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Chair: Ms. Lena Metlege Diab





# Standing Committee on Justice and Human Rights

Thursday, February 8, 2024

• (0935)

[English]

**The Chair (Ms. Lena Metlege Diab (Halifax West, Lib.)):** Welcome back in public. Thank you very much. The sound tests have been done.

Mr. Garrison, I see your hand up.

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

At this point, I'd like to move the motion that I gave notice of on June 21, 2023. That motion states:

That, given the rising tide of hate and violence directed toward the 2SLGBTQI+ community at home and around the world, the House call on leaders at all levels of government in Canada to:

- speak out strongly in favour of Canadian values of equality and inclusion for the 2SLGBTQI+ community;
- deplore all disruptions of lawful public activities including Pride events and all children's sport and educational activities; and
- condemn all attempts to disrupt democratic institutions including school boards when dealing with policies concerning equality and inclusion.

I'd like to move the motion and ask that the motion be adopted by this committee and reported back to the House at the earliest possible moment.

With your permission, I'll say a few words about the motion.

**The Chair:** Thank you. The motion is so moved.

Go ahead. Please speak to it.

**Mr. Randall Garrison:** What we've seen is a growing tide of hate and violence. A lot of it is motivated initially online, but it spills over into the real world and has real impacts on people's lives and their ability to both feel safe and participate fully in Canadian society.

This motion does not call for specific actions by Parliament. Rather, it's a motion to urge all of us to speak in favour of equality and inclusion when it comes to my community.

We've seen events ranging from the disruption of school board meetings to the disruption of children's sporting days by those who have some preconceived idea of what children of a certain gender should look like to actual hate attacks in my own community, where pride flags were torn down from a house, thrown up against the house and set on fire. We're seeing an explosion of these kinds of things. Again, I think much of it starts online, but it has real impacts in our communities and on feelings of safety, which my com-

munity doesn't share with everybody else. They're not feeling able to participate in the community at the same level as other people.

I could spend a lot of time talking about it. I don't think the actions I'm asking for are particularly controversial. Given the actions of some of the provinces, including Saskatchewan, New Brunswick and Alberta, I think it's time for all of us to say that public policy should be based on science and reality and not be based on misinformation and hatred. Just this week, we saw examples of the Premier of Alberta basing a policy about kids who need access to gender-affirming health care on myth and legend, I would say, rather than on reality and on the advice of medical professionals.

This is an attempt to have all of us speak for calm when it comes to these issues and for basing our decisions on science and good public policy, reassuring everyone in Canada that we are a diverse and inclusive society where everyone can participate equally.

Thank you.

• (0940)

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

**Mr. James Maloney (Etobicoke—Lakeshore, Lib.):** Thank you, Madam Chair.

I just want to say thank you to Mr. Garrison for first tabling the motion and now moving it.

It's an important and necessary discussion to have, especially in light of some events that are going on around the country. It's important that all politicians—I was going to say “the government”—stand up, frankly, and very loudly vocalize their support for what you're saying today. I just want to say that I fully support it. I appreciate it.

I look back on some of the things the government has done over the last number of years—including Parliament. We had unanimity for the ban on conversion therapy, and that's something we should all stand proud of and celebrate.

I will be supporting your motion. I'm very grateful that you tabled it today.

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

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

When I saw that Mr. Garrison had tabled this motion, I looked at it and considered it, but I'm unable to support the motion as it's currently worded.

Some time ago, I looked at how it could be amended so that I would be able to support it. Certainly, I condemn all acts of hate, violence and hate speech, and I understand what Mr. Garrison is getting at. I also know that some of the wording here could unfairly target parents, for example, who simply want to speak up, as it mentions here, at school boards. One person's attempt to disrupt is another person's attempt to participate, and I cannot support that.

I can read in what I would amend:

- a. Speak out strongly in favour of Canadian values of equality and inclusion of all Canadians;
- b. Reiterate the right of all Canadians to assemble peacefully—including for Pride events, sports events, educational activities, religious activities in places of worship, etc.; and
- c. Reaffirm that democratic institutions including school boards are free to debate matters openly and freely, including matters of equality and inclusion.

This amendment gets to what we're trying to say with Mr. Garrison's motion without limiting the ability of Canadians to participate fully in discussions on these important matters.

Thank you, Madam Chair.

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

**Mr. Anthony Housefather (Mount Royal, Lib.):** To be clear, is this on Mr. Moore's amendment? Did he propose an amendment?

**The Chair:** I think they're circulating his amendment.

• (0945)

**Ms. Marilyn Gladu (Sarnia—Lambton, CPC):** Is it in both of official languages?

**The Chair:** It seems to be in two languages, yes.

The clerk and the Table are checking first to ensure the amendment is in order before we can talk about it.

We can proceed now. Do I have a list of speakers?

I have Mr. Garrison on a point of order.

**Mr. Randall Garrison:** Madam Chair, I would ask you to rule that this is not an amendment. This is a substitute motion or a different motion. It makes no reference to the 2SLGBTQI+ community, which is the topic of my motion. This is a different motion.

I might in fact be able to support such a motion, but it does not deal with the topic of my motion. I don't understand how the amendment could be considered in order since it makes no reference to the main subject of my motion.

• (0950)

**The Chair:** Can I hear members on that first, please?

**Hon. Rob Moore:** Madam Chair, I understood Mr. Garrison was looking for a ruling. Do you want us to give input into your ruling?

**The Chair:** I want a bit of an explanation from Mr. Garrison and then from you on what you brought over before I make my ruling.

**Hon. Rob Moore:** I understand what Mr. Garrison is saying. Perhaps the wording could be tweaked a bit.

This says, "That, given the rising tide of hate and violence directed toward" minority communities. If it makes Mr. Garrison happy, we could say, "That, given the rising tide of hate and violence directed towards minority communities, including the 2SLGBTQI+

community at home and around the world, the House call on leaders at all levels of the government in Canada to".

Where we disagree.... Hopefully the wording that I have included is inclusive enough, but I would not want anything coming from this committee that would suggest.... For example, Mr. Garrison's motion says, "condemn all attempts to disrupt democratic institutions including school boards". I've seen situations where parents wished to participate in school board meetings and the very action of showing up is seen as disruptive. It's like, how dare you come and speak out about something that impacts the school your children attend.

I cannot accept Mr. Garrison's motion as worded, which is why I put forward what I consider to be a friendly amendment. I see where he's coming from on it, so perhaps a friendly subamendment to tweak the intro, as I mentioned, would be acceptable.

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

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

I'm going to restate my position. This is a motion about the rising tide of hatred towards a particular community, not towards all minority communities, because I don't think there is a rising tide of hatred towards all minority communities in Canada. In essence, it is a different motion.

To Mr. Moore's comments about school boards, I am not talking about someone showing up at school board proceedings. I don't think he can provide any examples where people, simply by showing up, were excluded.

What happened was school board proceedings were disrupted and shouted down by people who did not agree with decisions or debates that the school boards were having. We have several instances and I can cite them.

I think this is quite a different motion. I would ask the chair to rule it out of order. If Mr. Moore would like to move this motion after we've dealt with my motion, I might consider supporting it, but it's a different motion.

**The Chair:** Before we do, we'll go to Mr. Housefather.

**Mr. Anthony Housefather:** Thank you, Madam Chair.

I just wanted to weigh in, in support of what Mr. Garrison said.

Look, this is as if I put forward a motion on anti-Semitism and I referred to Jews, then somebody pulled the word "Jews" out of the motion so that it was no longer about Jews and the flagrant anti-Semitism we're now facing, but a general portrayal of everything. I do agree that the motion by itself may be perfectly fine, but it's not the motion Mr. Garrison intended. It's a wholesale amendment to the core subject of the motion.

I think it is unreceivable, Madam Chair. First of all, in order for it to be receivable, there would have to be an actual amendment here. This isn't an actual amendment. It's an entirely new motion. You would have to say, "We propose to strike all the words after the word 'to' and substitute a, b and c by the following". That would be the way an amendment is drafted.

This isn't even drafted as an amendment. It's just drafted as a new motion.

**The Chair:** Okay, I'm going to suspend for a minute or two.

I'm going to ask you to speak to each other and come back to the table. If need be, I'm going to ask for a vote.

• (0950)

(Pause)

• (0955)

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

I see that all members are ready to proceed. Members have asked for a decision. Having looked at the new motion presented, I'm going to rule it out of order because it's an entirely new motion. We have two motions in front of us. We can deal with the second one at a later time. I don't have an issue with that, but right now we need to go back to the main motion.

• (1000)

**Hon. Rob Moore:** Madam Chair, I'm sorry, but I'd like to understand why you would suggest that. This is something we do every day at this committee. Wording is presented to us in motions, in legislation and in reports, and we look at it, consider it and look at how we can improve upon it and whether there are concerns with it.

I specifically raised that we need to, as a committee, reaffirm that democratic institutions, including school boards, are free to debate—

**Mr. James Maloney:** I have a point of order, Madam Chair.

You've ruled on the request by Mr. Garrison. Mr. Moore is now questioning that ruling. There is a procedure in place if he wants to do so. Part of that procedure doesn't include going through what you may have thought about in reaching that conclusion.

**The Chair:** Thank you for that, Mr. Maloney.

**Hon. Rob Moore:** I challenge the chair's ruling about changing the language in some of these provisions. We are unable to amend motions. That is essentially your ruling, and I profoundly disagree with that.

**The Chair:** Thank you, Mr. Moore. I appreciate that.

I'm going to ask the clerk to take a vote on that.

(Ruling of the chair sustained: yeas 6; nays 4)

**The Chair:** The decision is sustained. We'll now go back to the original motion, if there's anything that anyone else wishes to say.

Go ahead, Ms. Gladu.

**Ms. Marilyn Gladu:** I absolutely agree that there's been an increase in hate and violence towards the 2SLGBTQ community, but I'm disappointed that we couldn't broaden this out, because as Mr. Housefather has already pointed out, there's a huge rise in hatred

towards Jews. People are calling "death to Jews" across the country. It's totally unacceptable.

At the same time, many communities have a rise in Islamophobia. We've had 80 Christian churches torched in this country. A Hindu community in my riding is really terrified. They're being threatened, and they're receiving hate as well.

I'm disappointed that we wouldn't broaden the scope. I think it's an opportunity to not just elevate one community over another, but figure out how we're going to get to the root of preventing this kind of hate and violence rising against many communities.

**The Chair:** Mr. Caputo, you have the floor.

**Mr. Frank Caputo (Kamloops—Thompson—Cariboo, CPC):** Thank you, Chair.

I just spoke with Mr. Garrison and we were sharing some personal things that I found very striking.

In speaking about what Mr. Moore is saying and about the motion in general, I would say—and I think everybody here would say—that every person in the 2SLGBTQ community has the right to live without fear and has the right to not be worried, whether they are child or adult, about violence.

I don't think anybody here wouldn't unequivocally denounce any sort of violence to anybody in that community, period, full stop. Mr. Garrison told me a story from his riding about somebody whose flag was burned. A flag is emblematic of so many things when I was thinking about it, including our nation's flag.

It's fairly important that no matter what the discussion is, we all acknowledge—and I think all of us around this table do acknowledge—that this behaviour has no place in Canada, period, full stop. It has no place regardless of the community, and I think that's probably where Mr. Moore—I don't want to speak for anybody else—was going with his amendment.

Sometimes I look around and I think about what we've seen in the last six months and it very much worries me. I want to put my thoughts on the record and do that with as much clarity as I can. This is a bit off the cuff, but I want to be very clear that nobody wants to see violence towards the 2SLGBTQ community, adult or child. We all have a right to live in safety.

• (1005)

**The Chair:** Thank you for that.

We'll vote on the motion now.

(Motion agreed to: yeas 6; nays 4)

**The Chair:** I'm now going to suggest that we deal with the bill before us.

Thank you very much to the witnesses who have appeared. As you can see, we have witnesses here with us to help us go through the different clauses in the bill.

We have Monsieur Philippe Denault, Madame Riri Shen and Madame Victoria Netten. There's also a lot of staff with a lot of technical advice and expertise sitting in the back as well, should any question arise that someone else needs to come up front to answer.

I am told that the last time our committee did this study was back in May 2017. The document provided by the department presents proposals to correct certain anomalies, inconsistencies and errors and to deal with other matters of a non-controversial nature in the statutes and regulations of Canada.

Those have to be adopted unanimously by committee members to be carried in the bill, which will later be introduced in the House. Changes that are not unanimous will be reported to the House and will not be in the bill to follow.

Last time we started by clause 1 and did them one by one, so the question for you is whether you want to proceed that way. If so, we can have officials make opening remarks, if they have any, and maybe add further explanations, whether it's on each one separately or on them all together.

Would you like to hear from the expert advice at the table first? I see lots of nodding.

I'm going to turn it over to you, Ms. Shen, to let all members of Parliament in the room know what this is about and what it encompasses.

**Ms. Riri Shen (Deputy Assistant Deputy Minister and Chief Legislative Counsel of Canada, Public Law and Legislative Services Sector, Department of Justice):** Thank you very much.

Good morning, everyone. My name is Riri Shen. I'm the deputy assistant deputy minister and chief legislative counsel of the public law and legislative services sector at the Department of Justice.

I'd like to take a moment to acknowledge that we're on the unceded traditional territory of the Anishinabe Algonquin nation.

I'm pleased to participate in your study of the document entitled "Proposals for a Miscellaneous Statute Law Amendment Act, 2023". The proposals document was developed as part of the miscellaneous statute law amendment program, and it is the result of significant collaboration between the Department of Justice and members of Parliament.

To put the miscellaneous statute law amendment program into context, I'll begin with a few comments about the history of the program, the criteria used within the program to determine whether a legislative proposal should be retained and the applicable legislative process. I will then provide a general overview of the proposals document's structure and content.

The miscellaneous statute law amendment program was established in 1975 and is designed to accelerate the adoption of minor amendments of a non-controversial nature to be made to Canadian laws. Former minister of justice and attorney general of Canada, the Honourable Otto Lang, created this process of making minor

amendments to federal legislation via one omnibus bill. Just as it is now, the legislative agenda was very busy back then, making it difficult to make minor changes to or correct the occasional errors in the federal corpus. Consequently, this program was created to make those changes without taking up too much time in either of the two Houses. Since the program was established, 12 bills of this kind have been passed and we are working on the 13th.

The specialized legislative services section of the Department of Justice, which is under my mandate, is responsible for this program. This program is a means of correcting anomalies, inconsistencies, archaisms and errors that can sometimes find their way into federal statutes. More specifically, the program uses a bill to allow minor amendments of a non-controversial nature to be made to a number of federal statutes instead of having a specific bill for each amendment. In certain cases, if the amendments are not made through the program, they may never be made because they are not significant enough to justify the use of resources needed to draft and introduce in Parliament a bill for that sole purpose.

• (1010)

[*Translation*]

The criteria to be met in order for a proposed amendment under the miscellaneous statute law amendment program to be included appear on the back of the proposals document submitted for the Miscellaneous Statute Law Amendment Act, 2023. Specifically, the proposed amendments must not be controversial, must not involve the spending of public funds, must not prejudicially affect the rights of persons and must not create a new offence or subject a new class of persons to an existing offence. The non-controversial aspect of the amendment is the main criterion to be met under the program.

According to former minister Otto Lang, meeting this criterion would not be difficult to establish, and a proposed amendment would be controversial as soon as a member of the Standing Senate Committee on Legal and Constitutional Affairs or the House of Commons Standing Committee on Justice and Human Rights objected to it.

The legislative process under the miscellaneous statute law amendment program is different from the normal legislative process. Essentially, the two houses of Parliament consider the proposals separately in committee in order to draft and introduce a bill.

Honourable members of the committee, we can assure you that if a member of this committee or of the Senate committee studying the document objects to a proposed legislative amendment, that amendment will be withdrawn and will not be included in the bill that will then be drafted.

The Standing Senate Committee on Legal and Constitutional Affairs has already reviewed the proposal document and reported back with some comments on December 12, 2023. Once this committee has completed its review and reported to the House of Commons, a bill will be drafted by the Department of Justice based on both reports, including amendments unanimously adopted by the committees, as well as any coordinating amendments required to ensure consistency between this bill and other existing legislation. The bill will then be presented to Parliament.

I will now take a few minutes to explain how the proposal document is organized, and summarize its contents. On the back of the document cover page is a brief explanation of the history of the criteria and legislative process associated with the miscellaneous statute law amendment program. This is followed by the analytical table and the proposed amendments. The document contains proposals for 62 acts. The first 53 clauses contain proposed amendments to 26 acts in alphabetical order, because these acts are part of the Revised Statutes of Canada, 1985, following normal drafting practice.

Starting with clause 54, acts are arranged chronologically. Clauses 131, 132 and 166 include amendments to regulations to ensure consistency between the act and related regulations regarding the name change of the Canadian Agricultural Review Tribunal. Following the proposed amendments is a section entitled “Explanatory Notes”. These notes provide brief explanations of the reasons for the proposed amendment, as well as the current version of the provision in question.

• (1015)

[*English*]

The proposed amendments in the proposals document correct errors in grammar and terminology and update the names of certain organizations. They also correct typographical errors, errors in references, the use of outdated terms and discrepancies between the French and English versions.

The document also contains proposals repealing certain legislative provisions that are no longer needed. One example is section 12 of the Department of Transport Act, which predates and duplicates section 24 of the Interpretation Act. Also, paragraph (e) under the definition of “provincial company” in the Insurance Companies Act is no longer required, as that company has been amalgamated with another company, as defined in the act.

Finally, some of the proposed amendments were also the subject of comments from the Standing Joint Committee for the Scrutiny of Regulations. These amendments will resolve issues raised by that committee, such as aligning the wording between the Prevention of Terrorist Travel Act and the Canadian passport order.

[*Translation*]

In closing, I would like to note that the Senate committee that reviewed the proposal document recommended in its report that four

proposals be withdrawn. Three are intended to avoid redundancy with other amendments already made or in the process of being made by Parliament, while another was considered to be beyond the scope of the miscellaneous statute law amendment program. In addition, the recommendations seek to correct a repetition of words in the French version of the proposed text.

[*English*]

It has also recently been brought to our attention that with proposal 160, amendments to the Motor Vehicle Safety Act have come into force, so the proposal in the proposals document is spent.

[*Translation*]

Those are my opening comments. Victoria Netten and Philippe Denault, counsel from the Department of Justice, and I are here to answer questions.

[*English*]

As noted, we also have officials from the responsible departments. I'd like to mention the names of two who were added this morning and who may not be on the list. They are David MacIntyre and Justin Chan from Public Safety.

Thank you.

• (1020)

**The Chair:** Thank you very much for that wonderful introduction and summary.

It's 10:20. Given the time, unless no member of this committee has any questions at all, then I suggest we adjourn and return on Monday.

**Ms. Marilyn Gladu:** I think that's a great idea.

**The Chair:** Okay.

Thank you for coming. We really appreciate you all being here. I see there are about a dozen or so of you here, probably more. We'll see you Monday morning. We hope to conclude this on Monday.

Thank you, everyone.







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