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# Standing Committee on Justice and Human Rights

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Chair: Ms. Lena Metlege Diab





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• (1545)

[English]

**The Chair (Ms. Lena Metlege Diab (Halifax West, Lib.)):** The meeting is called to order.

Welcome to meeting number 87 of the House of Commons Standing Committee on Justice and Human Rights.

Pursuant to the order of reference adopted by the House on June 21, 2023, the committee is continuing its study of Bill C-40, an act to amend the Criminal Code, to make consequential amendments to other acts and to repeal a regulation.

Today's meeting is taking place in a hybrid format pursuant to the Standing Orders. We have one member with us online, and the rest are here in the room in person.

I think you're all very well informed of the procedures, so I will not read them all. If I need to go back to them, I will.

[Translation]

I would like to inform you that the sound tests have been carried out.

[English]

Monsieur Lametti has tested fine. I'm not going to say "positive".

Here with us today to help us on our clause-by-clause study of Bill C-40, we have two witnesses from the Department of Justice. With us is Julie Besner, senior counsel, public law and legislative services sector; and Madam Shannon Davis-Ermuth, acting general counsel and director.

Welcome.

We will commence with the clause-by-clause.

Yes, Mr. Moore.

**Hon. Rob Moore (Fundy Royal, CPC):** Thank you.

Madam Chair and committee members, I had placed a notice of motion that the committee report to the House some measures to protect Canadians, and I want to just quickly speak to that now.

I think all members have this motion, but it is to:

- (1) Designate the IRGC as a terrorist entity under the Criminal Code and expel an estimated 700 Iranian agents operating in Canada;
- (2) Establish a foreign influence registry;
- (3) Evaluate Canada's threat assessment in light of the U.K. travel advisory;

We all saw, with some shock, the travel advisory that came out, and it was the subject of questioning in question period that the United Kingdom had issued a travel advisory about Canada. That's something I feel we need to make a statement on as a committee. The motion also proposes to:

- (4) Remove red tape and speed up access to the security infrastructure program to protect communities at risk;

All of us around this table represent different communities, and the risk we're hearing from our communities is very real right now. We need to make sure that Canada's security is up to speed with the risk that Canadians are facing.

Finally, this motion is to:

- (5) Create an anti-hate crime task force to coordinate the protection of faith communities.

If there is one thing I've certainly been hearing as a member of Parliament—I know others have as well—it is that faith communities are very scared right now with what's happening internationally and what's happening here in our own country, where we value the contribution of various faith communities. Many of them are worried about the future, and they have every right to worry if the Government of Canada is not up to the task.

• (1550)

[Translation]

**Mr. Rhéal Éloi Fortin (Rivière-du-Nord, BQ):** Could a copy of the motion be emailed to us, before we continue? It would help us follow the debate. I received it last week, but I don't have it to hand.

**The Chair:** One moment; the motion will be sent to you shortly.

• (1550)

(Pause)

• (1553)

**The Chair:** Mr. Fortin, did you receive a copy of the motion by email? Did everyone receive it?

**Mr. Rhéal Éloi Fortin:** Yes, I received it, Madam Chair.

Thank you.

[English]

**The Chair:** We're also trying to print copies.

Okay, Mr. Moore. It's over to you again.

**Hon. Rob Moore:** Okay. Thank you, Madam Chair.

Again, it reads:

- (1) Designate the IRGC as a terrorist entity under the Criminal Code and expel an estimated 700 Iranian agents operating in Canada;

- (2) Establish a foreign influence registry;
- (3) Evaluate Canada's threat assessment in light of the U.K. travel advisory;
- (4) Remove red tape and speed up access to the security infrastructure program to protect communities at risk; and
- (5) Create an anti-hate crime task force to coordinate the protection of faith communities.

Madam Speaker.... I'm sorry. It's Madam Chair. We've all been talking about the Speaker today. Who knows? Maybe.... You should never rule it out.

Madam Chair—

• (1555)

**The Chair:** What did you call me?

**Hon. Rob Moore:** I called you “Madam Speaker”. I meant no offence by it. You would be a great speaker.

**The Chair:** That would be stressful.

**Hon. Rob Moore:** I think you'd be a fantastic speaker.

Madam Chair, on that, we had the prospective Supreme Court nominee and the joint meeting between our committee and the committee of the Senate. If you remember, I mentioned at the time to Minister Virani, who appeared, that I felt you should be chairing that meeting. It shouldn't be a professor from a university coming to the parliamentary precinct, sitting and admonishing us, perhaps, about our questions, and telling us what kinds of questions we can ask. As a parliamentarian, I said at the time that I felt we have the ability to police ourselves in that regard. We could have easily, as was done in the past, conducted that meeting with a parliamentarian as chair.

If you remember, Madam Chair, at the time, I gave you my full endorsement. I felt you had all the qualifications and skills necessary to conduct that meeting.

**The Chair:** Let me just say something here, as the chair.

I'm sure that your comments back then were in relation to whoever happens to be the chair. Let's not make it personal. In case you don't like something I do subsequently, I'd prefer not to make it personal.

**Mr. James Maloney (Etobicoke—Lakeshore, Lib.):** I would take it, and then quote him at a later date.

**The Chair:** No, no.

Please continue. Can you tell me what that has to do with your motion, though?

**Hon. Rob Moore:** It was because I accidentally called you “Madam Speaker”. I should say that I reserve the right to change my mind down the road, depending on how things go.

On the motion, I just want to quickly say that, obviously, Canada is our common home. We're very blessed. It's a place where people from all over the world come to live and pursue their dreams. Canada is a free country, but as we often take note at Remembrance Day, freedom is not free, and we have to be constantly vigilant.

We defend these values. We need to protect the freedom of all Canadians and stand for the values of freedom all around the world. Too often now in Canada—we're seeing them around the world but

we're also seeing them in our home—we see disturbing acts of hatred and discrimination. Those acts threaten these values. These incidents can include verbal abuse, vandalism, hate, intimidation and violent acts. These acts must never stand in our country.

In recent years, we've seen a community face intimidations and threats by nefarious foreign actors. We've seen Jewish schools shot at and synagogues firebombed. We've seen churches burned down. We've seen Sikhs face harassment and discrimination. We've seen innocent Muslims murdered in their places of worship. We've seen Hindu temples vandalized.

These shameful acts have one goal, to terrorize Canadians. This cannot be tolerated. All Canadians must be able to freely live their lives and follow their dreams without fear and intimidation.

The Prime Minister has to take action to stop this surge in hatred. That is why I moved this five-part motion. I think they are common sense, and others may wish to speak to them. It's certainly not exhaustive, but it's a five-part motion that I think would have a tangible effect.

As we sit here as parliamentarians in Canada, we have to look, with some degree of concern, when we have the United Kingdom, for example, issuing advisories and they're news to us. We need to have a government that is on top of that. We need to be on top of that.

With the influence that we see now of foreign actors, we need to have a foreign influence registry. There's no doubt that the IRGC has to be listed as a terrorist entity.

Madam Chair, that is why I have moved this motion. Thank you for providing the time for me to speak to it today.

**The Chair:** Thank you, Mr. Moore, and you're very welcome.

I have a long list of speakers, so bear with me. We're trying to figure it out.

Ms. Lantsman.

• (1600)

**Ms. Melissa Lantsman (Thornhill, CPC):** Thanks for having me at the committee.

I'm happy to speak to my colleague's motion, particularly at this juncture. I say “at this juncture” because I think there are many communities in this country that are feeling an increased level of anxiety, of fear and certainly of intimidation because, perhaps, they're an identifiable group or they follow a religion or they are a particular diaspora community.

That being the case, I think it's incumbent on this committee to report to the House on some of these measures we've talked about over and over again, whether in committee or in a public forum or on the floor of the House of Commons, and on how we want a place where people can come and live and feel safe, no matter whether they pray on Friday, on Saturday, on Sunday or not at all. The expectation is that Canada is a place where you can live free of any kind of threat.

I want to speak particularly to a few things in my colleague's motion. We've talked about this a lot in this country. In fact, the House of Commons voted on this in 2018, to designate and list the IRGC—the revolutionary guard in Iran—and the mullahs of Iran—those who have taken over the government and who rule with terror—and to ban them, effectively, from Canada, so they cannot organize, fundraise or recruit, because that's what they are allowed to do today.

We know that, by many estimations, there are about 700 Iranian agents living in Canada. We also know that the government, again, including the Prime Minister and all of the ministers who currently sit within the Canadian government, voted to ban these terrorists from Canada, yet we don't have that yet.

This is a time in which the activity of the regime has certainly increased. We've had about a year and a half of the Woman Life Freedom movement, over which Iran has certainly exercised a greater degree of influence, particularly inside Iran and outside of Iran in diaspora communities.

We know that Iranian-backed terror in the Middle East is fuelling the war chests of other terrorist organizations, like Hamas in the Gaza Strip. We know that they live in our community. They work out in our community. We know that the chief of police of Tehran works out at a GoodLife Fitness that is actually close to the riding of my colleague over there. We know that the health minister from the IRGC just had a steak dinner in the riding of another of my colleagues.

This is a community that is being terrorized by a regime that they left. This is a community that is so terrorized that they call our offices with a blurred-out background, in their cars, away from their homes, because they are afraid of being intercepted by the regime. Can you imagine leaving and fleeing a regime for a better life in Canada, and then having to call a member of Parliament from your car with a blurred-out background because you're afraid of the actions of that regime?

Now, what I don't understand is the government's not giving any reason for not banning this organization. In fact, as we understand it, from many who are talking around this town, this actually went back for a cabinet decision within the last two weeks, and they still haven't banned this organization.

This is one of the components needed to make sure we eradicate terror from our own soil. In fact, the Prime Minister, in the last two weeks, has talked about terror in this country. He used the word “terrorism” when talking about the shooting just outside of my colleague's riding in Montreal, where shots were fired at a school overnight. Thank God nobody was hurt, but that was just a matter of the time of day.

• (1605)

If it happened once, it can happen again. In fact, it did happen again. It happened again just a week later. These are shootings at Jewish institutions. We see that mosques.... We see people mowed down in the streets of London in front of a religious institution by a crazed lunatic. If that's not terrorism, I'm not sure what is. There is vandalism of Hindu temples. We see that. Anti-Sikh hatred in this country is on the rise. There is the burning of churches. This is just one of the reasons we want to bring this motion forward.

Another part of this motion is to evaluate Canada's threat assessment in light of the U.K. travel advisory we saw a number of weeks ago. That travel advisory said to exercise a high degree of caution when travelling to Canada. It declared, “Terrorists are very likely to try to carry out attacks in Canada.” We wonder why nobody within our authorities has said anything like that.

Another part of this motion is to remove red tape and speed up access to what's called the “security infrastructure program”, which protects communities at risk. The security infrastructure program was brought in by the previous Conservative government. A gentleman by the name of Stockwell Day, who was a great minister, brought in this program. I understand the program has.... There's been some tinkering around the edges. There have been some increases, of course, because the hate has gotten higher, but if you've ever looked at that program, you'll know you almost need a Ph.D. to apply for it. It's a complicated program. The terrorist attack I mentioned in London.... One of the mosques in London is still waiting, two years later, for funding from that program to protect its community. Smaller institutions don't have the resources and capabilities to apply for that funding. They're trying, certainly, to get their hands on some of that funding to keep worshippers, students and those who attend their community gatherings safe. They can't get their hands on it. This is another measure. It's not a question, necessarily, of funding. It's a question of how fast that funding flows and whether it flows at all.

This motion also brings forward an anti-hate crime task force, particularly to coordinate the protection of faith communities, Madam Chair, which have been under attack in this country. The rising tide of attacks against faith communities is something, frankly, that cannot be disputed. We see this in every single community. We see it among our own constituents and communities. They speak to us parliamentarians. They wonder why, in this country, they do not feel safe.

I wrote a letter to the Minister of Public Safety a number of months ago. Particularly after the heinous attacks of October 7, we saw a rise in anti-Semitism. Now, subsequently, we also see a rise in Islamophobic rhetoric and action right across the country. We wonder why there was no coordination. It took a month to respond to that letter, and even longer to act on it. We feel it's not there.

This motion speaks to a number of issues. Actually designate those whom the government promised to designate as terrorists as terrorists. We have heard this over and over again from diaspora communities. They are wondering who the constituency is here that is being protected by the government. Who is the government answering to? They, themselves, voted to list them as a terrorist entity and ban them from Canada, from organizing and from being able to raise money and recruit. Who is it they are protecting? It simply doesn't make sense to diaspora communities across the country—to Iranians who fled the regime to come here.

• (1610)

This is a simple number of measures to protect our communities from the terror that has been rising in this country, which our Five Eyes allies seem to believe is happening and which the Prime Minister himself admitted.

Of course, another part of this motion that I haven't spoken about yet—but I will—is the foreign influence registry. We've heard time and again from this government that this cannot be tolerated and they are doing everything they can to target foreign interference. Unfortunately, everything they can stop short of actually establishing a foreign influence registry. Frankly, we ask ourselves, often-times, “Why not go forward with this?” We want to see the government work to identify additional threats. Establishing a foreign influence registry is one of those.... They've continued to break their promise to establish a registry. This, of course, would limit the influence of foreign governments that wield intimidation within Canada, particularly over some of the diaspora communities we are talking about. They are afraid to live within their own communities.

This is not a country where you should be afraid to live in the place where you moved—to which you fled. I have a well-known story. I'm a child of immigrants who fled the former Soviet Union. They live in a neighbourhood with many who did the same thing. Many fled from Iran after the fall of the Shah. Many have fled the most brutal regimes in the world to find a better life in Canada. The fact that we can't explain to them why these things happen in our community—when they feel intimidated, when shots are fired at a school, when fire bombings target institutions, or when people are mowed down in the streets by cars simply because of the way they look or the faith they practise—or tell them we are taking it seriously here in Ottawa is a head-scratcher for everybody who chose to move to Canada.

In that light, under all of that, I want to make sure this committee reports to the House that the following measures be taken—I will repeat them one more time for the sake of the record: that we finally designate the IRGC as a terrorist entity under the Criminal Code and expel the estimated 700 Iranian agents who are operating here in Canada; that we finally establish a foreign influence registry; that we evaluate Canada's threat assessment, certainly in light of the U.K.'s travel advisory we saw a number of weeks ago; that we remove some of that red tape, or all of that red tape, to speed up access to the security infrastructure program to protect those communities at risk; and that we create an anti-hate crime task force to coordinate the protection of faith communities. Of course, these have been under a tremendous amount of threat in the last number of months and years. It seems as if all those communities are, frankly, more afraid than they were even two years ago.

These are just simple measures that would tell Canadians that their representatives in Ottawa—those who have the power to change things for them—are at least paying attention. There have been commitments made in this House over and over again, whether through votes, statements or bravado, which often happens in this town. Let them know, at a time when their communities are facing these threats, that we are working for them and also taking this seriously.

• (1615)

I'm very happy that my colleague brought this motion forward in committee, and I'd like to see it in the House. Again, these are five very simple, achievable measures that I think would increase safety in our communities and in the communities of many of my colleagues, two of whom were at an establishment which hours later was under attack.

I know that my colleagues have taken measures...through all of the resources that we're provided as MPs, but there are communities that don't have that. This isn't about protecting MPs. This is about making sure that people, particularly around holidays in many communities, go out and feel safe attending these community celebrations. They won't think twice about doing what should be allowed and should be celebrated in this country.

I want the House to talk about this, because certainly there is a timeliness to all of this. I want those who need to make that decision about whether to send their kids to school, whether to attend that community centre, to attend a menorah lighting...which I understand now is okay everywhere in the country, and it's doubly okay in Hampstead, I'm pleased to hear.

For all of those who are going to attend afternoon prayers or churches during the holidays, I want them to know that Ottawa is talking about how to keep those institutions safe. I frankly believe that without freedom of religion, freedom of movement, freedom of speech, there is no freedom in this country. It's one of the things we have to protect.

As much as I will repeat elements of this motion, I think it's quite important to talk about it in the House and to make actual policy. The protection of our state, of our institutions, of the people who live within Canada, of all Canadians, no matter where they're from, where they live or what they do, I'm not sure is a partisan issue. I'm not sure why everybody in this committee, and eventually everybody in the House, couldn't support these few measures.

With that, I'd like to thank my colleague for bringing forward that motion.

**The Chair:** Thank you for your comments.

Next is Mr. Garrison, please.

**Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP):** Thank you very much, Madam Chair.

I appreciate that the Conservative motion raises very important issues for Canadians. I'm not sure that we can predict the outcome at committee, but I don't see a lot of possibilities for huge disagreement.

My concern is that we have in front of us today, on the agenda, amendments to a bill that people—volunteers from the innocence projects around the country, and indigenous people—have been waiting many years for, on miscarriages of justice.

My concern is that we have competing important issues. We seem to have had a great deal of agreement in this committee around the miscarriage of justice bill. We have very few amendments, which we could deal with.

What I'm going to propose now, and if it's in order I'm going to move it, is that we adjourn debate on this motion to deal with the amendments, and then return to the debate on this motion after having dispatched the amendments.

**The Chair:** We have a motion on the floor. I'm going to accept that motion.

**Hon. Rob Moore:** Madam Chair, don't we already have a speakers list on the motion that we're dealing with?

**The Chair:** We have a motion and I'm going to ask for people to vote on it. Please be careful; there are only  $x$  number of people who can vote on it.

**An hon. member:** I will be subbing.

**The Chair:** You're now subbing. I see. Thank you very much for that.

We have a motion on the floor to adjourn this particular debate and return back to it after we deal with Bill C-40. I'm going to deal with that.

• (1620)

**Mr. Damien Kurek (Battle River—Crowfoot, CPC):** I have a point of order, Madam Chair, just so I can understand exactly what's being moved. The motion was to adjourn debate and move to Bill C-40, the discussion that was originally planned for this, but then to return to this...?

**The Chair:** That's correct. That's the motion.

**Mr. Damien Kurek:** Just for clarification, a motion to adjourn is a dilatory motion; however, when adding other elements, as I believe Mr. Garrison did, does that mean it is no longer dilatory and there can be debate? I'm just wanting to make sure we're exactly following what the process is here.

**The Chair:** Well, if you'd like to debate it, go ahead.

**Mr. Damien Kurek:** Thanks, Chair.

On the narrow motion that's been moved to adjourn debate on Mr. Moore's motion, I would simply, in the subject matter, concur with what Ms. Lantsman has said. I would hope that on an important issue such as this, and I understand Mr. Garrison's comments that there are competing important things.... That is certainly something that as parliamentarians we deal with on a daily basis. I would suggest that we have a host of important issues.

I would, however, urge the committee that if there is, in fact, the consensus that Mr. Garrison has suggested, if there is the ability to pass the motion that Mr. Moore moved and Ms. Lantsman spoke about, I don't see why we can't allow a discussion, which could be brief, assuming that there is the agreement that has been inferred. Certainly, I plan to be voting in support of this motion as described.

I would, however, question why it needs to be put on hold when we have it before the House today. We have a situation that continues to evolve, and I followed with great interest the circumstances that took place in the Maritimes about Hanukkah celebrations being disallowed and then, thankfully, the reversal of that decision. I know that I plan, with the Jewish community from Battle River—Crowfoot, some of whom I know quite well, to be able to celebrate with them when the time comes.

Madam Chair, my simple request would be that we not adjourn debate on this but rather that we allow for the debate to continue. I would suggest that it won't take too long. I believe there are votes that will take place here in the next 50 minutes or so, but to allow this discussion to take place to ensure that prior to a series of celebrations that affect many faiths across our country, whether that be Christmas or Hanukkah or others.... I think this is prescient and it is time-sensitive.

Not to dismiss or to suggest that there are not other important issues, but we see how the five points laid out here would be a small step that would allow this committee to make a strong statement, which then would allow the House to make an equally strong statement—and I would hope we have support for it accordingly—to all Canadians that their Parliament, of which government and the executive of government are a function, something that seems to be forgotten by the current individuals in charge.... However, I'll not get into the depths on that. However, I think that in allowing this debate to continue I would hope that it would collapse without too much delay and we can get this important issue moved in a sense that provides certainty, especially to some groups in our country that are facing significant challenges.

I'll end on this, Madam Chair. I would simply say that if we're able to get back to the debate—I know that I'm somewhere on the speaking list—I would like to have the opportunity to outline some of the stories I've heard, and that I know my colleagues have as well, about how we need to ensure that our people in this country—whether they have a faith or not and regardless of what that faith background is—are protected: that we protect them and that we live up to the high ideals that Canadians expect of us.

• (1625)

With that, Madam Chair, because it is not a dilatory motion, I would urge members of this committee to allow the debate on Mr. Moore's motion to continue. Hopefully, it will wrap up organically, and we can deal with it and then move on to the urgency of other issues before this committee.

**The Chair:** Thank you for your comments.

Folks, I'm suspending for five minutes so that I can get some clarity on what's happening in the meeting. Thank you.

• (1625) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1635)

**The Chair:** I'm calling the meeting back to order.

Before we start and I recognize Mr. Maloney on the motion of Mr. Garrison, I just want to put you all on notice to speak clearly, and if there are any issues in my understanding or a need for clarification, I will take my prerogative to suspend again if I need to.

Mr. Maloney, please.

**Mr. James Maloney:** Yes, it's better to get it right than wrong, Madam Chair.

I'm speaking to Mr. Garrison's motion. What I'm going to say is this: We, on this side, would like to vote on Mr. Moore's motion today, as soon as possible, and then we can move on to Bill C-40, which is the reason we're here today. We can not only accomplish what's on the agenda, but also address the issues that Mr. Moore has rightly raised in his motion.

Since I'm speaking to Mr. Garrison's motion, I suppose that would require defeating his motion, and then I hope we can move, without any further debate, to vote on Mr. Moore's motion.

**The Chair:** Mr. Moore.

**Hon. Rob Moore:** I thank Mr. Maloney for his intervention.

Madam Chair, we don't want to belabour the point around this motion. I know there were a few people who wished to speak to it, so without.... The only change I would make to that is just to allow those who are on the speakers list to make their point with the motion, and then to proceed to a vote.

**The Chair:** Okay. We're still speaking on Mr. Garrison's motion.

Mr. Garrison, please.

**Mr. Randall Garrison:** Thank you very much, Madam Chair.

This is a bill—C-40—that people have waited many years for, and I personally have been working on it for many years. We're in a minority Parliament. Given the schedule of the committee and sittings, if we do not deal with this bill in committee, either at this sitting or the next, we risk putting this off well into the new year, and we risk losing the legislation, because we're in a minority Parliament.

That's my reason for wishing to proceed before the motion. It's not saying that there's anything unimportant about Mr. Moore's motion or that we should not deal with it. I'm not saying that at all, but I have a genuine worry, and if we defeat my motion and go to speakers, we will run out the time today. We will not get this today. We have other business of the committee already scheduled, such as the minister on estimates. We risk losing the opportunity to complete what is a very important bill.

That's my reason for the motion. I am just restating it. I believe that we can deal with it very quickly and be back on this motion very soon.

**The Chair:** Monsieur Fortin.

[*Translation*]

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

I'd be inclined to agree with our colleague Mr. Garrison from the NDP. We're here to work on Bill C-40, and that's what we should be doing. This is an important bill. I see no reason, partisan or otherwise, not to proceed with it. I think all citizens in Quebec as well as in Canada will be pleased that we are moving forward with Bill C-40.

I understand that we're here to talk about the adjournment proposed by Mr. Garrison, but this is somewhat along the same lines as our colleague Mr. Moore's motion. I think we have a problem here. No study has been done. The problem raised by Mr. Moore seems to me to be quite valid. It's a major, important problem that concerns me personally and all members of the Bloc Québécois.

That said, I find that we're not really equipped to deal with it now. Witnesses should have been called to testify on this subject, or we should plan to do so. We'd also have to go a little further before deciding on the exact wording of the motion. Therefore, Mr. Moore's motion seems a little premature to me, even if I agree with the substance.

It seems to me that we should do the work for which we were convened, as Mr. Garrison proposes. I intend to second his motion.

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

[*English*]

I'm going to call the vote.

**Hon. Rob Moore:** I have a point of order.

**The Chair:** No. I've called the vote. Nobody is on the speaking—

• (1640)

**Hon. Rob Moore:** It's a point of order.

**The Chair:** The vote has been called. Can we deal with that, and then do your point of order?

**Hon. Rob Moore:** We can't, really, because it's related to the vote we're about to take.

Madam Chair, we didn't get a.... I don't have an understanding, from what Mr. Kurek raised, about the nature of the motion. Obviously a motion to adjourn the meeting is not debatable. We move immediately to the vote.

Mr. Garrison's motion has some detail to it about next steps—after we adjourn one debate, how we should proceed. That's committee business, and we're free to speak to that.

I think that if there's a speakers list on Mr. Garrison's motion, then we should exhaust that list. I don't know if other people—

**The Chair:** Okay.

As the chair, I have at least five people at this table with me.



I have legal opinion and other opinion, and I am calling the vote right now on this question. That's it.

[*Translation*]

Mr. Clerk, please proceed with the vote.

(Amendment negatived: Yeas, 2; Nays, 9 [*See Minutes of Proceedings*])

[*English*]

**The Chair:** It's defeated.

Now we're back to the main motion.

Mr. Caputo, you have the floor, please, unless you took yourself off. Honestly, I don't know. You've been taking yourself off and then putting yourself on.

Are you back on?

**Mr. Frank Caputo (Kamloops—Thompson—Cariboo, CPC):** I don't believe I took myself off, but in any event, thank you very much, Madam Chair.

I would like to speak in favour of the motion. It has five points, which I believe are compelling.

The first point is to “[d]esignate the IRGC as a terrorist entity under the Criminal Code and expel an estimated 700 Iranian agents operating in Canada”.

Point blank, why are these people still here? These are not people who love democracy. They're not people who love Canadian values. In fact, they abhor Canadian values. Here we are, essentially sitting on our hands. The House of Commons voted on this long before I arrived. I understand that sometimes the wheels of Parliament turn slowly, but this isn't a wheels-of-Parliament issue. This is a will-of-government issue. The Prime Minister could move and act tomorrow. He doesn't. This is a Prime Minister who, in my view, is loathe to act when he should. Let's not forget that, not long ago, he spoke on social media about a missile from Israel striking a hospital. I don't believe he ever apologized for that. Perhaps I'm wrong. Someone can raise a point of order if I am incorrect on that.

In fact, I don't know that I've ever seen the Prime Minister apologize for anything he's ever done himself. No, he's apologized for a lot of other people, but he's never apologized for things he's done. I suppose he had to apologize for his ethics breaches.

When it comes to something like this, you should be owning it. I don't see him doing that on a fairly regular basis—kind of like someone else to the south who doesn't like to apologize either. It's an interesting comparison, given questions we've had in the House of Commons of late.

I am also reassured by the fact that Bahrain, Saudi Arabia, Sweden and the United States have designated the IRGC as a terrorist entity. I'm aware of the connections between the IRGC and Hamas. We all know what happened on October 7. That is unacceptable anywhere, at any time. I would think that all Canadians would say that the attack on innocent civilians, some of whom were children, some of whom were at a concert that was promoting peace.... The IRGC, we're told, had a role in that.

How can we possibly say that these people remain welcome in Canada? It is mind-blowing that officials from the IRGC remain here in Canada. Again, we have police stations that are reportedly being operated by foreign governments to intimidate Canadians. Again, nothing is being done. This isn't a matter of the wheels of Parliament turning slowly. This is a matter of political will being non-existent, despite the fact that we, as parliamentarians, expressed the will of Parliament, in a 2018 vote and in subsequent votes, for this to happen.

I'm utterly puzzled. I would love for somebody who has been here longer than me, preferably somebody from the government.... We have very capable people here who represent the government. I'm asking rhetorically, but, you know, somebody else can tell me. Maybe Mr. Maloney can. He's a wise guy. Perhaps he can tell me.

When I said that he's a wise guy, I didn't mean that in the.... Anyway, I'll just move on. He's a wise man.

• (1645)

**Mr. James Maloney:** I'll take it in a positive way.

**Mr. Frank Caputo:** Can somebody tell me what is going on? Am I in a parallel universe, where people who seek to disrupt our democracy remain here, and we're not calling them what they are, which is “terrorists”. Sometimes, you just need to say it, so on point one, I am in support.

On point two, “Establish a foreign influence registry”, this is just an absolute no-brainer. Again, we live in a democratic country with democratic values, and we should be spreading those democratic values, but as a democratic country, we should also be valuing the safety and security of our own citizens. A key way to do that is to establish a foreign influence registry.

Again, where's the political will here? Where is it? We talk a good game. We say, “Yes, this should happen,” and it just never does. I can't imagine that such legislation would be strongly opposed.

I'm struck by what happened to Kenny Chiu, a former member of Parliament from Richmond. It was obvious that there was electoral interference when he ran. We can't forget that, for someone in his position, he spent, potentially, years.... I think all of us here spent years getting to where we have to get to, and then, for there to be suspected foreign interference—not even suspected; I think it's been proven that there was at some level, or at least an attempt—and for us to not have a foreign influence registry in those circumstances is at best negligent, at worst reprehensible.

Number three is to “[e]valuate Canada's threat assessment in light of the U.K. travel advisory”. This, in my view, again, makes eminent sense. I believe we should be moving on this. It is one of our greatest allies and a partnership that, in my view, we should value. It's another democratic country, which has a global reputation beyond reproach. We should be looking at its travel advisory. Why is the U.K. putting out an advisory on Canada that we in Canada don't concur with? That is, in my view, something that must be addressed.

Number four is to “[r]emove red tape and speed up access to the security infrastructure program to protect communities at risk”. Again, you will not have issue from me on that.

Number five is to “[c]reate an anti-hate crime task force to coordinate the protection of faith communities”. I agree with MP Lantsman and what she said. I don't care whether you pray on Friday, Saturday, Sunday or not at all. You should be free to worship, or refrain from worship, however you see fit in this country. I will always stand up for that; Conservatives will always stand up for that.

I saw that there was an issue with somebody being alleged to have driven their vehicle at people who were protesting on behalf of Palestinians. I denounce that. I similarly denounce people who have targeted restaurants that are Jewish-owned. Those are all things that need to be denounced. In Canada, it shouldn't matter what ethnicity you are or what faith group you belong to. Those people should be free from intimidation, free from harassment and free to worship, or refrain from worship, as they see fit. That is why I am in support of the motion.

Thank you.

• (1650)

**The Chair:** Thank you.

Mr. Van Popta, go ahead please.

**Mr. Tako Van Popta (Langley—Aldergrove, CPC):** Thank you.

I'd like to thank my colleague Mr. Moore for putting forward this motion. It is very important. It is also very timely.

Number one looks at designating the IRGC as a terrorist entity under the Criminal Code and expelling the estimated 700 Iranian agents operating in Canada. These things have come up many times in the House, and I'm surprised that the Prime Minister hasn't acted on them yet. Even politically speaking, I'm surprised he wouldn't have acted on them.

I've been to a number of “Woman, Life, Freedom” rallies in downtown Vancouver, three or four of them, and every time they attract large numbers of people, primarily from the Iranian community throughout metro Vancouver. They're very motivated and they are very animated. They love their country. They love Iran. They just don't love the IRGC government that is running their country, and they're looking to Canadian politicians to support them in that.

We have certainly shown that support as well as we can by showing up at the rallies and speaking and meeting people and talking with them and encouraging them, so politically it seems as though it would be a popular thing to follow through on what Mr. Moore has now put as number one on this motion. I'm surprised that nothing has happened about it yet.

Second, it is very timely in the sense that, given the October 7 Hamas terrorist attack on innocent Israelis, the sense of discomfort and the sense of insecurity among the Jewish population here in Canada has spilled over, and we should be doing whatever we can to support them and to show them that they have a home here in Canada, that we support Israel.

I would point out that Israel is the only democratic nation in the middle of what is otherwise a pretty hostile region of the world—to them, anyway. It is a technologically advanced, industrialized nation, a country with which we can trade. We can support each other democratically and economically, and we need to show them that support in whatever way we can. I believe passing this motion would signal that.

I also want to make the point about what I see as misplaced anger and frustration by some Canadian citizens in response to announcements a couple of years ago concerning unmarked graves at a former residential school in Kamloops. We all recognize that this is a black mark in our history. We also recognize that churches—the Catholic church and the Anglican church and others—have partnered with the Canadian government throughout our history to operate residential schools.

I understand as well how frustrating it has been for indigenous communities to learn about these unmarked graves. I've met with the Kwantlen First Nation people in my riding on several occasions, and I know that the pain is real and it all feels very recent. There are some elderly citizens who live there, who were survivors of residential schools, and I am deeply sympathetic to their concerns, but what I find frustrating is that frustration by some people in response to these historical truths has been misguided into attacking Christian churches. A number of churches were burned, some to the ground, and what I find really puzzling is that several of these churches were actually there to service indigenous communities, so burning them was of no help at all. Those doing that were not supporting indigenous communities at all. They were just hurting them.

• (1655)

I believe it's number five in the motion that speaks to that. I think it is a very timely motion. I commend my colleague for putting it forward, and I think we should all vote in favour of it.

Thank you.

**The Chair:** Mr. Housefather, please proceed.

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

First of all, I think a lot of these things are things we all agree on. There are things we already, on our side, said we were in support of too. For example, I already voted in the House to designate the IRGC a terrorist entity under the Criminal Code. I think Iran is one of the greatest dangers to the world, along with countries like North Korea. Iran is fomenting terrorism in the Middle East. It has a horrible record of abusing human rights and calling for the genocide of Jewish people and the state of Israel. Clearly, I support the IRGC being named a terrorist entity. If there are enemy agents of the Iranian government operating in Canada—I can't validate that there are 700, or whatever the number is—they should be expelled. There's no doubt about it. I have absolutely no problem with that.

We've already said we want to establish a foreign influence registry. I think that's a very important thing to do. It should be done on a timely basis. We are constantly evaluating Canada's threat assessment, whether in light of the U.K. travel advisory or anything else. Canada would always be doing that. I strongly support that.

Remove red tape and speed up access to the security infrastructure program. As soon as the attacks of October 7 happened, where the Hamas terrorist organization attacked our democratic ally Israel, there were threats to Jewish communities and institutions across the country, and threats to Muslim associations and others. Dominic LeBlanc immediately acted and created a new round of funding that removes most of the red tape and speeds it up. Most people will get answers under the new program, once they apply, in a matter of weeks. It allows security guards to be included. No longer do you need to provide three competing quotes for many things. It was actually done. I support it, because we just did it.

Finally, on the anti-hate crime task force for communities across the country, local police often do not know how to deal properly with these issues. They need proper training and guidance on the Criminal Code. I think we should all be working together, across federal, provincial and municipal governments, to coordinate policing. Of course, as somebody who was in a building that had a Molotov cocktail thrown at it one and a half hours after he left—we'd posted on social media; then that happened—I understand how communities throughout this country are terrorized and afraid. I have people in my riding who are afraid to send their kids to their schools. I have people in my riding who are afraid to go to campus wearing their Magen David. Again, I speak as somebody who is a member of the Jewish community and has a riding in which over 30% of the people are from the Jewish community. That's true of people in the small Muslim community in my riding. The mosques are worried, too. Ms. Dhillon was talking to me about how her Sikh community feels in certain parts of this country.

There is no harm in doing this. We should be doing more. In fact, one thing I say we're missing is having the administrators of colleges and universities as part of a task force with federal and provincial governments, in order to tell them how to quell hate on campus. That is something we should also be doing.

In any case, to be brief, I have no problem with this resolution. I'll vote in favour of it, because it's stuff we should be doing, end of story.

Thanks.

• (1700)

**The Chair:** I call the vote.

**An hon. member:** There are still at least two names on the list.

**The Chair:** Okay. However, all permanent members are in the room. You are not permanent members.

**Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC):** The rules still permit members who were not subbed in to speak.

**The Chair:** There are no subs, apparently, anymore—by our rules.

**Mr. Damien Kurek:** Members in good standing are permitted to speak to motions.

**The Chair:** Give me a minute, please.

• (1700)

(Pause)

• (1701)

**The Chair:** Mr. Kurek, go ahead.

**Mr. Damien Kurek:** Thank you very much, Madam Chair.

I'll keep this very brief, because I know that—

**Mr. Garnett Genuis:** I'm sorry, Madam Chair. I have a point of order.

Could I get some clarity on whether or not I'm on the list? Am I on the list?

**The Chair:** As a member, you can be on the list. The rules... I don't know when they were changed, and I certainly didn't change them. If the committee objects, you would not be able to speak. If the committee does not object, you are able to speak. The reason is that you are not a permanent member on the committee, and subs are no longer allowed.

However, having said all of that, I'm now recognizing Mr. Kurek to speak.

**Mr. Garnett Genuis:** Madam Chair, I don't understand your ruling.

First of all, subs are allowed. Secondly, unless this committee has adopted a motion prohibiting substitution, which I doubt has occurred... If the committee has not adopted a special order to the contrary, the rules permit the participation of members—though they can't vote—if they're duly elected members of the House of Commons and they're present at the committee.

If your understanding of the rules is different, I would invite you to cite the relevant Standing Orders or sections of *Procedure and Practice*. I am quite certain that members are allowed to speak if they are associate members of the committee, which I am. I'm an associate member of the committee. Associate members are allowed to speak, but they can't vote.

**The Chair:** Here's the last I will say to that, based on advice I'm receiving. Permanent members are in the room, and that is the reason there can be no subs to the committee. It's because the members are already in the room.

Having said all of that, I am allowing you to speak, Mr. Cooper. Go ahead, please.

Count yourselves... You're all—

**Mr. Damien Kurek:** It's Mr. Kurek, but thank you.

**Mr. Garnett Genuis:** The point is, Chair, that if there are more members, I'm still allowed to be on the list to speak.

**The Chair:** You're allowed to be on the list. The question is whether or not you get to speak.

**Mr. Garnett Genuis:** If the committee collectively takes a decision that associate members cannot speak, the committee can collectively take that decision, but the committee would take that decision via a motion and there's already a substantive motion on the floor, so a member couldn't move that motion anyway.

I'll look forward to my chance to speak. Thank you very much.

**The Chair:** That's fine. We'll deal with that at a subsequent meeting. We don't normally have a lot more members besides the committee in the room. This is a first for this one.

Mr. Kurek, go ahead.

**Mr. Damien Kurek:** On a point of order, Madam Chair, related to this, I think we have two very important issues before the committee: this motion and, of course, the bill that we'll be speaking to after this is disposed of.

I do, however, want to ensure that there is absolute clarity on the rights and privileges of members of the House of Commons on this, because one of the long-standing challenges.... As a student of politics and House procedure, I'm concerned with the recent explanation as to the role of members who are not regular members of the committee, so, Madam Chair, I would challenge that ruling.

**The Chair:** No, no. There is no need to challenge, but I will read to you what the book says on page 1026, in chapter 20, on committees:

The Standing Orders provide that any Member, whether affiliated with a political party or sitting as an independent, may take part in the public proceedings of any committee of which he or she is not a member, unless the House or the committee in question orders otherwise. The Standing Orders specifically exclude a non-member from voting, moving motions or being counted for purposes of a quorum.

That's all I was trying to say. Do you want me to read it again? I didn't write this, by the way.

**Voices:** Oh, oh!

• (1705)

**Mr. Damien Kurek:** Thank you very much, Madam Chair.

**The Chair:** You're very welcome.

**Mr. Damien Kurek:** The challenge, however, is not with the standing order. It's not that I agree with the standing order, although I do, but your previous intervention suggested a different interpretation of that. I just want to ensure there is absolute clarity around the rights and privileges of members of Parliament to be able to speak, especially when it comes to important issues like the one we are debating now.

**The Chair:** Yes, absolutely.

**Mr. Damien Kurek:** Thank you, Madam Chair.

To confirm, I am subbed in, so that clarifies the specifics associated with this.

We have before us a common-sense motion. Over the last number of weeks, in the aftermath of the horrific invasion that took place by Hamas into Israel on October 7, we have been thrust into a

situation in which our friends in Israel and in the Jewish community around the world have faced attacks in an unprecedented way.

What we have before us is a simple opportunity to not just stand for the people of Israel and the Jewish community in our country, but to truly stand on the side of freedom, to stand up for the rights and freedoms that we all take so seriously. At least I would hope that we all take them very, very seriously.

To recap, the motion here would do five simple things:

One, it would designate the IRGC as a terrorist entity under the Criminal Code and expel an estimated 700—let me emphasize that, 700—Iranian agents operating in Canada; two, it would establish a foreign influence registry; three, it would evaluate Canada's threat assessment in light of the U.K. travel advisory; four, it would remove red tape and speed up access to the security infrastructure program to protect communities at risk; and five, it would create an anti-hate crime task force to coordinate the protection of faith communities.

Madam Chair, the reason it's important to dive into the substance of this motion is that it speaks to one of the fundamental values that defines us as Canadians. That is the very idea of freedom. That freedom includes freedom of association, freedom of expression and freedom of religion.

I have a number of examples. I've spoken to people of faith within the communities I represent, where they have felt persecuted. This is across the spectrum, with those in the Jewish community, in the Muslim community and in the Christian community, and with those without a faith. They have felt a level of an erosion of the faith that we have traditionally had in the freedoms we enjoy in this country. It's a fear that the Canadian experience and the freedoms associated with that are eroding.

This motion is a simple, straightforward and practical way that we can emphasize how important we deem the preservation of these freedoms in light of what has happened in Israel and what has been the experience of far too many across our country who have faced persecution and, in some cases, hatred for their belief system.

Madam Chair, I've spoken with a number of constituents related to church burnings. There have been a number of churches burned down in the communities I represent. There is fear as they endeavour to rebuild after a devastating act that destroyed what was seen as a safe place in the community and in those parishioners' lives. It speaks to how important it is, and how unequivocally we need to act.

I said that I would be brief, although there is much that I would love to talk about related to this. To wrap up my comments, I will simply say this.

We have seen a growing disconnect between Parliament and the executive in our country. In the 42nd Parliament, more than four years ago, Parliament voted, unanimously in my understanding—I was not a member then—to designate the IRGC as a terrorist entity. We've seen support for a foreign influence registry. We've seen wide support for the other three items that were brought forward.

• (1710)

The disconnect that exists between the parliamentary system and the executive of our government in Canada is very concerning. I would hope all members take it seriously, because that disconnect further contributes to an erosion of trust that can take place. It strikes at the heart of what our democracy is and the essential provisions that are required to preserve what I shared in relation to the freedoms we enjoy as Canadians.

Madam Chair, to conclude, this motion is simple and straightforward. It's common sense, so we can ensure that we bring home a level of security and safety and preserve freedom in the great country we call Canada. It's to protect those who need protection at a time when many see an erosion of trust. It can be done. Let's buck that trend. Let's get this done. Let's support it before this committee. Let's ensure that we have the opportunity before the House of Commons to ask that same question.

I would hope that every MP would stand in favour of common sense.

Thank you.

**The Chair:** Thank you.

Mr. Genuis.

[*Translation*]

Next it will be Mr. Fortin's turn.

[*English*]

**Mr. Garnett Genuis:** Thank you, Madam Chair.

I will take cues from my colleagues if and when they want me to pursue a particular course, but I'll make some remarks in the meantime and wait for some clear direction from them.

Chair, I was the member of the House who moved the original motion to list the IRGC as a terrorist organization five years ago, or slightly more than that, I believe. I am very pleased to see this motion come before the committee. It has been far too long that the government has failed to act.

That's why I have put forward Bill C-350, which would list the IRGC as a terrorist organization as well as taking other measures to hold the Iranian regime accountable.

I hope this motion passes. I hope to see strong action taken against the Iranian regime.

I'll leave my comments there.

**The Chair:** Thank you.

Mr. Fortin.

[*Translation*]

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

As I've said before, I may be alone on this. I, too, am very concerned about the situation we're seeing around the world, particularly the acts of antisemitism committed in recent weeks. In fact, such acts have been going on for a long time. I personally find them abhorrent. The same goes for acts against Muslims or any other religion. Religions should encourage us to unite and work together in harmony. I don't want to use clichés, but I would say that they should encourage us to love one another rather than seek to harm, hurt or kill one another. It all seems abhorrent to me, and I agree that we should do everything in our power to fight against such acts.

That said, I think we need to proceed rationally. As I said earlier, I'm sympathetic to the arguments raised by Mr. Moore, but I think they're a bit hasty. There are a lot of things in there that aren't even within the purview of our committee. Unless I'm mistaken, I believe the list of terrorist entities is the responsibility of the Minister of Public Safety. There's also the financing of infrastructure projects. There are various items that don't fall under the purview of our committee.

On the other hand, we have not received any witnesses on this subject. But even if we are sensitive to these issues, we must be rigorous in our work, in my opinion. Before adopting a motion that makes or supports allegations, we would have to call witnesses. If we didn't do this, all our studies would be useless. All we'd have to do is ask ourselves if we're sensitive to a situation and then produce a report.

For my part, I think it's too quick and that witnesses should be called. What's more, I'm not sure that all this falls within the remit of our committee. I'm aware that, for all sorts of reasons that I don't understand or that perhaps don't concern me, the Liberals and Conservatives will support this motion. It will therefore be adopted. I'd like to say that I'm very sensitive to these arguments, but that it's hasty, in my opinion, and that we'd be better off hearing from witnesses over the course of one or two sessions before making a decision.

We're here to look at Bill C-40. Now, this isn't a motion we can easily make a decision on in two minutes. There's substance here. We're talking about 700 Iranian agents. Who are these agents? There are many questions we need to consider seriously. In my opinion, it's not serious to make a decision after simply hearing our respective states of mind.

• (1715)

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

[*English*]

Mr. Moore, were you on the list?

**Hon. Rob Moore:** We've exhausted our speakers list, and we're moving to a vote on the motion.

I appreciate everyone's contribution to the motion, though.

Thank you.

**The Chair:** Go ahead, Mr. Kurek.

**Mr. Damien Kurek:** Thank you very much.

I wish to acknowledge that, as a gesture of goodwill, we would hate to not have all members who are in good standing before the committee, so, Chair, with the requirement of a few seconds to do that, I will cede my time.

**The Chair:** Thank you.

[*Translation*]

We will now proceed to the vote.

[*English*]

(Motion agreed to: yeas 10; nays 0)

**The Chair:** Go ahead, Mr. Moore.

**Hon. Rob Moore:** Thank you, Madam Chair.

In light of the time, and I know we have votes coming up, personally, I will want to vote in person, because I think we have five votes tonight.

I would move a motion to adjourn.

**The Chair:** I suppose it's up to the committee to decide. It's only 5:19 p.m.

We're going to vote on whether you would like to adjourn, or whether you want to proceed with Bill C-40, I guess. We have 10 minutes left.

• (1720)

**Hon. Rob Moore:** I need time to get up there, so if we stop at 5:30 p.m., that would be fine.

**The Chair:** Do you want the vote, or do you want to withdraw the motion?

(Motion withdrawn)

**The Chair:** We will proceed.

Clause 1, the short title, is postponed.

(On clause 2)

**The Chair:** We have no amendments on clause 2.

**Mr. Garnett Genuis:** You still have to debate the clause.

I'd like to speak on clause 2.

**The Chair:** Go ahead, Mr. Genuis.

**Mr. Garnett Genuis:** Thank you, Madam Chair.

I wonder if I could just ask our officials to explain a bit what the effect of clause 2 would be.

**Ms. Julie Besner (Senior Counsel, Public Law and Legislative Services Sector, Department of Justice):** This application is being considered by the minister. Currently, the superior courts of criminal jurisdiction have been hearing those applications for release, pending the review. Bill C-40 proposes that it should be the court of appeal that does this.

The test would be the same. Currently, it's the same test when someone is appealing a conviction that the superior courts have

been applying, so that part isn't changing. It's just the forum, if you will.

**Mr. Garnett Genuis:** I'm sorry. Does it change the form, or does it change the level of the court that considers the—

**Ms. Julie Besner:** That's what I meant by forum, the court.

**Mr. Garnett Genuis:** The forum...? I'm sorry. I heard "form".

Okay. It changes the forum. What are the resourcing implications of that if all the applications are directed to this particular court, this particular forum?

Can you comment on the readiness from a resource perspective for that particular court to hear these complaints as they come in, and whether that would lead to delays or changes in timelines for those making these applications?

**Ms. Julie Besner:** Well, the applications would be before the court of appeal of whichever province in which the trial was held. It's not as though one court would be seized with the volume of applications.

One thing that was raised during the consultations is that sometimes the delay, the notice that the Crown receives before a hearing is held, can be quite challenging if the particular case is very, very old—decades old, for example. They have a hard time accessing the file and preparing for a bail hearing before the court of appeal.

That is about the only major concern we heard about bail pending a miscarriage of justice review in the court of appeal. They determine their own rules about how much notice would be provided. They can be approached as well for granting an extension of the time—an adjournment, if you will—before an actual hearing is held.

**Mr. Garnett Genuis:** A request can be made for an extension of time, but it clearly means that the individual involved is waiting much longer. It's some comfort, but not as much as they would like, if they're able to make that application but they're still waiting.

**Ms. Julie Besner:** It's an adjournment. I don't have a sense that it's something like months, for example, because there's still a requirement for people to have a hearing within a reasonable period of time.

**Mr. Garnett Genuis:** Okay.

Knowing people who work in the justice system, I'm curious to understand, though, how the requirement for a hearing to take place within a reasonable period of time comes up against what may be the resource realities on the ground. You can say there's an obligation to have a hearing take place within a certain period of time, but if there are competing obligations that a particular court of appeal and a particular province are facing, that's still going to have an effect on the timeline.

What is the effect if there is an obligation but there is a failure to realize that obligation?

• (1725)

**Ms. Julie Besner:** The general rule is that the hearing will be held very shortly after the notice is received. I think that in some jurisdictions, like Ontario...I think I heard it was maybe even five days. When an adjournment is requested, it could be perhaps 30 days, but the general rule is that the hearing will be held very shortly after the notice is provided.

**Mr. Garnett Genuis:** Okay, but to say that's the general rule doesn't really answer my question of what happens in the event that the general rule is not.... That may be the general case, but what about the particular case in which that does not happen?

**Ms. Julie Besner:** There would be probably even a motion for an extension. The courts have their own authorities and their own rules about the notice and when a hearing will be held after a notice. I can't really speak to more than that. It would be for the courts to determine.

**Mr. Garnett Genuis:** Okay. Thank you.

To understand the implications of this—that these applications be heard by a court of appeal.... I'm sorry; that's as opposed to what? What's the current forum?

**Ms. Julie Besner:** It's the superior courts of criminal jurisdiction.

**Mr. Garnett Genuis:** Okay. All right.

This does put an additional obligation on the court of appeal as opposed to the existing forum, and that may require some significant adjustment in terms of resourcing and capacity. Is that a fair assumption, do you think?

**Ms. Julie Besner:** I don't think it's a fair assumption, in the sense that in terms of volumes it's not a large number of cases, comparatively or relatively speaking.

**Mr. Garnett Genuis:** What is the reason for shifting the forum? What is the upside of doing so?

**Ms. Julie Besner:** It was a recommendation that was made in the consultation report. There was a lot of interest in adopting that recommendation, among all interested stakeholders.

**Mr. Garnett Genuis:** All right. Thank you for explaining that.

I'll leave my comments there. I think some of my colleagues may have questions or comments as well.

Thank you very much.

**The Chair:** There are no amendments to this, and I am asking....

Please, go ahead, Mr. Kurek.

**Mr. Damien Kurek:** Thank you, Madam Chair.

Let me first say that it's been interesting as I dove into some details about this, in the context of the larger conversation about the justice system in Canada. I have concerns, as do many members around this table, and I would think all parties as well, about the erosion of trust that has taken place within our justice system.

Certainly, one of the contributing factors in this is when a miscarriage of justice takes place. This bill is referred to as “David and Joyce Milgaard's Law”. From some of the research I've done, according to that and from a host of additional examples, there have in fact been miscarriages of justice. That is a contributing factor.

We see violent crime rates increasing in this country and a host of concerns related to the proliferation of violence, and the justice system seems to be unable to.... Certainly, from the perspective of the last eight years, there are contributions to that from the actions of now three successive Parliaments, where the Liberals passed bills that have contributed to it. That has added to the erosion of trust.

This is the other side of that same coin. Canadians have to, first, trust that the justice system does, in fact, ensure that people end up behind bars when they've committed crimes, to ensure that there is a full understanding of the consequences when someone does not uphold their obligations under the law.

The other side of that is what we're talking about here. It is that Canadians also have to trust the justice system and the idea of a unique and pivotal factor in the development of our modern society, which is the presumption of innocence and the ability for somebody to have a just and due process that lends towards allowing people to err, at least as little as is humanly possible.

I wish we could look back in our history at a record of perfection, but we know, as evidenced by Bill C-40 before us—

• (1730)

**Mr. Garnett Genuis:** I have a point of order, Chair.

**The Chair:** I think the bells are ringing.

**Mr. Garnett Genuis:** You may have anticipated the subject of my point of order.

**The Chair:** I am going to adjourn the meeting.

We will be back at this next time.

Have a good evening, everyone.







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