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# Standing Committee on the Status of Women

EVIDENCE

**NUMBER 092**

Tuesday, January 30, 2024

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Chair: Mrs. Karen Vecchio





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• (1110)

[English]

**The Vice-Chair (Ms. Sonia Sidhu (Brampton South, Lib.)):** I call this meeting to order.

Welcome to meeting number 92 of the House of Commons Standing Committee on the Status of Women.

Pursuant to the order of reference of Wednesday, November 1, 2023, the committee will resume consideration of Bill S-205, an act to amend the Criminal Code and to make consequential amendments to another act.

At the meeting of December 4, 2023, the committee adopted the following: clause 1 as amended by G-1 and G-2, clause 4, clause 5, clause 9 and clause 10. At the meeting of December 11, the committee adopted amendments G-3 and G-4 pertaining to clause 2.

(On clause 2)

**The Vice-Chair (Ms. Sonia Sidhu):** Today we are resuming debate on amendment G-5 pertaining to clause 2, which was already moved. Now we are resuming debate on G-5.

Mrs. Vecchio.

**Mrs. Karen Vecchio (Elgin—Middlesex—London, CPC):** Thanks so much, Sonia.

I want to look at this clause. What we see is that it's changing most of these things down to 12 months, rather than, in some cases, three years and two years. Can we understand why there is a reduction in time specifically on the recognizance order? The bill notes, "good behaviour for a period of not more than two years." Under "Duration extended", there was a request for "a period of not more than three years." Then, when it comes to the defendant, "prison for a term not exceeding two years". All of these have been reduced to 12 months.

I'm wondering if I can find out why we're reducing them from three years to 12 months.

**The Vice-Chair (Ms. Sonia Sidhu):** Thank you.

Lisa.

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

I also want to address this. I was hoping we could turn to the officials in the room to ask them.

My understanding is that it would bring this legislation into coherence with other pieces of legislation we have, but perhaps we could turn to the officials for more explanation.

**The Vice-Chair (Ms. Sonia Sidhu):** Can an official explain, please?

**Ms. Chelsea Moore (Acting Senior Counsel, Criminal Law Policy Section, Department of Justice):** Thank you for the question.

The provisions of this bill currently allow the peace bond to be imposed for a duration of two years in any case where the court finds there's a reasonable fear of domestic violence, or three years if the court makes its determination and the defendant has a prior conviction for domestic violence.

All of the existing more specialized peace bonds in the Criminal Code—such as for terrorism, organized crime, forced marriage, serious personal injury offences and sexual offences against a minor—start at 12 months. Then, each can be extended for up to two years if there's a prior conviction for similar conduct, with the exception of terrorism. Terrorism starts at 12 months, as well, but can be extended up to five years if you have a prior conviction for terrorism.

The policy surrounding the specific peace bond durations was developed while being mindful of the seriousness of the specific conduct being targeted by the peace bond and of the purpose of the peace bond regime, which is to prevent certain types of offending in a minimally impairing way, since no offence has yet been committed in the peace bond regime. It's very distinct from the sentencing regime, where the more serious the conduct, the longer your sentence would be. In the peace bond regime, since there hasn't been an offence committed yet, courts have taken a less restrictive approach.

Basically, the effect of these changes would simply bring the durations of this peace bond in line with all the other peace bonds in the regime, in particular peace bonds targeting equally if not more serious conduct.

**The Vice-Chair (Ms. Sonia Sidhu):** Lisa.

**Ms. Lisa Hepfner:** I have a follow-up question to clarify.

There is no other offence for which a peace bond starts at two years.

**Ms. Chelsea Moore:** That's correct. They all start at 12 months.

The section 810 peace bond, which is the peace bond people typically go to right now for domestic violence, is for 12 months as well, and there are no means to have it extended. This peace bond for domestic violence would be distinct from that process right now, because you could still extend it. That's what makes it a bit more unique, and also the fact that it has more curated conditions for domestic violence.

**The Vice-Chair (Ms. Sonia Sidhu):** Thank you.

Go ahead, Michelle.

**Ms. Michelle Ferreri (Peterborough—Kawartha, CPC):** Thanks, Madam Chair. It's nice to see you in the chair.

Welcome back, everybody, and happy new year.

I understand my colleague's point that this has never been done before, but I think that there's an opportunity here for us as legislators to change the status quo. What I mean by that is that in my community, for example, domestic violence is considered an emergency, and we're seeing this across the country, so why wouldn't we want to create legislation that is proactive? We also know that we have violent offenders out on the street, that crime has increased 40%, that public safety is a massive issue for this country and that people don't feel safe.

To the official's point—and thank you for explaining everything; I appreciate it—you're saying “less restrictive”. I think we are not in a position right now to be less restrictive. We have crises across this country of women and children who are unsafe, so why wouldn't we take this bill? It has been laid out by a senator whose own daughter was murdered as a result of domestic violence, so we know the intention is not partisan. It comes from a place of genuine intent to protect those he couldn't, to create legislation that should have been there for his daughter but wasn't.

I understand that right now maybe we don't have peace bonds of more than 12 months for people, but why? If we are here as legislators to create a safer community, to create more safety for women, and we know that there is an epidemic, a crisis across this country, why wouldn't we use this opportunity, then, to change the legislation and set the bar? We can say, “We are the status of women committee, and we actually care.” Let's try this. If it doesn't work, we'll come back and revisit it, but clearly what we have right now doesn't work because people aren't safe.

That would be my question to everybody in the room. I know we care. Why not set a different standard that says, “Enough”?

• (1115)

**The Vice-Chair (Ms. Sonia Sidhu):** Anna, go ahead.

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

Welcome back, everyone.

Maybe you can help me understand this. The report that came out said that Canada's violence is at the highest point since 2007 and the homicide rate is the highest it has been in 30 years. I guess my point is this. Help me understand why, as the status of women committee, we would lower that when we're trying to protect women. If our job here is to ensure the safety of every single woman and

child—because, let's be honest, the majority of these crimes happen to women—why are we considering giving criminals that benefit and not the victims?

**The Vice-Chair (Ms. Sonia Sidhu):** Go ahead, Mrs. Vecchio.

**Mrs. Karen Vecchio:** Thanks very much.

I just want to carry on about the 12 months, and I just want to ensure.... It indicates 12 months. Is that the maximum? I think I heard Ms. Moore talk about an extension of a peace bond. I don't note it in this legislation, but can you share with us how a peace bond can be extended in a situation like this, in which they're showing up to two years or up to three years? Could we not have a minimum of 12 months and then extend it? I'm just wondering what those are.

For me, you would want to protect the victim for a longer period of time, so I'm wondering if there's a way that it could be 12 months with an addition, not just a strict 12 months. How are peace bonds actually extended?

**The Vice-Chair (Ms. Sonia Sidhu):** Go ahead, Leah.

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

I do support this amendment, and this is my reasoning for it. I actually share concerns that were brought up by some of my Conservative colleagues about addressing violence. We know that carceral responses to violence don't work. In fact, they often don't solve it, which is why, when we had witnesses come forward, they spoke about the need for therapeutic responses as a way to mitigate future violent behaviour.

I'll just share that if you look at the recidivism rates, it is very clear that it doesn't matter how long you lock somebody up. Recidivism rates are high because jails do not do the job of helping those who exhibit violent behaviour change that behaviour. You cannot develop prosocial behaviours in a totally anti-social, violent environment, so I do support this amendment.

• (1120)

**The Vice-Chair (Ms. Sonia Sidhu):** Before I go to the next speaker, could an official answer Mrs. Vecchio's question?

**Ms. Chelsea Moore:** Yes.

I believe the question was about the extension of the peace bond. Extension, I guess, is not the most helpful word, but basically you can apply for a longer peace bond. This motion would change it so that a peace bond of up to two years could be applied for if there's a past conviction of intimate partner violence, because of the studies that show that if you have a past conviction of intimate partner violence, you could be more at risk of harming someone in the future. That's why if you have a past conviction for this type of conduct, you could actually apply for a longer peace bond.

The starting point is 12 months, which could be renewed each year. Even though it's 12 months, what people typically do right now is come back to the court to have it renewed for another 12 months.

**The Vice-Chair (Ms. Sonia Sidhu):** The next speaker is Dominique.

[*Translation*]

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

I want to thank the legal experts for their explanations. We're looking at a bill. We can take a cerebral approach. However, I think that we must also look at the heart of the matter. We must think in terms of deterrence.

In Quebec, we went through Senator Boisvenu's tragedy. We're still talking about it today, because the situation is getting worse and not better. Violence has increased by 32%. We see it on the streets of Canada and Quebec, in homes and in couples. Things aren't going well at all. When Senator Boisvenu lost his daughter, all of Quebec mourned. I think that all of Canada shared the grief. He's introducing this bill because the situation hasn't improved.

I think that reducing the time for an order makes it less strict. Actually, that's the point of the bill. The bill seeks to protect victims. It's basically about protecting women and their children, and addressing any soft approaches.

One of my colleagues was talking about recidivism. I think that it's worth nothing. In my opinion, we should at least stick to what's written in the legislation.

I also want to refer to the testimony of the two women who spoke to the committee on the same day as Senator Boisvenu. They begged us to pass the bill as it stood.

[*English*]

**The Vice-Chair (Ms. Sonia Sidhu):** Madame Larouche.

[*Translation*]

**Ms. Andr anne Larouche (Shefford, BQ):** Right now, I'm torn about whether I want Bill S-205 to pass. Honestly, it must pass.

Unfortunately, the year started badly for me. I learned through the media that the first femicide of the year in Quebec took place in my area, in Granby. In front of the media, I pledged to make every effort to help this committee take concrete steps to ensure that not one more femicide occurs.

I would like Bill S-205 to pass. Everyone has questions. I would like us to try to move ahead with the consideration of this crucial and significant bill.

I'm trying to form an opinion on amendment G-5. We obviously need to take steps to get this bill passed.

I also met with groups of women, just last week in Chicoutimi, who spoke about the need for access to a continuum of services, a term that often comes up. They also spoke about the need for society as a whole to take this issue seriously, both on a legal basis and as a public health, mental health and support issue. Our entire system must work together with community groups, which are doing an outstanding job.

In terms of amendment G-5, I'm just trying to get a feel for it. I'm trying to understand what the legal experts are saying. Is this amendment sound? Does it make the bill less strict?

I'm having trouble forming an opinion on this amendment. I'll continue to follow and take part in the discussions. All I want is for Bill S-205 to pass.

I understand that amendments have been moved. Ultimately, we must keep in mind that this bill is a vital part of our fight to end the femicide epidemic, which continues to claim too many victims across Quebec and Canada.

• (1125)

[*English*]

**The Vice-Chair (Ms. Sonia Sidhu):** Emmanuella, go ahead.

**Ms. Emmanuella Lambropoulos (Saint-Laurent, Lib.):** Thank you, Chair.

I want to begin by saying that I completely agree with Leah's rationale. I know that hurt people hurt people, so if you don't offer therapy and allow these people to heal, then the violence won't stop.

With that being said, I have more of a technical question and I'd like a bit of an explanation. We are talking about lowering the maximum duration of the peace bond from two years to 12 months, but you've been speaking about how, as it's written for other peace bonds, it's starting at 12 months. For me, that's still.... I don't know if you explained it, but I don't know why we're using the word "maximum" if it's starting at....

Could you just clear that up?

**Ms. Chelsea Moore:** Each of the peace bonds that currently exist in the code can be ordered for a period not exceeding 12 months. That's the current wording in the code.

The more specialized peace bonds that I mentioned—such as organized crime, forced marriage, sexual offences against a minor and terrorism—have this additional provision that says the peace bond can be ordered for up to two years if there's a prior conviction.

**The Vice-Chair (Ms. Sonia Sidhu):** Lisa, go ahead.

**Ms. Lisa Hepfner:** Thank you, Chair.

I want to say that I appreciate this debate and this discussion. I do think we need to set the standard as legislators, and I do think we have to do everything possible to keep women safe.

Given some of the language I've heard today, I just want to clarify. I think the officials pointed this out. We're talking about a peace bond. This is before someone has necessarily been convicted of any crime, so we can't call them criminals. I think it's an important part of the justice system. I think this is a good debate and a good thing to talk about, but let's keep this in mind. This is something that happens before the court process, so these aren't necessarily people who have been found guilty of anything. At the same time, it is something to keep women safe if they have accused someone of domestic violence.

I think it's a good discussion, but I'd just like us all to keep in mind the principles of our justice system and that we don't call people criminals if they haven't been convicted of any crime.

**The Vice-Chair (Ms. Sonia Sidhu):** Michelle, go ahead.

**Ms. Michelle Ferreri:** Thanks, Chair.

I have a question for the officials.

You were saying you can reapply at 12 months. My deep concern with that is the significant backlog in our justice system. If you can't get in, if there's a backlog and the period of 12 months lapses, you are in an extremely vulnerable position. What is in this legislation, or what is in the justice system as a safeguard, to ensure that this time doesn't lapse? If you're put in a queue—and we know there are people who have cases that sit for years and years—that would be a very big concern to me based on how backlogged our justice system is.

What is your response to that?

**The Vice-Chair (Ms. Sonia Sidhu):** Officials, do you want to explain that?

**Ms. Chelsea Moore:** I appreciate the concern. Certainly there are well-known delays throughout the criminal justice system across Canada; it really depends on the jurisdiction.

For peace bonds, there's nothing preventing someone from going in early to get ahead of the delay. Also, there was an amendment passed by one of the earlier motions that would allow for other people to bring the peace bond on the intimate partner's behalf. That could also assist if there's trouble with transportation or getting to the core, or remote areas and things like that.

• (1130)

**The Vice-Chair (Ms. Sonia Sidhu):** Thank you.

**Ms. Michelle Ferreri:** My concern is that all the work falls on the victim. That's what I'm hearing. It's the victim's responsibility,

again, to do this legwork because the system is broken. That's the other concern.

If we change the number to what we had originally said, I think we would avoid this issue. Actually, we would probably help de-clog the justice system, because most people are going to go back in. You can also remove a peace bond and that will be fine. To me, it's not adding up that the onus is falling on the victim to do this work when they're dealing with a myriad of issues. When you have these conversations with victims, a lot of them are so stressed they don't want to go in public because they're afraid. Now they have to make these appointments and be proactive maybe three months into the peace bond because they don't know how long the delay will be.

Again, it's not adding up for me to help the victim with this amendment.

**The Vice-Chair (Ms. Sonia Sidhu):** Thank you.

We have Dominique, Karen, and then Leah.

[*Translation*]

**Mrs. Dominique Vien:** Thank you, Madam Chair.

First, can you tell us whether there's a time limit for comments?

I gather that there isn't. Thank you.

I want to point out that, last week, in Quebec, a femicide or something similar took place. I won't elaborate, but a pregnant woman was murdered. I would like us to keep that in mind.

I have a question for the legal experts. There seems to be a great deal of interest in sticking to what already exists. In some situations, the period could be increased to twelve months. We all understood this. Is the goal to avoid being stricter or further restricting the rights of people subject to a recognizance to keep the peace under section 810 of the Criminal Code?

Correct me if I'm wrong. I gather that a recognizance to keep the peace doesn't force a person to do anything other than keep the peace, which everyone must do under normal circumstances. The person can continue to work, go about their business and enjoy their leisure time. If it takes something away from the person, I want someone to explain exactly what that entails. In my opinion, it doesn't take anything away from the person. It just gives the victim more protection and a safer environment.

[English]

**The Vice-Chair (Ms. Sonia Sidhu):** Madame Moore, go ahead.

[Translation]

**Ms. Chelsea Moore:** Thank you for your comments.

If the courts restrict the freedom of people subject to a recognizance to keep the peace under section 810, they mainly focus on the conditions that must be met. For example, a person may have to wear a remote monitoring device, refrain from using social media, provide samples for analysis, abstain from using drugs, and so on. Failure to comply with any of these conditions can result in imprisonment for up to four years.

There are serious consequences for failing to comply with these conditions.

[English]

There is sort of a hold of the state over the person while they're subject to the peace bond, which could have significant consequences for them if they breach a condition of the peace bond. In that sense, given that there hasn't been a criminal offence committed yet, the courts have said that yes, the government may legislate in the area of preventative justice. Usually we legislate in the area of punishing people for things they did, but this is kind of a unique area where we're actually preventing a crime from occurring. We need to make sure the courts have said that we're not being overly restrictive on the liberty, given that they haven't actually committed an offence yet.

Some of these principles have underlined how the conditions are imposed, and the duration of the peace bond.

• (1135)

**The Vice-Chair (Ms. Sonia Sidhu):** Karen, go ahead.

**Mrs. Karen Vecchio:** Thanks so much.

I just want to go back. Ms. Moore, you talked about the peace bond in the Criminal Code when it comes to sexual assault, terrorism and things like that, and the fact that there are additional clauses.

Is there something in here that I'm not seeing where, if someone has had a past conviction, their bond would be greater than 12 months? Is it 12 months right from the start? You talked about those other clauses that have these extensions. Do we see something like that in this bill for past convictions?

**Ms. Chelsea Moore:** Yes. On page 2 of the bill, under clause 2, proposed subsection 810.03(3) sets the maximum period for the peace bond currently at two years. Proposed subsection 810.03(4) would allow that period to go up to three years if there's a prior conviction for intimate partner violence.

**Mrs. Karen Vecchio:** Sorry, I just want to go back to this.

I'm looking at recognizance. You're talking about page 2, line 20. I'm looking at proposed subsection 810.03(3), lines 21, 22, 23 and 24. The part here that we are changing is going to 12 months, from "not more than two years".

I just want to verify that, because that was part of the change of this amendment. I thought this amendment was reducing it to 12 months and not for a period of not more than two years.

**Ms. Chelsea Moore:** The current bill says two years. This motion would amend lines 22 and 23 to specify that it's 12 months instead of two years for the recognizance order.

If you go down to line 30, the motion would change it from three years to two years for what they call "Duration extended". Essentially, it's the situation where you have a longer peace bond because of a prior conviction.

**Mrs. Karen Vecchio:** Thank you so much.

**The Vice-Chair (Ms. Sonia Sidhu):** Ms. Gazan.

**Ms. Leah Gazan:** Thank you.

I want to address a couple of things.

Michelle, you commented on everything being left up to the victim. I actually think that's a really important piece. It's important that the voices of people who are victims should centre everything. I think taking away the voice of victims is not something we want to do. I understand the sentiment, but I think it's important that victims have that choice in terms of what they need to centre their safety. I understand that the sentiment behind it is to support victims, but I do think that's an important piece that we can't lose sight of.

I just want to go back to the senator. It was very hard for me to listen to the senator's story. I think all of us around the circle want to see something pass, because he did it in honour of his daughter. That's not lost on me.

My concern is that around the committee table I think we are not in agreement with how it's going to look. I do have concerns that if we don't get the amendments in, it's not going to pass in the House of Commons. Then he'll be left with nothing. I have a deep concern about that. He deserves to have that bill passed. It is up to us to negotiate a bill that works within the confines of the existing laws.

I do want to see this passed in the House of Commons, even for the women who came forward. Being survivors of violence and sharing their stories is very difficult to do. I understand the kind sentiments around the committee table for that as well.

However, we're running out of time. At the committee, we're talking about violence. We are running out of time to do studies, including one that I put forward on a "red dress alert", if we're talking about coming up with strategies to deal with violence that will save lives in real time.

I'm just speaking honestly. I think we work very well as a committee, but if it goes through without amendments, I don't think it's going to look like what any of us want. We'll all lose, and the person who will especially lose will be the senator. I have a really hard time with that. I would be really sad for him if that happened. I just wanted to share that, just being mindful of the time to make amendments and get this through.

Thank you.

• (1140)

**The Vice-Chair (Ms. Sonia Sidhu):** Anna, you're the next speaker.

**Mrs. Anna Roberts:** I'm going back to what Lisa said about how they're not convicted yet. I get that. The reason I bring this up is that a few years ago, I was volunteering and a young lady came up to me and said she had been sexually assaulted. She went to the hospital and did all the reports, all the procedures and all the tests that she needed to prove that she had been sexually assaulted and beaten. The individual—I call him a criminal, even though he hasn't been charged—said to her while he was abusing her, "If you speak out, I will go after your family." She decided to go to the hospital and report the crime, and while she was in there and everything was being followed through, he did. He went after her sister.

I guess I don't understand the law, so I apologize for my ignorance. When we have concrete evidence of a woman having been assaulted, and threatened at the same time, how do we in this committee protect those victims from those criminals?

Someone can apply on your behalf for a peace bond against anyone if you have reasonable grounds to fear that they'll cause harm or injury to you, your intimate partner or your child, damage your property or share an intimate image or video of you without your consent. It doesn't have to be someone you're in a relationship with. It could be anyone.

How can we ensure that these...? To me, they're criminals. I know they haven't been charged.

What more proof does that woman have to get to get her point across? That is my question, because I don't know.

**The Vice-Chair (Ms. Sonia Sidhu):** Officials, do you want to explain anything?

**Ms. Chelsea Moore:** I would say that if there was a situation where someone, hypothetically, had been assaulted and went to the police, charges would typically be laid at that point.

The peace bond regime tends to be for situations where there hasn't been an offence yet, but there's threatening conduct or coer-

cive control issues that would lead a woman to think that she might be assaulted in the future, for example, or that her child might be harmed.

If there was proof of... Proof could be in the sense of testimony from a victim that she had already been harmed. At that point, charges would likely be laid and the person would have to go on bail. There would be conditions they'd have to follow if they were released on bail or detained until a trial.

**Mrs. Anna Roberts:** In this particular young woman's case, this criminal—I call him a criminal—was released on bail and he committed numerous crimes right after that, before anyone could get to him.

We're defeating the purpose here if we're not here to protect the women who are assaulted, because as we all know, most of these assaults occur against women—against us.

**The Vice-Chair (Ms. Sonia Sidhu):** If there are no further speakers, can I call the question?

Shall G-5 carry?

(Amendment agreed to: yeas 5; nays 3 [*See Minutes of Proceedings*])

• (1145)

**Ms. Anita Vandenberg (Ottawa West—Nepean, Lib.):** On a point of order, Madam Chair, I know we are a very good committee, and we agree and we operate by consensus. I noted also that, by consensus, Mrs. Vecchio did not vote, but I think that she abstained from voting, which I think sets a precedent.

I would just like to note that, because we are normally chaired by a Conservative member in this committee, that means that if the chair is not actually physically present, which is the first time it's happened because of COVID, that would give the Conservatives four votes, which in every other committee is three votes.

I'm not asking for any remedy at the moment, but what I would like to do is just acknowledge that we're not setting a precedent by calling on Mrs. Vecchio and having her abstain—that's not a precedent of having four votes for the Conservatives. I don't think it's going to happen again, so I'm not that concerned, but I just don't want it to be a precedent.

**The Vice-Chair (Ms. Sonia Sidhu):** Karen, do you want to say something? Your hand is up.

**Mrs. Karen Vecchio:** Yes. Thanks very much, Anita.



I really appreciate your bringing that up, because I think, as everybody knows, that being in the chair is probably one of the best joys I have working with everybody on this committee. Unfortunately, sometimes things are tied down, and I'm tied down to my riding right now.

Thank you very much, Anita. This is not a precedent. This is just called working together. We have agreed that I would abstain from these votes as the chair so that we maintain those numbers.

Thank you.

**The Vice-Chair (Ms. Sonia Sidhu):** Thank you, Karen.

Next, we have NDP-2.

I'll ask if the member will move it.

**Ms. Leah Gazan:** Sure. Thank you so much.

I want to move that Bill S-205, in clause 2, be amended by adding after line 31 on page 2 the following:

(4.1) If the informant or the defendant is Indigenous, the provincial court judge shall consider whether, instead of making an order under subsection (3) or (4), it would be more appropriate to recommend that Indigenous support services, if any are available, be provided.

I think it's something that was long fought for in terms of recognizing the impacts of colonization, the Gladue principles, and principles that were supported in the Ipeelee case.

I am merely ensuring that it's consistent with Canadian law. That's it.

**The Vice-Chair (Ms. Sonia Sidhu):** There are no further speakers. I see nodding heads.

Shall NDP-2 carry?

**Ms. Michelle Ferreri:** I'm sorry, but can I just ask for a quick recess for two seconds? I just need to ask my colleague something about this one.

**The Vice-Chair (Ms. Sonia Sidhu):** I will suspend for two minutes.

• (1145) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1150)

**The Vice-Chair (Ms. Sonia Sidhu):** We'll resume the meeting.

Anna, go ahead.

**Mrs. Anna Roberts:** I have a question.

Leah, perhaps you can help me understand. On the support services that are offered, is there anything we could do to maybe implement the benefit to all women, not just indigenous? I'm really interested in knowing that, because it sounds like you guys have a handle on it. Is there anything that we could learn from it?

**Ms. Leah Gazan:** We have a handle on it because we're overrepresented in the justice system. In all honesty, I think it's related to culturally appropriate supports and different alternative justice methods for healing based on the person who is appearing before the courts.

For example, if the person has attended residential school or has grown up in child welfare, we look to the Gladue principles. Especially in B.C., they have really solid supports using the Gladue principles.

I think that it is critical, and I think that the justice system recognizes that acknowledging critical differences that have resulted from colonization is important, but what I've been saying about the overall justice system is that we know, particularly with violent offenders, that punishment doesn't deal with the violence. Often therapeutic approaches, as we heard from witnesses, are important.

That's why I have the amendment, just so you know, and it's a critical one. Particularly—and I know, Michelle, that you appreciate this—our committee also has Bill C-15, and all legislation going forward has to be compatible. This is another example of that. It's just keeping it consistent with Canadian law.

**The Vice-Chair (Ms. Sonia Sidhu):** Go ahead, Dominique.

[Translation]

**Mrs. Dominique Vien:** Thank you, Madam Chair.

Could our colleague elaborate on this? I think that she referred to the Gladue decision. Is that right? Is she talking about the Gladue decision?

We may know a little about the decision. However, for the sake of the people tuning in, I think that Ms. Gazan or the legal experts should explain the basics to us.

[English]

**Ms. Leah Gazan:** Given a certain case, the judge can apply Gladue principles in—

[Translation]

**Ms. Andréanne Larouche:** Madam Chair, I have a point of order. I don't have access to the interpretation.

[English]

**Ms. Leah Gazan:** Is it good now? Okay.

In certain cases, the judge can apply Gladue principles so that they'll look at alternative forms of justice. For example, if they know that the case is a result of certain behaviours that are clearly connected with colonial trauma, going to a healing centre instead of being incarcerated.... I'll give you an example. Let's say that you go to residential school, and you spend 10 years in incarceration. Then you have somebody who's been incarcerated for most of their life. When they leave jail, it won't have changed their behaviour. If it's about changing behaviour and ending violence, tough-on-crime approaches don't work with violence. You have to look at each case and individual differently and take the history into consideration in the ruling, and that's why we have the Gladue principles.

In B.C., they've done a really good job. They have a really robust program using the Gladue principles. There's high success, and we see less recidivism. That's why I put the amendment forward.

• (1155)

[*Translation*]

**Mrs. Dominique Vien:** That was my next question.

What are the benefits of the Gladue principles? Is there less recidivism?

[*English*]

**Ms. Leah Gazan:** It takes into consideration the historical circumstances that have resulted in a certain behaviour and addressing the historical circumstances that resulted in the behaviour.

In Manitoba, we have had many restorative justice programs, and the results are good. They have found that the results in terms of less recidivism are very good, even in terms of things like restorative justice circles.

**The Vice-Chair (Ms. Sonia Sidhu):** Go ahead, Anna.

**Mrs. Anna Roberts:** Leah, can you explain something to me?

Would this also apply to repeat offenders?

**Ms. Leah Gazan:** I think this is exactly why you apply Gladue principles: You don't want to see repeat offending.

Yes, as part of the consideration, they would apply Gladue principles. That doesn't mean that it will turn out the same way if you continue to offend. They will apply the principles, but that doesn't mean the end result is going to be the same in terms of the judgment.

**Mrs. Anna Roberts:** If someone repeats—

**Ms. Leah Gazan:** In all fairness, this is the clear answer. If you look at the justice system and the overincarceration of indigenous and Black people, I don't think you have to worry about seeing indigenous people put in jail, because one of the main criticisms of the justice system is the overrepresentation and overincarceration rates of indigenous people.

Maybe we have Gladue principles, but we probably need more to deal with systemic racism in the justice system. That's why I'm saying that. I'm not saying it facetiously; these are real-time facts.

**Mrs. Anna Roberts:** Madam Chair, can I just ask for stats?

Do we have any stats on this program? I would be really interested in that.

**The Vice-Chair (Ms. Sonia Sidhu):** Do you want to ask the official?

**Mrs. Anna Roberts:** Yes.

**Ms. Chelsea Moore:** My apologies. Which program do you want stats on?

**Mrs. Anna Roberts:** On the programs that are being used right now with indigenous people, do we have stats?

I guess what I'm trying to get at is how we can incorporate something that works in the system for everyone. That's my question. If we have stats, that would help clear up my answers. It would help prove that maybe we need to shift our thinking.

**Ms. Chelsea Moore:** Just so I'm clear, are you talking about statistics with respect to the Gladue sentencing provision in the

Criminal Code—how many offenders have been subject to that particular provision, and whether they have reoffended?

Is that the question?

**Mrs. Anna Roberts:** Yes, I'm looking for statistics to prove that this program works for repeat offenders.

• (1200)

**Ms. Chelsea Moore:** I would have to double-check with the department to see what statistics they have on it.

I could undertake to get back to the committee on that.

**Mrs. Anna Roberts:** That would be great.

**The Vice-Chair (Ms. Sonia Sidhu):** Next, we have Dominique.

I'll remind the members that if they want to pose a question, they can raise their hand.

[*Translation*]

**Mrs. Dominique Vien:** Thank you, Madam Chair.

Ms. Moore, could you provide some background on the Gladue decision? You're familiar with it, aren't you?

[*English*]

**Ms. Chelsea Moore:** You are referring to the Gladue principle at sentencing, I believe.

[*Translation*]

**Mrs. Dominique Vien:** Where does this principle come from? How does this decision give rise to special considerations?

[*English*]

**Ms. Chelsea Moore:** It's a rule at sentencing that requires that the judge consider all available sanctions other than imprisonment. If they are reasonable in the circumstances and consistent with the harm done to victims and the community, it should be considered for all offenders, with particular emphasis on aboriginal offenders.

For example, rather than imposing incarceration, judges can recommend restorative justice practices agreed to be followed by the offender based on their specific community beliefs: for example, community healing circles.

[*Translation*]

**Mrs. Dominique Vien:** Madam Chair, my question was more about the background of the Gladue decision. Was an indigenous person charged? What was the basis of the case?

[English]

**Ms. Chelsea Moore:** The facts of the original case originate from 1995. The woman's name was Jamie Tanis Gladue. She was a 19-year-old Cree woman who stabbed and killed her common-law husband at the time in Nanaimo, British Columbia. Ms. Gladue was extremely intoxicated at the time of the stabbing, double the legal limit, and had a dispute with her partner before the incident. She herself had been a victim of domestic abuse. That was an important factor for the court.

She was charged with second-degree murder but ended up pleading guilty to manslaughter. The judge at the time found that she would benefit significantly from treatments for substance abuse and further counselling and treatment.

It's quite a long history, but that gives you some background to the case itself.

**The Vice-Chair (Ms. Sonia Sidhu):** Thank you.

If there are no more interventions, shall NDP-2 carry?

(Amendment agreed to)

**The Vice-Chair (Ms. Sonia Sidhu):** Now we have G-6.

Lisa, go ahead.

**Ms. Lisa Hefner:** What G-6 would do is add a condition that would prohibit the defendant “from going to any specified place or being within a specified distance of any specified place”, and it would remove the condition requiring the defendant “to refrain from using social media”.

I would like to actually go to the officials, if I could, Madam Chair, to have them explain why these two parts of this amendment would be preferable.

**Ms. Chelsea Moore:** Just for context, proposed subsection 810.03(7) of the bill lists a certain number of optional conditions that a judge can impose on the defendant, in addition to any other reasonable condition.

The radius condition that's being proposed here in this amendment refers to the condition at proposed paragraph 810.03(7)(c) on page 3 of the bill, which currently requires the defendant “to refrain from going to any specified place, except in accordance with any specified conditions that the judge considers necessary”.

This motion would amend that paragraph to further prohibit the defendant from going “within a specified distance of [a] place”. The effect of the amendment would be to essentially allow the imposition of a radius around the intimate partner or child's home within which the defendant would be prohibited from entering. For example, the condition could be that the defendant not attend within 500 metres of the victim's home. The idea is really to prevent the defendant from, let's say, sitting in a car outside the victim's home. The defendant wouldn't be technically in breach, but it sort of gets back to that coercive, controlling behaviour.

That is the rationale or the effect of the amendment with respect to proposed paragraph 810.03(7)(c).

Would you like me to also explain proposed paragraph 810.03(7)(f)?

• (1205)

**Ms. Lisa Hefner:** Yes, please. I believe we already have provisions in the Criminal Code that prevent a defendant from contacting the victim. I'm wondering why we would need something extra in there and if there would be....

I also know that social media can be used to stalk women, so I want to be able to keep women as safe as possible. I understand that “social media” is sort of a broad term, so I'd really like to understand the rationale behind that.

**The Vice-Chair (Ms. Sonia Sidhu):** Would you like to explain that?

**Ms. Chelsea Moore:** Yes. This amendment would also remove the condition “to refrain from using social media” under proposed paragraph 810.03(7)(f).

The Criminal Code is quite clear that any conditions imposed on someone in this peace bond context must be reasonable and linked to ensuring the good conduct of the defendant or the safety of the informant or the intimate partner.

The courts have said that there must be a very clear nexus between the condition that's being imposed and what you're trying to protect or prevent. A breach of a peace bond condition, as I mentioned earlier, could result in a new criminal offence for up to four years. That's why it's very important to ensure that any condition imposed is not overly broad.

The use of social media could be interpreted narrowly, or it could be interpreted very broadly by the courts to include things like job searches online or shopping for second-hand furniture. While some specific uses of social media may, in some cases, be linked to a specific threat posed by the defendant, in many cases it might not be linked to any specific threat, and a breach of that condition would still result in imprisonment of potentially up to four years.

The court could still impose.... The court has this sort of residual basket power to impose any reasonable condition that is necessary. The court could still craft a condition limiting social media use if that was relevant in that particular case, but removing it from this list would ensure that it's not routinely imposed in an overly broad way.

**The Vice-Chair (Ms. Sonia Sidhu):** Thank you.

The next speaker is Karen.

**Mrs. Karen Vecchio:** Thanks so much.

Lisa, thanks so much for asking that question. Understanding the social media part is really important here, I think.

As parliamentarians, I think we all know that it doesn't matter if it's intimate partner violence or whatever it may be. Stalking is just so apparent all the time on social media. This is one of my concerns. We do know that social media can be used as a tool when it comes to coercive control. We know that people make up fake accounts and all these things.

Is there anything in this bill that would protect a victim from social media abuse? Is there anything in here? I know that you indicated that a judge could add more, but with it not being in here, perhaps they could miss it altogether. I just want to hear more on that, if you don't mind.

Thank you.

**The Vice-Chair (Ms. Sonia Sidhu):** Would any of the officials like to comment on that?

**Ms. Chelsea Moore:** I believe it was alluded to earlier that there is a condition currently in the bill, under proposed paragraph 810.03(7)(e), that would require the defendant to “abstain from communicating, directly or indirectly, with the informant” or intimate partner.

The word “indirectly” is key here. Indirect communication could include things like liking a post on social media or commenting on social media. It could also include messages that a defendant might try to send through a third party. Any form of communication, direct or indirect, that happens via social media would still be prohibited by this particular paragraph.

**The Vice-Chair (Ms. Sonia Sidhu):** Michelle, you are next.

**Ms. Michelle Ferreri:** Thank you, Chair.

I think Karen touched on a lot of what I wanted to touch on.

Through you, Madam Chair, to Lisa, I just want to clarify: Is the amendment removing “to refrain from using social media”? Is that correct? Am I reading that amendment correctly?

**Ms. Lisa Hefner:** Yes. It's because the term “social media” is extremely broad. As the officials have explained, there are already laws and there are already provisions in this bill that would prevent anyone from stalking anyone or reaching out to anyone through social media.

It would just allow people to, for example, do job searches if they were under this condition. They would still be able to do things that may be necessary for their work but not anything that would even indirectly contact the victim.

• (1210)

**Ms. Michelle Ferreri:** Okay.

**The Vice-Chair (Ms. Sonia Sidhu):** Go ahead, Anna.

**Mrs. Anna Roberts:** One thing I'm reading here is “refrain from going to any specified place or”.

Can we change the “or” to “and”?

**The Vice-Chair (Ms. Sonia Sidhu):** Go ahead, Leah.

**Ms. Leah Gazan:** I just want to be clear that social media is already included in terms of contact. It doesn't say “social media”, but it's already included in contact. If they contact somebody through social media, that's still considered contact.

Which specific paragraph is it?

**Ms. Chelsea Moore:** It's proposed paragraph 810.03(7)(e): “abstain from communicating, directly or indirectly, with the informant...or any relative or close friend of the informant”.

**Ms. Leah Gazan:** Yes.

That actually makes sense, because there are still protections there around social media. They might have conditions to their parole that they might have to use the Internet, but that doesn't mean they can use the Internet to contact the person. It doesn't open it up. They cannot contact the person by Facebook.

Is that right? I want to be clear.

**Ms. Chelsea Moore:** That's correct. Yes.

**Ms. Leah Gazan:** Okay.

Thank you.

**The Vice-Chair (Ms. Sonia Sidhu):** Go ahead, Michelle.

**Ms. Michelle Ferreri:** Thank you for this discussion.

I guess my question is this: How does this bill protect against defendants who would use a fake account? If contact is in there, which is the broad term to use for social media, I can get behind that, because it is so broad. You have texting and all these different avenues for contacting the victim. What is in place, either through this bill or the justice system, so that you can follow up, when a victim says this is happening, and actually find out?

Does that make sense, what I'm asking?

**The Vice-Chair (Ms. Sonia Sidhu):** Officials, do you want to answer that?

**Ms. Chelsea Moore:** Sure.

I believe you're asking about enforcement issues: How could someone know that it's the defendant who is creating this account? I think it really depends on the issue. Enforcement is really something that falls under provincial or territorial jurisdiction, but I think contact would include any form of contact. Whether it's someone creating a fake profile and contacting the person or contacting them through someone else they know, that's still considered contact. It's quite a broad term. It has been interpreted quite broadly by the courts. It includes that word “indirectly” as well.

If a woman feels that this person is contacting her in any way, the normal procedure is that she would have to contact the Crown attorney right away to let them know of the potential breach of the provision. As I said, if there is a breach, new charges would be laid for a breach of the condition. The person could be liable for up to four years on indictment.

**The Vice-Chair (Ms. Sonia Sidhu):** Thank you.

Dominique.

[*Translation*]

**Mrs. Dominique Vien:** I would leave it as it stands, Madam Chair.

I understand all the explanations, which are full of common sense. However, a judge is bound to use good judgment and common sense too. A judge will be able to keep things in perspective.

Can we think of a situation these days where it might be useful to refrain from using all social media? It's hard to predict the unpredictable. Can we think of all the unimaginable situations where it isn't possible to use social media? I doubt it.

As a precaution, I'm inclined to leave it in. This gives the judge the option of not using it if doing so restricts the rights of someone looking for a job, for example.

I had another question, Madam Chair. I gather that, because we're changing lines 22, 23 and 26 of the bill, paragraphs (c) and (d) of amendment G-6 are concordance changes.

I see that this is the case. Thank you.

• (1215)

[*English*]

**The Vice-Chair (Ms. Sonia Sidhu):** Next, I have Andréanne.

[*Translation*]

**Ms. Andréanne Larouche:** Obviously, distance can be significant. However, I want to come back to the idea of removing proposed paragraph 810.03(7)(f) concerning the use of social media. According to the wording used, particularly in subsection 810.03(7) on page 3, the jurist or judge could still decide to impose this condition if it's considered desirable. That's my understanding.

As a result, if paragraph 810.03(7)(f) is removed, judges can still impose this condition if it's considered desirable or if the case truly requires it. Is that right? Since I just heard otherwise, I don't know anymore.

**Ms. Chelsea Moore:** Exactly. The wording enables judges to impose any condition considered desirable to ensure the good conduct of the defendant or to secure the safety and security of the informant.

**Ms. Andréanne Larouche:** The amendment doesn't eliminate this possibility.

**Ms. Chelsea Moore:** No.

[*English*]

**The Vice-Chair (Ms. Sonia Sidhu):** Thank you.

Dominique.

[*Translation*]

**Mrs. Dominique Vien:** The inclusion of paragraph (f) doesn't impose it either.

[*English*]

**The Vice-Chair (Ms. Sonia Sidhu):** There are no more speakers. Can I call the question?

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

**The Vice-Chair (Ms. Sonia Sidhu):** We're on G-7.

In order to be coherent throughout this bill, members should keep in mind the decision made on amendment G-3 while considering amendment G-7, since they are related.

Lisa.

**Ms. Lisa Hepfner:** Thank you, Chair.

G-7 is really a technical amendment. It makes this document more consistent. It replaces the word "informant" with "intimate partner" and/or "parties" in proposed subsections 810.03(2), (7), (9) and (13).

It's quite simple. I'm not sure if anybody needs more clarification from the analysts.

**The Vice-Chair (Ms. Sonia Sidhu):** Is there any intervention on G-7?

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

(Clause 2 as amended agreed to)

**The Vice-Chair (Ms. Sonia Sidhu):** Michelle, you can go ahead.

**Ms. Michelle Ferreri:** Thank you, Madam Chair.

I really want to thank everybody today. This has actually been more productive than I expected it would be. There is definitely a concern that Bill S-205 was put forward and doesn't put victims' rights in the driver's seat. I know we have to work together to ensure that it's not amended to the point that it compromises victims.

With that being said, I think there are a few more amendments that our team wants to spend some time on, dive deeper into and discuss, because we have until April to get this bill back to the House to ensure that it passes for Senator Boisvenu.

In the interim, we've just come back from time in our constituencies, time to go home, time to listen and time to meet with people on the ground. Because we're the status of women committee, and I know you all care, I want to move a motion—

**Ms. Lisa Hepfner:** On a point of order, I thought this was a question. I thought we were in the middle of this. I'd really like to get through this legislation.

As Leah said, we can get it done, get it through and get on to the red dress alert. I just want to make sure that we're all on the same page.

**Ms. Michelle Ferreri:** We are for sure on the same page.

I just have the floor to move a motion that I think is really critical right now, Madam Chair.

**The Vice-Chair (Ms. Sonia Sidhu):** I thought you had a question for the analyst. You said you had a question. That's why. It was a point of order.

• (1220)

**Ms. Michelle Ferreri:** I do have a question, to move a motion.

**Ms. Lisa Hepfner:** That's not the same thing.

**The Vice-Chair (Ms. Sonia Sidhu):** Anita.

**Ms. Anita Vandenberg:** Let her continue. I'm putting my hand up.

**Ms. Michelle Ferreri:** Thank you.

Before I got here, during my time in the riding.... Obviously, the affordability issue was the number one thing that came across in my emails, phone calls and messages, particularly from single moms. This morning, before I came here, I had a phone call from my office. I'm going to say her name is Jane, because she's fearful to speak out, which is another major problem.

**Ms. Lisa Hepfner:** On a point of order, I don't know how this is relevant, Chair.

I really don't want to waste time. I think this committee can get a lot of really good work done, and I'd really like to stay on topic, please.

**Ms. Michelle Ferreri:** This is on topic to the motion that I'm moving.

**The Vice-Chair (Ms. Sonia Sidhu):** She has the floor.

**Ms. Michelle Ferreri:** Thanks. I think this is critical.

She phoned me. She makes \$62,500. She has two kids. She has a 12-year-old and an eight-year-old. She said, "Michelle, for the first time in my life, I have bill collectors calling me." This is a genuine person—

**Ms. Anita Vandenberg:** I just want clarification that I'm on the list to speak on this afterwards.

**The Vice-Chair (Ms. Sonia Sidhu):** Yes. You are next.

**Ms. Michelle Ferreri:** She phoned me. I think she's watching. She said she was going to try to watch this, because she said she really appreciates me. She said she can't speak up.

That's what I've heard repeatedly. People feel afraid to share their truths and experience. There's a lot of shame about not being able to pay your bills. It ties in with our talk about domestic violence and this epidemic—particularly for single moms—because it increases the divorce rate. People are so stressed. It puts stress on marriages. Then you have more single parents.

What we are asking for today in the status of women committee is to move a motion and ask for support in studying this topic, because I think we could do some incredible work around this. It's just a matter of searching any media site every single day. I have a whole list of people here. "Single mom carpenter earning \$54,000 near Hamilton looks to pay off her credit card debt". "The rising cost of living means this mom of three goes hungry so her kids can eat". These are all women disproportionately impacted by the cost of living crisis and inflation. "This Canadian housing market just had its worst year since 2000". This one says, "Trudeau cranks up spending but Canadians are worse off". "Higher interest rates are punishing low-income Canadians, data shows".

The sad part is that this woman I spoke to, Jane, is not even a low-income person. I think that's what's very sad. The small business owners and entrepreneur women.... In particular, day care operators are having to claim insolvency and bankruptcy, because they can't operate their business. This is disproportionately impacting women, and we are the status of women committee.

I will read my motion into the record and hope I can get full support to pass it:

Due to the escalating cost of living, especially in housing, food prices, home heating, and gas, the committee undertake a study to investigate the financial challenges faced by single-income parents, including single mothers, with a view of making recommendations to the government that will make life more affordable for them, the study take up no less than 6 meetings and invite the Minister of Families, Children, and Social Development, the Minister of Women and Gender Equality, and the Minister of Housing, Infrastructure and Communities, to appear for one hour each, and that the committee report its findings and recommendations to the House.

I can't stress this enough: For all of these issues we are discussing, the undercurrent is affordability. When you can't afford to eat and you're a single mom, a woman, trying to care for your children.... So many of the issues we cover in this committee—domestic violence, human trafficking, mental health and period poverty—come down to the cost of living. If you can't afford to pay your bills and you're starting to lean on credit, it has catastrophic impacts on our country and our women. Our women are the backbone of everything. We know that. They run the house. They run the household budgets. When I was talking to Jane on the phone before I got here, she said, "Michelle, I make \$62,000 and I can't feed my kids." It's actually wild. She said—pardon my French—"I work my ass off. I can do this."

I would ask for a vote to pass this motion. I believe my colleagues all know the importance of affordability and the impact of inflation. We'll get the ministers in here and come up with some incredible solutions to help make life more affordable for everyone—in particular, because this is the status of women committee, for women and single mothers.

Thank you.

• (1225)

**The Vice-Chair (Ms. Sonia Sidhu):** Anita, you are the next speaker.

**Ms. Anita Vandenberg:** Thank you very much, Madam Chair.

As is the common practice in this committee, I would like to move to adjourn debate and refer the matter to the subcommittee on agenda and procedure.

**The Vice-Chair (Ms. Sonia Sidhu):** It is a dilatory motion and non-debatable. Now we need to proceed and vote on it.

(Motion agreed to: yeas 5; nays 4)

**Ms. Anita Vandenberg:** I have the same point of order as before. I'm just noting the voting of Mrs. Vecchio for the record.

**Mr. Marc Serré (Nickel Belt, Lib.):** On that point of order, I want to ask the clerk, through you, Madam Chair.

I thought our former chair was not voting. By calling her name out and by her abstaining, it is voting. I don't understand why she has to be acknowledged.

I want to clarify that point. I don't know all the rules. Why does she have to be acknowledged, and then abstain? This is just to clarify. That's all.

**Mrs. Karen Vecchio:** Marc doesn't love me anymore.

**Mr. Marc Serré:** It has nothing to do with that, Karen, please. It's a clarification of the rules.

**The Clerk of the Committee (Ms. Stephanie Bond):** Thank you for the question.

I understand the question. The reason is that she's a regular member, because the vice-chair has assumed the chair for today. It's her choice to abstain. Removing her from the list would not be in my purview.

**The Vice-Chair (Ms. Sonia Sidhu):** Before I go to Madame Larouche, I want to say that this motion was referred to the subcommittee, and we will proceed to Bill S-205.

Madame Larouche, do you want to speak?

[Translation]

**Ms. Andréanne Larouche:** I understand that, normally, Mrs. Vecchio can't vote because of her position as chair. However, today she was simply a member of the Standing Committee on the Status of Women.

[English]

**The Vice-Chair (Ms. Sonia Sidhu):** Anita, go ahead.

**Ms. Anita Vandenberg:** Thank you, Madam Chair.

It seems there is inconsistency among committees. There were several committees where government chairs were online, did not vote and did not get called out to vote, so I think this is something that would need to be referred to the head clerk and the whips.

Pending that, I want to make sure we're noting our objection to it.

**The Vice-Chair (Ms. Sonia Sidhu):** Thank you. That is noted.

(On clause 3)

**The Vice-Chair (Ms. Sonia Sidhu):** Now we are proceeding to clause 3 and amendment G-8.

Does the member want to move it?

Before she moves it, in order to be consistent throughout the bill, members should keep in mind the decision made on amendment G-6 while they consider G-8, since G-8 seeks to renumber subparagraphs that are impacted by G-6.

I'll ask the member to move G-8.

• (1230)

[Translation]

**Mrs. Dominique Vien:** I have a point of order, Madam Chair.

The interpreter isn't speaking very loudly. I have to turn up the volume. Maybe she should move closer to her microphone. I don't know whether I'm the only person having this issue.

Ms. Larouche agrees that the interpreter is speaking very softly. It's difficult for us. We need to turn the volume up as high as possible.

Thank you.

[English]

**The Vice-Chair (Ms. Sonia Sidhu):** Dominique, we'll make sure the interpreter addresses this issue.

[Translation]

**Mrs. Dominique Vien:** That's better.

[English]

**The Vice-Chair (Ms. Sonia Sidhu):** Is everything okay now? Thank you.

Lisa.

**Ms. Lisa Hepfner:** Thank you, Madam Chair.

I don't have a lot to say about G-8. I believe it's just a consequential amendment to G-6, which already passed. It just changes numbers to make the bill comprehensive and cohesive.

I don't know whether there's anything further to add.

**The Vice-Chair (Ms. Sonia Sidhu):** I don't see any other intervention.

Shall G-8 carry?

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

**The Vice-Chair (Ms. Sonia Sidhu):** Shall clause 3 carry as amended?

[*Translation*]

**Ms. Andréanne Larouche:** Excuse me, Madam Chair. Are we talking about amendment G-8 again? I have a question.

[*English*]

**The Vice-Chair (Ms. Sonia Sidhu):** No. Amendment G-8 carried. Now we're on clause 3 as amended.

[*Translation*]

**Ms. Andréanne Larouche:** Madam Chair, I had a question for the legal experts regarding amendment G-8.

How would the impact of this amendment compare with the impact of the bill as it stands? I want to know more about this.

[*English*]

**The Vice-Chair (Ms. Sonia Sidhu):** Just because it was already carried and everyone was in favour, I'll ask the members if they give permission to go back, because we are now on clause 3.

**Ms. Lisa Hefner:** It's just a numbering issue. It's just changing numbers in the thing. It doesn't really say anything consequential. I just don't want to waste too much time, so we can get through this.

[*Translation*]

**Ms. Andréanne Larouche:** Madam Chair, I don't want to hold up the process. However, things moved quickly. I was looking at the amendment and just wanted to ask the legal experts a question. I understand that it's a technicality, but I just want to make sure that I have this right.

**Ms. Julia Nicol (Counsel, Criminal Law Policy Section, Department of Justice):** The goal of the amendment is to remove the part on social media. This will change the order of the paragraph letters. As a result, "(h)" becomes "(g)" and "(i)" becomes "(h)."

The same changes had to be made to section 810.3.

**Ms. Andréanne Larouche:** Okay. Thank you.

**Mrs. Dominique Vien:** You assumed that the previous amendment on social media would be adopted.

**Ms. Julia Nicol:** Of course, if the other amendment weren't adopted, the committee wouldn't need this motion. The two amendments are connected.

**Mrs. Dominique Vien:** That's right. Thank you.

[*English*]

**The Vice-Chair (Ms. Sonia Sidhu):** Madame Larouche, are you clear now? Okay.

Shall clause 3 as amended carry?

(Clause 3 as amended agreed to [*See Minutes of Proceedings*])

**The Vice-Chair (Ms. Sonia Sidhu):** Now we are on clause 6, amendment G-9. I'll ask the member if she wants to move it.

Lisa, go ahead.

**Ms. Anita Vandenbeld:** On a point of order, we didn't do clauses 4 and 5.

**Ms. Lisa Hefner:** There are no amendments on clause—

**Ms. Anita Vandenbeld:** If there are no amendments, don't we still need to say, "Shall clause 4 carry?", and carry it?

**The Vice-Chair (Ms. Sonia Sidhu):** On your point of order, Anita, we already adopted clauses 4 and 5, on December 4.

**Ms. Anita Vandenbeld:** Okay. Thank you.

(On clause 6)

**The Vice-Chair (Ms. Sonia Sidhu):** Now we are on G-9. In order to be coherent throughout the bill, members should keep in mind the decision made on amendment G-3 while considering amendment G-9, since they are related.

Now we are going to G-9.

Lisa, you have the floor.

• (1235)

**Ms. Lisa Hefner:** Thank you, Chair.

As you said, this is another technical amendment that ensures the wording matches some of the amendments that we have already agreed to. It relates to form 32. This is used by a judge to indicate which conditions a defendant would have to comply with once they are bound under a recognizance. This motion proposes to amend clause 6 of the bill so that it would modify the form in a way that ensures consistency between form 32 and the language in the new paragraph that we have passed here at this committee. It requires the Attorney General to consent before a condition of wearing an electronic monitoring device can be imposed.

I'm not sure if we can turn to the officials for any further insight into why this is necessary.

**The Vice-Chair (Ms. Sonia Sidhu):** Do the officials want to explain that, or is everything okay? Is everyone clear?

**Ms. Julia Nicol:** If people have questions, we can answer, but basically, as was said, it's to make the form match the provision that was adopted at a previous meeting, just so there's consistency from one place to the next.

**The Vice-Chair (Ms. Sonia Sidhu):** Dominique, go ahead.

[*Translation*]

**Mrs. Dominique Vien:** Mrs. Roberts just wanted to point out that I would like to speak.



If possible, I would like the legal experts to provide a brief response.

I'm told that amendment G-9 is closely related to amendment G-3, which we discussed seven or eight weeks ago. Since amendment G-3 was a page and a half long, I'd like a brief summary and an explanation of the changes introduced by amendment G-9 in relation to the Attorney General. That would help us get up to speed.

**Ms. Julia Nicol:** Line 15 on page 3 of the bill reads as follows: "to wear an electronic monitoring device, with the consent of the Attorney General."

This provision, which amends section 810.03 of the Criminal Code, differs from the provision amending form 32 of the Criminal Code. That provision, on page 7 of the bill, line 33, reads as follows: "wears an electronic monitoring device (section 810.03 of the Criminal Code)."

The proposed amendment to form 32 of the Criminal Code adds the elements already included in the proposed amendment to section 810.03 of the Criminal Code, in relation to the monitoring device.

**Mrs. Dominique Vien:** How is this amendment related to amendment G-3?

**Ms. Julia Nicol:** It was already in amendment G-3.

Sorry. Amendment G-3 isn't related to amendment G-9.

**Mrs. Dominique Vien:** We're told that amendment G-9 is directly related to amendment G-3 and that we need to study both amendments together.

Since amendment G-3 is almost two pages long and we studied it a long time ago, could someone explain the relationship between the two amendments?

[English]

**The Vice-Chair (Ms. Sonia Sidhu):** I think we already adopted G-3 in December.

[Translation]

**Mrs. Dominique Vien:** Do you understand?

[English]

**Ms. Chelsea Moore:** Yes, I don't believe that we—

**The Vice-Chair (Ms. Sonia Sidhu):** Now we are talking about G-9.

[Translation]

**Mrs. Dominique Vien:** I know that.

Ms. Moore, do you have an answer to my question?

[English]

**Ms. Chelsea Moore:** I don't believe that G-9 is consequential to G-3. The reason for G-9 is that this additional wording, "if the Attorney General has consented to this condition", was actually added in the Senate, I believe, so the original bill didn't have that wording. When they added this wording in the Senate to this particular provision, they forgot to add it to the form as well. This is simply cor-

recting this oversight from an amendment that was done in the Senate earlier.

**The Vice-Chair (Ms. Sonia Sidhu):** Dominique.

[Translation]

**Mrs. Dominique Vien:** Madam Chair, I would like to clarify my question. I'm not disputing that amendment G-3 was adopted. We were told that amendment G-9 was related to amendment G-3 and that they should be read together.

Am I wrong? Should we look at amendment G-9 with amendment G-3?

• (1240)

**Ms. Chelsea Moore:** No, that isn't necessary.

**Mrs. Dominique Vien:** Okay. Thank you.

[English]

**The Vice-Chair (Ms. Sonia Sidhu):** There are no more interventions. Is everything clear on G-9? Okay.

Shall G-9 carry?

(Amendment agreed to [See Minutes of Proceedings])

**The Vice-Chair (Ms. Sonia Sidhu):** We are heading to G-10, which is already moved, and now we are resuming debate on that. In order to be coherent throughout the bill, members should keep in mind the decision made on amendment G-3 while considering amendment G-10, since they are related.

[Translation]

**Mrs. Dominique Vien:** That's what I said, Madam Chair. Earlier, you referred to amendment G-9 and said that we should refer to amendment G-3. I didn't dream it. That was my request. I wanted us to study amendment G-9 in keeping with amendment G-3. I wanted to get back up to speed on G-3.

You just did exactly the same thing.

[English]

**The Vice-Chair (Ms. Sonia Sidhu):** This is in my notes. I will ask the clerk to explain that so we are clear on that.

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

[Translation]

For us, there was a procedural connection between amendment G-3 and these amendments.

Paragraph (j) of amendment G-3 proposes to amend Bill S-205 by replacing lines 21 and 22 on page 4 with the following:

(10) A provincial court judge may, on application of the Attorney General, the informant, the person on whose behalf the information is laid or the defendant, vary the conditions fixed in

That's how our procedural note ended up in the chair's notes.

[English]

**The Vice-Chair (Ms. Sonia Sidhu):** Are there more interventions?

Anna.

**Mrs. Anna Roberts:** This is just a technical question.

Are we on (b), with “replacing line 37”? It reads:  
that the judge considers necessary (section 810.03)

Or is that section 801.03? Is that a transposition?

**The Vice-Chair (Ms. Sonia Sidhu):** Anna, do you want to pose the question to the officials?

**Mrs. Anna Roberts:** Yes. If we look at line 37, it reads:  
that the judge considers necessary (section 801.03)

Should that be 810.03? Is that a transposition? It looks like it might be a transposition. I could be wrong, but I'm wondering if you could clear that up.

**The Vice-Chair (Ms. Sonia Sidhu):** Officials, go ahead.

**Ms. Julia Nicol:** If we're looking at line 37, it's just clarifying that it's for that specific....

Is your question whether section 810.03 is right? Is that what the question is?

**Mrs. Anna Roberts:** Is it section 801.03 or section 810.03?

**Ms. Julia Nicol:** It's 810. It's a correction.

**Mrs. Anna Roberts:** That's a transposition. It's been corrected to 810. Is that correct?

**Ms. Julia Nicol:** In G-10, it should be 810, yes, because section 810.03 outlines the rules for taking a sample of a bodily substance.

**Mrs. Anna Roberts:** Right. It's not 801.03.

**Ms. Julia Nicol:** No. That was a typo.

**Mrs. Anna Roberts:** That was just a transposition. That was my question.

Thank you.

**Ms. Julia Nicol:** I'm sorry.

**Mrs. Anna Roberts:** That's okay.

**The Vice-Chair (Ms. Sonia Sidhu):** If that's all clear, can we call the question?

Shall G-10 carry?

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

**The Vice-Chair (Ms. Sonia Sidhu):** Now we are on G-11.

I'll ask a member to move it.

Lisa, go ahead.

• (1245)

**Ms. Lisa Hepfner:** Once again, Chair, this is a consequential amendment of a previous amendment, G-6, that we passed.

I'll ask members to refer to the officials if they have any further questions, but really, it just standardizes our language.

**The Vice-Chair (Ms. Sonia Sidhu):** Are there any questions?

**Ms. Michelle Ferreri:** I'm sorry. Which one is it?

**The Vice-Chair (Ms. Sonia Sidhu):** It's G-11.

**Ms. Michelle Ferreri:** Okay. This is the one with “refrain from going to any specified place”.

**The Vice-Chair (Ms. Sonia Sidhu):** Are there any more questions?

Go ahead, Anna.

**Mrs. Anna Roberts:** On “refrain from going to any specified place or being within a specified distance”, should “or” not be “and”?

**The Vice-Chair (Ms. Sonia Sidhu):** Officials, do you want to answer that?

**Ms. Chelsea Moore:** This is a technical drafting question. My understanding is that the “or” is interpreted as “and” as well. If you say, “going to any specified place or being within a specified distance”, the defendant would have to comply with both of those things.

Does that make sense?

**Mrs. Anna Roberts:** Not really, but....

**Ms. Michelle Ferreri:** Are you asking if it's “of” versus “or”? Is that what you're asking, Anna?

**Mrs. Anna Roberts:** No. I'm asking if it should be “and” instead of “or”, but she says it applies to both.

**Ms. Michelle Ferreri:** I like when you read it. I know where you are when you read it.

**The Vice-Chair (Ms. Sonia Sidhu):** Are there any more questions?

Shall G-11 carry?

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

(Clause 6 as amended agreed to)

(On clause 7)

**The Vice-Chair (Ms. Sonia Sidhu):** We're coming to clause 7 and amendment G-12.

I'll ask a member if they want to move it.

Lisa.

**Ms. Lisa Hepfner:** Thank you.

It's another consequential amendment of G-6. For my colleague Ms. Ferreri, I'll read it out.

I move that Bill S-205, in clause 7, be amended by replacing line 13 on page 8 with the following:

810.01(4.1)(g), 810.03(7)(h), 810.011(6)(f), 810.1(3.02)(i) and

That's basically it.

**Ms. Michelle Ferreri:** Chair, can I ask for a brief suspension with my team for a second?

**The Vice-Chair (Ms. Sonia Sidhu):** Yes. We'll suspend.

• (1245)

(Pause)

• (1250)

**The Vice-Chair (Ms. Sonia Sidhu):** We will resume the meeting.

Michelle.

**Ms. Michelle Ferreri:** Can I just have the analysts explain what G-12 would do to the bill?

**The Vice-Chair (Ms. Sonia Sidhu):** Officials, can you answer Michelle's question?

**Ms. Julia Nicol:** Amendment G-12 just renumbers a reference in the bill to form 51. That form is served to someone who is required to provide a sample of a bodily substance. It's just a renumbering: (i) becomes (h). This is due to G-6, which deleted the social media condition.

Does that help?

• (1255)

**Ms. Michelle Ferreri:** It does help, thank you, and thank you for your patience with this as I slowly go through lawyer school while being a member of Parliament. Obviously, you can imagine the consequences of the decisions we're making.

It's because one previous clause has been altered that you have to therefore change the number, because that has been removed. Is this correct?

**The Vice-Chair (Ms. Sonia Sidhu):** Officials, you can answer.

**Ms. Julia Nicol:** Thank you, Chair.

When you delete a paragraph, that affects the other paragraphs after. If you get rid of (f), then (g) becomes (f), and (i) becomes (h), for example. In this situation, (i) becomes (h).

**Ms. Michelle Ferreri:** For folks watching at home, you can imagine how muddled and confusing this might be. I guess the bottom-line question for folks watching is, what is the consequence or implication of this on the bill itself? The bill that we're studying is to protect victims, in particular, of domestic violence. What does this do?

**The Vice-Chair (Ms. Sonia Sidhu):** Officials, do you want to chime in on that and answer?

**Ms. Julia Nicol:** It provides consistency across the Criminal Code.

**Ms. Michelle Ferreri:** Thank you. It's just for the record.

**The Vice-Chair (Ms. Sonia Sidhu):** If there are no more interventions, can we call the question?

Shall G-12 carry?

(Amendment agreed to)

(Clause 7 as amended agreed to)

(On clause 8)

**The Vice-Chair (Ms. Sonia Sidhu):** We are on G-13.

I will ask if the member wants to move it.

Lisa.

**Ms. Lisa Hepfner:** Once again, it's another consequential amendment, this one of G-3. It is a measure for consistency and has to be moved, because we moved G-3.

**The Vice-Chair (Ms. Sonia Sidhu):** Michelle.

**Ms. Michelle Ferreri:** Thank you.

Again, I would put this back to our analysts here. I guess the question then becomes, what did G-3 change about the bill? If this is just reinforcing G-3 through consistency, what did G-3 do to the bill?

**The Vice-Chair (Ms. Sonia Sidhu):** Officials, can you answer that?

**Ms. Chelsea Moore:** The part of G-3 that is being reflected here is just the change that was made to allow another person to bring a peace bond on the intimate partner's behalf. There's some updating to this provision—which is a transitional provision—to reflect that change made in G-3.

**Ms. Michelle Ferreri:** Can you clarify what “another person” means?

**Ms. Chelsea Moore:** It would allow, for example, a police officer to bring the peace bond on behalf of the intimate partner, or it could be a support person, such as an intimate partner's sister. Someone who's close to the intimate partner could bring the peace bond on her behalf.

**Ms. Michelle Ferreri:** How do you prevent somebody who may have bad intentions or is doing coercive control to the victim from bringing forth the peace bond?

**Ms. Chelsea Moore:** The judge needs to assess the peace bond. They will bring all the parties into the courtroom to assess whether or not they're going to order the peace bond. They look at whether there's a reasonable fear and whether that reasonable fear is objective from the perspective of a third person—another person. It's not just based on the subjective fear of the person. If someone comes in and says, “I fear this person, because they've been threatening me”, the judge will need to assess whether it's objectively verifiable.

That acts as a check on the process to ensure the peace bond is being ordered for the right reasons.

**Ms. Michelle Ferreri:** When, in other legislation, has language like this been used?

**Ms. Lisa Hepfner:** I have a point of order on relevance.

We already passed G-3. We already passed this language. We already discussed it, so I think we're just spinning our wheels.

**Ms. Michelle Ferreri:** I don't think that's a point of order. I think it's just—

**Ms. Lisa Hepfner:** I think it's a point of order on relevance.

**The Vice-Chair (Ms. Sonia Sidhu):** Thank you for raising that.

Officials, thank you.

I see that Karen has been waiting for a long time.

Go ahead, Karen.

• (1300)

**Mrs. Karen Vecchio:** I'm sorry about that. I know we're getting right to the end.

Lisa, thanks for that intervention.

At the same time, there is one thing. Maybe I've just read too many James Patterson novels or something. When it states, "fears on reasonable grounds that another person".... That's why I want to get into this.

I'm looking at the time. We may have to talk about this on Thursday.

Could "another person" mean...? I don't know. Maybe someone is hired to kill somebody. That's some of my thought about this, because we were looking at that relationship with intimate partners. Specifically, in this clause, "another person".... I recognize that we need things close, but the way I'm reading it seems extraordinarily broad, because that other person may not be the intimate partner.

Perhaps you could give me clarification on that. As I said, it's kind of cherry-picking. As you know, everybody cherry-picks. I'm just looking at whether people get something like this. Could there

be any issues with "another person" when we're talking about intimate partners specifically?

**The Vice-Chair (Ms. Sonia Sidhu):** Officials, could you please answer Karen's question?

**Ms. Chelsea Moore:** I believe the provision would read, "If an information has been laid under subsection 810(1)...before the day on which this Act comes into force by a person who fears on reasonable grounds that another person will commit an offence that will cause personal injury". "Another person" is referring to anyone whom they fear and who could be subject to the peace bond, which is consistent with how all the other peace bonds in the Criminal Code are currently drafted.

**The Vice-Chair (Ms. Sonia Sidhu):** Thank you.

Michelle.

**Ms. Michelle Ferreri:** I'm noticing the clock. It's past one o'clock, so I make a motion to adjourn.

**The Vice-Chair (Ms. Sonia Sidhu):** Is everyone okay with that?

The meeting is adjourned.

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