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# Standing Committee on the Status of Women

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Thursday, February 1, 2024

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Chair: Mrs. Karen Vecchio





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• (1535)

[English]

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

Welcome to meeting number 93 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, the committee adopted the following: clause 1 as amended by amendments 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. At the meeting of January 30, the committee adopted clause 2 as amended by G-5, NDP-2, G-6 and G-7; clause 3 as amended by G-8; clause 6 as amended by G-9, G-10 and G-11; and clause 7 as amended by G-12.

(On clause 8)

Today we are resuming debate on amendment G-13, which pertains to clause 8. G-13 was moved by Lisa on January 30.

**Ms. Lisa Hepfner (Hamilton Mountain, Lib.):** I just want to jump in on this to remind committee members about G-13. It's really just another amendment to make the legislation coherent with things we've already agreed upon in relation to G-3.

I don't know if the officials have anything further to add, but that's what that's about.

**The Vice-Chair (Ms. Sonia Sidhu):** If there are no speakers on the list....

Go ahead, Karen.

**Mrs. Karen Vecchio (Elgin—Middlesex—London, CPC):** Just making it very simple, I believe that we did look at G-13 and discussed some of the changes. I believe at this time that we recognize that it is just in co-operation with the rest of the bill. It looks good to us.

**The Vice-Chair (Ms. Sonia Sidhu):** Is everyone clear?

(Amendment agreed to [See Minutes of Proceedings])

(Clause 8 as amended agreed to)

**The Vice-Chair (Ms. Sonia Sidhu):** On new clause 10.1 and amendment G-14, we are resuming debate.

Go ahead, Lisa.

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

I am happy to move this amendment. This is an amendment to coordinate with Bill C-21, which is also in the process of being passed through Parliament. This is a technical coordinating amendment to ensure that this bill will align with other bills in Parliament that we're studying.

**The Vice-Chair (Ms. Sonia Sidhu):** Michelle, you have the floor.

**Ms. Michelle Ferreri (Peterborough—Kawartha, CPC):** Thank you.

Just for the record, obviously we've been pretty candid about where we sit with Bill C-21 in terms of it going towards law-abiding hunters and sport shooters. I think we just want that on the record.

I also want to say to my colleagues that there was an abrupt move to adjourn the last meeting. The reason is that it's really important that I hear from the senator when we're dealing with this and hear that he is okay with this. This is his bill, so it's to make sure that I am listening and that I have all of the right information.

It's not a partisan hack or something like that. I just want it on the record that Senator Boisvenu put this bill forward with so much heart, and he is retiring. His daughter was murdered, as we said into the record many times. I'll talk with my colleague from the NDP about this. We know that we want to get this to the House and we want to get it there correctly, but I just want to say for the record that this was the issue. It is just trying to coordinate, and that's why we had to suspend. It was to make sure that he is okay with this. That's really what we're here to do—to be his vessel to make sure that his daughter's honour is in the right tack.

I just want that on the record.

Thank you.

**The Vice-Chair (Ms. Sonia Sidhu):** Shall G-14 carry?

(Amendment agreed to [See Minutes of Proceedings])

(On clause 11)

**The Vice-Chair:** Shall clause 11 carry?

**Ms. Lisa Hepfner:** No.

Chair, we are opposed to clause 11, because it would repeal changes that we saw in Bill C-233, which this committee studied. That was Keira's law. It would mean that the coordinating amendments to the clause would not apply. That is why we would vote down this clause.

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

Go ahead, Michelle.

**Ms. Michelle Ferreri:** I'm curious about the analysts' opinions on this as well, and on how it would impact Bill C-233.

**The Vice-Chair (Ms. Sonia Sidhu):** We'll have the analysts, please.

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

Originally, as was explained by the member, that's what would happen. However, you'll remember that subclause 1(2) of Bill S-205, regarding electronic monitoring, has been removed. Bill S-205 no longer deals with electronic monitoring in the bail context. It's still in the peace bond. At this point it's not necessary because we're not addressing the same things anymore.

• (1540)

**Ms. Michelle Ferreri:** To follow up on that, this was one of the real issues of contention for us as Conservatives. We wanted that electronic bracelet. We wouldn't be supporting this. We can do a recorded division.

I think the real issue for us sitting here is that the period of bail is often, statistically, when we know the victim is most vulnerable. That's why we didn't support the removal of that measure. We obviously lost the vote, but we would want that in. I wanted that on the record as well.

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

**Ms. Julia Nicol:** It may be helpful to know that it is in there in the context of domestic violence due to the approach taken in Bill C-233. That one explicitly requires consideration of the use of electronic monitoring as a bail condition for a certain narrow set of offences. That would include situations of intimate partner violence. It may provide you with some comfort that it is in there in relation to Bill C-233.

**Ms. Michelle Ferreri:** This is where I miss my colleague, Ms. Lewis, who is a lawyer and so savvy in these things.

Through you, Chair, if I understand you correctly, what you're saying is that because it's covered in Bill C-233, you don't need it in Bill C-205.

**Ms. Julia Nicol:** Yes. Bill C-233 maintains.... It can be used even if it's not explicitly in a peace bond. There is a broader option for this to be used in any context. That's in the peace bond context.

In the bond context, Bill C-233 speaks explicitly in terms of violence against a person, whether used, threatened or attempted, including against the accused's intimate partner. Therefore, that aspect that you were concerned about is covered by that bill, which is already—

**Ms. Michelle Ferreri:** I guess my question is this: Why wouldn't we want it in Bill C-205, if it's already there?

**Ms. Julia Nicol:** Why would we?

**Ms. Michelle Ferreri:** Why wouldn't we?

**Ms. Julia Nicol:** That decision was already made with subclause 1(2)—

**Ms. Michelle Ferreri:** That's exactly my point. That's what I'm saying, unless I'm getting confused, which is possible. I'm saying if it's already under one area, and it's in Bill C-233.... We lost the vote in subclause 1(2), but it's already there in Bill C-233, so what would be the benefit of removing it? I guess that's what I'm saying.

**Ms. Chelsea Moore (Acting Senior Counsel, Criminal Law Policy Section, Department of Justice):** I can speak to the effect of the G-1 motion that was voted on previously, if that's helpful to the committee.

The effect of the G-1 motion was that electronic monitoring would not be explicitly listed as a bail condition that a court could impose for all offences. That's what Bill S-205 had proposed—that electronic monitoring be added so that it could be imposed for all offences. Currently the conditions listed in subsection 515(4) of the Criminal Code are standard conditions that are routinely imposed and more broadly applicable to the different types of charges that come before the court.

For example, it says to report to a police officer, “remain within a [certain] territorial jurisdiction”, not to contact the victim or go to a certain area of the city. These are standard conditions that are routinely imposed, and that's why they fall under the standard bail conditions list.

Any condition that is added to the standard list does have the potential to become more routinely imposed, simply because it's easy to check off once it's on the list. While in many cases it could be considered a necessary condition, it could also be routinely imposed, even though it might not be reasonable or necessary. However, as mentioned previously, even if it's removed from that list—and it's not included in this bill—it would still be allowed to be imposed where appropriate, because a judge has this residual power to impose any condition that's reasonable or necessary. However, judges would be required to “consider” electronic monitoring as a result of the changes made in Bill C-233 in cases of domestic violence.

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

Anna, go ahead.

**Mrs. Anna Roberts (King—Vaughan, CPC):** I'm a little confused. I did miss a few meetings because I was on another committee at the time, so can you explain to me why we need to remove this?

• (1545)

**Ms. Michelle Ferreri:** We don't. We lost the vote.

**Mrs. Anna Roberts:** I understand that, but in Keira's law, it wasn't his ex-wife but the fact that the husband killed himself and the child, who complained to the mother and the judge on numerous occasions. How do we protect other victims and prevent this situation from happening again? I'm a little confused, so maybe you can clarify that for me.

**Ms. Chelsea Moore:** In terms of the rationale for this particular motion or voting down this particular motion, there's no coordination needed anymore with Bill C-233 because the provision that would have needed to be coordinated has been removed in a previous motion on this bill.

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

**Ms. Leah Gazan (Winnipeg Centre, NDP):** My understanding is that protection is already covered in Keira's law and it's just repetitive, so they would still be protected. It's just that you don't have to repeat it in other legislation, because they already have that protection.

Am I wrong? Is that wrong? I'm sorry, but am I incorrect in my understanding?

**The Vice-Chair (Ms. Sonia Sidhu):** Maybe officials can answer Leah first, and then Marc.

**Mr. Marc Serré (Nickel Belt, Lib.):** Just on that point, my understanding is that with Bill C-233, the judge has the discretion to require the ankle bracelet, so that's already in place today.

My understanding of the G-1 motion that we had that Anna and Michelle were debating is that the amendment was removed because it would be automatically imposed, regardless of a judge's judgment, and this would then, we heard, penalize indigenous and marginalized women because it was automatic. The judge had no....

The way S-205 was written, it was explicit that the ankle bracelet would go on automatically, so there wasn't that discretion for the judge to decide.

The victims will be protected. I'm not a lawyer, as Michelle said, but that aspect, I thought, was because Bill S-205 would have penalized marginalized and indigenous women. Now the judge has the obligation and discretion in Bill C-233 not to marginalize and penalize indigenous women, but to make sure that if the ankle bracelet is needed, it would be put in place. Does that explain it?

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

**Ms. Leah Gazan:** That's my understanding about it as well, but the other issue is that in certain parts of the country we don't have proper cell service and stuff like that, so if you make it mandatory and the person's in a place where it's not even going to work, it's just useless. It's expensive and it gives people a false sense of security, and the people that are responsible for paying for it.... Those are some of the arguments that were brought up.

In fairness, I understand what the intention is, but it won't even work in a lot of places in Canada. You'd have a whole bunch of people with bracelets, but for what? People think they're safe, but they don't have cell service and they can't.... That's a problem too.

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

**Mrs. Anna Roberts:** If Bill C-233 were in effect, I think Keira would still be alive today.

Maybe I don't understand this bracelet because I'm not a criminal, but when a criminal gets this bracelet administered, is there not a limit or are there not restrictions requiring that he can only go a certain distance and he has to...? He can't just travel out of the country. Do you know what I'm saying? Wouldn't that be picked up if he's out of an area?

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

**Ms. Chelsea Moore:** Each province has different uses of the electronic bracelets, so it really depends on the jurisdiction and how efficient the technology is. It's hard to say right now if that technology would permit what you're proposing. I think it probably would in some places, but I just don't know how broadly it's being used for that purpose. From what I've read in some reports, I know that in Quebec it can be used for certain addresses, so as soon as an accused goes within a certain radius of a certain address, it can send an alert.

• (1550)

**Mrs. Anna Roberts:** May I respond to that, Madam Chair?

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

**Mrs. Anna Roberts:** The reason I bring this up is that in my past life, I was a branch manager. Someone was released on bail with a bracelet, and he was not allowed to come within a certain distance of any bank—not just the branch I was at, but any branch.

Guess what? It didn't work. From what I was told by the police—and this happened a long time ago—there was a method in which he could still be wearing it but not have it correspond. I don't know how that works; I'm not a criminal.

That's what scares me. It scares me that we're still not putting the victims first, and I'm wondering if this is going to....

We need to pass Bill S-205, yes, but I want to make sure that all the protections for the victims are in place so that what happened to the senator's daughter doesn't happen again. That's my worry.

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

Go ahead, Michelle.

**Ms. Michelle Ferreri:** I think one of the big concerns around this one, and why it was so contentious, was that this was the foundation of the bill for the senator, in that the victim would have access to see where their attacker was.

My question to you, again through the legal world, is whether that would happen.

The other thing I can't reconcile here is that if it's covered in Bill C-233, why wouldn't it just be put in Bill S-205? I don't understand why you wouldn't do that for consistency.

There are two questions there. Number one, would the victim still be able to monitor and have that choice to monitor if this is removed? Number two, if it's already in Bill C-233, wouldn't it be more consistent to keep it in Bill S-205?

I apologize that you guys went to legal school and I did not.

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

**Ms. Chelsea Moore:** Thanks for the question.

To clarify, Bill S-205 would not be taking it out. What the changes—

**Ms. Michelle Ferreri:** With this amendment, it wouldn't?

**Ms. Chelsea Moore:** No. Bill C-233 received royal assent on April 27, 2023, and came into force 30 days after that, at the end of May 2023. It requires that in every case of domestic violence in which violence was used, threatened or attempted, including violence against an intimate partner, the judge must consider imposing an electronic monitoring bracelet in all of those cases. That is not going to change with this bill. That remains part of the law.

**Ms. Michelle Ferreri:** Okay.

To go back to that other question, then, it's still at the judge's discretion whether or not this happens. Then we come back to judge training, etc., which is a whole other can of worms outside of this bill.

If I'm understanding correctly, with Keira's law, Bill C-233, the victim doesn't get to monitor the electronic bracelet; it's just the police officials and law enforcement. However, with this bill, Bill S-205, it was written into the bill. Is that correct?

It's not? Okay. I stand corrected.

**The Vice-Chair (Ms. Sonia Sidhu):** There are no more interventions.

Does clause 11 as amended carry?

**Ms. Lisa Hepfner:** No.

**The Vice-Chair (Ms. Sonia Sidhu):** Can we have a show of hands? Who is in favour of that?

**Ms. Lisa Hepfner:** Do you mean in favour of clause 11?

**The Vice-Chair (Ms. Sonia Sidhu):** Are there any opposed, or is everyone in favour?

**Ms. Lisa Hepfner:** No. On clause 11, we're all opposed.

(Clause 11 negatived)

**The Vice-Chair (Ms. Sonia Sidhu):** Okay, you're opposed.

Is clause 11 carried as amended?

**A voice:** It's negatived.

• (1555)

**Ms. Lisa Hepfner:** We voted against this.

**The Vice-Chair (Ms. Sonia Sidhu):** Oh, we dropped it. I'm sorry. Clause 11 was dropped from this.

Shall clause 12 carry?

(Clause 12 agreed to)

**The Vice-Chair (Ms. Sonia Sidhu):** Shall the title carry?

**Some hon. members:** Agreed.

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

**Some hon. members:** Agreed.

**The Vice-Chair (Ms. Sonia Sidhu):** Shall the chair report the bill as amended to the House?

**Some hon. members:** Agreed.

**The Vice-Chair (Ms. Sonia Sidhu):** We're all done. Thank you, guys. Thank you, officials, for your excellent explanations.

That is all that was on the agenda. Is it the will of the committee to adjourn?

**Some hon. members:** Yes.

**The Vice-Chair (Ms. Sonia Sidhu):** The committee is adjourned.









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