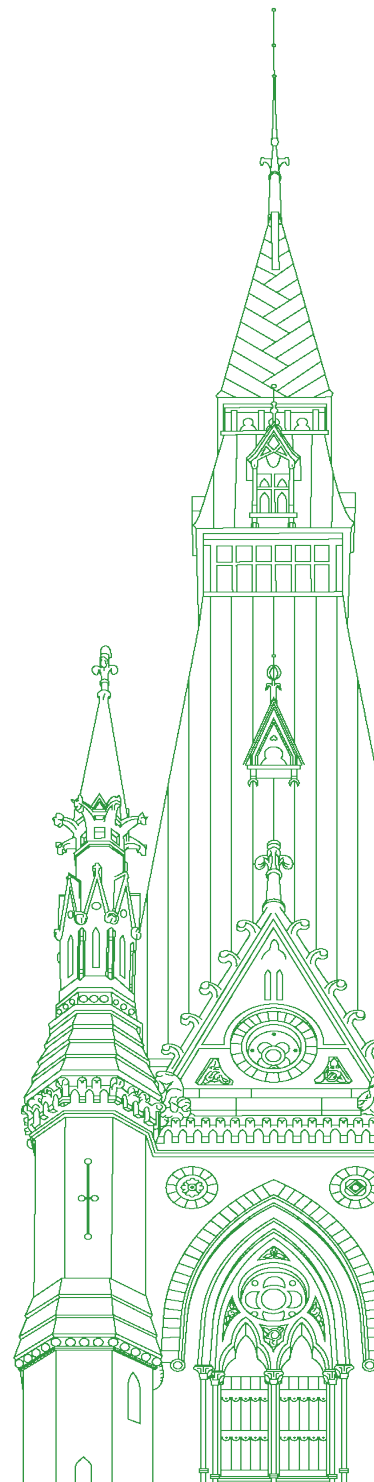
Standing Committee on Justice and Human Rights

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Thursday, September 24, 2026

Chair: Iqra Khalid



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• (0820)

[English]

The Chair (Iqra Khalid (Mississauga—Erin Mills, Lib.)): I call this meeting to order.

Welcome to meeting number 37 of the House of Commons Standing Committee on Justice and Human Rights.

Pursuant to the order of reference of April 22, 2026, the committee will today begin its clause-by-clause study of Bill C-238, an act to amend the Criminal Code regarding restitution orders.

Today's meeting is taking place in a hybrid format, although I don't believe there are members online. You all know how to conduct yourselves if you are working online. I don't think we need to do any sound tests today, so we're good.

First off, before we get going, I want to welcome Jenny Kwan to the meeting today, and Madame Lapointe, whose private member's bill we are doing clause-by-clause on today.

Welcome, as well, to Mr. Khanna. I think you're pretty new at this. Everybody else is the same old, same old.

Mr. Chang, you're brand new too. That's awesome. Welcome. We're very excited to have you here.

I want to also—

Rhéal Éloi Fortin (Rivière-du-Nord, BQ): Mr. Chang has been “new” for a while, but anyway...

The Chair: You're a real part of it. You've been doing this for over a decade.

Rhéal Éloi Fortin: No, it's not that long.

The Chair: Well, it's since I've known you. That's awesome.

I have a couple of comments for the benefit of witnesses and members.

Please wait until I recognize you by name before speaking. I remind you that all comments should be addressed through the chair.

There's nobody on a video conference. There's no Zoom.

We will proceed now to the clause-by-clause study of this bill.

With us to answer technical questions, we have, from the Department of Justice, Aleksander Godlewski, counsel, criminal law policy section.

Welcome, Aleksander.

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

I believe we need to deal with the election of the vice-chair first.

The Chair: I don't think that's the case. We'll do it at the end of the meeting. I want to get through the bill first, if that's okay with you guys.

Thank you.

I was introducing our witnesses.

Jocelyn Sigouin, counsel, criminal law policy section, welcome. Thank you for being here.

On the amendments, as we're going through clause-by-clause, I would like to provide members of the committee with a few comments on how committees proceed with the clause-by-clause consideration of a bill.

This is an examination of all the clauses in the order in which they appear in the bill. I will call each clause successively. Each clause is subject to debate and a vote. If there is an amendment to the clause in question, I will recognize the member proposing it, who may explain it.

Amendments will be considered in the order in which they appear in the package that each member has received from the clerk. Each amendment has been given a number, which is in the top right corner, to indicate which party submitted it. During debate on an amendment, members are permitted to move subamendments if they need to.

Thank you to all the members. I wish everyone a productive clause-by-clause consideration of Bill C-238.

We are now going to the annotated agenda.

We're looking at new clause 0.1. I'm asking if anybody would like to move LIB-0.1.

Go head, Madame Lapointe.

Viviane Lapointe (Sudbury, Lib.): Madam Chair, I'd like to move clause 0.1, an amendment that Bill C-238 be amended by adding, after the heading “Criminal Code” after line 15 on page 1 the following:

0.1. Subsection 3.01(2) of the Criminal Code is amended by striking out “and” at the end of paragraph (e) and by adding the following after that paragraph:

(e.1) paragraph 738(1)(f); and

• (0825)

The Chair: Is there any debate?

All right. Shall LIB-0.1 carry?

An hon. member: No.

(Amendment agreed to on division)

(On clause 1)

The Chair: Thank you.

Moving on to clause 1 and LIB-1, would somebody like to move LIB-1?

Viviane Lapointe: I would like to move this amendment.

Roman Baber (North York, CPC): Madam Chair, would you consider [*Technical difficulty—Editor*] Madame Lapointe reading the whole thing?

The Chair: I'm not going to be reading the whole thing, but it would be nice to put it on the record. I'm not the one moving it, but I do need to have somebody move it.

It is moved, then, by Madame Lapointe.

Just so you all are aware, if LIB-1 is adopted, CPC-1 and CPC-2 cannot be moved, due to a line conflict.

Andrew Lawton: I have a point of order.

Madam Chair, this is a one-clause bill. This amendment basically rewrites the entirety of the bill and, in doing so, changes, I would submit, the scope of the bill. For example, the original bill enumerates the types of organizations. The amendment, which would rewrite the bill, changes this entirely to enumerate offences, not organizations, and it changes the scope of who would get it.

I would submit to you that this amendment to the bill is actually out of order, given that it's fundamentally rewriting the bill.

The Chair: Thank you for that, Mr. Lawton.

In consultation with both of the people flanking me on my left and right, I have deemed this to be in order. If you would like to challenge my ruling, you're welcome to do so, but I do believe that this amendment is in order.

Okay, we'll move on.

Is there debate on LIB-1?

Mr. Baber.

Roman Baber: If I could just kindly ask counsel....

One of the key suggestions made by the author of the bill and legislative counsel was that priorities should not be affected by virtue of this bill. In other words, in the event that the court indeed orders some sort of restitution, the proposal was that the direct victim of a crime would be a recipient of restitution in priority to any of the organizations listed in the bill. I also understand, in terms of the suggestion behind the amendment, that it maintains such priority.

Could you kindly point me to the actual amendment that preserves priority for victims as opposed to community organizations?

Jocelyn Sigouin (Counsel, Criminal Law Policy Section, Department of Justice): The amendment that would prioritize restitution to victims in LIB-1 is under the proposed subsection 738(1.1), which reads:

If the court orders the payment of an amount under any of paragraphs (1)(a) to (e) and the payment of an amount under paragraph (1)(f), the court must provide that all amounts ordered to be paid under any of paragraphs (1)(a) to (e) have priority over any amount ordered to be paid under paragraph (1)(f).

Roman Baber: That's excellent. Thank you.

The Chair: Mr. Lawton.

Andrew Lawton: Thank you.

I take you at your word from your consultation, Madam Chair, that this is in order with the original bill. However, I would point out that there is an issue in terms of significantly broadening the scope of where restitution money can be given.

Let's compare.

The original bill talks about providing restitution to an organization that "provides front-line services to a community, including emergency services and victim support services". That's explaining the connection between the restitution and the recipients.

Madame Lapointe's amendment says, "an organization that provides services to a community", so any community organization could get this money. Someone could be paying restitution because they were convicted of a sexual assault. As it's worded, they could be paying restitution to some anti-pollution community organization. This is a significant broadening.

I think we're generally in alignment with where we want to go with this.

I have a subamendment to this that I'll distribute to everyone in a moment. The subamendment is that the amendment be amended by replacing "an organization that provides services to a community" with "an organization that provides frontline services to victims of the offence or of offences of the same type as the offence".

There are two key changes brought by the subamendment. Number one, it restores the original demand in the legislation that this be frontline organizations. Number two, it also puts in a connection between the organizations that are getting this money and the type of crime that was perpetrated. This is something we know is a significant issue.

I will have the clerk distribute this.

• (0830)

[*Translation*]

I wrote it in both official languages. However, I would like the clerk to have the opportunity to check the translation.

[English]

The Chair: Thank you for that, and thank you for having copies for everybody.

I'm going to suspend while this is being distributed.

● (0830)

(Pause)

● (0845)

The Chair: I call the meeting back to order.

Mr. Lawton.

Andrew Lawton: Thank you, Madam Chair.

There have been discussions across the parties, and I believe we have an agreement on further wording. I realize you can't subamend a subamendment, so I would seek unanimous consent to change my subamendment to the following.

I move that the amendment be amended by replacing the words "an organization that provides services to a community" with "an organization that provides frontline services to victims of the offence". It's taking away the last 10 words of the subamendment.

The Chair: Thank you.

Does Mr. Lawton have the unanimous consent of the committee to withdraw the subamendment and propose a new one with different language?

Some hon. members: Agreed.

(Subamendment withdrawn)

The Chair: Is there any debate on the new subamendment? No. We like it.

All right. Is it carried unanimously?

● (0850)

Rhéal Éloi Fortin: I agree with the amendment, but I disagree with LIB-1.

Are you on the amendment?

The Chair: Yes. The subamendment has now passed. What I'm asking is, is it on division or is it unanimous?

Some hon. members: It's unanimous.

(Subamendment agreed to)

The Chair: Now we go back to LIB-1 as amended.

Mr. Baber.

Roman Baber: Thank you very much.

First of all, I want to thank my friend Mr. Lawton for the subamendment. The effect of it is to go back to the original intent of the bill, which is to provide restitution to frontline services that are directly providing services to victims of an offence, as opposed to broadening it unconditionally.

I want to make a brief submission about the intent of the bill and what Conservatives believe should have been left out of the bill. The reason I make the submission right now is that, if LIB-1 pass-

es, it would make all Conservative amendments that were proposed to this legislation moot.

In my brief submission, I want to turn the committee's attention to...remember a woman named Karolina Huebner-Makurat, a 44-year-old mother of two, who died in hospital after she was hit by a stray bullet outside a supervised consumption site in Leslieville on July 7, 2023. This was a shooting that rocked, that shocked the city of Toronto. It took a couple of days to understand the context of Karolina's death. It became apparent that she was a bystander outside of the Leslieville consumption site, where several drug traffickers were subjected to a robbery. In the course of that robbery, gunfire was exchanged, and this mother, an innocent person crossing the street, was killed.

For a long time, Conservatives have been saying that, regrettably, supervised consumption sites don't address the issue. They perpetuate addiction. Regrettably, they delay the inevitable. Since the Liberal government took office in 2015, more than 50,000 Canadians have died of overdose. We all agree that we have an overdose crisis in this country; what we can't agree on is the remedy.

Conservatives always urge treatment. We urge rehabilitation, but we don't, conceptually, agree with drug consumption sites that provide self-supply—safe supply, presumably—and that provide paraphernalia. A couple of years ago at this committee, we heard from the London chief of police, who said that most of the safe supply that is handed out in these institutions ends up on the street, where it's trafficked for other narcotics. We even hear, from the NDP government in British Columbia, that they now believe that safe consumption sites have led to more tragedy rather than less, and that it has been a very poor experience. What the CPC amendment sought to do, what Mr. Lawton's amendment sought to do in part and what my proposed amendment directly sought was to have drug consumption sites omitted from this bill as organizations that could receive restitution, if such is ordered.

I'm blessed to represent the great riding of North York, which was renamed last week, pursuant to Bill C-25. I'm blessed to have the wonderful community of Downsview included in my riding. My constituency office is located at the intersection of Keele and Wilson.

We know that there's a City of Toronto election under way. One key issue in that election is supervised consumption sites and, specifically, Mayor Olivia Chow's proposal for 20 homeless shelters to be located directly in residential neighbourhoods. We all know that there is a homelessness crisis in Canada's major metropolises and in my beloved city of Toronto specifically. Regrettably, in the last couple of years, as a standard operating procedure, every homeless shelter in Toronto acts as a safe injection site.

● (0855)

They all have safe rooms. They all provide drug paraphernalia like pipes and needles. The City of Toronto is proposing a homeless shelter at 1220 Wilson Avenue, which will be located directly between the Pierre Laporte Middle School—

The Chair: I'm sorry, Mr. Baber. I would ask you to please talk about LIB-1, which is where we are right now. Please keep it relevant.

Roman Baber: It is relevant, because LIB-1 eliminates all other amendments, and LIB-1 is so broad that an institution that I'm about to describe would potentially be a beneficiary of this bill.

Chair, I kindly ask that you give me a little bit of indulgence to conclude.

Every City of Toronto homeless shelter hands out drug paraphernalia. They hand out needles. They have safe rooms that anyone can use, even if they're not a resident of a shelter. Yes, we need to address the issue, but we can't be building a shelter between a middle school and a day care centre if it hands out needles.

I'm concerned that this bill will potentially reward institutions that will hand out drug paraphernalia and needles, especially around schools. That will compromise the safety of the community and the safety of our children. That's why Conservatives wanted to amend Madame Lapointe's bill to prevent safe injection sites or institutions, such as the one contemplated for the Downsview neighbourhood, from receiving funds ordered by court.

We appreciate the intent of the bill. Madame Lapointe, I appreciate your work very much, and I thank you for this. I anticipate congratulating you in a few moments on the passage of your bill, but I want to put it on record that not all community institutions are worthy of the restitution contemplated in your bill and that Conservatives object to safe injection sites or comparable institutions being recipients of such restitution orders.

Thank you.

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

Are there any other points or any other people on the speaking list?

Shall LIB-1 as amended carry?

(Amendment as amended agreed to on division [*See Minutes of Proceedings*])

The Chair: Because LIB-1 has carried, CPC-1 and CPC-2 can no longer be moved, because of the line conflict.

My next question to all you lovely folks is this: Shall clause 1 as amended carry?

(Clause 1 as amended agreed to on division)

The Chair: Now we're moving on to a new clause 1.1. In your packages, you would have seen LIB-2. My understanding is that LIB-2 has been withdrawn, so now we're moving on to NDP-1.

NDP-1 is deemed moved pursuant to the routine motion adopted by the committee on June 17, 2025. I see that Ms. Kwan is here.

Ms. Kwan, would you like to speak to this amendment? Please go ahead.

Jenny Kwan (Vancouver East, NDP): Thank you very much, Madam Chair.

Thank you to the committee members for allowing me the opportunity to speak to my amendment.

The bill proposes a measure intended to address new funding sources for victim services through restitution orders, but what it does not address, and what we don't have, is data to measure against to determine if the funds are sufficient to effectively meet the critical need for services for victims of crime at the time those critical supports are needed.

This is a long-standing problem, Madam Chair. The federal government's own 2011 "Federal Victims Strategy Evaluation: Final Report" clearly stated that, "Although the Federal Victims Strategy is improving the experience of victims in the criminal justice system, funding lapses are impeding the full potential of the Victims Fund."

Calls for justice 5.6, 16.29 and 17.27 of the final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls all speak to the need for meaningfully funded supports and a holistic, comprehensive approach to supports for indigenous victims of crime and families and friends of indigenous murdered or missing persons, including those specific to the needs of Métis people and Inuit people and communities.

Submissions by the Office of the Federal Ombudsperson for Victims of Crime to the government continue to highlight various gaps and shortcomings in victim services. Members hear this regularly too, from people who have trouble getting the supports they need and from frontline victim service providers who struggle to meet the demand.

This amendment addresses the need for transparent reporting on the gaps and requires that the minister table an annual report to Parliament, in consultation with provincial and territorial governments, on gaps in victim services, broken down by province and taking into consideration the realities of vulnerable populations, including youth, indigenous people, women and racialized people.

I hope committee members will support my amendment.

● (0900)

The Chair: Thank you very much, Ms. Kwan.

Is there debate?

Ms. Gladu, go ahead.

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

I absolutely understand the merit of what Ms. Kwan is saying, but I think it's outside the scope of the bill, which is all about making sure that we make service providers that are affected by victim offences whole. That would be my comment.

The Chair: Thank you very much.

Go ahead, Monsieur Fortin.

[Translation]

Rhéal Éloi Fortin: Thank you, Madam Chair.

I understand the intention of our colleague, Ms. Kwan. It seems entirely reasonable.

However, in this case, the administration of justice falls under provincial jurisdiction. Yet we're asking the federal justice minister to report on the program's performance in the provinces. I gather that this must be done in consultation with provincial government officials. That said, it still strikes me as somewhat disrespectful to ask the federal minister to report on the program's shortcomings when this matter falls under provincial jurisdiction.

I would have been more in favour of a provision designed to allow the provinces to determine whether the program is working and to submit requests for changes to the federal government. However, the proposal for a report on shortcomings strikes me as inappropriate. At the very least, it shows a lack of respect for provincial jurisdiction.

[English]

The Chair: Thank you very much, Monsieur Fortin.

I don't have any others on the list, so I'll call the question.

(Amendment negated [See Minutes of Proceedings])

The Chair: We will now move to the preamble and LIB-3.

Is there an issue?

Jenny Kwan: Thank you, Madam Chair.

I thought there was a commitment made by the Liberals in support of this, but clearly that's not the case.

James Maloney (Etobicoke—Lakeshore, Lib.): I have a point of order, Madam Chair.

Importing conversations that may have taken place somewhere else, particularly after the fact, is inappropriate.

The Chair: That's noted. Thank you, Mr. Maloney.

We are on the preamble and LIB-3.

Please go ahead.

Viviane Lapointe: I move the amendment.

The Chair: I don't see any debate.

(Amendment agreed to on division [See Minutes of Proceedings])

The Chair: Shall the preamble as amended carry?

Some hon. members: Agreed.

An hon. member: On division.

The Chair: Shall the title of the bill carry?

Some hon. members: Agreed.

An hon. member: On division.

The Chair: Shall the bill as amended carry?

Some hon. members: Agreed.

An hon. member: On division.

The Chair: Shall the chair report the bill as amended to the House?

Some hon. members: Agreed.

An hon. member: On division.

The Chair: Shall the committee order a reprint of the bill as amended for the use of the House at report stage?

Some hon. members: Agreed.

An hon. member: On division.

The Chair: Congratulations, Madame Lapointe, on moving forward on Bill C-238.

Some hon. members: Hear, hear!

The Chair: Thank you. I appreciate that, and I appreciate the cordiality with which we were able to get through the clause-by-clause on this.

Now we have one last thing left to do for the day, and that is to elect a new vice-chair from the official opposition.

Yes, Mr. Gill, go ahead.

● (0905)

Amarjeet Gill (Brampton West, CPC): I would like to nominate Arpan Khanna to be the vice-chair.

The Chair: Is there a speech coming? No.

Is anyone opposed? Are there any others? Is this a contested election? No.

(Motion agreed to)

The Chair: Congratulations, Mr. Khanna, on becoming the new vice-chair of the justice committee. We appreciate having you here.

Some hon. members: Hear, hear!

The Chair: With that, the meeting is adjourned.

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