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Chair: Mrs. Karen Vecchio



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• (1535)

[English]

The Chair (Mrs. Karen Vecchio (Elgin—Middlesex—London, CPC)): Good afternoon, everyone.

I call this meeting to order. Welcome to meeting number 91 of the House of Commons Standing Committee on the Status of Women.

Today's meeting is taking place in a hybrid format, pursuant to the Standing Orders. Members are in person in the room and remotely using the Zoom application.

I'm going to remind everybody of the etiquette when it comes to making sure that we do not have our earpieces near the microphones and making sure that we put up our hands when necessary.

If we need to direct any questions, we have both Chelsea Moore and Julia Nicol here, who will be helping us today as we're going along through this.

Play with your mics and do everything properly. Let's not bug the translators. Let's be good.

Raise your hand if you have any comments. I will be keeping a speaking order throughout the day. Members in the room, if you wish to speak, also raise your hand.

Pursuant to the order of reference of Wednesday, November 1, 2023, the committee will commence consideration of Bill S-205, an act to amend the Criminal Code and to make consequential amendments to another act regarding interim release and domestic violence recognizance orders.

I would like to provide members of the committee with some instructions and a few comments on how the committee will proceed with the clause-by-clause consideration of Bill S-205. As a reminder, we did start it, but we had an amendment, and a lot of things go through there.

As members already know, this is an examination of all clauses of the bill in the order in which they appear in the bill. I will call out each clause successively, and each clause is subject to debate and a vote. If there is an amendment to a clause in question, I will recognize the member proposing it, who may explain it. The amendment will then be open for debate. When no member wishes to intervene, the amendment will be voted on. Amendments will be considered in the order in which they appear in your package. I will try to go slowly as we do this. Amendments have been given num-

bers, as everybody remembers. You have the numbers in the top corner.

During debate on an amendment, members are permitted to move subamendments. These amendments must be submitted in writing. Just as a reminder, we do know that we need legal translation. If we're working ahead of time, let's just make sure that we're doing that.

Let's just get right to work. I think everybody is ready to get to work.

At the meeting on December 4, the committee adopted the following. We adopted clause 1 as amended by G-1 and G-2. We adopted clause 4. We adopted clause 5. We adopted clause 9, and we adopted clause 10.

(On clause 2)

The Chair: We are resuming debate on clause 2 with the subamendment to amendment G-3. The subamendment was moved by Dr. Lewis.

Dr. Lewis, I'm going to pass it back over to you, because we are on the subamendment to G-3.

I will start by passing the floor over to you for discussion.

Ms. Leslyn Lewis (Haldimand—Norfolk, CPC): The subamendment was quite straightforward. It would be on clause 2, which would be amended by replacing line 20 on page 2 with the following: “formant has reasonable and probable grounds for the belief, the judge”.

The Chair: Wait one moment; I think you may be reading the wrong one.

Right now we are on reference 12766880.

Do you have that one?

Ms. Leslyn Lewis: I don't have that. I can get a copy of that.

Nobody sent it to me.

The Chair: It was distributed. Everybody should check.

To let everybody know, reference 12766880 is the subamendment to the amendment that was put forward by Sonia. This is an amendment to that. It's a subamendment to G-3. It should have been distributed to everybody. It should be in your packages.

What's the date that we can tell them?

Ms. Dancella Boyi (Legislative Clerk): It was sent on Friday.

The Chair: It was received on Friday, so everybody should check.

We will suspend for two minutes so that everybody can get their stuff.

- (1535) _____ (Pause) _____
- (1540)

The Chair: I call the meeting back to order.

Leslyn, you have the floor.

Ms. Leslyn Lewis: Thank you.

This subamendment pertains to the ambiguity that can be derived from a person's fear on reasonable grounds. It invokes a legal test that is usually used, which is reasonable and probable grounds. It strengthens it rather than basing it on fears. It looks at the individual's beliefs.

Fears, as you know, are very subjective. People sometimes have irrational fears based on situations, including a person's race, etc. I think this is a more neutral term that still encompasses the intent of the clause.

The Chair: Thank you very much.

Now I have Lisa, followed by Sonia.

Ms. Lisa Hepfner (Hamilton Mountain, Lib.): Thank you, Madam Chair.

I would say, at first glance, that I am not in favour of this amendment because I think it puts a higher threshold on the victims of intimate partner violence when it comes to being able to access a peace bond. The original amendment G-3 would actually make it easier for victims of intimate partner violence to get a peace bond. This subamendment would put further barriers back in place.

Rather than try to make this argument myself, I'm wondering if our bureaucrats who are here in the room, our witnesses, would perhaps answer for us what they think this amendment would do to the legislation.

The Chair: I have the speaking list, but I am going to allow a response, because it may answer the remainder of the questions that are coming up.

Chelsea and Julia, you have the floor.

Ms. Julia Nicol (Counsel, Criminal Law Policy Section, Department of Justice): Here are some points for consideration.

The subamendment relates, as was mentioned, to the tests that a woman would have to meet to get a peace bond against her intimate partner. The current tests set out in Bill S-205 and in amendment G-3 require that she establish a reasonable fear of her intimate partner causing personal injury. The subamendment that we are now discussing would require belief on reasonable and probable grounds. The language added by the subamendment is not found in the existing peace bond provisions, so it would introduce a novel concept into the peace bond regime.

The six existing peace bonds require fear on reasonable grounds, which is a test known to the court and has been found to be consti-

tutional—for example, in the case of *R. v. Budreo* in the Ontario Court of Appeal, which is often cited. There is a requirement that the person have the fear—the subjective part—but there is also a requirement, which has been interpreted in case law, for the judge to objectively assess whether that fear is reasonable, so that part addresses concerns that it would be an irrational fear and so forth. Case law has addressed that and interpreted the term to identify an objective requirement that the judge assesses.

It's not really possible to speculate on exactly what the courts would say on what the difference would be by adding “probable”. One possibility, which was alluded to earlier, is that it could be harder to get the peace bond. You would have to demonstrate that you don't just fear “on reasonable grounds” but that you fear “on reasonable and probable grounds” that you will be harmed by your spouse.

I'm not sure if that helps, but those are some considerations.

- (1545)

Ms. Lisa Hepfner: It's an extra barrier, though, to getting a peace bond.

Ms. Julia Nicol: As I said, it depends on how the courts will interpret this, because this is novel in the peace bond context. It's more common in relation to investigative powers—for example, warrants and so forth—which is probably where the inspiration for that term came from. We can't say for sure, but that is a possibility.

Ms. Lisa Hepfner: Could I have one follow-up question?

It sounds to me as if, even if it's not creating a barrier, it's creating extra complications that the legal system would have to work out.

Ms. Julia Nicol: It's creating something new. We would have to see what the cases coming forward would interpret it as.

The Chair: Thank you.

I'll give you the list of speakers: Sonia, Michelle, Andréanne and then Leslyn.

Ms. Sonia Sidhu (Brampton South, Lib.): Thank you, Madam Chair.

I agree with my colleague, Ms. Hepfner. Further to this, the subamendment introduces a high threshold for accessing a peace bond. We need to increase options for victims, not make it harder for them to prove they need help, so I'm not in favour of that.

The Chair: Michelle, you're next, and then it's Andréanne.

Ms. Michelle Ferreri (Peterborough—Kawartha, CPC): Just for clarification, Madam Chair, from our officials.... This subamendment comes from my colleague Ms. Lewis because the words “intimate partner” were removed in the original amendment from the Liberals.

Is that correct?

The Chair: Would you like Leslyn to answer?

Ms. Michelle Ferreri: I was actually going to ask them.

The Chair: Okay. Go ahead.

Ms. Julia Nicol: If it's about the intent, I might suggest that I'm not best placed to—

Ms. Michelle Ferreri: I'm actually just asking about the logistics. The subamendment, if I understand correctly, was put forth by Ms. Lewis because the Liberals removed the words “intimate partner” and replaced them with “persons”. Is that correct?

I do find it a little convoluted the way it's written, so I just want to make sure we're all on the same page, literally and figuratively here.

The Chair: I'm looking at this because I don't think that's exactly how it rolled out.

It was in proposed section 810.03 where they switched “a person” to “any person” and removed “intimate partner”. The “intimate partner” was replaced with “another person”.

Looking at that, that's where it comes to the peace bonds, in proposed section 810.03. It is “any person” rather than “a person” in that one.

Ms. Lisa Hefner: If I can clarify, I think what that's talking about is any person other than.... You don't have to be the victim in order to request a peace bond.

This is opening it up. If you're the child of someone who's experiencing intimate partner violence, you can go get a peace bond, or if you're a neighbour or a good friend. It's not saying you have to be the victim in order to go for the peace bond. That's the intent of this motion.

Ms. Michelle Ferreri: You would still be a victim in the sense that you are still living in fear of the attacker.

Ms. Lisa Hefner: It just means you don't necessarily come forward yourself.

The Chair: Give me one moment. I'm just looking at this specifically because, as we're going through this, I believe what you're referring to might be clause 1 where those things were changed. That was under “Consulting intimate partner”. That was clause 1, which has already been approved. That, specifically, is where the “intimate partner” was removed. That was proposed paragraph 515(6) (b.1). We're replacing “a person” with “any person”.

• (1550)

Ms. Michelle Ferreri: I think what we're doing here.... Obviously, sitting on this side, we were very upset. I was personally very upset that the victim consultation was removed from this bill. It's the heart of the bill, the victim consultation, which we heard in testimony from Ms. Diane Tremblay as well.

I guess what I'm telling my Liberal, NDP and Bloc colleagues here today is that Ms. Lewis's subamendment is trying to help a little with this damage control because they've removed “intimate partner” and they've removed victim consultation from this bill.

I just wanted to have clarification. That's why I think it's not a barrier. I think it's really important to support this subamendment, if that makes sense to everyone here.

The Chair: Perhaps, Chelsea and Julia, you can share.

Would changing this have an impact, the “intimate partner” that was removed in clause 1? Is there a correlation between the language used in clause 1 and clause 2?

Ms. Chelsea Moore (Acting Senior Counsel, Criminal Law Policy Section, Department of Justice): I think they're two separate issues. Clause 1 dealt with the bail provisions of the code, and clause 2 really gets into the peace bond regime, which is an entirely different regime.

Part of the confusion might be that some of the wording in section 810 was suggested to be amended by G-3, which would allow a police officer to bring the information on the intimate partner's behalf. Perhaps there's some confusion with how the rewording happened with the term “intimate partner” in that provision.

No, clause 2 is distinct from clause 1. They wouldn't have an impact on each other since they're two different regimes.

The Chair: Thank you.

Julia, do you have a comment?

Ms. Julia Nicol: The change in G-3 does not stop an intimate partner from requesting a peace bond directly. It just gives them the option, if they are scared, for example, to go through a police officer. It's reflecting the language in the other peace bonds, where often it may be a police officer who is bringing the claim and not necessarily the individual needing the protection, if that helps.

The Chair: Michelle, since that was your question, you can continue.

Ms. Michelle Ferreri: Thank you for that clarification.

I guess where I'm struggling with this is that we have these cities—my city, Peterborough, is one of them—that have declared intimate partner violence an epidemic, a crisis. I'm not sure why we would want to remove that word. Maybe if we added “and persons”.... However, if we remove “intimate partner”, what message are we sending when this is an epidemic in the country, in each city?

That's my concern with the removal of this word.

Ms. Julia Nicol: I don't know if it helps, but in paragraph (a) of G-3, "intimate partner" is still there. Any person can now relay the information or apply for the peace bond, but if you look further down, that person has to fear on reasonable grounds that somebody is going to cause a personal injury to the intimate partner's child or their own child. The "intimate partner" is still in there, and it would be a requirement to get a peace bond. The concern is for the safety of an intimate partner or the children.

The Chair: Michelle, I hear you, and I understand, because as we're going through this bill, we understand the importance of it.

We're looking at page 2 of the bill, under "Fear of domestic violence". Section 810.03, in the original bill, says:

A person who fears on reasonable grounds that their intimate partner will commit an offence that will cause personal injury to them, to their child or to a child of that intimate partner may lay an information before a provincial court judge.

What we're seeing from this amendment is the word "a" turned into "any"; the words "intimate partner" turned into "another person", and "a child of that intimate partner" changed to "a child of the other person's intimate partner". The words "intimate partner" are not there. Those have been removed, and "another person" has been put in.

Continuing with that, I think that's where we're at. Those are some of the amendments.

Andréanne, we're going to you, and then to Leah.

• (1555)

[*Translation*]

Ms. Andréanne Larouche (Shefford, BQ): Madam Chair, we already dealt with the motion to replace the wording "intimate partner" with "a person" or "any person" at the last meeting. We already made a decision on that. Am I mistaken?

[*English*]

The Chair: That was a different clause, but yes, "intimate partner" would be removed because of this being from clause 1.

I'm going to ask Dancella to explain.

Ms. Dancella Boyi: Thank you, Madam Chair.

[*Translation*]

Right now, we are dealing with amendment G-3. Ms. Lewis has proposed a subamendment—

Ms. Andréanne Larouche: Is it amendment CPC-1?

Ms. Dancella Boyi: No, it's a subamendment to G-3. The subamendment doesn't have a code, but the reference number is 12766880. My colleague will show you the text of the subamendment in a moment.

The current debate pertains to Ms. Lewis's subamendment, which seeks to amend G-3. That is still being debated.

Ms. Andréanne Larouche: If I understand correctly, the subamendment would basically replace "fears" with "believes". Do I have that right?

Ms. Dancella Boyi: Yes.

Ms. Andréanne Larouche: That subamendment becomes CPC-1.

Ms. Dancella Boyi: No, CPC-1 will be proposed later if necessary to ensure that the bill is consistent.

Ms. Andréanne Larouche: It's basically the same thing, though. It flows from Ms. Lewis's subamendment.

Ms. Dancella Boyi: Yes.

Ms. Andréanne Larouche: All right.

I have a question for the department officials. What effect would this subamendment have? Doesn't replacing "fears" with "believes" lower the degree of proof required? Perhaps the difference in semantics is meaningless, but I'd still like to know whether it would have an impact, despite what you said earlier when you answered the question. Is it better to say "fears" instead of "believes"?

Ms. Julia Nicol: Thank you for your question.

I'll read what the Ontario Court of Appeal said in *Budreo*, in English.

As far as the difference in meaning goes, the way "believes" is interpreted versus "fears" isn't really an issue.

The Ontario Court of Appeal had this to say:

[*English*]

"Fear alone connotes a state of belief or an apprehension that a future event, thought to be undesirable, may or will occur."

[*Translation*]

The meaning of the two concepts doesn't really change much, but since this is somewhat new in the context of peace bonds, we have to look to what the courts have decided.

Do you have anything to add, Ms. Moore?

Ms. Chelsea Moore: Basically, there isn't really any difference between "believes" and "fears" from a legal standpoint, according to the Ontario Court of Appeal. Both require an objective assessment by the court.

[English]

Regardless of which term you use, the court has said that the test will be the same. Whether it's a fear or a belief, the court will still have to decide whether there's an objective reality to that fear or belief. They do that by asking, "What would a reasonable person in a similar situation do if they had the same facts before them? Would they have this fear or belief?" That's how they assess it objectively, but there's no real difference that we've seen in the case law from our research between "belief" and "fear".

Thank you.

• (1600)

The Chair: Thank you very much.

Now, we have Leah, and then we'll go to Marc and Emmanuella.

Ms. Leah Gazan (Winnipeg Centre, NDP): Thank you, Chair.

It's nice to be back in person this week.

Picking up on a couple of comments, I think that if we're talking about "epidemic", it's actually gender-based violence. I know that has been declared an epidemic in municipalities. It's not just intimate partner violence, but gender-based violence.

Speaking of removing victim consultation, from my understanding—I could be wrong—right now victims have the choice of three options. There's a written submission, not testifying at all or testifying. It gives more autonomy to the victim to be able to make a choice about how they want to deal with a case. I could be wrong. I'd like to hear what your understanding is.

I think "any" is actually really important. If you look at cycles of abuse, depending on where the victim is in the cycle, they may or may not feel safe to report the abuse, even though they may be in a life-threatening situation, which is why I think "any person" is really important in terms of what was proposed by the Liberals.

If a person is too fearful even to report—I know you want to do a study on coercive control—and believes that if they report, something terrible is going to happen to them, they might choose not to report, whether it's true or not, depending on how they're doing.

I actually do support the amendment of having "any", for that reason. I think it—

The Chair: I just want to ensure you are on G-3 and not the sub-amendment right now, as you're talking about this. The word "any" is one thing, but the subamendment is on the words "fear" and "believe." Right now we're on the subamendment.

Ms. Leah Gazan: I follow you, okay.

That was my question. Is there a better word? It seems to me—maybe I'm wrong—that "fear" and "believe" are very subjective. Is there a better word that could be used that could be clearer?

Ms. Chelsea Moore: As my colleague pointed out, all the other peace bonds in the Criminal Code currently use "reasonable fear".

I understand the concern that it does sound subjective, but the courts have interpreted it as being an objective test, even though there's a subjective connotation to it. They do need to look at it

from the perspective of a reasonable person to see if they would have a similar fear if placed in a similar situation.

Ms. Leah Gazan: Out of the two, between a belief and a reasonable fear, a reasonable fear has been tested more in court. Is that right?

Ms. Chelsea Moore: Reasonable fear is the test that's currently in the existing eight or nine peace bond provisions, including terrorism, organized crime, sexual offences against a minor, forced marriage and serious personal injury. They all use the reasonable fear test. It has been upheld by the courts as constitutional. It was challenged in the Budreo case as being too subjective, but the court said they were going to uphold the provision because they were interpreting it through an objective lens.

Ms. Leah Gazan: In that case, I think it would be better to use something that's been tested in the courts.

Okay, there we go.

I'm just figuring it out, Chair.

The Chair: We have Marc, Emmanuella, Michelle and Lisa.

Mr. Marc Serré (Nickel Belt, Lib.): Thanks, Madam Chair.

I think we're looking at the subamendment from Ms. Lewis. I just wanted to make a few comments.

As Leah pointed out, the Minister of Justice has also called gender-based violence an epidemic.

[Translation]

I just want to follow up on what Ms. Ferreri said about the changes to the original amendment. The idea is not to exclude intimate partners, but to include everyone who is close to the victim, so they have the right to provide information and request a peace bond. This is an improvement on the current situation because it removes obstacles.

• (1605)

[English]

That language is an improvement, because if we just put "intimate partner" in there, as Bill S-205 states, then family members or others cannot apply for a peace bond on behalf of the victim.

It is an improvement. I just wanted to add that. Now—

The Chair: Marc, let's go back to the subamendment.

Mr. Marc Serré: Going back to the subamendment, as we have just discussed here with Leah's question, reasonable fear has been.... I will be voting against the subamendment because G-3 has "intimate partner" in there and has the "reasonable fear", if I'm understanding correctly.

I will be voting against the subamendment.

The Chair: Still on the list we have Emmanuella, Michelle and Lisa.

Ms. Emmanuella Lambropoulos (Saint-Laurent, Lib.): Can someone just confirm if this has already been covered? I missed the first 20 minutes of committee. Were the implications of adding "and probable" already covered? Was it already asked?

The Chair: Let's take that to the ladies there.

Chelsea and Julia, can you just help with that portion? We've skirted around it, but I do think it's good to have specifics.

Thank you.

Ms. Julia Nicol: As we discussed briefly earlier, if "probable" is added, the challenge is that it's not used to date in this context. It's used in other contexts, like investigative powers, so we would have to wait and see how the case law interprets it.

One of the possibilities is that it would make it harder to get the peace bond because it would be distinguishing a "reasonable" ground from a "reasonable and probable" ground, so it could potentially require more evidence of something to justify the fear. Unfortunately, we don't know for sure because the other peace bonds all use the "reasonable grounds" term, so we don't have a concrete example of case law using that term in the peace bond context.

The investigative context is quite a bit different, because in the peace bond context you don't need to have an offence already; you're trying to prevent one. It's a preventative measure, so it's a bit of a different context. We'd have to see what the cases come out as saying.

The Chair: Thanks very much.

We're now moving on to Michelle.

Ms. Michelle Ferreri: Thanks, Chair.

I didn't want to do this as a point of order, but I wanted to point out, in regard to Ms. Gazan's point about what I had said, that I was actually saying that the City of Peterborough has declared intimate partner violence an epidemic. That's what I was saying.

To Mr. Serré's point, why wouldn't we add "intimate partner and persons", then? That would just be a friendly conversation I would have with you if you wanted me to put it forward as an amendment, because I hear what you're saying and I think I understand it, but why would you remove that word?

The Chair: Lisa, you have the floor.

Ms. Lisa Hepfner: I just want to make sure that we're all clear that the only thing this subamendment does is add the word "probable", which we've heard would increase the barriers for women getting the peace bond. It also adds complications to the legal system because it's not a currently used legal term. We're asking women to

make sure not only that it's reasonable but that it's probable, so they can get a peace bond. That's just adding barriers.

There's no mention of intimate partner violence in this subamendment, so I think we're going way off topic. I think we should all know that the only thing this subamendment does is add the word "probable", which adds barriers.

The Chair: That's all subamendments do, though. They take something and they add to or subtract from it.

When we get to amendment G-3, we'll see all of the changes that actually have occurred there. You're right—there are massive changes from G-3.

Let's get back to exactly what you're saying—the G-3 subamendment. The change involves the words "believes on reasonable and probable". That is the change to the words there.

Are there any further comments?

Dominique, go for it.

[*Translation*]

Mrs. Dominique Vien (Bellechasse—Les Etchemins—Lévis, CPC): Thank you, Madam Chair.

I'm a bit confused by the French version of Ms. Lewis's subamendment. Perhaps I don't understand and I'm way off here. Please tell me if that's the case.

The French version refers to replacing the verb "*craindre*" with "*croire*". So far, so good. According to the English version, though, the new wording would read "believes on reasonable and probable".

• (1610)

There is a significant difference, as far as I'm concerned. I don't have your legal background, but just from a proof standpoint, there is a difference. It seems to me that the English goes a lot further.

Ms. Andréanne Larouche: It's not the same thing at all.

Mrs. Dominique Vien: It's not the same thing at all.

Ms. Andréanne Larouche: No.

Mrs. Dominique Vien: I urge the committee to be very careful, here, because as I read it, what appears in both languages isn't at all the same thing and doesn't have the same meaning at all. That said, I understand what Ms. Lewis is trying to do with her subamendment.

[*English*]

The Chair: I have on my list Andréanne, followed by Marc.

[Translation]

Ms. Andréanne Larouche: What Mrs. Vien just said captures what I was wondering about as well. Earlier, I was focusing on the change in French, and now that I'm listening to the discussion about the wording "reasonable and probable" in the English version, I realize that the French doesn't say the same thing at all. I'm completely confused. The English and French versions don't say the same thing at all.

[English]

The Chair: That's very intriguing to me.

We talk about reasonable grounds all the time in English. What is that word, then? What do they use in French?

Julia or Chelsea, could you share with me what...?

[Translation]

Mrs. Dominique Vien: The French version doesn't refer to that.

Ms. Andréanne Larouche: Madam Chair, the French version of Ms. Lewis's amendment doesn't refer to that at all. The French version simply refers to replacing "*craindre*" with "*croire*"—or "fears" with "believes". It's not at all the same thing.

Ms. Emmanuela Lambropoulos: We waited a long time for the legal version, and when we got it, only one word had been changed.

[English]

The wrong thing was done. We waited five days, and it was never legally translated.

The Chair: Guess what. I've had an amazing person whispering in my ear for the last minute, explaining to me what we're talking about here, with the words in French and English and what is accepted in French as being maybe a little bit grander or more inclusive.

You get the floor, Dan. Explain that to everybody so that we know the difference.

[Translation]

Ms. Dancella Boyi: I'm not sure that I can totally explain why, but I do want clarify a few things.

It is true that the French version of Ms. Lewis's subamendment refers only to the word "*croire*". The reason is that it appears in line 10 of the French version of the bill, replacing the first word of the amendment proposed in paragraph (a) of G-3. The first line of the proposed text reads as follows:

craindre qu'une personne commette contre son

If we look at page 2 of the French version of the bill, just before the lines being amended, we see that line 9 reads as follows:

810.03(1) Quiconque a des motifs raisonnables de

The word "*croire*" proposed in Ms. Lewis's subamendment would come immediately after the words "*motifs raisonnables de*" in the bill.

While it is true that the English concept of "probable" doesn't appear in the French version, the subamendment was translated by jurilinguists, who adhere to specific conventions.

That's all I can tell you.

[English]

The Chair: Marc, go ahead.

Mr. Marc Serré: As was said, we waited five days to get the translation. I think the translation is done. We heard that "reasonable fear" is in the Criminal Code and has been court-tested. Regardless, if there's one word or not, or an added word in French or not, from what we've heard, we'll be voting this down.

It doesn't matter if there's a word or two missing in French. From what the court has said, we'll be voting it down, so we can go to G-3.

• (1615)

The Chair: That's not a problem.

Dominique, were you next?

[Translation]

Mrs. Dominique Vien: I have to insist, here. I'm not sure whether Ms. Larouche feels the same.

If I understand correctly, the word "reasonable" will appear in two places in the English version. The first sentence says "any person who fears on reasonable grounds". Is that where the "believes on reasonable and probable" is going to go? Is that what's being replaced?

In all sincerity, I am not questioning the jurilinguists' competence, but on the surface, I have trouble accepting that the translation reflects the English. It doesn't say the same thing at all.

Ms. Andréanne Larouche: For those reasons, I, too, will be voting against the subamendment. There is too big of a difference between the two versions. I don't see why I should vote in favour of a subamendment I don't understand, when I can see there is such a significant difference between the two versions.

[English]

The Chair: Seeing no others, does the subamendment to G-3 moved by Dr. Lewis...?

Leslyn, go ahead.

Ms. Leslyn Lewis: My understanding is that translation in French is a right and privilege. I don't understand how francophones could vote on anything if it's not properly translated. I don't think that's fair.

I don't purport to speak on their behalf, but they should at least have before them the proper context, the proper translation of the document, so that they could vote on it.

I don't think it's fair that francophones should have to vote on an incomplete document.

The Chair: Mr. Serré.

Mr. Marc Serré: On a point of order, you already started the vote. You called the vote.

The Chair: I absolutely did. I will agree with you that I absolutely did.

I am asking to retract that, because as Leslyn called a point of order, I was not necessarily fully.... I'm just letting you know that my eyes were doing my best work, but I honestly did not see her. It's not that I'm trying to mess things around, but I do understand that.

Emmanuella, you had your hand up for a quick second there. Go ahead.

Ms. Emmanuella Lambropoulos: This subamendment was put forward last week, one week ago from today, and the reason why we were not able to debate it at the time was that it hadn't been properly translated according to legalities, or whatever you want to call it.

Here we are today, a week later, and the translation was not done properly, so the francophone colleagues we have on this committee are not able to properly interpret the change that's being made.

At this point, I would ask Ms. Lewis to retract the subamendment, so that we can move forward with G-3, because, as we saw here in English, it's something that only increases barriers for women and victims of intimate partner violence.

The Chair: Ms. Lewis, there is a request for you to remove the subamendment.

Ms. Leslyn Lewis: I can't remove a francophone's right to be a part of this process. That is a right and privilege. It's a fundamental right of this Parliament for francophones to have the same information before them as we do, so even upon retracting, I don't think that's my right, as an anglophone, to do that.

The Chair: There's some excellent insight here, because that's exactly where Emmanuella was working from, the fact that this is the legal.... This is the way they have interpreted it. This way is taking the entire context of the bill, and those are the words they have put in there.

I absolutely recognize what you're saying, that the words that legal has used and the words that perhaps Dominique, Andréanne and Emmanuella would feel more.... I don't know if that's the case. I don't know if it's more comfortable or not. I hear you.

We can't vote on the substance of the bill until we get through the subamendment. The subamendment has to be voted on first.

They are indicating that we can vote on it because.... Honestly, from what I'm hearing, we can vote on it because it does not have the support anyway. It does not matter how it's written. That's what I'm hearing from the discussion.

• (1620)

Ms. Emmanuella Lambropoulos: We're not allowed to put forward anything in this committee if it's not in both official languages. It can't even be discussed until it's been given to everyone in both official languages, so I don't understand why we're even discussing this subamendment and why we're even allowing it.

The Chair: It is in both official languages. It has been submitted and it is in writing.

Ms. Emmanuella Lambropoulos: Okay. If it is, we get to vote on it and that's it.

The Chair: Okay.

I have one more point of order and then we'll go.

Ms. Leslyn Lewis: I didn't know you could say how many points of order a person can make.

The Chair: No, it's okay. It's all good.

Ms. Leslyn Lewis: My question, though, is this: Are we voting on an accurately translated document, for the purposes of my francophone colleagues?

Is it an accurately translated document, or is there still a problem with the translation?

The Chair: It has been fully translated and reviewed by the legal department. They are the ones who have gone through it. It's gone to the exact people who make the final decision on this wording. If we were to go back to them, they would probably indicate that these are the words of choice that may be similar.

Ms. Leslyn Lewis: I'm going to withdraw my subamendment at this time.

The Chair: We need a motion. Can we get a UC motion to withdraw the subamendment?

(Subamendment withdrawn)

The Chair: We will now move on to G-3.

Sonia, I'm going to throw the floor over to you. I believe we started having this discussion and it was already moved by you. Now we're dealing with G-3 unamended.

Ms. Sonia Sidhu: Madam Chair, I said it before, and I am happy to read the rationale again.

First of all, this would allow a peace officer, family friend or loved one who reasonably believes that the accused will commit an offence that will cause injury to either the victim or their children to apply for the IPV-specific peace bond on behalf of the victim.

We know that victims of intimate partner violence often do not report abuse, for many reasons, including fear of their abuser.

The Chair: Before I start taking the name list, because this is where we came back to, when we're looking at this, we're looking at page 4, "Fear of domestic violence" and proposed section 810.03.

If everyone could be looking at G-3, the reference is 12748845. This is where we're having those discussions about the words "another person" being put in to replace "intimate partner". I know there were some discussions when people were confusing the subamendment with the amendment.

Let's get into this one. This is where that language is being changed on this one, as we were talking about earlier.

Does anyone want to speak to G-3?

Go ahead, Michelle.

Ms. Michelle Ferreri: If I am correct in what I'm reading for Ms. Sidhu's amendment, she wants to replace lines 9 to 12 on page 2 with the following:

Any person who fears on reasonable grounds that another person will commit an offence that will cause personal injury to the intimate partner or a child of the other person, or to a child of the other person's intimate partner, may lay an information

What is she asking to remove? The way it's written here.... I guess I'm just asking for clarification.

• (1625)

The Chair: I'm going to read it into the record so we know what we're comparing. It's apples versus oranges here.

The original content is:

A person who fears on reasonable grounds that their intimate partner will commit an offence that will cause personal injury to them, to their child or to a child of that intimate partner may lay an information before a provincial court judge.

Sonia had put forward the following amendment:

Any person who fears on reasonable grounds that another person will commit an offence that will cause personal injury to the intimate partner or a child of the other person, or to a child of the other person's intimate partner, may lay an information

Ms. Michelle Ferreri: Through you, Chair, can I ask Ms. Sidhu if she could give us a reason for why she's put forward this change? Am I able to do that?

The Chair: Absolutely.

Sonia, you have the floor.

Ms. Sonia Sidhu: When I add this, it also removes some elements of the proposed peace bond, such as those relating to timelines and allowing submissions from the informant regarding conditions to be imposed on the defendant, to bring the procedure in line with the other peace bond provisions in the Criminal Code.

These elements would not only ensure consistency with other elements of the Criminal Code provisions, but they would also ensure that the proposed IPV-specific peace bonds are able to work as intended.

The Chair: Sonia, I'm sorry. I should have added more to that because I only talked about proposed section 810.03. Thank you very much.

As Sonia indicated, if you're continuing to look on page 2, clause 2, G-3, it will appear that clause 2 impacts proposed subsection 810.03(5), "Timeliness". G-3 impacts that.

G-3 impacts "Conditions in recognizance" on page 3. It impacts the beginning, as well as proposed paragraph 810.03(7)(e) under that one. Then, if you're looking, G-3 has impacts on page 4 under "Submissions from the informant", "Surrender", "Reasons", "Variance of conditions", "Safety and security of informant", and "Form".

G-3 actually is throughout. It has implications on three different pages of this bill.

We'll start with Gazan, followed by Ferreri, followed by.... Oh, Michelle was still speaking.

Michelle, you still have the floor, and then I'll go on to the others.

Ms. Michelle Ferreri: I guess my question is, why are we amending this bill so heavily and pulling out critical terms that consult victims and protect victims? We've had victim testimony that specifically asked for this to be passed unamended.

We also had Keira's law, Bill C-233, for which we did some pretty amazing work in this committee. Keira's stepfather, who's a lawyer, testified in this committee and said to leave the bill as is.

Diane Tremblay, who testified here at meeting 86, said the following:

If my abuser had been required to wear an electronic bracelet under a recognizance order pursuant to section 810 of the Criminal Code, as proposed in Senator Boisvenu's bill, my children and I would have been safer and I wouldn't have had to go through these attempted murders. Believe me, you don't emerge unharmed from an attempted murder. You suffer the after-effects for life.

She went on to say, along with the other—

Ms. Lisa Hefner: I have a point of order. I'm not sure if this is relevant to the amendment we're studying right now.

The Chair: Overruled. I think it's absolutely relevant.

Ms. Michelle Ferreri: It's really relevant because this bill is being plucked apart, but we have testimony that has said to leave it the way it is. We've had testimony from a lawyer whose own stepdaughter was murdered as a result of intimate partner violence, who said to leave this bill the way it is—

Ms. Sonia Sidhu: I have a point of order, Madam Chair.

I just want to say that maybe the officials can comment on their opinions with regard to amendment G-3. Maybe Ms. Ferreri can get the answer from them. They can explain.

• (1630)

The Chair: Thank you.

I will allow Michelle to take the floor. We will pass it over to the officials, but she does have the floor.

Ms. Michelle Ferreri: This question, through you, Madam Chair, is actually for Ms. Sidhu. It is a question on behalf of the victims. It's a question on behalf of the family who has testified before us, who asked that this bill not be amended. That's what I'm trying to say. That's why I'm saying this is relevant. I'm trying to understand, because I've seen the work that we've done in FEWO. I've seen what we've done with Keira's law. Why are you gutting this bill and taking out victims' rights, victim consultation and wording around "intimate partner", when we have testimony from the victims, who are asking for it not to be amended?

That is my question, through you, Madam Chair. Why are there these very rigorous amendments that change the whole heart of the bill?

The Chair: Okay, I will go through the list. We have Leah, Marc, Emmanuella and Dominique. If you're not on that list and you're supposed to be on that, please let me know. That's who I have still on this list.

Leah, we'll start with you.

Ms. Leah Gazan: I liked it when you called me "Gazan".

Some hon. members: Oh, oh!

Ms. Leah Gazan: Let's do a do-over.

We have done really great work in this committee. I have to say, out of everything in the House of Commons, what I've enjoyed most is this committee, because we know how to work through things and get things done. I think it's been of benefit to voices that are historically marginalized in this place, and that's women and diverse-gendered folks. They really have no place in here, especially with intersectionalities of women like me, so this gives me place and purpose in this very misogynistic institution. I want to start by saying that.

I want to point out a couple of things. One, I think "intimate partner" is still included. If you look at part (a) in G-3, proposed subsection 810.03(1), it says:

Any person who fears on reasonable grounds that another person will commit an offence that will cause personal injury to the intimate partner

I don't think it's taking out the voices. It's looking at research in domestic violence where people who are experiencing domestic violence are often, for whatever reason, too afraid to come forward. We will be doing a study on coercive control, and I'm sure that will be a centerpiece of the study on coercive control, which has massive implications that go beyond physical abuse. The mental and psychological abuse is a form of control and power, which will limit a victim's ability to feel like they can come forward from fear.

I think it actually supports getting at some of the roots of gender-based violence by really ensuring that we can save lives through this bill. I know we're bringing up former testimony, but I was very touched by the senator when.... This comes from his daughter's personal experience, who I suspect maybe felt like it wasn't safe for her to come forward, for whatever reason. Whether we think it's legitimate or not, we know through research and just lived experience that women often will not come forward.

I think this change will save lives, in fact, when you say "any". It will help families support a member, who they see is in an obviously abusive situation, in a way that could potentially save their life.

I don't think that the senator would not approve of making amendments to a bill that, in honour of his daughter, probably would have provided her with more safety.

I really support this amendment.

The other thing is that we know that in cases of suspected child abuse, we all have a legal obligation to report such abuse. We are legally obligated, so I don't think this amendment moves away from our current legal obligations, which are to report any suspected abuse of children.

That's where I'm at with it, knowing that everybody around the committee table has the best intentions to lift up the voices of victims. I want to acknowledge that. I don't think there's anything malicious in the discussion that's happening here, but I do think if we're going to make a better bill and base it on research and base it on the facts, then I have to support this amendment, because I know it will save lives.

I don't have a problem with (d), because it's already required of me through law.

Thank you.

• (1635)

The Chair: Thank you very much.

I have Marc, Emmanuella and Dominique, and then I'm going to bug Chelsea and Julia to just sum things up for us as well, unless there are other questions.

Mr. Marc Serré: Thanks, Madam Chair.

Yes, this is a very difficult process in the testimony we hear, and I just wanted to say, from some of the witnesses we've heard, that it's not that we're gutting the bill, Michelle. We're trying to expand it and trying to improve it. We've heard other witnesses say that there was some tweaking and there were some little concerns.

As Leah mentioned, when we look at other persons—children, family—I think that's an improvement. Previously, we talked about victim services versus the prosecutor. There's a process. The bill focused on the prosecutor. We focused on the victim services in the courts.

I'll be supporting this amendment.

“Intimate partner” in this amendment is mentioned four times, in amending proposed subsection 810.03(1), proposed subsection 810.03(7), proposed paragraph 810.03(7)(e) and proposed subsection 810.03(9).

On the change in proposed subsection 810.03(1) to “another person”, I’ll ask the.... Well, the chair already said that we’ll turn it over to the officials, but again, in adding “another person”, I thought there was some confusion earlier, some comments. I think it’s a good thing to be adding “another person”, not just the individual, the victim, because the children, the family and.... I think that’s okay, and it doesn’t.... It’s so that we get this passed as soon as possible with some of these, which seem to be improving the bill, which I think is what everyone around this table wants.

The Chair: I have Emmanuella and Dom.

Ms. Emmanuella Lambropoulos: Thank you, Madam Chair.

I just wanted to clarify, because in saying that we heard from witnesses who want this bill unchanged, we ignore the fact that almost half of the testimony was hearing witnesses talk about how change to this bill is absolutely needed before we allow it go to forward, and those were people who worked with under-represented groups, with Black women and indigenous women and women who are overrepresented in prisons. I think it’s important that we are making these changes.

Now, going back to the actual amendment on the floor, we have been told by the legal team here that this doesn’t exclude victims of IPV, so it’s not that the victims themselves cannot come forward and ask for this. It’s that we’re increasing the chances that they will actually get a peace bond because more than just one person can go and ask for it. It’s anybody who may want to go and speak on behalf of the victim if the victim is feeling afraid of doing so herself.

Thanks.

The Chair: Thanks so much, Emmanuella.

I’m going to pass it over to Chelsea and Julia.

Just with G-3, could you give us a kind of summary of the impacts of G-3, because I know there’s lot of...? Not just proposed section 810.03, but if you could summarize and round it all up, how this would actually be better or worse or whatever it may be, could you provide your thoughts?

Ms. Julia Nicol: Sure.

The amendments proposed in G-3 are technical in nature, to make the new peace bond in line with the language used in other peace bonds that already exist. That consistency helps in terms of interpreting when we get before the courts by using similar or the same language. Obviously, as has been previously discussed, it would allow a police officer, for example, to lay the information or bring the application.

Also, several of the provisions relate to renumbering. Do you want me to go through all of it, because there’s quite a lot, or is that sufficient?

• (1640)

The Chair: On renumbering, that’s okay.

Ms. Julia Nicol: Also, it would remove, for example, the reference to a “timely” order. The challenge with that is that it’s not a defined term and there’s significant variability, depending on the Canadian jurisdiction in which a peace bond is being sought, in terms of how long it takes, so it might be challenging in terms of implementation. It’s not included, but obviously I think the courts are aware that time is a consideration in this. It’s an ongoing challenge in courts.

The other thing is that if we’re varying conditions, as with some of the other peace bonds, it allows the intimate partner or the Attorney General, if the informant is not the intimate partner, to ask for the conditions to be varied. That could be important, for example, if you have a new custody arrangement and there’s a requirement that you need to communicate over transfer of the kids and that sort of thing. The benefit of that is that you can align and adjust as required, depending on the situation of the family.

The Chair: Are there any comments?

Seeing none, shall G-3 carry?

(Amendment agreed to: yeas 7; nays 3 [*See Minutes of Proceedings*])

The Chair: G-4 is number 12748365. I’m going to pass it over to Sonia for interpretation or discussion.

Ms. Sonia Sidhu: Madam Chair, we are replacing the word “informant” with “parties” in proposed subsections 810.03(2), 810.03(7), 810.03(9), and 810.03(13). This is just for consistency with other subsections.

The Chair: This is going to be quite confusing. Although I have it all marked out in my book, it is quite confusing, so I will just let you know where you will find some of these.

I believe G-4 impacts “Appearances”, proposed subsection 810.03(2), on page 2. G-4 also has an impact on “Conditions in recognizance”, proposed subsection 810.03(7). Those are the only two things I think it impacts.

[*Translation*]

Mrs. Dominique Vien: May I, Madam Chair?

Can Ms. Sidhu explain it again? I didn't understand anything she said, and we didn't have the interpretation.

According to the paper copy we have of G-4, the amendment is in English.

The Chair: I believe it's in French as well.

[*English*]

The Chair: You should have both.

This is the English version only, sorry. It reads, "That Bill S-205, in Clause 2, be amended by replacing, in the English version, lines 15 and 16 on page 2 with the following".

[*Translation*]

Mrs. Dominique Vien: Very good. My apologies.

[*English*]

Ms. Leslyn Lewis: When I came to this committee, I understood we were doing clause-by-clause. There were a lot of clauses in G-3 that we didn't even touch on, and you just voted on it. There were a whole host of—

• (1645)

The Chair: We voted on G-3, not the clause. We just did G-3, which carried. We then go through the entire thing. When it's an actual clause, once the clause is finished, we'll go, "Does the clause carry?" We're just in the preliminary work right now.

Right now, we take the amendments as they come in. They all get numbered accordingly to where they sit in here. We go clause by clause, but we have to do amendment by amendment. We can then get into clause-by-clause, but we're amending what we need to, because they are so consequential on other pieces.

Ms. Leslyn Lewis: Right, but we dealt with clause 1 in G-3. Is that correct?

The Chair: No, we dealt with G-3, and it passed.

Ms. Leslyn Lewis: There are different pages in G-3. It does not deal only with page 2.

The Chair: That's what I was saying. I actually read that out, because G-3 had an impact on "Fear of domestic violence" and "Timeliness", which is proposed subsection 810.03(5). I read those all out, indicating that we had issues. G-3 impacted all of these.

Ms. Michelle Ferreri: I think she's asking why we didn't vote individually on each one.

The Chair: It's because we cannot.

Ms. Leslyn Lewis: But we didn't even have a discussion on them.

The Chair: I agree. When we were having that discussion, we were talking about G-3 at the time.

G-3 is an entire one section.

Ms. Leslyn Lewis: I understand that.

The Chair: We went through it, and I read out every part of what pages were being impacted, and then, because it is one amendment, at any time, you talk specifically to what that amendment may be at that time on that clause.

Ms. Leslyn Lewis: Right, we were dealing with a subamendment that was—

The Chair: It was defeated.

Ms. Leslyn Lewis: No, it was withdrawn.

The Chair: It was withdrawn—sorry.

Ms. Leslyn Lewis: Then we were specifically speaking about the first paragraph and then, all of a sudden, there's a vote on the entire thing without further asking about whether or not—

The Chair: I did ask; trust me.

Ms. Leslyn Lewis: Were there other clauses?

The Chair: No, there is one amendment, but I listed out and provided detail on every single clause that was impacted. I went through all of those three pages, as indicated, that G-3 impacted. It was three full pages.

As I indicated, it was pages 2 and 3 and portions of 5 that were all impacted. I showed that all of these things were impacted.

Ms. Leslyn Lewis: I'm just not content with that.

I would like the record to show the objections that we had to the other clauses, because I think that should be on the record. There are a number of clauses that impact Bill C-21 and also Bill C-233. There are a number of clauses that impact other bills.

The Chair: Amendment G-3 does not have an impact on Bill C-233.

Ms. Leslyn Lewis: Are we not dealing with...? Maybe not in this one, but in general there are other provisions that deal with monitoring, etc.

The Chair: It's amendment G-3 specifically. We went through those. Those are all listed. It had to do with taking that language that we had, which we just accepted here, talking about changing some of those words to "any", and it made it so that the entire thing, as Julia explained, had an impact on all of those other clauses from the change of words that we were using in the first section of that.

Ms. Leslyn Lewis: Even if you look at clause 8, there are huge impacts and things that are changed that we have not discussed, which is very important to the legislation.

The Chair: I'm not disagreeing with you.

Ms. Leslyn Lewis: I would like an opportunity to put that on record, because we're dealing with people's lives.

The Chair: The only way for that—

Ms. Leslyn Lewis: The vote could stand, but I think that I should have an opportunity to—

The Chair: The fact is, the only thing we can do now is ask for UC. I promise you, in looking around this room, that it's not happening.

Ms. Leslyn Lewis: Well, I could bring a point of order to raise these concerns.

An hon. member: It's not a point of order.

Ms. Leslyn Lewis: It is a point of order. We are dealing with the order of how this is put on the record. The record is very important. The order is very important to the record.

• (1650)

The Chair: I have been advised that this would not be a point of order.

I hear what you're saying, but I also know that I did call out all of those lines, and I did bring them to everybody's attention in this room prior to inviting Ms. Nichol and Ms. Moore to discuss because, as I said, it impacts more than just section 810.03. It impacts this section, this section and this section.

When I read it out, I showed everybody my pages, because—

Ms. Leslyn Lewis: But there are errors. There are actually errors. We are sitting in this room and we are putting forth, voting on, things that are erroneous that will make us look incompetent. There are actual errors.

If you look at proposed subsection 810.03(8) in G-3, deleting the reference to subsection 810.03(9) and putting in a reference to proposed subsection 810.03(7), when one deals with bail terms and the other with firearms, is completely erroneous.

The Chair: The firearms section, just to let you know, I do not believe is in this part of the section, because that is one thing—

Ms. Leslyn Lewis: Right, but if you look at proposed subsection 810.03(8) in G-3, it refers to a provincial court judge adding “a condition described in subsection (9)”, and they are changing it from “subsection (9)” to “subsection (7)”. It originally dealt with firearms, and they're changing it to bail.

It completely changes the legislation. We are legislators, and this is very important. It is a point of order. This goes to the gravity of our jobs as legislators. We should not be just passing things through. This is what we do here. This is essentially what we do here.

The Chair: Thank you very much, everybody.

I have points of order coming through.

I am just going to suspend so that I can speak with the clerk.

We're suspended.

• (1650)

(Pause)

• (1655)

The Chair: We're “unsuspended”.

I would like to start with Chelsea and Julia, so we can move forward. I think it's important.

Can you share with everybody the renumbering that will be implemented because of G-3? I know G-3 has that change, and we're all saying, “It's okay.” However, as we go through it, some of those are seven or eight letters, I know. I want to provide them.

• (1700)

Mr. Marc Serré: Did we already vote on those?

The Chair: No. However, we'll know the impact from those other ones when we come to the rest. It's so we know how the.... The clause numbers have moved and that will cause problems.

I want them to let everybody know how the clause numbers have moved.

Go ahead, please.

Ms. Julia Nicol: To start out, G-3 is amending only clause 2. If there are other amendments in other clauses caused by these amendments, those will be brought, from my understanding, through other motions. It doesn't mean differences will remain.

One renumbering that is probably the most helpful is.... G-3 removes proposed subsection 810.03(5) and proposed subsection 810.03(8). Proposed subsection 810.03(5) is about the timeliness of the order, and proposed subsection 810.03(8) is about the submissions. Once those are removed, all the other numbering is affected.

Because of that, each of them changes. Once proposed subsection 810.03(5) is removed, proposed subsection 810.03(6) becomes proposed subsection 810.03(5), and proposed subsection 810.03(7) becomes proposed subsection 810.03(6). Proposed subsection 810.03(8) is removed, which is on page 4. This then means that proposed subsection 810.03(9) becomes proposed subsection 810.03(7), because now there are two subsections that have been removed. It's the same for the others, until proposed subsection 810.03(14), which becomes proposed subsection 810.03(12). That is just within clause 2.

Does that clarify?

The Chair: Thank you very much. Excellent.

There was a list. We have Serré, Gazan, and then Lambropoulos. That's the list we have here.

Mr. Marc Serré: Are we on G-4?

The Chair: Yes, it's G-4.

Mr. Marc Serré: Thanks, Madam Chair.

I think G-4 is simple. I know this is a tad.... It was a good debate, so that's good.

As Sonia mentioned, the G-4 amendment is only about replacing the word “informant”. You're taking out “the informant and the person who is the subject of the information” and replacing it with “the parties”. I think that's a more inclusive term. It would affect proposed subsection 810.03(2), proposed subsection 810.03(7), proposed subsection 810.03(9) and proposed subsection 810.03(13).

As Sonia mentioned, it's a terminology change. I think it's pretty straightforward. Hopefully, we just move on to the next.

The Chair: Okay. Fantastic.

Thank you so much.

We'll move to Leah, and then Emmanuella, Andréanne, Michelle and Dr. Lewis.

Ms. Leah Gazan: I think it goes back to what I was talking about before, with “any”, so I do.... Yes.

The Chair: Okay. That's good.

Andréanne.

[*Translation*]

Ms. Andréanne Larouche: Madam Chair, I'd like some clarification as to the effect G-4 would have. The English and French versions seem to match up. I would just like more information on what effect it would have.

[*English*]

The Chair: I'll pass it over to our officials.

Go ahead.

[*Translation*]

Ms. Julia Nicol: First, G-4 would provide greater consistency between the English and French versions. Second, the wording being proposed in G-4 would match the language that appears in other peace bond provisions. The change has more to do with consistency, so there isn't a big impact. It still applies to the same people, the informant and the defendant.

[*English*]

The Chair: Thank you very much.

Andréanne, is there any follow-up on that? No. Okay.

Michelle, go ahead.

Ms. Michelle Ferreri: I'm going to have to pass, because I don't even remember what I was going to say.

Thank you.

The Chair: That's not a problem.

It's Leslyn and then Lisa. I have it all listed.

Ms. Leslyn Lewis: First, I want to thank the officials for that clarification. I think it is very important when someone sees something that appears to be an error and it's raised. I thank you for outlining exactly what happened with those paragraphs. Thank you so much.

I want to ask another point of clarification. In this paragraph, we're dealing only with the informants. I'm curious as to what the definition....

Through you, Chair, I'd like Ms. Sidhu to perhaps clarify what changing the term “informant” to “parties” does. What would “parties” include? I would think that you're just dealing specifically with the informant. What else would be included in “parties”? Why is there a necessity for the change? It's only informants.

• (1705)

The Chair: Next on my list is Lisa. Then if Sonia would like to respond, she can put up her hand.

Lisa.

Ms. Lisa Hefner: My point was actually in the same vein. The whole reason we need this amendment is that we've just passed an amendment that says we're not leaving it up to the victim to ask for a peace bond. Because we've opened it up to other parties, we need to clarify the language throughout. That's all this does. It amends the language so it conforms to the previous amendment we passed, which allows for multiple parties to apply for a peace bond on behalf of someone experiencing intimate partner violence.

That's the reason for it. It's necessary because the language will then conform with the previous amendment.

The Chair: Leslyn.

Ms. Leslyn Lewis: Could I seek some clarification on the word “parties”? My understanding is that “parties” could mean every party. Wouldn't it be better to have “party” and then “(s)”?

This clause specifically deals with the informant. The informant could literally be any of the parties and it would still be all-encompassing. When you change it to the word “parties”, it is inclusive of all the parties. I think it is an error. I'm just seeking clarification on that.

The Chair: Before we do that, Leslyn, can I take you home so you can talk to my children so they understand these words? I really appreciate this, when you're talking about words and how important they are.

I'm going to pass it over to Chelsea and Julia, please.

Ms. Chelsea Moore: This provision of the new peace bond regime allows the judge to call upon the parties to come for a hearing. It's different from the first provision under proposed section 810.03. I look at the bill alongside the motion to understand and situate the change that's going to be made.

It's the provision called "Appearances". The judge there has the obligation, once they receive the information, to call all the parties—that's the defendant and the person who made the application for the peace bond—to come to a hearing. At that point, the judge is going to hear from both sides and determine if there's been a reasonable fear.

The French version already had the word "parties" in it. The French version already had the succinct way of summarizing all of the different people who need to come. The intent here is really to just ensure consistency with the French version of the bill on this provision. That's pretty much it.

The Chair: Sonia, you had your hand up and then you put it back down. Did you want to comment?

Ms. Sonia Sidhu: Madam Chair, I think the official explained it very well. It's because we just meant it to allow multiple parties to apply for a peace bond. Lisa explained it very well.

I think Leslyn can understand that. It's for consistency.

I want to thank the officials.

Thank you, Madam Chair.

The Chair: Are there any other questions or comments on G-4?

(Amendment agreed to: yeas 7; nays 3 [*See Minutes of Proceedings*])

The Chair: G-5 carries.

An hon. member: It's G-4.

The Chair: Golly gee, guys. I don't know what day it is, let alone what number we're on.

That's fantastic. Thank you so much.

Dr. Lewis, we have reference number 12767903, which is your amendment, CPC-1. I believe it has a lot of correlation with your subamendment for G-3.

Would you like to move that or not?

• (1710)

Ms. Leslyn Lewis: Did I not withdraw the subamendment?

The Chair: You withdrew your subamendment, but you have CPC-1 as well.

Ms. Leslyn Lewis: Isn't it related? Would that not be moot now?

The Chair: You don't have to move it if you don't want to.

Ms. Leslyn Lewis: Was it not related to the one that I withdrew?

The Chair: You're right. It has "reasonable and probable grounds". We will move past that, then.

Can everybody turn to G-5? The mover of G-5, I believe, is Sonia.

Sonia, I'll throw you the floor for G-5, please.

Ms. Sonia Sidhu: Thank you, Madam Chair.

I'm not reading the full amendment, because the members have it.

To speak on the rationale, we all share the objective of protecting victims of intimate partner violence. We all want women and victims of intimate partner violence to be well protected by the law. There are many peace bond provisions in the Criminal Code, but it is important that we ensure consistency and coherence across the board.

The Chair: I see Michelle, Leslyn and Andréanne.

We'll start with Michelle.

Ms. Michelle Ferreri: Again, just because I have never actually done clause-by-clause or amendments in this format before.... It's not been done like this. I just want to be sure that I know what Ms. Sidhu is putting forward. If we're on page 2, replacing line 23, where is this?

The Chair: It's under "Recognizance order".

Ms. Michelle Ferreri: Thank you so much for that.

It reads:

...the judge may order the defendant to enter into the recognizance for a period of not more than three years.

However, Ms. Sidhu is asking to amend it to say "not more than 12 months."

Can I just ask, through you, Chair, why?

The Chair: I have this list here. We have Michelle, Leslyn and Andréanne, followed by Lisa.

Sonia, if you'd like to respond, you can.

We'll go on to Leslyn.

Ms. Leslyn Lewis: I essentially had the same question.

If the aim is to protect women, why are we reducing the term of recognizance? Is it because we've had flexibilities elsewhere? I'm just trying to understand what the rationale is for reducing it substantially from three years to not more than 12 months.

The Chair: I have Andréanne, followed by Lisa, and then I think Sonia wants to....

Ms. Sonia Sidhu: Madam Chair, it's my turn. Should I...?

The Chair: No. What I'll do is give you the floor as we go through.

We have Andréanne, followed by Lisa and Sonia.

[*Translation*]

Ms. Andréanne Larouche: The questions have been raised.

As I understand it, the original version of Bill S-205 stipulates that the defendant must keep the peace and be of good behaviour for a period of not more than two years. Under this amendment, the period would change to 12 months, so I would like to understand the reasons for that.

What's the relationship to severity and consequences? Can one of the experts explain it to us? What is safer for victims? I will listen to what the experts have to say.

[*English*]

The Chair: I know we'll be coming back to the two of you a lot, so we'll try to get some information out here.

We'll go to Lisa, Sonia, Michelle and Dominique, and then we'll go over to our experts.

Go ahead.

Ms. Lisa Hepfner: Thank you, Chair.

The way I understand this amendment, it would drop the peace bond time lag to put it more in line with other laws that are already on the books.

I'm wondering also if the experts in the room could explain to us if it's important to bring our peace bond requirements in line with other laws and the rest of the Criminal Code. What sort of effect would that have?

• (1715)

The Chair: Sonia.

Ms. Sonia Sidhu: Madam Chair, I think if the official can explain, then we'll see after that. I think the official can explain it very well.

The Chair: Go ahead, Michelle.

Ms. Michelle Ferreri: Again, I defer to my very esteemed colleague, Ms. Lewis, with her legal background of being a lawyer. I'm not a lawyer. If I'm clear, the amendment that has been put forward by Ms. Sidhu is saying 12 months instead of two years, which is reducing it. That just doesn't make sense when we're here and we're supposed to be fighting for victims.

I can't get my head wrapped around this. I want to read into the record a little bit more because it is critical that we have the victim testimony on file.

Ms. Lisa Hepfner: We've heard the victim testimony. We all heard it. I don't know if it's a good use of our time to re-hear it.

Ms. Michelle Ferreri: That's wild, that you don't want to listen to victims. I think we're here for victims, so it's absolutely—

The Chair: As the chair, I will say that I am sorry, but I do believe it's fine to listen to witness testimony. That's how we're backing up our amendments.

Ms. Michelle Ferreri: This is the victim testimony that was given to us by Ms. Martine Jeanson. She said:

Over the past 20 years, I've worked with hundreds of women who needed help. There is no way to hide them. Men can track them down at their place of work or through their family. They can follow children to school or to their friends' homes. The man will never stop stalking them, following them, harassing them and harming them. Until an electronic bracelet is required, women and their children will never be protected. Electronic bracelets may not be perfect, but that's all we have for the time being. We have no protection. That's why we are asking you, on behalf of all women, to pass the bill.

Again, I'm not clear on why we want to reduce time for criminals. It makes no sense.

The Chair: Dominique, you have the floor.

[*Translation*]

Mrs. Dominique Vien: Thank you, Madam Chair.

I completely agree with Ms. Ferreri, and I don't think we are being unreasonable. The people who are here with a—

[*English*]

Ms. Leah Gazan: On a point of order, I don't have translation. I'm sorry.

The Chair: Gazan, I thought you were going to give me a hard time. You don't have translation. Okay.

Are we good for translation now?

[*Translation*]

Mrs. Dominique Vien: Is it working now?

[*English*]

The Chair: We are hearing interpretation.

[*Translation*]

Mrs. Dominique Vien: Do you realize how great you are?

[*English*]

Ms. Leah Gazan: *Oui*. Say it again.

Some hon. members: Oh, oh!

[*Translation*]

We aren't being unreasonable over here. I just don't understand why the time periods listed in G-5 are going from two years to 12 months, from three years to two years, and from two years to 12 months.

I've always found it funny that section 810 of the Criminal Code requires the defendant to keep the peace and be of good behaviour for a set period of time. They should have to do that their whole life. Nevertheless, if we are going to set a time limit, I implore my fellow members not to go lower—unless someone tells me that this squarely contradicts another part of the bill, as Ms. Ferreri raised. This is already a minimal period of time.

Thank you.

[*English*]

The Chair: We will go to the experts, and then I know Dr. Lewis and Leah both have comments.

Ms. Chelsea Moore: The provisions in the bill, as drafted right now, allow for the peace bond, the new peace bond for intimate partner violence, to be imposed for a duration of two years in any case where the court finds that there's a reasonable fear of domestic violence, or for three years if the court makes the determination and the defendant also has a prior conviction for intimate partner violence.

Currently in the Criminal Code, the peace bond that victims typically go to for intimate partner violence is the regular section 810 peace bond, which is for 12 months only and doesn't have a provision that would allow it to be extended at all.

There are five other existing specialized peace bonds in the code: for terrorism, for organized crime, for forced marriage, for serious personal injury offences and for sexual offences against a minor. All start at 12 months, like the section 810 peace bond, and they can be extended to two years where there's a prior conviction for a similar offence. The exception is the one for terrorism, which can be extended to five years. For example, for a serious personal injury offence, the peace bond can only be extended up to two years where there's a prior conviction for similar conduct. A serious personal injury offence is an offence that's more serious than the personal injury offence that's the subject matter of this bill.

The policy surrounding specific peace bond durations—just by way of background—has been developed by the courts while being mindful of the seriousness of the specific conduct triggering the peace bond and while also being mindful of the purpose of the peace bond regime, which is to prevent offending in minimally impairing ways since no actual offence has taken place yet. I just want to remind you that while the person is subject to the peace bond, the person could have conditions to attend treatment, for example, or to wear an electronic monitoring bracelet. When we're talking about the duration of the peace bond, we're really talking about how long the person needs to be subject to some of these conditions.

I think—just to summarize the changes—that the changes in amendment G-5 would ensure that the current durations are in line with the durations for other, even more serious peace bonds in the code and also take into account the principles underlying the peace bond regime that have been set out by the courts.

Thank you.

• (1720)

The Chair: Thank you very much for that.

On the list we have Leslyn, Leah and then Marc.

Ms. Leslyn Lewis: Yes, section 810 is usually the normal peace bond. Admittedly, 12 months is.... I've never seen it. The legislation does contemplate something that is outside of the norm of section 810, which is the peace bond section that would ordinarily be invoked for these types of incidents.

However, I think it's important for us to understand why the drafter contemplated an extra time. I'm going to refer to my esteemed colleague Ms. Gazan, who eloquently stated that laws for children have different reporting or duty-to-report requirements. That has been modified. I'm not trying to infantilize women and put them in the same category as children, but when we're dealing with intimate partners, I would like it, perhaps, if the experts could explain to us why this would not be an exception outside of the regular section 810 peace bond. I'm sure that the drafter of the legislation would have known what the normal course of the peace bond would be.

Could the experts just explain the difference? These individuals wouldn't have been convicted of an offence as of yet when this is invoked. Is that correct? I just want clarification.

The Chair: I'm going to pass it over to Chelsea, so that she can answer specifically these questions.

Go ahead.

Ms. Chelsea Moore: Yes, no criminal offence has been committed in the peace bond context. If someone was actually convicted of an offence, a personal injury offence towards an intimate partner, that person would be looking at possibly a much longer sentence—possibly 10 years—depending on the context. However, here there has been no offence, and the purpose of the peace bond is to prevent an offence from possibly occurring.

The difference with the section 810 peace bond.... What this bill would add is that it would allow the peace bond to be extended longer than the regular section 810 peace bond. The regular section 810 peace bond right now doesn't allow for an extension of the peace bond.

The other thing that this bill would add, from my assessment of reading it, is that there would be more curated conditions that could be imposed that relate to domestic violence, such as treatment for domestic violence, counselling, electronic monitoring, and things like that, which are more connected to domestic violence. Therefore, there are more curated conditions with this new peace bond.

• (1725)

Ms. Leslyn Lewis: I have another question. Sometimes the accused voluntarily enters into a peace bond, and it's a means of resolving the conflict in a situation where there's no offence on the books. A peace bond is basically a bond of the person to enter into peace with the other individual, yet we're imposing all of these conditions.

Could that not be a deprivation of, say, section 7 charter rights and different aspects of the charter, because there's absolutely no requirement for that person to submit to counselling and all of these requirements that could be attached to that? That's my question.

Ms. Chelsea Moore: The existing peace bonds in the code, which have a duration of 12 months with the possibility of extension if there's a prior conviction, have been upheld as constitutional. Therefore, it does provide some comfort in terms of how the peace bond regime is compatible with the charter.

It's difficult to speculate on what courts would find if there were, for example, an indeterminate peace bond. How the courts would handle that under the charter is difficult to say, but all I can say right now is that the existing regime has been found to be consistent with the charter, and this motion would ensure that what's being proposed here is consistent with that existing regime as well.

Ms. Leslyn Lewis: I'm sorry. Not to belabour this, but with the existing regime, usually conditions are imposed after a finding of guilt or some terms. I do know that sometimes they work in some good behaviour conditions within the peace bond, but this seems to be going a little bit beyond that. I'm just concerned about whether or not this could even stand up in a court under the liberty provisions of the charter.

Ms. Chelsea Moore: In the peace bond context, there's no finding of guilt, but as you say, sometimes people go for a peace bond midway through trial. They realize that maybe the case isn't strong enough, so they decide to settle on a peace bond arrangement. There is no finding of guilt, though. There's no criminal offence that's been acknowledged when a peace bond is signed. There's a determination that the person applying for the peace bond has a fear that an offence might be committed, but there's no offence that's been acknowledged.

In terms of the conditions that are imposed under a peace bond, there's this provision at the very beginning, in the paragraph at the top, before the conditions, that says the judge must ensure that the conditions that are imposed are reasonable and desirable, either to ensure the good conduct of the defendant or to secure the safety and security of the informant. That guides the judge in ensuring that the conditions that are imposed are reasonable and in line with the jurisprudence that's been developed. It's like a check on ensuring that the conditions imposed wouldn't breach the charter or other rules developed in the common law.

The Chair: Thank you very much.

Leah, you're next.

Ms. Leah Gazan: I just noticed that it's 5:30.

• (1730)

The Chair: It's 5:29, lady, but go ahead and get your question in there. Make every minute count.

Ms. Leah Gazan: I have just one question. I know we're talking about the peace bond. That's consistent with the current laws on peace bonds. Is that right? Okay, so there's consistency.

The other point, I think, in terms of bringing up testimony, was with NWAC. They suggested, multiple times, alternatives to justice, like restorative justice and measures that are culturally appropriate. That's partly because we know that penitentiaries, which I have done some work on, are quite violent and anti-social and really don't do a good job of fixing individuals, particularly those who are dealing with violent behaviour. They spoke about alternative forms of justice rather than incarceration.

I heard that loud and clear from a lot of the witness testimony. I don't think it's about not punishing; it's about looking at alternative forms of justice. Restorative justice is something that has actually been around for a long time in Manitoba and has been very effective, particularly with indigenous people, looking at root issues like intergenerational or first-hand impacts of colonization.

I know we're all trying to make things better for women and diverse-gendered people, and I don't think anybody around this table is different on that. I think we've demonstrated that over and over again. Even though we're in different parties and have different angles, I know we have a common goal.

That's my perspective on it. It's not that I think we should not take it seriously. It's just that I have to look at research I've been involved in and programs I've helped develop in this area. You see less recidivism, rather than just throwing somebody in jail, in the most violent, anti-social environment imaginable.

Thank you.

The Chair: Looking at the clock, we are past 5:30. I have a few more people on my list. Recognizing that there will be no way we're going to get through Bill S-205 today, I'm going to ask to adjourn shortly.

However, I'm going to let you know that I had a great walk over with a PS, who said, "Hey, what's Thursday looking like?" With everybody's agreement, Thursday's meeting will be cancelled so that we can continue on with everything.

Anyway, seeing that we have no further business today, I call this meeting adjourned.

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