



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

44th PARLIAMENT, 1st SESSION

Standing Committee on Justice and Human Rights

EVIDENCE

NUMBER 069

Monday, June 5, 2023

Chair: Mr. Randeep Sarai



Standing Committee on Justice and Human Rights

Monday, June 5, 2023

• (1555)

[English]

The Chair (Mr. Randeep Sarai (Surrey Centre, Lib.)): I call this meeting to order.

Welcome to meeting number 69 of the House of Commons Standing Committee on Justice and Human Rights.

Pursuant to Standing Order 108, the committee is meeting to study the subject matter of the main estimates for 2023-24.

Today's meeting is taking place in a hybrid format, pursuant to the House order of June 23, 2022. Members are attending in person in the room and remotely using the Zoom application. As all members have previously used this, I will not go through the Zoom procedures.

I would like to inform the members that, since the main estimates were deemed reported to the House, at the latest, on May 31, and per Standing Order 81(4), their order of reference is no longer in front of the committee. We are still able to study the subject matter of the main estimates, but we can't vote on the various items under the Department of Justice.

I would now like to welcome our first witness. Appearing today is the Honourable David Lametti, Minister of Justice and Attorney General of Canada. Welcome.

Before he begins, I also want to mention that we have Shalene Curtis-Micallef, deputy minister and deputy attorney general of Canada; Michael Sousa, senior assistant deputy minister, policy sector; and Bill Kroll, chief financial officer and assistant deputy minister, management sector. Welcome.

Do we have Elizabeth Hendy? Is she online? Maybe not.

The floor is yours, Minister. You have 10 minutes for opening remarks and, as usual, questions from the members.

[Translation]

Hon. David Lametti (Minister of Justice and Attorney General of Canada): Thank you, Mr. Chair.

Thank you, colleagues.

[English]

Thank you for the invitation to be here today. I'm pleased to be here as the committee studies the 2023-24 main estimates for the Department of Justice.

I would like to begin, as I always do, and importantly, by acknowledging that we're located on the traditional territory of the Algonquin Anishinabe Nation.

I am joined, as you mentioned, Mr. Chair, by my officials: the deputy minister of justice, Shalene Curtis-Micallef; the chief financial officer, Bill Kroll; and the senior assistant deputy minister, Mike Sousa. Thanks to all of you for being here today in support.

Committee members will note that Justice Canada is seeking a total of \$987.6 million in the 2023-24 main estimates, an increase of \$65.8 million over the previous fiscal year.

[Translation]

We need a justice system that is accessible, efficient and, above all, fair. Canadians deserve to feel and be safe. Our justice system must live up to their trust. Our government is committed to ensuring that this is the case, and we will continue to honour our Charter, which is the pride of all Canadians.

Reconciliation with Aboriginal peoples is a crucial part of my mandate, in particular the implementation of the United Nations Declaration on the Rights of Indigenous Peoples Act.

[English]

We are currently working—very hard, I might add—in consultation and co-operation with first nations, Inuit and Métis, including national indigenous organizations, rights holders, modern treaty signatories and self-governing nations, to release an action plan and an annual report this month, as mandated in the act.

The work to ensure that the federal laws of Canada are consistent with the UN declaration is ongoing. This declaration represents transformational change and has the potential to progressively and positively transform the relationship between the Crown and first nations, Inuit and Métis.

In budget 2022, our government announced additional funding to implement the UN declaration act in the amount of \$64 million over five years—from 2022-23 to 2026-27—and \$11 million ongoing. In the 2023-24 main estimates, we're seeking \$17.5 million as part of this commitment.

[*Translation*]

The Main Estimates also include an additional \$7 million for new drug treatment court supervised programs, as well as the expansion of existing programs. These investments are part of our efforts to help those suffering from addiction, especially the most marginalized and vulnerable. Our government believes in an approach based on prevention and addiction treatment to tackle the causes of crime. We will continue to implement evidence- and science-based policies, including drug courts.

Access to justice is a fundamental Canadian value and an integral part of a just society. We know that too many Canadians face systemic barriers when trying to obtain legal services or interact with the courts. Aboriginal, Black and racialized Canadians are over-represented in our criminal justice system. That's why it's particularly important to invest in measures that facilitate access to justice, whether by providing information or support, through renewed funding for legal aid in criminal matters.

Our commitment to fighting discrimination and systemic racism in our institutions goes further. As I mentioned earlier, our justice system is not immune to the insidious mechanisms that stand between our system and truly just justice.

[*English*]

That's why I'm proud to have passed Bill C-5 last November, repealing mandatory minimums that have contributed to the overincarceration of indigenous people, Black persons and members of marginalized communities.

I've also introduced David and Joyce Milgaard's law to advance our work to build a more equitable justice system. It would establish an independent miscarriage of justice review commission to make it simpler and more efficient for potentially wrongfully convicted people to have their applications reviewed. I hope this committee has the opportunity to study this legislation soon. Budget 2023 announced \$83.9 million over five years, starting in 2023-24, and \$18.7 million ongoing for the commission.

I've also proposed targeted reforms to bail to make our communities safer and build trust in our justice system. Bill C-48 is designed to focus on violent repeat offenders and gun and knife violence, as well as intimate partner violence. This targeted reform to our bail laws is the product of collaboration with the provinces and territories. It has also benefited from input from mayors, police and parliamentarians, as well as indigenous leadership and the legal community.

Everyone in Canada expects us to tackle crime, as well as the causes of crime. Bill C-48 is part of our broader strategy to ensure the safety of all Canadians, and it is an example of what we can achieve when we work together. The bill is charter-compliant, and I'm proud to be a member of the party of the charter. It has been endorsed by provincial and territorial governments, as well as various police organizations across Canada. I look forward to working

in particular with my colleagues around this table to advance this legislation quickly to protect Canadians.

The main estimates also seek funding to support other key initiatives to help build a fairer and more accessible justice system and advance the national action plan to end gender-based violence, supporting victims of intimate partner violence. The Mass Casualty Commission in Nova Scotia laid out the importance of addressing gender-based violence, and this action plan will help support our government's work going forward.

I'm pleased to say that budget 2023 announced \$95.8 million over five years, starting in 2023-24, and \$20.4 million ongoing per year thereafter to support indigenous families in accessing information about their missing or murdered loved ones. These include funding for FILUs, as well as the community support and healing for families initiative and more indigenous-led victim services and supports, which I was proud to announce last week. This investment represents an end to the cycle of temporary funding for these services and ensures that sustainable support is available for these critical resources.

On that note, Mr. Chair, I will wrap up my remarks. Thank you for the opportunity to talk about how we are making our justice system stronger, more accessible and more inclusive for all people.

• (1600)

The Chair: Thank you, Minister Lametti.

We'll go to our first round of questions, beginning with Mr. Moore. I believe he'll be sharing some time with Mr. Brock.

Hon. Rob Moore (Fundy Royal, CPC): Yes. Thanks, Mr. Chair.

Thank you, Minister, for sharing your time here today with us at the justice committee.

Minister, you mentioned Bill C-5, which eliminated mandatory jail time for what I would categorize as serious firearms offences, including serious offences around the trafficking, importation and production of schedule I and schedule II drugs.

I'll also mention Bill C-75, which was brought in by your government and which instituted the principle of restraint, meaning that individuals facing pretrial custody are given the least onerous provisions possible. That has been interpreted very broadly, and now we see what I would categorize as a revolving door to our justice system and an increase in the number of recidivists who are being caught by police and committing subsequent crimes even while out on release.

Just last week, I was reading that the Winnipeg Police Service has announced that the city is experiencing the highest level of violent crime in over a decade. They have reported that violent crime was up 25% last year compared to 2021, and another 17% over the five-year average—all types of crime, particularly violent crime. There's a significant uptick in Winnipeg.

I would look at that as a signal that we're doing some things wrong, and that we have to address violent repeat offenders and we have to address recidivism. I put it to you: How do you take these stats coming out of Winnipeg, and are you concerned? We know that we've had a 32% increase in violent crime over the last eight years. Do you feel that when Juristat and StatsCan publish their findings later this year we're going to see an uptick across the country in violent crime, as is being seen in Winnipeg?

Hon. David Lametti: Thank you, Mr. Moore, for your question.

Let me first correct the record, because there were a number of factual errors that you made in the set-up of your question.

We didn't institute the principle of restraint in Bill C-75. We took it from the Supreme Court of Canada, which announced it in the *Antic* case before that. There's a long history of the principle of restraint in Canadian law. Bail is a charter-protected right, and we have the presumption of innocence, which is part of the long-standing common law tradition of criminal law that we have in Canada, which we inherited from the British legal tradition, so—

• (1605)

Hon. Rob Moore: Minister, I only have limited time.

Hon. David Lametti: We have—

Hon. Rob Moore: I have really limited time.

Hon. David Lametti: Look, Mr. Moore—

Hon. Rob Moore: You were saying that something was factually incorrect.

You brought in Bill C-75, and now you're saying it didn't do anything.

Hon. David Lametti: All we did in Bill C-75 was incorporate the principle of restraint in the law formally. It was already in the law informally.

Now, of course, statistics about crime increases concern me—

Hon. Rob Moore: So Bill C-75 didn't do anything.

Hon. David Lametti: It did not change the law of Canada on that point, Mr. Moore—

Hon. Rob Moore: Minister, I'm sorry, but we have had witnesses come to this committee who said that Bill C-75 had a profound impact—

Hon. David Lametti: They're making a mistake on this particular point, Mr. Moore. It didn't introduce anything new to Canadian law.

If I may finish my answer, of course, I'm concerned about a statistical increase in crimes. We'll get a better picture when Statistics Canada and other statistics-gathering organisms give us those statistics.

We've come through a pandemic. We've come through economic uncertainty. We're in the middle of a mental health crisis, in part brought on by the pandemic. This isn't completely unexpected. What we have to do, as legislators, is react to that. Bill C-48 is part of the reaction to that with respect to repeat violent offenders with weapons.

As I said in my opening remarks, we've worked hard with police authorities and with provinces. There is widespread support for the bill across Canada, with the NDP in British Columbia, the Conservative government in Ontario and other governments across—

Hon. Rob Moore: I'm sorry, Minister, but I'm sharing my time with Mr. Brock.

I will say very quickly that to ascribe no fault for the uptick in violent crime to your own policies, which have been discredited at this committee by witnesses, police and premiers.... I think we need to take the blinders off. We need to look at the impact that the policies you are putting in place are having on this uptick in violent crime.

We have very limited time. I'm going to turn it over to Mr. Brock.

Mr. Larry Brock (Brantford—Brant, CPC): Thank you.

Welcome, Minister Lametti.

I want to talk about access to justice. You've often heard this phrase—it's been bantered around for as long as I've been a lawyer—"Justice delayed is justice denied." We know that. It's ripped from the headlines and from the chief justice of the Supreme Court of Canada. He is calling for the speedy appointment of more judges in a letter that he penned directly to Prime Minister Justin Trudeau.

In the wake of that particular letter, you told reporters in Ottawa that you understand the problem posed by the vacancies: "I understand the problem. I'm working very hard with people across the country to make this system work." We have 90 judicial vacancies across this country, 24 of which are in the province of Ontario—civil cases and criminal cases. What do you say to Canadians, victims, defendants, and other judges, who are now facing an extra burden with their caseloads? What do you mean by "I'm working very hard"?

I'm sorry, Minister, but that's not good enough. What is your plan to fill those vacancies?

Hon. David Lametti: First of all, Mr. Brock, we're down to 79 already, since you got your last statistics.

I have appointed judges at a faster pace than any justice minister in Canadian history. As a government, we have appointed judges at a pace faster than any clip in Canadian history. We will continue to do that moving forward.

The Chair: Thank you, Mr. Brock.

We'll now go to Ms. Diab for six minutes.

Ms. Lena Metlege Diab (Halifax West, Lib.): Thank you, Chair.

Welcome back, Minister.

Let's talk about access to justice for a moment. You talked about that in your remarks. Access to justice is a subject that is very important and dear to me. In 2014, in Nova Scotia, we set up the Nova Scotia access to justice co-ordinating committee, which was co-chaired by the then minister of justice and also by the then chief justice of Nova Scotia.

Of course, meaningful access to justice for all Canadians, particularly Black and racialized Canadians, is something that I take to heart, as I know you do. I represent many distinct African Nova Scotian communities and racialized communities in Halifax West.

Aside from appointing judges, which is one small aspect of it, can you please tell me what the federal government is doing and what your office is doing to improve access to justice in the country?

• (1610)

Hon. David Lametti: Thank you very much for that question.

Access to justice is one of my priorities. One of the first things I did—and this is also partly in response to Mr. Brock's question—was to add 115 new superior court positions across Canada over the last number of years, with budgets that have increased the judicial complement in order to help the system of justice.

We have worked on increasing funding for legal aid—in particular, criminal legal aid, which is critically important. We have realized that it will simply require many more resources with respect to legal aid. An additional \$60 million is being invested this year, in 2023-24, again increasing the amount of money we're investing in legal aid a great deal.

We're also working with Black leadership across Canada on the elaboration of a Black justice strategy. We have nine experts from across Canada who are taking in information from previous reports and filling in gaps on their own, and they will report to us by the end of the year in terms of how we can better address the systemic racism against Black and racialized people in our criminal justice system.

Those are just a number of examples that are particularly pertinent to your province of Nova Scotia, but I can assure you that we are working across the country in order to increase access to justice.

Ms. Lena Metlege Diab: Thank you for that. I'm certainly familiar with your work with Black leadership across the country and

the great things that have been done and will continue to be done there.

Can you please tell us about the goal of creating an independent justice review commission and your recent introduction of Bill C-40?

Hon. David Lametti: Thank you very much. Again, that's something that's very near and dear to my heart. I fought to get that provision in my mandate letter in 2019 and to get it repeated in my mandate letter in 2021.

It is simply the case that it is too hard in Canada to have wrongful convictions reviewed. I see, on average, just over one a year in my office, and yet there are so many more examples that have happened. It doesn't serve anybody to keep innocent people in jail. It serves absolutely nobody. It doesn't serve victims. It doesn't serve the criminal justice system, and it doesn't serve people's confidence in the criminal justice system.

Every single *ex post facto* report over the last 30 years in Canada that has looked at a wrongful conviction or a series of wrongful convictions has recommended an independent commission, which is more effective, more efficient and less costly and takes the final decision-making out of the hands of the minister. That is precisely what this commission has done. It has been well received by experts across Canada in the domain, who see it as something that's long overdue.

The U.K. has had one for 25 years, and Scotland has a separate one. It has resulted in more people getting their convictions reviewed, with much less time and effort, and much less cost.

This is something that will serve Canadians well, and it will actually reinforce confidence in the justice system. I was proud to bring that bill forward. I'm hoping that this committee will study it soon. We hope it is on the list of priorities that our House leader announces before rising and that the bill gets to this committee. I hope that this committee will then do a proper study on it in order to bring it forth as soon as possible.

Ms. Lena Metlege Diab: Thank you very much.

I, too, look forward to having that in front of us.

Chair, can you tell me if I have any time left?

The Chair: You have about 20 seconds.

Ms. Lena Metlege Diab: Minister, thank you very much. I look forward to seeing you in person.

The Chair: Thank you, Ms. Diab.

We'll now go to Mr. Fortin for six minutes.

[Translation]

Mr. Rhéal Éloi Fortin (Rivière-du-Nord, BQ): Thank you, Mr. Chair.

Good afternoon, Mr. Minister. It's nice to see you.

If you don't mind, I'll pick up where my colleague Mr. Brock left off and talk about the appointment of judges, an issue that is always of great concern to me, as you know.

Last December, the Honourable Justice Paquette said there were 12 judicial positions to be filled. You, on the other hand, said that there were nine vacancies. It doesn't matter whether there are nine or twelve. You said there soon would be good news, but I haven't heard anything. Can we expect appointments anytime soon?

Earlier, we were talking about deadlines. This is a major problem, especially since the Jordan ruling came into force. Under this ruling, a trial must take place within a reasonable time. Prisoners, sometimes innocent, sometimes guilty, are being released because there was no time to hold their trial. In a society governed by the rule of law, this strikes me as completely absurd.

Minister, you are the head of the Department of Justice. Everything that happens in terms of justice, in Canada, is your responsibility. I find the situation deplorable, even dangerous. Provincial premiers even wrote to you in December or January, asking the government to do something about conditional releases. Offenders are being released without trial. All this is worrying.

I've heard that some 80 judicial positions are up for grabs in Canada. When will we have good news? Will that happen soon?

• (1615)

Hon. David Lametti: Thank you for the question.

It's an important question, and I've said as much publicly.

There's good news every week. In Quebec, there are currently three or four vacancies - I promoted someone to the Federal Court of Appeal last week. The Chief Justice of Quebec would like to see more positions at the Quebec Superior Court. I'm very grateful—

Mr. Rhéal Éloi Fortin: I apologize for interrupting, Mr. Minister.

How many judges have you named since last December?

Hon. David Lametti: In Quebec?

Mr. Rhéal Éloi Fortin: Yes, to the Quebec Superior Court.

Hon. David Lametti: I've made five or six appointments.

Mr. Rhéal Éloi Fortin: You've made five or six appointments, but there are 12 vacancies. So you need to fill more than just three or four positions.

Hon. David Lametti: Based on our numbers, there were nine.

Mr. Rhéal Éloi Fortin: The Chief Justice—

Hon. David Lametti: I know, but we believe she was mistaken. There are—

Mr. Rhéal Éloi Fortin: All you need to do is appeal.

Hon. David Lametti: The statistics lie with the federal government.

True, she would like there to be more positions, but we are waiting for a request with numbers. We are staying in touch, to frame and receive the request. Once we have received it, we will assess it, along with the requests from the other provinces, as we do every year.

Mr. Rhéal Éloi Fortin: Mr. Minister, I'll repeat the number you gave. You said there remain three or four vacancies. Is that correct?

Hon. David Lametti: There are three. As I said—

Mr. Rhéal Éloi Fortin: Let's say there are three.

Hon. David Lametti: — I named someone this week. Let's say there are three or four left.

Mr. Rhéal Éloi Fortin: For argument's sake, let's say there are three vacancies.

How is it that, since December, they have not been filled?

As you know, there's been a lot of talk of the infamous Liberalist from which judicial appointments are made. Mr. Trudeau and you have admitted, in the House, that you have used it for different purposes. The fact remains that you recently stated you do not use it anymore. I imagine that has nothing to do with the three remaining vacancies.

What are the real reasons which explain why those three positions have not been filled since December, in the last six months?

Hon. David Lametti: First, I've already said that I never used Liberalist. I was clear on that.

Mr. Rhéal Éloi Fortin: We won't go over that again, Mr. Minister. The issue has been debated at length during question period in the House. All you need to do is reread the House of Commons Debates.

Hon. David Lametti: You are the one who brought up Liberalist; I never used it and do not intend to do so.

Mr. Rhéal Éloi Fortin: You said that it was used for follow-up purposes.

Hon. David Lametti: As I said, I've appointed judges everywhere in Canada at a pace never before seen in the history of Canada.

Mr. Rhéal Éloi Fortin: So why are there still three vacancies?

Hon. David Lametti: We are assessing the— It takes time because—

Mr. Rhéal Éloi Fortin: It doesn't take six months, Mr. Minister.

Hon. David Lametti: I name judges across the country, Mr. Fortin. You need to take the time to do things right.

Mr. Rhéal Éloi Fortin: Mr. Minister, you can't take too much time to appoint a judge because, in the meantime, offenders are released.

Hon. David Lametti: Mr. Fortin—

Mr. Rhéal Éloi Fortin: Mr. Minister, it's been six months and there are still three vacancies.

Hon. David Lametti: Mr. Fortin, we need to appoint high-calibre judges and that's what we are doing.

Mr. Rhéal Éloi Fortin: Is there no high-calibre candidate on your current lists worthy of filling those three positions in Quebec?

Hon. David Lametti: As I said, I've added over 115 positions since I became minister or since our government was elected. We need to name more judges. I'll add that many judges would like to become supernumerary judges. In the case of Quebec, it's not—

• (1620)

Mr. Rhéal Éloi Fortin: Fine, but there are officials who look after all of that.

You are the one who is responsible for the administration of the system and you are telling me there are three vacancies.

Hon. David Lametti: Let me finish. A supernumerary judge does not completely leave his position. That is reflected on the list of positions—

Mr. Rhéal Éloi Fortin: Mr. Minister, my time is running out.

You know it, I know it, everyone knows it. There are three vacancies.

Hon. David Lametti: They still sit 50% of the time, and there are several of them in Quebec.

Mr. Rhéal Éloi Fortin: Why have the three vacancies, as you claim, not been filled?

Hon. David Lametti: We are in the process of assessing appointments across Canada.

Mr. Rhéal Éloi Fortin: Since December, what action you taken to fill those three positions?

Hon. David Lametti: We need to hold consultations.

Mr. Rhéal Éloi Fortin: What have you done since December, Mr. Minister?

Hon. David Lametti: I named six judges in Quebec since December.

Mr. Rhéal Éloi Fortin: What have you done since December to fill those three vacancies?

Hon. David Lametti: We are holding ongoing consultations on the candidates.

Mr. Rhéal Éloi Fortin: You've been doing that for six months.

Hon. David Lametti: Yes.

[*English*]

The Chair: Thank you, Monsieur Fortin.

As you noticed, the bells are ringing. They are 30-minute bells. Can I get unanimous consent to go until about 10 minutes before, if that's okay?

We have unanimous consent to go until 4:35 p.m. I think that's about right. As soon as I see the clock at 10 minutes, we'll suspend. That should get us through this next round as well.

Mr. Garrison, it's over to you for six minutes.

Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP): I was put in the awkward position of voting over asking questions, so thank you, Mr. Chair.

I want to come back to the question of judges and legal aid in a minute, but I want to start, given that we're at the beginning of Pride season in Canada, by asking about the rising crimes of hate

and violence directed against the 2SLGBTQI+ community in this country.

We know that there are data faults in correcting data, particularly in data revolving around hate crimes directed against transgender and non-binary Canadians, who are being lumped in together with other categories.

What initiatives is your government taking, either in your department or others, to oppose this rising tide of hate and violence?

Hon. David Lametti: Thank you for the question.

I share those concerns and I, too, note the uptick. You know what our government has done thus far. The ministry just made an announcement this morning, again, in support of 2SLGBTQI+.

You know it is in Minister Rodriguez's mandate letter, with my support, to table hate crime and online hate legislation. Minister Rodriguez has said publicly that he hopes to table that in the fall. I can tell you that we have been working very hard on that, and I certainly hope it sees the light of day very soon.

You previously saw old Bill C-36, which reinforced the Criminal Code provisions on hate crimes. We will continue to work in that regard, working with the community.

I have recently met with leadership of the community on the blood question, and we've received our report. We're moving from that and, hopefully, we'll have something there very soon as well.

Mr. Randall Garrison: Thank you. I will say that the announcement today of additional support for security at Pride functions is very welcome, but it's very sad that it's necessary in this country.

Hon. David Lametti: I agree.

Mr. Randall Garrison: I want to talk about access to justice in terms of legal aid. First, let me say thank you to the government for providing an allocation for immigrant and refugee legal aid. I think that's very important, because lots of provinces weren't providing that support.

I see two problems happening. One is that there are great disparities between different provinces in getting legal aid. We often find that some charges can get legal aid in one province but not in another.

The second thing that's happening seems more general. That is because of the constraints of legal aid funding and what I would call the "working poor". Those who have full-time jobs but don't make a lot of money are, increasingly, finding themselves excluded from legal aid because of the crisis in funding for those who are less fortunate. We find, as I said, a lot of ordinary working folks who aren't able to access legal aid because of that lack of funding.

Those are the two things: the discrepancies between provinces and then this growing problem of those who aren't really wealthy, by any standard, not being able to access legal aid.

• (1625)

Hon. David Lametti: I share those concerns, in addition to getting additional funding for both criminal legal aid and refugee legal aid.

We do raise the discussion at federal-provincial-territorial meetings. It is provincial jurisdiction, the administration of justice in any particular province. We are encouraging better sharing of data, information and best practices across provinces. We have been actively engaged in redoing the criminal law funding formula, and the impact of that decision is coming into force as we speak. It is something we need to do in terms of filling those gaps and making sure that we can move forward. I do my best to encourage those best practices and to facilitate co-operation with respect to making those available across Canada.

I, too, have noted that, just above the threshold, there's a real problem, because there is a group of people who don't qualify for legal aid but who have a difficult time getting legal advice because it's costly.

We need to look at other solutions. There have been some things that have been suggested to me by the people I have met across Canada, with respect to tax incentives and that sort of thing, that allow lawyers to give services. I've seen some creative solutions in parts of Canada working very much at a local level. Again, this is something that we would have to work closely on with the provinces in order to achieve, because it is something in their areas of jurisdiction.

Mr. Randall Garrison: I recognize that it's in their jurisdiction. Of course, the federal spending power is often an ability to provide some powerful incentives to solve these problems, so I look forward to seeing what's coming forward.

I want to go back to the question of judges, which has been canvassed quite a bit. I want to start by saying something positive again. I have seen progress on diversity while you've been the Minister of Justice in terms of gender, in terms of my own community and in terms of racialized communities and indigenous people being appointed.

However, earlier this year, six of the 17 committees that provide short lists to you for appointments weren't functioning. Can you give us an update on what's happening with that? That included the entire province of British Columbia.

Hon. David Lametti: Let me just add some context to that number of six. Two of those committees were for provinces and territories that didn't have any vacancies. Another one was for the tax court, which had, I think, one vacancy, so think three.

Mr. Randall Garrison: But it included B.C. and the GTA.

Hon. David Lametti: Two of them were coming on board.

We have worked to recompose those judicial appointment committees. We also have diversity on those committees. There are different people who have input into who gets on those committees at a provincial level, as well as bar associations, etc. We get those up

and running, and we're proposing that we make those terms three years so that they can work for longer periods of time, which increases the stability in the system.

Mr. Randall Garrison: Thank you.

The Chair: Thank you, Mr. Garrison.

I'll commit to about four minutes each, if that's okay.

We'll go now to Mr. Van Popta for four minutes.

Mr. Tako Van Popta (Langley—Aldergrove, CPC): Thank you, Mr. Lametti, for being here with us today.

I'm going to continue with the questioning about access to justice. This committee is undergoing a study right now on bail reform, as you are very aware. We heard what I thought was surprising evidence from some witnesses. One witness told us that up to 70.5% of people who are incarcerated in provincial jails are in pre-trial remand.

Hon. David Lametti: That's right.

Mr. Tako Van Popta: I find that very shocking. We've heard, from other witnesses, about a culture of delay. We've heard from other witnesses that this is due, in large part, to a shortage of adequate court time, human resources and financial resources.

My question is really about that. In my opinion, we're not going to solve any problems with bail unless we fully fund our court systems to make sure that there are adequate resources to speed up trials and bail hearings.

Hon. David Lametti: That's a fair point.

I have two things immediately in response.

The administration of justice is provincial, so much of the work that I have done with my counterparts with respect to Bill C-48 also included commitments on their part to reinforce the bail system. You're seeing in Ontario, British Columbia and Manitoba specific kinds of measures with respect to the administration of bail, which hopefully will help the system, and different kinds of policing efforts. All of that is part of the mix.

The second point I would raise is that 95% of criminal law cases in Canada are heard by provincially appointed courts. There is a crying resource problem there as well at the provincial level, which arguably has a greater impact on the Jordan ruling, as well as bail questions.

Again, I have committed to working with provinces to try to find solutions to that particular challenge as well.

• (1630)

Mr. Tako Van Popta: Thank you for that.

I do recognize the provincial-federal split of responsibilities.

Bill C-75, as we've heard from witnesses, has not helped our overincarceration of indigenous people. I'm wondering what you think about that.

There was some talk about advancing the priorities of indigenous communities to reclaim jurisdiction over the administration of justice. At the public safety committee last year, we heard from a lot of witnesses about the benefits and the challenges of indigenous policing.

I wonder what your comments might be about indigenous courts, for example, at least to deal with some of the clogging in our bail system.

Hon. David Lametti: That's a fantastic question.

We are working with indigenous leadership across Canada to explore those possibilities. It is in my mandate letter. It's also very consistent with what we're doing with UNDRIP. I'm working with indigenous leadership to develop an indigenous justice strategy.

There are a number of examples of those kinds of projects that have the potential to work very well. The new courthouse in Ontario has sentencing circle rooms and restorative justice rooms that were specifically designed in collaboration with indigenous leadership in Ontario. Anything we can do, particularly on offences that don't involve the more serious crimes on the spectrum of the Criminal Code, helps us get to better results for both the victims and the accused, and takes some of the pressure off the criminal justice system. All of that is very good.

Bill C-75 is meant to help that, too. Bill C-75 didn't make it easier to get bail for serious crimes. In fact, it made it harder for crimes of intimate partner violence. It meant to take administration of justice offences out—minor violations of bail, like missing a bail hearing and that sort of thing—so that a person wasn't incarcerated for those sorts of things.

However, as you mentioned, it's hard to get bail in Canada; 70% of people in federal institutions are there on remand because they didn't get bail.

Mr. Tako Van Popta: It's hard to get bail because the court systems are so clogged up.

Hon. David Lametti: We're working on that, and so are my provincial counterparts.

The Chair: We'll have one more round of questions.

Ms. Dhillon, you have four minutes, please.

[*Translation*]

Ms. Anju Dhillon (Dorval—Lachine—LaSalle, Lib.): Thank you, Mr. Chair.

Mr. Minister, thank you for being here today.

I would like to talk about the various initiatives our government and Justice Canada have undertaken to follow up on the National Inquiry on Murdered and Missing Indigenous Women and Girls.

Can you tell us a bit about these initiatives?

Hon. David Lametti: Thank you for the question.

It's four years today since we received the report, and we have to admit that we haven't done enough so far. We're trying to do more, but in some areas, the problems are long-standing. We need to work with Indigenous leadership and different levels of government to improve the situation.

We are in the process of implementing the Federal Pathway to Address Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ People. I know my colleagues Mr. Miller and Ms. Hajdu feel strongly about this.

The Department of Justice has just announced the establishment of Family Information Liaison Units. These units were created during the work of the Truth and Reconciliation Commission and are a means of supporting affected families, who have very much welcomed the units.

We gave funding, but it was annual funding. I've just announced permanent funding. This decision has been very well received by families and by Indigenous women's leadership. It will open doors, support victims and answer questions where there is a lack of information.

We know we need to do more, but in the meantime, we will support families and communities through the family units.

• (1635)

Ms. Anju Dhillon: Thank you, Mr. Minister.

[*English*]

The Chair: Thank you, Ms. Dhillon.

I want to thank the minister for attending, along with his officials. We're always appreciative to have you here.

Now, in light of votes, we're going to suspend until 10 minutes after the votes.

Thank you.

• (1635)

(Pause)

• (1645)

The Chair: We are resuming the meeting and adjourning the meeting.

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

The proceedings of the House of Commons and its committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the Copyright Act. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the Copyright Act.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the House of Commons website at the following address: <https://www.ourcommons.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la Loi sur le droit d'auteur. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre des communes.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la Loi sur le droit d'auteur.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante :
<https://www.noscommunes.ca>