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# Standing Committee on the Status of Women

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Chair: Mrs. Karen Vecchio





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• (1605)

[English]

**The Chair (Mrs. Karen Vecchio (Elgin—Middlesex—London, CPC)):** Good evening, everybody. It's Anita's birthday, so we'll be celebrating that. There's cake at the back.

I'd like to call this meeting to order. Welcome to meeting number 89 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. Everybody should understand, with the Zoom application, to just please put up your hand.

If I'm totally ignoring you—Emmanuella knows what this is like—just let me know. Say, “Karen, I need to hear from you.” For those in the room, just put up your hand and we'll make sure that we take down a list.

Interpretation, of course, is available. We've all used that before.

Today we have different people in the room, so for those who are on Zoom, it looks a bit different. We have Chelsea Moore here, and Julia Nicol. We also have some legislative clerks who are going to be helping us with this legislation.

We also have a new clerk, so he's going to be getting used to how it is to work with me.

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.

When ready to start, we're going to go clause by clause. There have been a lot of different clause-by-clauses that we have done in the past in other committees, but this one is a little different. A lot of times we don't look at the justice bills.

I'm going to remind everybody that we're going to take it slowly. I think the most important thing is that we get this right. At the end of the day, this is all about the victims and ensuring that we get this right.

I would like to provide members of the committee with some instructions and a few comments on how the committee will proceed with clause-by-clause consideration of this bill.

As members already know, this is an examination of all clauses in the order in which they appear in the bill. I will call each clause

successively and each clause is subject to debate and a vote. If there are amendments to the clause in question, I will recognize the member proposing it, who may explain it. The amendment will then be open for debate. When no further members wish to intervene, the amendment will be voted on.

Amendments will be considered in the order in which they appear in the package or in the bill. Members should note that amendments must be submitted in writing to the clerk of the committee. As Stephanie noted, we need them in both official languages so that we can circulate them around to everyone.

The Chair will move slowly to allow all members to follow the proceedings properly.

Amendments have been given a number. Everybody has the amendment. At the top corner, for instance, you will see a G-1, and that stands for Government-1. In your list and in the package, on the right-hand side you will see the number that we're referring to.

The amendment will then be open for debate. During debate on the amendment, members are permitted to move subamendments. These subamendments must be submitted in writing. They do not require the approval of the mover of the amendment. Only one subamendment may be considered at a time, and that subamendment cannot be amended. When a subamendment is moved to an amendment, it is voted on first. Then another subamendment may be moved, or the committee may consider the main amendment and vote on it.

Once every clause has been voted on, the committee will vote on the title and the bill itself. Finally, the committee will have to order the chair to report the bill to the House. The report contains only the text of any adopted amendments as well as an indication of any deleted clauses.

Everybody has all of their information. You should have the bill, plus everybody should have the bill in PDF format. You'll see the line numbers on that.

I just want to make sure that everybody has a PDF format of the bill.

**Some hon. members:** Agreed.

(On clause 1)

**The Chair:** Super-duper. We're good to go. Let's get rolling here.

The chair calls clause 1 and we have amendment G-1.

Ms. Sonia, would you like to move it?

**Ms. Sonia Sidhu (Brampton South, Lib.):** Yes, Madam Chair. It's that Bill S-205, in clause 1, be amended by replacing lines 4 to 17 on page 1 with the following:

1(1) Paragraph 515(6)(b.1) of the Criminal Code is replaced by

and by replacing line 1 on page 2 with the following:

(2) The Act is amended by adding the following

If you want me to give the explanation, it's to remove measures that would require the court to ask whether the victim has been consulted about their safety and security needs prior to making an order for bail. That's why we are moving that.

• (1610)

**The Chair:** In bringing it to the committee, what you're looking at is under the Criminal Code, paragraph (b.1) of subsection 515(6). You're taking out that entire part of the bill from clause 1, all the way down to where subclause 1(3) begins.

**Ms. Sonia Sidhu:** Yes.

**The Chair:** You're taking out proposed subsection 515(3.1), "Consulting intimate partner", and proposed paragraph 515(4)(e.1).

Is there any discussion on that? It looks at removing the first two proposed subsections.

Go ahead, Andréanne.

[Translation]

**Ms. Andréanne Larouche (Shefford, BQ):** Madam Chair, I want to make sure that I understand one of the amendments. I'd like you to repeat the proposed changes.

What is the reason for removing the reference to "justice" in point (2), I believe?

[English]

**The Chair:** I'm going to make a quick note.

We're looking at the part right here. There may have been an interpretation issue there, because I think the word I heard wasn't here specifically in the bill.

What we're looking at is this clause here. It would be under "Criminal Code". They are the subclauses that take you straight from "Criminal Code" down to the beginning of subclause 1(3).

Sonia, I'll pass the floor over to you for discussion as to Andréanne's question.

**Ms. Sonia Sidhu:** Madam Chair, can she explain...?

**The Chair:** She was just wondering why you want that part removed.

**Ms. Sonia Sidhu:** I talked about that. Those measures would add electronic monitoring to the list of bail condition options for all crimes. Some courts might interpret this as shifting the onus onto prosecutors. This could cause major delays to bail, including when prosecutors cannot contact victims, thus threatening public safety. Victim services is [Inaudible—Editor] to take safety into consideration, and must already take safety considerations of victims into account in bail decisions.

This will also disproportionately impact indigenous, Black and racialized people.

**The Chair:** I'm just going to let you know, because I did ask for this to be brought up.... Thank you very much. I'll just let you know that if G-1 is adopted, it means that NDP-1 cannot be moved, due to the line conflict.

I always like to bring this up to everybody, to inform you of some of the conflicts. If G-1 is moved and adopted, then NDP-1 cannot be moved, because there's a line conflict.

This is from *House of Commons Procedure and Practice*:

Amendments must be proposed following the order of the text to be amended. Once a line of a clause has been amended by the committee, it cannot be further amended by a subsequent amendment as a given line may be amended only once.

Right now, as I said, we are looking at G-1 only. We're not going to be talking about NDP-1, but I just want you to have in mind that if G-1 is voted upon and adopted, NDP-1 cannot be looked at.

I do have a question for you, Sonia. It would be taking the person who is the victim, not having to ask their.... Perhaps I'm just reading it wrong. By moving this, it's not getting the consultation with the victim, or are you saying the victim is being consulted already? Can you share?

**Ms. Sonia Sidhu:** Victims are already consulted. Why I am saying that is that it impacts more disproportionately Black and racialized people.

The other point, Madam Chair, is that Bill C-233 considers intimate partner violence as a crime for which electronic monitoring should be especially considered, if we consider it for all crimes.

Judges do not get the nudge to treat IPV with extreme care. That was the other point I wanted to add.

**The Chair:** I have Anna followed by Andréanne.

**Mrs. Anna Roberts (King—Vaughan, CPC):** Thank you, Madam Chair.

I'm a little confused. If I read this correctly, it's going to read "the Criminal Code is replaced by". Is that what we're changing? Are we taking out, "Act is amended by adding the following"?

• (1615)

**The Chair:** We're taking out all of this part right here. That entire section is removed.

That "Consulting intimate partner" part is the key part that would be removed in the clause she's referring to.

**Mrs. Anna Roberts:** It's all the way down to 1(3).

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

Do you have another comment before I move on?

**Mrs. Anna Roberts:** No.

**The Chair:** We have Andréanne followed by Anita, followed by Leslyn, followed by Marc.

[Translation]

**Ms. Andréanne Larouche:** Madam Chair, you said that if we adopt amendment G-1, we can't vote on amendment NDP-1.

Personally, I would prioritize amendment G-1 over amendment NDP-1.

[English]

**The Chair:** Thanks very much.

It's a little different from a study with the recommendation, but I really do appreciate that insight.

Are there any further comments?

I'm looking at Anita, Leslyn and Marc.

**Ms. Anita Vandenberg (Ottawa West—Nepean, Lib.):** Thanks, Madam Chair.

To answer Anna's question, we're removing that proposed subsection because right now the courts do have to take into consideration safety, and it's really victim services that does the communicating. This would make it the prosecutor who would have to communicate with the victim. In that case, if they can't reach the victim, it could lead to very long delays, so it's a major change, and that's why we're putting forward this amendment.

Thank you.

**The Chair:** Go ahead, Leslyn.

**Ms. Leslyn Lewis (Haldimand—Norfolk, CPC):** In removing that proposed subsection, you would essentially be removing the entire context of the bill, which focuses specifically on ensuring the safety of intimate partners and preventing further recidivism, acts of violence and criminal acts. If you remove that consultation part, it makes the bill generic, and it takes it out of context.

**The Chair:** We have Marc and then Michelle.

**Mr. Marc Serré (Nickel Belt, Lib.):** I want to follow up on this.

Right now the proposed subsection takes it away from the prosecutor and puts it back on victim services, so that will be in place.

I'm also in favour of G-1 versus NDP-1. The reason, as Sonia mentioned, is that it's important to put it onto victim services versus the prosecutor, and a blanket impact on indigenous, Black and racialized people would happen if we didn't take this out.

I'm in favour of G-1 versus the NDP one, and it doesn't take away from the spirit of the bill.

Thanks.

**The Chair:** Go ahead, Michelle.

**Ms. Michelle Ferreri (Peterborough—Kawartha, CPC):** Just to clarify, if I understand this correctly, we're saying we want to remove this. The whole foundation of this bill is that victims feel included and know what's going on. I think that was the whole purpose, from the testimony that we heard that there is no control. There is no feeling of knowing where their attacker is. This way, in that very vulnerable time following a bail hearing, which we know statistically is the most dangerous time for victims of domestic violence, the victim is given the choice to know where their attacker is.

They get to be consulted, and they feel like they're part of the process.

In bringing this forward right now, what I see happening in the public safety committee with the Paul Bernardo transfer and having the family and friends of victim Kristen French, like Laura, who testified, the biggest piece is that they were not consulted or included. It is retraumatizing to wake up in the morning and have this news smeared in your paper or in your local media. Without victim consultation and without the victim having their rights, I'm not sure what the intention is of removing that.

**The Chair:** We'll have Leah and then go back to Leslyn.

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

My understanding of that in the criminal justice process is that victims can do one of three things. They can choose not to participate; they can send in a statement, or they can testify in person.

Right now, the way it's set up, victims have a lot of choice. Some people don't want to testify, and some people don't want to see their abuser for whatever reason. This limits, in the way it's worded, the power of victims to assert themselves in the way in which they choose. That's the way I understand the Liberal amendment.

I want to be clear that I do support the Liberal amendment over my amendment. I'm happy to not debate my amendment, because I do think that the intent was good—

• (1620)

**The Chair:** We can't. Let's not talk about debating yours.

**Ms. Leah Gazan:** I know we can't do that yet.

I know the intention was good, but I think it actually does the opposite of its intent by amending it.

Thank you.

**The Chair:** I see Leslyn and then Michelle.

**Ms. Leslyn Lewis:** If you look at proposed subsection 515(3.1), what it does is facilitate an interaction between the prosecutor and the justice, who will make a recognizance determination, so more information is actually helpful for the process. That's how you have an equitable outcome.

I don't see any racial disparities here whatsoever. In fact, I see that this clause would allow the prosecutor to communicate with victim services, and the victim could choose to provide that information or not. It ensures that the victim's situation is taken into account when bail terms are set by the judge.

I think it's very informative and useful for the judge to have that information in their deliberation process. This also ensures that the conditions of recognizance are commensurate with the gravity of the offence, because without this information, the judge would basically just be exercising their discretion and granting bail terms based on what they see fit, not taking into account the protection of the victim, which is the gravamen of this bill.

Therefore, taking it out would actually be doing a disservice to women and to victims, because the judge would not be able to contemplate what their position is and what their safety needs are. It clearly says that the judge "must ask the prosecutor whether the intimate partner of the accused has been consulted".

This is a duty to consult, and it is a very important duty. If we understand the legal interpretation of this clause, the duty to consult women who are victims of intimate partner violence is essential, and to remove this is basically to negate the bill.

**The Chair:** Michelle.

**Ms. Michelle Ferreri:** I'm not quite as eloquent and as legal-savvy as my colleague Ms. Lewis. She definitely knows the legal terminology significantly better than I do.

To Ms. Gazan's point, this isn't about seeing the attacker. It's about being consulted. That is the key in this messaging here. I am certain, after spending as much time as I have in FEWO, that there is nobody on this committee who doesn't understand that value. The justice "must ask the prosecutor whether the intimate partner of the accused has been consulted about their safety and security needs." This is not putting them in front of their attacker. This is not asking them to do any of that.

I'm actually stunned right now that you guys want to remove this. This is the whole point of the bill. It's about consulting the victim. It's about putting the victim first. It has nothing to do with putting them in place with the attacker. I just wanted to clarify that.

To Ms. Gazan's point, I understand what you're saying, wholeheartedly. You don't want to retraumatize.... They don't want to see that attacker or be put in the same room. They don't want to do that. That is not what this is saying. It is ensuring that the victim is consulted about their safety and security needs.

**The Chair:** Leslyn.

**Ms. Leslyn Lewis:** I find it quite disturbing that one would invoke racial connotations to say that this will somehow bias people based on race when a woman who has been abused is consulted about her safety. Oftentimes, men are making determinations about how this woman will be kept safe. That they should not have any information about that woman and about what she feels she needs to be safe in this context....

To remove this is a violation of every woman who has been a victim of intimate violence, and to not recognize the importance of a judge having an opinion of what that woman feels she needs to be safe is to rob that woman of her agency.

• (1625)

**The Chair:** Are there any other questions or comments?

Go ahead, Anna.

**Mrs. Anna Roberts:** I'm listening to Leslyn. Are we not the status of women committee, and are we not here to protect women? How many times have we heard from witnesses that their accuser was let out of jail, and by the time they were informed it was too late and they were revictimized?

I'm sorry, but I guess that's what I'm confused about.

**The Chair:** Just taking out my membership, honestly, I know I'm just one of the votes, but at the end of the day I think this is about what we studied. We heard a lot about consultation, a lot about speaking to victims so the victims' voices were heard, and whether or not, during the criminal trial process, during all of these things leading up to that, people have been consulted. Consulting this intimate partner is the key detail to this. Consultation is the piece.

I'll be quiet for a minute.

Are there any other speakers?

Go ahead, Sonia.

**Ms. Sonia Sidhu:** Madam Chair, I think we already dealt with this in Bill C-233. I already spoke on that. That is, I think, on the first part.

We talked about the bail hearing, which elevated intimate partner violence as a crime for which electronic monitoring should be specially considered. We did this with Bill C-233.

**The Chair:** I just want to take a moment to throw the ball down to Chelsea and Julia.

I just want to ensure...because this obviously is one of the big pieces, if it is already existing in our Criminal Code. If not, what happens if there is a duplication, because something is already occurring here in this bill if it's a duplicate?

If I could pass that on to Julia and Chelsea and get some answers, that would be great.

**Ms. Chelsea Moore (Acting Senior Counsel, Criminal Law Policy Section, Department of Justice):** Just to clarify, the motion G-1 would actually remove two proposals from this bill. I believe that might be a source of some of the confusion.

The first proposal that would be removed is the proposal to ask the prosecutor if the victim has been consulted, and the second proposal that would be removed is the proposal regarding electronic monitoring. They both fall under the first clause. The one motion deals with both proposals at the same time.

On electronic monitoring, as the committee is certainly aware, there was a specific condition added to the Criminal Code that, at bail, judges must consider imposing a condition of electronic monitoring in cases of intimate partner violence and other cases—other serious charges. That did receive royal assent in former Bill C-233. That's with respect to the second proposal.

The first proposal, with respect to the obligation to ask the prosecutor if they've consulted the victim about their safety and security, is not currently in the Criminal Code; however, there are a few related provisions, which have a similar intent to this proposal and would be added by Bill C-48, which was adopted by both Houses last week.

Hopefully that clarifies a little. I think there's been some discussion about both proposals, maybe mixing the discussion together, so I just wanted to clarify that there are two different ones.

**The Chair:** That's why we need you here, Chelsea.

I'll take it back to Leslyn, followed by Andréanne.

**Ms. Leslyn Lewis:** Andréanne can go first.

**The Chair:** Okay.

Andréanne.

[*Translation*]

**Ms. Andréanne Larouche:** Thank you, Madam Chair.

Ms. Moore, I gather from your comments that it would be appropriate to keep the part that says the justice must consult the prosecutor.

Is that right?

• (1630)

**Ms. Chelsea Moore:** It really depends on what factors you'll consider when applying this provision. I can provide other factors to consider, if you want.

**Ms. Andréanne Larouche:** Okay, let's hear them.

[*English*]

**Ms. Chelsea Moore:** I'll switch to English, if that's okay.

The effect of the first proposal, which would remove the consultation piece, is that it would require the bail court to ask the prosecutor if the victims had been consulted about their safety needs. In practice, this could translate into a conversation between the prosecutor and the bail justice in the courtroom about the victims' safety concerns. Some victims might welcome having their safety concerns discussed in this way, but others might feel uncomfortable with these kinds of conversations being discussed in an open court and in the accused's presence.

The current practice of bail hearings is to hear the allegations before the court and look at the past violent behaviour of the accused to determine whether bail would be appropriate based on a number of considerations, including public safety and the safety of the victim. The Crown does make submissions on the conditions to be imposed, and it's quite standard to seek out conditions to keep the accused away from the victim, such as no contact and not going to a specific place or area. Currently, there is no discussion at the bail hearing about the broader security needs of the victim. That tends to take place with victim services personnel, who sort of screen what government services they need to contact in order to establish the safety of the victim. The specific security needs of the victim are not currently discussed in open court.

**The Chair:** I have a quick question for you. Would there be an option for her to do it privately? I hear you talking about those con-

ditions and security in court. Would there be an opportunity for somebody to do that outside of court in an informal conversation, so it's not in the public realm but somewhere where the victim would feel safe?

**Ms. Chelsea Moore:** Victims don't typically appear at a bail hearing, so they wouldn't necessarily be present. It is possible, but it's uncommon, because a bail hearing takes place within 24 hours. It's sort of a cooling-off period to separate the two parties, so the victims don't usually show up.

If the Crown feels that there's a sensitive or delicate issue with respect to a victim's discussing their security needs in court, the Crown can always ask to go into chambers with the lawyer for the accused and the judge to speak about it privately. That is an option, but it wouldn't necessarily be an option for a self-represented accused.

**The Chair:** That really does help give us more insight, so thank you very much for that.

Are there any further questions or comments?

Is there anyone online?

Seeing none, shall G-1 carry?

**Ms. Michelle Ferreri:** Can we have a recorded vote?

**The Chair:** Yes, of course.

We'll have a recorded vote on G-1.

(Amendment agreed to: yeas 6; nays 4)

**The Chair:** That is carried, so NDP-1 is out.

Next, we have G-2.

It doesn't matter if he's not the mover, does it? He can still talk about it.

We'll give the floor to Mr. Serré.

• (1635)

[*Translation*]

**Mr. Marc Serré:** Thank you, Madam Chair.

Amendment G-2 is fairly straightforward.

It is that Bill S-205, in clause 1, be amended by replacing, in the French version, line 23 on page 1 with the following:

tenaire intime, s'il a été auparavant condamné

It simply involves changing the words "déclaré coupable" to "condamné". The amendment is purely practical.

[*English*]

**The Chair:** Okay. It's a better way of saying that.

I'm looking at our French speakers in the room. Andréanne has her head going. Arielle has not said anything.

Emmanuella, do I see some nodding? You're good with that.

It looks like everyone is okay with the French version.

Shall G-2 carry?

(Amendment agreed to [*See Minutes of Proceedings*])

(Clause 1 as amended agreed to)

(On clause 2)

**The Chair:** Would anyone like to present amendment G-3?

Go ahead, Sonia.

**Ms. Sonia Sidhu:** Yes, Madam Chair.

It is that Bill S-205, in clause 2, be amended by (a) replacing lines 9 to 12 on page 2 with the following:

810.03(1) 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

(b) replacing lines 32 to 34 on page 2 with:

(5) The provincial court judge may commit the defen-

(c) replacing line 1 on page 3 with:

(6) The provincial court judge may add any reasonable

(d) replacing lines 4 and 5 on page 3 with:

or to secure the safety and security of the intimate partner or a child of the defendant, or a child of the defendant's intimate partner, including condi-

(e) replacing line 20 on page 3 with—

**The Chair:** If you like, we don't have to read it all into the record.

**Ms. Sonia Sidhu:** Yes.

**The Chair:** What we could do is... I'm looking at what we have here. We have a lot of bits that we might want to take one chunk at a time.

We could start off with (a), then go through (b), then go through (c), if that's okay with you.

**Ms. Sonia Sidhu:** I think that's better.

**The Chair:** Okay.

Let's start by looking at (a), which is replacing lines 9 through 12 on page 2. It's 810.03(1).

Leslyn, you have your hand up.

**Ms. Leslyn Lewis:** Yes.

Firstly, this amendment changes the entire meaning of the bill, because it's now focused on any person, rather than on the intimate partner. The original clause reads, "A person who fears". In law, fear is a subjective test based upon a person's feelings. Applying it to "any person" objectifies it. It changes the entire meaning. You cannot say, "any person" and still be specific to that intimate partner. We are actually nullifying this entire clause by doing that.

Furthermore, go down to where it speaks about "will cause personal injury to the intimate partner". It changes "their intimate partner" to "the intimate partner". It could be the intimate partner of any individual.

This bill is dealing with specific people facing violence. By doing this, you're completely watering down the intent of protecting women who are in situations of violence.

• (1640)

**The Chair:** Are there any more comments?

Go ahead, Sonia.

**Ms. Sonia Sidhu:** I can see Dr. Lewis's point, but this would allow a peace officer, family friend or loved one who reasonably believes 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 victims of IPV often don't report the abuse for many reasons, including fear of their abuser. This removes some elements of the proposed peace bond, such as those relating to timelines. It allows submissions from the informant regarding conditions to be imposed on the defendant, in order to bring the procedure in line with other peace bond provisions in the Criminal Code.

**The Chair:** Before I bring it back over to Leslyn, I'm going to give the floor to Chelsea and Julia for comment.

**Ms. Julia Nicol (Counsel, Criminal Law Policy Section, Department of Justice):** Thank you.

With this amendment, the intimate partner would still be able to come before the court and seek the peace bond. What it would do, though, is that it would allow others, as was said previously, to do so as well, in situations...for example, where the intimate partner may be too scared to come forward. It's very common to do it through the police and so forth.

This would also align with the wording in other peace bonds, so it would not limit what an intimate partner could do themselves. It would give a bit more flexibility, potentially, but I understand the balance you will have to make in terms of how, if you want that specific language, that would limit what is possible under this provision.

**The Chair:** You're explaining that right now, the way it's written in the original text allows only the victim to make this request, and that this amendment, then, would allow anyone to make this request. Is that what you're saying?

**Ms. Chelsea Moore:** I'm just going to add something. Peace bonds can go two ways. A victim could bring the peace bond herself. That means she could actually fill out the form, the information, and bring it to court and bear that burden. Otherwise, the victim can go to the police and say, "This is what's happening. Can you help me with laying an information to get a peace bond going?"

As the language is currently drafted, it would be only the victim who would be able to bring the peace bond. She would be the only one who would be able to lay the information. The current peace bond provisions in the code foresee that typically it's a police officer that lays the information. The changes to the terminology would allow more flexibility, like my colleague just said, to allow a police officer to bring the information.

**The Chair:** We'll go over to Leslyn.



**Ms. Leslyn Lewis:** Thank you for that clarification, but the problem that I have is one of statutory construction. If you have this clause constructed for a person who fears, the reason you're using a less permissive test of fear, which is subjective and does not have an *actus reus* or a *mens rea* component in it.... It is basically based on that subjective fear, because you're dealing with the victim.

Here, you have taken that very permissive language and then you have applied it to anybody—anybody who has a fear—and usually when you're speaking about people who are not direct victims of something, you don't have such permissive language. You would usually say anybody “with reasonable and probable grounds”, because there's a test that would be applied.

That's my only concern there. It's that we are taking it completely outside of this very specific context—

• (1645)

**The Chair:** I'm sorry for interrupting all of you beautiful people. The bells are ringing.

Could I get everybody to indicate that we can continue for at least the next 15 minutes, and then we'll reassess?

We'll continue for 15 minutes, reassess and go from there.

Go ahead.

**Ms. Leslyn Lewis:** As I was saying, when we have such a specific piece of legislation that's going to be dealing with protecting primarily women, we have more permissive language, but then, when we're applying it, we also have to look at that application in the broader context of the public. “Any person who fears” is not something that I can.... There's a void for vagueness in this language when you have it just apply to the general public. It should....

Do you know what? I'm going to propose a subamendment to this, then.

**The Chair:** Okay. Please go for it.

I just want to double-check on subamendments.

What we'll do is we'll have you move your subamendment, so that we can get in writing. Then we will suspend so it can be distributed, okay?

You have the floor. Go ahead.

**Ms. Leslyn Lewis:** It reads:

Any person who believes on reasonable and probable 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.

**The Chair:** Can you say it one more time, please?

**Ms. Leslyn Lewis:** It reads:

Any person who believes on reasonable and probable 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. Leah Gazan:** I have a question, Chair.

**The Chair:** Wait one moment. I'll be right with you, Leah.

I'm going to have the clerk repeat it, and then we'll go.

**Ms. Dancella Boyi (Legislative Clerk):** Thank you, Madam Chair.

It's just to ensure that we have this correct.

We're looking at amendment G-3, “(a) replacing lines 9 to 12 on page 2 with the following”, and it's that first portion, where we have 810.03(1).

Dr. Lewis's amendment is “810.03(1) Any person who believes”—instead of “fears”—“on reasonable and probable grounds”, and then it proceeds as provided.

Was there another...?

**The Chair:** There were a few different words in there. Did you talk about the others?

**Ms. Leslyn Lewis:** No. I've kept their amendment and then just added “believes on reasonable and probable grounds”.

**The Chair:** I have it. That's fantastic.

She has to get this written and distributed.

I know that Leah had a comment to make.

Go ahead, Leah.

**Ms. Leah Gazan:** I don't know if this is helpful. I certainly hope it's helpful.

I know that when there's a suspicion of child abuse, the way it currently stands you have a legal obligation to report. I don't think we're really swaying too much from existing laws. However, we're now talking about violence, which people report all the time, in fact. Then it's up to the victim to decide what they want to do with it.

I don't know if that's helpful. Maybe it's totally not helpful. I know you have to do that under the law anyway right now.

**The Chair:** Thanks so much, Leah.

Go ahead, Sonia, on the subamendment, and then we'll get this written.

**Ms. Sonia Sidhu:** Madam Chair, can we suspend for a bit?

**The Chair:** Yes. That's what I was trying to do.

We're going to suspend, everyone. We'll get this in writing.

• (1645)

(Pause)

• (1655)

**The Chair:** I'm suspending for a few more minutes. We have votes very shortly.

We have clause 2 with the amendment that will be coming back with translation. We are going to have to stand clause 2 and go on to our next amendment. We won't do anything to do with that amendment, because we need it in writing, so we can just go on to clause 3.

I need a UC motion. I need everybody's consent so that we can stand clause 2 until we have the translation available to us, and go on to clause 3.

(Clause 2 allowed to stand)

**The Chair:** That was awesome. Well done.

Emmanuella, you have your hand up. Do you have a comment?

**Ms. Emmanuella Lambropoulos (Saint-Laurent, Lib.):** It's on clause 2, so when we get back to that, I'll ask the question.

**The Chair:** Let's look at the time. We are exactly 15 minutes out from the vote. Would we like to vote in the room? We can proceed with another 10 minutes of work and then take five minutes to vote.

Is everybody good with that? I'm looking at everybody, and everybody looks good. We're happy and joyful.

Let's move on.

It's consequential. We are now going to move on to clause 4.

There are a whole bunch of things that are procedural in here. Clause 3 is dependent on something else, so we're going on to clause 4 now. There are no amendments in clause 4.

**An hon. member:** [*Inaudible—Editor*]

**The Chair:** It's okay. Take your time. I'll go over it again.

We will not be doing clause 3, because it is linked to clause 2, and clause 2 has been stood for now. We won't be able to do clause 3 right now because of clause 2, so we'll move on to clause 4.

Clause 4 has no amendments right now, so it's really up to us how we want to proceed. Do we support it? Can we move forward? We can take a vote on that.

(Clauses 4 and 5 agreed to)

(On clause 6)

**The Chair:** G-9 is the amendment... We cannot do clause 6 because it is related to clause 3, and clause 3 is related to clause 2. We will have to hold on.

Are we good to go with G-10? Yes.

We're looking at page 14. G-9 can't be done. We're on G-10.

Sonia, this is one that you brought forward. Go ahead.

• (1700)

**Ms. Sonia Sidhu:** Yes, Madam Chair.

It removes the requirement in relation to the timelines, so it's making an order in relation to the ability for the informant to make some submissions as to what conditions should be imposed on the defendant—that's in proposed new subsection (8)—and adding the words “intimate partner” and “Attorney General” in proposed new subsection (12) to ensure that both the intimate partner and the Attorney General can apply to vary the condition of the recognizance, in addition to the defendant.

**The Chair:** Anita has her hand up.

Go ahead, Anita.

**Ms. Anita Vandenberg:** My understanding is that G-10 is consequential to G-3.

I don't know that we can necessarily do that now.

**The Chair:** G-9 is consequential, but not—

**Ms. Anita Vandenberg:** Could we suspend for a moment? I'm very confused.

**The Chair:** We'll suspend until after the vote.

• (1700)

(Pause)

• (1715)

**The Chair:** We're back.

We've gone through this, and we're going to let you know that there are a few different consequential things.

There is clause 6, which has G-9.

We introduced G-10, but there is also a consequential issue here. It is a consequential change. Because I had already presented it, we need unanimous consent to stand clause 6 as well.

(Clause 6 allowed to stand)

(Clauses 9 and 10 agreed to)

**Mr. Marc Serré:** Madam Chair, it says clause 10.1. What's the difference?

**The Chair:** That's a new clause, 10.1, that you're referring to. It's amendment G-14.

If you want to present G-14, Marc or Sonia, go for it.

We're at the very end, at 10.1. This one flew, because so many things were consequential.

We're now at the last one, G-14. This is a new amendment.

• (1720)

**Ms. Sonia Sidhu:** Madam Chair, this is technical.

**Ms. Leslyn Lewis:** It's also consequential.

**Ms. Sonia Sidhu:** Yes, it's technical.

**The Chair:** Are you referring to G-14?

**Ms. Sonia Sidhu:** Yes, G-14.

**The Chair:** I'm going to open the floor and allow Sonia to put it forward.

Next, we will have Leslyn, and then we can carry on.

Go ahead, Sonia.

**Ms. Sonia Sidhu:** This is a technical coordinating amendment to ensure that Bill S-205 is in line with another bill that Parliament is studying, Bill C-21, should both bills be passed.

**The Chair:** It is a coordinating amendment, but it is not consequential to any other amendments. That's what that is.

Go ahead, Leslyn.

**Ms. Leslyn Lewis:** I actually see this very differently. When you look at G-3, clause 2, under.... I don't even know how to read this.

In proposed subsection 810.03(8) on page 2 of the committee stage document, you will see that there's a reference that.... Proposed subsection 810.03(8) completely changes subsection 810.03(7), which references the firearms section. That actually doesn't make any sense. It changes it to subsection 810.03(9), which is not the firearms section.

When you go farther down to proposed subsection 810.03(11), you'll see that it does it again when it speaks about "the defendant makes an application under subsection (10)". It's changing.... It's amending the firearms section.

This G-14 deals specifically with the firearms section. Technically, the firearms section in these two provisions should be dealt with before you contemplate anything dealing with G-14, because G-14 contemplates that Bill C-21 must be introduced prior.

It may be moot if you deal with the firearms section. You can't deal with this without dealing with those two amendments first.

**The Chair:** I'll come back to you, Marc.

I'm going to throw this over to the officials.

Could you give us your two cents' worth on this?

**Ms. Chelsea Moore:** This amendment, G-14, would make some changes to ensure that some of the changes in previous clauses line up with Bill C-21, and the previous clauses include clause 2. There's a condition that would be proposed under the new peace bond provision. Currently, it's proposed subsection 810.03(9) on page 4 of the bill. That's a list of conditions the defendants would have to comply with, or potentially comply with, if they're on a peace bond.

In that list, the words "firearm part" are missing. "Firearm part" would be added by Bill C-21.

I don't exactly know all the rules, but I don't believe it can be debated, since it deals with that clause. We haven't changed the numbering in that clause yet. This provision proposes new numbering to reflect a motion that would have passed.

**The Chair:** You're saying it's consequential on another clause.

**Ms. Chelsea Moore:** Yes, it is, on clause 2.

**The Chair:** I will allow two more comments, but just to finish the ruling on that, I think I have it.

We're going to Marc, then back over to Leslyn.

**Mr. Marc Serré:** Just quickly, Madam Chair, I think this is simply technical, and I don't know about the aspect of clause 2, but essentially when we are looking at ensuring the two bills' language, I don't see that amendment G-14 takes away from Bill S-205. If I understand it correctly, it just aligns the two bills, and it doesn't take away or add. I thought this was a simple amendment.

• (1725)

**The Chair:** It is simple. The only thing is, as they indicated, there are some consequential amendments, because of clause 2 in there.

Leslyn, you have the floor.

**Ms. Leslyn Lewis:** I thank Chelsea for her clarification. I think it's imperative from a statutory construction perspective that we deal with clause 2, because if you look at provision in subsection (8), you see that it actually changes the entire meaning. It changes it from looking at the recognizance section to looking at the firearms section, so there are two different things that are spoken about. If that section actually changes, then it's going to have an impact on amendment G-14 also. That's why I think it's imperative that we deal with clause 2 before we can make this amendment. It's connected.

**The Chair:** You're absolutely right, Leslyn. As we've indicated, clause 2 cannot be done, though, because we're waiting for a translation. Once we have that, we can do so.

Instead, we will not be able to continue with the bill today. We'll have to look at everything else. Everything will have to be stood, because we'll need to wait for the official translation so that we can do clause 2. Then, from clause 2, everything else will be able to roll.

Are there any questions before we leave?

**Ms. Emmanuella Lambropoulos:** I have just one little question.

**The Chair:** Go for it, Emmanuella. You see that I have the hammer in my hand.

**Ms. Emmanuella Lambropoulos:** You weren't recognizing me, and I was on there for a long time.

**The Chair:** Then you tell me.... Go for it.

**Ms. Emmanuella Lambropoulos:** Are we seriously going to stop this committee because of three words that need to be translated? Is it just the three words that need to be translated, "believes" and "probable"?

**The Chair:** Although that is the case, it needs to be legally translated. It cannot just be done by brilliant people like you. It has to be done as an official translation for legality reasons. It has to go through that.

I know we have some amazing people in here. We could translate that, but there are certain words that are very important, especially in a court of law.

Seeing no other questions or comments, I will just remind everybody that on Thursday we have the estimates with Minister Ien. We'll be rescheduling a portion for this meeting as well, so that we can get back to Bill S-205. We'll get a new schedule out to you, because we need to get back to this as well.

Seeing no other questions or comments, today's meeting is adjourned.





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