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# Standing Committee on Justice and Human Rights

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Chair: Ms. Iqra Khalid





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• (1100)

[*English*]

**The Chair (Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.)):** I call this meeting to order.

Welcome to meeting number 24 of the House of Commons Standing Committee on Justice and Human Rights.

Today's meeting is taking place in a hybrid format. There are no members in the room, but for members' sake, the proceedings happening today will be made available via the House of Commons website. Just so all members and witnesses are aware, the webcast will always show the person who is speaking rather than the entirety of the committee.

To ensure an orderly meeting, I'll outline a few rules.

As all of you would know already, interpretation services are available. You know at the bottom of the toolbar where to find the interpretation services. You can speak in whichever of the official languages you choose; just make sure you select what you would like to listen to.

Before speaking, please wait until I recognize you by name. If you're on the video conference, as all of you are, please click on the microphone icon to unmute yourself. If you're not speaking, please make sure your microphone is on mute. I'll just remind you that all comments by members and witnesses should be addressed through the chair.

With respect to a speaking list, Mr. Clerk and I will do our best to maintain it. If you have any points of order, please raise your hand. At the bottom of the bar, a "raise hand" function allows me to know if you would like to raise any issues.

I'd now like to welcome our witnesses.

Appearing before us today is the Honourable David Lametti, Minister of Justice and Attorney General of Canada.

We also have, from the Department of Justice, Nathalie Drouin, deputy minister of justice and deputy attorney general of Canada; François Daigle, associate deputy minister; Bill Kroll, chief financial officer and assistant deputy minister; and Elizabeth Hendy, director general, programs branch, policy sector.

Welcome to all the guests.

We will now start with opening remarks from Minister Lametti for five minutes.

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

Good morning, colleagues, and thank you to all the members from my departmental team who are here with me today.

I am pleased to help the committee as it studies the 2020-21 supplementary estimates (C) and the 2021-22 main estimates for the Department of Justice.

I am joining you today from the Department of Justice Canada, which sits on the traditional territory of the Algonquin people.

Despite the challenging times, Justice Canada has accomplished an enormous volume of work to help ensure a fair, transparent and accessible Canadian justice system.

• (1105)

[*Translation*]

We continue on our reconciliation journey with indigenous peoples, including introducing Bill C-15, legislation respecting the implementation of the United Nations Declaration on the Rights of Indigenous Peoples in Canada. This is fundamental to our broader efforts to tackle deep-rooted and systemic discrimination.

An important example of that is Bill C-22, which proposes changes that would reform sentencing practices and focus on diversion programs. It also proposes changes to treat substance use as a health issue, rather than a criminal one.

[*English*]

We also introduced Bill C-23, which provides greater flexibility on how courts hold criminal proceedings and issue orders. We must ensure that both victims and accused receive their fair and timely justice.

Ultimately, our goal is to ensure that our justice system remains fair, effective, accessible and equitable.

These priorities are echoed within the 2020-21 supplementary estimates (C), which include an additional \$78.5 million this fiscal year, bringing the total budgetary authority for 2020-21 to \$863.9 million.

Also, the 2021-22 main estimates include a budgetary authority of \$794.5 million—an increase of \$25.5 million from the previous fiscal year.

I would like to highlight a few key funding areas.

[Translation]

I mentioned Bill C-15 and our commitment to changing the relationship between the crown and indigenous peoples. To this end, the supplementary and main estimates include \$2.6 million from the \$2.8 million in funding announced in the 2020 fall economic statement. Coupled with funding provided to Crown-Indigenous Relations and Northern Affairs Canada to support indigenous partners, this funding will help us continue the engagement process as the legislation moves through Parliament.

The supplementary and main estimates also include an increase of \$7.3 million per year to continue to respond to the National Inquiry into Missing and Murdered Indigenous Women and Girls final report. This will extend family information liaison units and community-based services to provide direct support to families of victims.

[English]

We are also focused on supporting the courts. The supplementary estimates of both the court administration service and the registrar of the Supreme Court of Canada include funding to help courts serve Canadians and adapt to new realities.

The supplementary estimates also include \$20.3 million to address immigration and refugee legal aid pressures, to help provinces maintain service delivery levels and prevent processing delays for asylum seekers.

We are also taking action to better respond to the needs of families, particularly children, during divorce or separation. The supplementary and main estimates include, respectively, \$1 million and \$6.7 million to implement new family support enforcement provisions and to increase access to family justice services in the official language of one's choice.

Budget 2019 announced funding of \$21.6 million over five years, starting in 2020-21, to support these provisions. These funds will help the department transform the Canadian justice system to better serve all Canadians. Our government will continue to push ahead with measures to create a strong, equitable and effective justice system that protects Canadians, their communities and their rights.

Thank you for your time. I'm now happy to take questions.

**The Chair:** Thank you very much, Minister Lametti. You're at exactly five minutes on the dot. We really appreciate that.

We'll go to our first round of questions, at six minutes each.

Mr. Moore, please go ahead, sir.

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

Thank you, Minister, for your appearance today. You've kept this committee busy. You're represented very ably on the committee and your department by Mr. Virani, but it's nice to see you in person as well. We appreciate the opportunity to ask some questions of you.

Minister, on the topic of the day today, you had said previously at the Senate that there was no consensus on proceeding with expanding MAID to those whose sole underlying condition is mental

illness. You've now accepted an amendment that would require additional legislation to stop MAID from being expanded to those with mental illness.

The members of this committee don't always see eye to eye, but everyone works very hard on this committee. We take our responsibilities very seriously. When we studied MAID in Bill C-7, the mental illness component was not a part of it. This is causing grave concerns. I have a letter that was sent to me and signed by many organizations that I know you're familiar with and respect, who have concerns about this.

In light of the vote that's taking place tonight, would you use your influence to at least provide that your Liberal members of Parliament have a free vote on the Conservative amendment to remove the mental illness component in Bill C-7?

• (1110)

**Hon. David Lametti:** Thank you very much, Mr. Moore, for your question. Thank you for all your work on this committee, and thank you for the shout-out to my able parliamentary secretary, Arif Virani. It's a pleasure to be able to work with both of you.

Your question is an important one. My understanding is that our party has instructed all of my colleagues that it is a free vote this evening. My understanding is that it's true for both the amendment and the main motion.

With respect to mental illness, it's a serious question. We know that. It's a difficult question—we know that too—and it touches all of us profoundly. We're increasing our knowledge about mental illness daily. I will repeat what I said before, which is that there isn't a consensus yet on how to move forward.

That being said, it was always going to be the case, given the Supreme Court decision in Carter, that we would have to look at that seriously. It was always going to be the case that we were going to look at it in the next phase of the parliamentary review, and that will still be the case. None of that has changed.

What has changed is that we have moved forward with the joint parliamentary committee of the House and Senate to review the legislation. We have moved forward with the idea, following the Senate amendment proposal, of moving ahead with a committee of experts to study the question in great detail. It's an important and difficult question. I certainly understand that, but we have to move forward with it. We can't simply avoid it. We have to try to find a way forward, given the seriousness of mental illness and given the challenging issues that surround it with respect to MAID.

**Hon. Rob Moore:** Thank you, Minister.

I know we all have a responsibility to move forward together, and I know you and I haven't seen 100% eye to eye on the issue of Bill C-7. The world wouldn't be a very interesting place if we all agreed 100% of the time.

However, on this, I really strongly feel the wishes of this House of Commons and even your testimony.... I respect you and your opinion—the opinion that would have been backed by the charter analysis conducted by the Department of Justice—that, in fact, the bill as presented and as studied in the Senate was, in your opinion, constitutional.

With this amendment to include those.... I know we all share Bell's Let's Talk; we all urge people who are struggling with mental illness to try to get the help they need, to talk to friends and to reach out. I'm looking at a list that was sent to me: the Canadian Hospice Palliative Care Association, the Canadian Institute for Inclusion and Citizenship, Communication Disabilities Access Canada, Inclusion Canada, the British Columbia Aboriginal Network on Disability Society, the Council of Canadians with Disabilities, and the list goes on. There are well over a hundred individual organizations that are asking members of Parliament to please, at this point, not include mental illness. As you said, Minister, we should have started this study a year ago under Bill C-14 on possible expansions to MAID, but this is putting the cart way before the horse.

I appreciate the response you gave—that Liberal members will be given a free vote—and I hope they support Canadians with disabilities on this.

Minister, I have only 30 seconds, so I just have a quick question on consecutive sentences. The Quebec Court of Appeal reduced the sentence of the man who murdered six people in the Quebec City mosque to 25 years without parole rather than 40, after striking down consecutive sentences. Do you intend to defend this law?

Thank you, Minister.

• (1115)

**Hon. David Lametti:** Thank you very much, Mr. Moore, for your question, but thank you also for the tone with which you're asking it because I very much appreciate the open-minded tone on both questions actually, particularly on the sensitivity surrounding MAID and mental illness. I thank you for that.

With respect to consecutive sentences, my counterpart in Quebec, the Attorney General of Quebec, has appealed that decision. We are still studying it, and we are in communication with that office, but there is no decision at the present time.

**The Chair:** Thank you.

That concludes your time, Mr. Moore. I appreciate your questions.

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

**Mrs. Élisabeth Brière (Sherbrooke, Lib.):** Good morning, Minister. Thank you for being with us this morning.

[*Translation*]

I'd like to begin by congratulating you on increasing the access to justice in both official languages support fund from \$9 million to \$12 million in 2021-22. Access to justice in the official language

of choice for a Canadian living in a minority language community remains an important issue. I'm glad you share this concern. Could you explain to us what those additional funds will be used for?

**Hon. David Lametti:** Thank you for your question, Mrs. Brière.

Canadians expect to live in a society where the justice system is fair and impartial and respects victims. With our changes to the Divorce Act, which came into force just over a week ago, we are investing in official languages to protect people's right to be heard in their own language. We have provided funding to help the provinces adapt to the changes and provide services in both official languages in these difficult times.

We've also used the funds to facilitate access to justice in both official languages. The best example I can give you, as a Quebec MP, is the support we've given to Éducaloi in Quebec. This is an organization led by the dynamic Ariane Charbonneau. In concrete terms, these funds are used to inform Quebec society about the legal aspects of situations that may arise on a daily basis. We've done this especially for sexual harassment. Éducaloi, which provides information to all communities in Quebec, whether they are majority or minority official language communities, will develop educational tools. The organization also contributes to the victims assistance fund in order to make victims aware of the services available to them.

So we'll continue to help such organizations on the ground to provide services to Canada's official language minority communities.

• (1120)

**Mrs. Élisabeth Brière:** Thank you.

You mentioned sexual harassment. You announced in early March an investment in Botler AI, which will improve access to justice and combat sexual harassment. This investment is part of a five-year, \$50 million fund announced in 2018 to address this type of harassment in the workplace.

Can you tell us about the status of that fund and the steps that have been taken?

**Hon. David Lametti:** We fund several programs in Canada. Everyone has the right to work in a workplace free from sexual harassment. Unfortunately, we aren't there yet, and we need to continue to work on that.

You mentioned the fantastic project by Botler AI, a Montreal-based company. This project will provide help to victims through a conversational robot, which could interact with them. This is an example of a project made possible by artificial intelligence.

We've also provided funding to the Ending Violence Association of British Columbia, which received \$1.7 million to improve access to justice for victims of sexual harassment in the workplace.

We have funded other programs in Canada to provide information to people who think they have witnessed sexual harassment or who have unfortunately been victims of it. So there's a range of programs available in Canada, and I'm very proud of the ones we've supported so far.

**Mrs. Élisabeth Brière:** Thank you very much.

Last November you held a virtual forum on diversity in the judiciary. It was in response to reforms to the judicial appointment process that went into effect in 2016. Since those reforms, your department has appointed 400 judges, two-thirds of whom are women and many of whom are black, racialized or indigenous.

Can you tell us about the efforts you've made and those you intend to make to further this process?

**Hon. David Lametti:** Thank you for your question.

I've held forums in French and English, both with newly appointed judges and with members of judicial advisory committees and others in the community, to build trust in the system.

In order to put their names forward, racialized people need to be comfortable and confident in the system. Often, that isn't the case, and therefore they don't want to apply. I'm building a positive relationship with communities across Canada.

**Mrs. Élisabeth Brière:** Thank you very much.

**The Chair:** Thank you, Mrs. Brière.

Mr. Fortin, you have six minutes.

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

Good morning, Mr. Minister. I'm glad to see you here this morning.

You talked to us about appointments and trust in the system, but I imagine you meant confidence, in this case confidence in the appointment system.

Do I have that right?

**Hon. David Lametti:** Yes, basically.

**Mr. Rhéal Fortin:** Have you received complaints from people who don't trust the appointment system?

**Hon. David Lametti:** Thank you for your question.

**Mr. Rhéal Fortin:** Aside from my own, of course.

**Hon. David Lametti:** Yes, exactly.

The current system was implemented in 2016. It took a lot of work to get the advisory committees, which provide advice, up and running. They are doing their job in a non-partisan way. Across the country, chief justices, other system administrators and members of the bar are unanimous—

• (1125)

**Mr. Rhéal Fortin:** I have no doubt about it, Mr. Minister. Pardon me for interrupting you. That wasn't my intention, but you know

how it works. We have very little time. My question was simply whether you'd received any complaints about the selection committee.

I understand that the answer is no. You've never received a complaint about the appointment system.

**Hon. David Lametti:** There haven't been any as far as I know. Things are going very well.

**Mr. Rhéal Fortin:** Thank you, Mr. Minister.

I'm going to change the subject and talk about legal aid programs.

In 2019-20, you provided an additional \$11 million to the legal aid program. I'm talking about transfers to the provinces for the delivery of criminal services. However, the 2021-22 budget indicates a \$2 million reduction to this program.

Can you explain the reasons for this reduction?

**Hon. David Lametti:** I'm going to give you a general answer and then turn things over to the deputy minister.

We are working hand in hand with the provinces, including on criminal law. We are working to clarify the numbers, but also the needs of the provinces. Depending on the formulas and the systems, in each province, we determine the needs of the provinces and the figures for our budget.

**Mr. Rhéal Fortin:** How do you explain that there is a \$2 million reduction this year, when last year it was an \$11 million increase?

Are you aware of this?

**Hon. David Lametti:** Yes, I am aware of the trend. I'll give you the example of the money set aside for immigration. In the end, \$20 million of the \$26 million was spent. That's because the provinces didn't need it. There was a slowdown in some services during the pandemic. There are also very specific reasons, specific to each province, for this.

**Mr. Rhéal Fortin:** What was the situation in Quebec?

**Hon. David Lametti:** I'll turn it over to one of the deputy ministers. If you want more information, we'll get you the specific answers.

**Mr. Rhéal Fortin:** Thank you, Mr. Minister, but if I may, I'll reserve my questions for the deputy ministers for the other part of the meeting, because you're only here for the first hour. I'll continue with them in the second hour.

Thank you for the clarification.

**Hon. David Lametti:** Okay.

**Mr. Rhéal Fortin:** My other question pertains to the victims fund, which also received less funding.

In 2019-20, the fund had \$26.3 million, but only \$14.8 million in 2021. In 2021-22, the fund is supposed to receive \$22 million. Can you explain the variations?

I think the victims fund is important. More and more stories are emerging about victims of crime who file complaints but do not feel supported by the justice system. Clearly, it is a major problem in our society, and I'm sure you are just as concerned about it as I am.

Nevertheless, the funding was reduced, and that makes me wonder. Can you explain why the funding was reduced?

**Hon. David Lametti:** I'm going to provide more or less the same answer. The deputy ministers will be able to provide details when they appear during the second half of the meeting or they can follow up with the figures in writing.

We are working with the provinces. Throughout the pandemic, we've continued to fund programming and support services across the country. Occasionally, there is a slowdown, but we are working to keep up our support. I'll share with you—

**Mr. Rhéal Fortin:** You reduced that support, though. Is it possible you don't know why? I don't mean to nag you, but I want to know whether you know why the funding was reduced. I would also like to know whether you are aware of the impact those funding reductions have had on the ground.

Have you talked to your Quebec counterpart or others about the impact the funding cuts have had?

**Hon. David Lametti:** We are always in touch with our provincial counterparts.

**Mr. Rhéal Fortin:** Have you spoken about this?

**Hon. David Lametti:** Yes, among other issues.

The programming rotates, of course, and our work continues accordingly. Other programs are being developed as well. It has a bit to do with the pandemic.

I'll leave it to the deputy ministers to provide you with the figures in writing or the details as to the specific reasons during the second half of the meeting.

• (1130)

**Mr. Rhéal Fortin:** Thank you, Minister.

I see I'm out of time, Madam Chair.

**The Chair:** Yes. Thank you, Mr. Fortin.

[English]

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

Go ahead, sir.

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

I too want to thank the minister for being here today. I also want to thank him for maintaining open communication with me as long as he has been minister, both through his office and also through the parliamentary secretary.

There are a lot of things I'd like to ask about the budget, but since officials will be here for the second half and the minister won't, I'm going to focus on two bills to start with.

The minister will not be surprised that the first thing I'm going to ask about is Bill C-6, the ban on conversion therapy. I'm not going to ask him again—I've asked him personally and publicly—when this bill is going to get to the House so we can actually vote on it. I'm going to ask him a different question about it.

When we pass Bill C-6, as I'm sure we will, there are things that will need to happen as a follow-up to that. One of those is support for victims of previous conversion therapy. Another is efforts to work on the prevention of conversion therapy, rather than just leaving it as a matter for criminal law. I suspect those aren't going to be the responsibilities of the Ministry of Justice, but if they are not, how is that being communicated to other ministers? Have there been requests for them to start preparing programs that will help implement the ban on conversion therapy?

**Hon. David Lametti:** Thank you very much, Mr. Garrison, for your collaboration on this bill and a variety of others.

You have my personal commitment to working with my colleagues around the table and with other parliamentarians to make sure we have those supports in place. One thing I can already cite is that in Bill C-3, part of the training of judges is precisely aimed at the kinds of questions we need to rectify in working with victims of conversion therapy. That will be part of the training that is part of that bill.

I'll continue to work with you and I'll continue to work with my colleagues to make sure we have the support. I agree with you that the criminal law power is a heavy-handed power, and we need to work on the other levers that we have in society in order to make sure conversion therapy doesn't happen.

**Mr. Randall Garrison:** Thanks very much, Minister. I look forward to working with you on that. I take you at your word.

Now I'm going to talk about a bill that's going to come to us fairly soon, and that's Bill C-22. The exchange, perhaps, will be a little less cordial.

I know you are committed to tackling the opioid crisis and also to tackling racial injustice within the Canadian justice system. I'm very disappointed with Bill C-22. I know it's consistent with your mandate letter, but it really misses the opportunity to decriminalize the personal possession of small amounts of drugs. Instead, it keeps those who have addiction issues in the criminal justice system. Instead of diversions and instead of taking away mandatory minimums—which I support—you had the opportunity here to decriminalize personal possession. We've had broad calls from the health field, from municipal officials and even from the Canadian Association of Chiefs of Police, to consider more dramatic action to make sure addiction is a health issue, as you mentioned at the beginning.

Why is the bill such a timid one?

**Hon. David Lametti:** I wouldn't characterize it as timid. I think I'm the first minister of justice to propose taking away minimum mandatory penalties, ever. I wouldn't say that's timid.

I was attacking sentencing and the question of sentencing reform in this bill. It's within my mandate letter, but it's also the overall scope of the bill. I am open to those other conversations. I think they are necessary conversations. I'm aware of the chiefs of police call, the calls particularly from elected leaders in British Columbia at all levels, municipal and provincial. I have spoken to David Eby and others about it. I'm open to that discussion. I know my colleague Patty Hajdu is open to that discussion as well, particularly with respect to the health response to the opioid crisis.

While I'm open to that, that wasn't what I was trying to attack in this particular bill. However, I'd like to think this bill, in the criminal justice and sentencing sphere, is a step towards opening up that other discussion, which has a wider variety of issues that go well beyond the criminal law or the health response with the criminal law intact. I'm open to that discussion, but that wasn't what I was trying to accomplish here.

● (1135)

**Mr. Randall Garrison:** Given the narrow scope of the bill, it's going to be difficult to have that discussion. I will keep trying to have it during the debate on this bill, but the urgency of the opioid crisis and of tackling racial injustice in the system, I think, demands that we take broader action than what you've suggested in this bill.

How do you suggest we pursue these larger issues, if it's not through this bill?

**Hon. David Lametti:** My colleague Patty Hajdu has publicly expressed an openness to discussing with elected officials in British Columbia a geographical response under her powers under the Health Act, and the potential powers she might have with respect to decriminalization. That's an open discussion, and I know she has responded in writing to those overtures from British Columbia.

As a society we need to move forward with a larger discussion, in the same way we did with cannabis. It might not be legalization, but decriminalization of small amounts, looking at what has been done in other countries. There are many sorts of empirical data points and evidence points that we need to look at if we're going to undertake that discussion.

I would encourage you to push, and I would encourage others to think about that publicly so we can move Canadian society to think about this.

**The Chair:** Thank you, Mr. Garrison and Mr. Lametti.

We'll now go to our second round of questioning, starting with Mr. Cooper for five minutes.

**Mr. Michael Cooper (St. Albert—Edmonton, CPC):** Thank you, Madam Chair.

Thank you, Minister, for being here. It's always good to see you come before our committee.

I want to ask you about Bill C-7, medical assistance in dying, which I think everyone concedes is a very complex topic. On November 3 you stated, on the question of medical assistance in

dying where mental illness is the sole underlying condition, not only that “[e]xperts disagree on whether medical assistance in dying can ever be safely made available in such cases”, but also that “there is always the possibility of improvement and recovery”, that it is “especially difficult to tell whether a desire to die is a symptom of the illness, or a rational response to it”, and that it is “fraught with serious risks”.

What changed between November 3 of last year and February 23 of this year, when you accepted what I would submit is a radical sentiment that makes medical assistance in dying where mental illness is the sole underlying cause a *fait accompli*?

**Hon. David Lametti:** Thank you, Mr. Cooper.

That's a very good question, and obviously a very important one. I think what has changed is the time frame.

I stand by those comments I made. I still believe they are true, and I still believe that the senators who proposed the amendment believe they are true as well.

We have a parliamentary process. We finally, after 150 years, have a Senate that is perhaps fulfilling its mandate for the first time in Canadian history in providing sober second thought, expertise and thoughtful opinions—often expert opinions—both latent in the Senate itself, in the appointments that we've made, but also in the witnesses they hear. Notwithstanding the challenging nature of it, as I had stated in the House and as you've repeated, notwithstanding those challenges and understanding those challenges and the complexity of this, they feel there is a way to move forward and that, in their view, we need to move forward within a time frame.

It was always our intention to look at mental illness carefully in the parliamentary review. We're still going to do that. The only thing that has changed is the time frame. We were always going to have to study this very complex question very carefully, and we will do that.

● (1140)

**Mr. Michael Cooper:** Thank you, Minister. What has changed, though, in accepting these Senate amendments, is that it's no longer a question of “if”—it's a question of “how”.

In light of the lack of medical consensus and in light of the very serious questions that you've specifically acknowledged in terms of risks and in terms of some of the most vulnerable persons in Canadian society, wouldn't it be appropriate to first ask whether it is appropriate to proceed down this road, rather than setting up an independent review mandated to establish protocols, guidance and safeguards, therefore making it a *fait accompli*?

**Hon. David Lametti:** It has always been the case that we were moving in that direction, simply because of the parameters of legal decisions—of Supreme Court and Court of Appeal decisions—and it was always the case that we were going to study this very carefully.

I'm not sure, Mr. Cooper, that... You call it a *fait accompli*, but I think we were moving in that direction, and we'll do it thoughtfully. Remember, we are parliamentarians. We have a responsibility to make sure adequate safeguards are in place. We know more about mental illness now than we did in the past. We know it's a serious illness, and we know that there are many advocates who believe that MAID should be available to people where mental illness is the sole and unique condition.

It is a difficult question. We're going to have to grapple with it, and we're going to have to grapple with a set of safeguards that protects those who are vulnerable and respects the challenges of mental illness and all those various things I raised in my speech in the House of Commons in November.

**The Chair:** Thank you, Mr. Cooper. That concludes your time.

Thank you, Minister Lametti.

We'll now go to Mr. Kelloway for five minutes.

Go ahead, sir.

**Mr. Mike Kelloway (Cape Breton—Canso, Lib.):** Thank you, Chair.

Hello, Minister. It's nice to see you again.

Minister, in my home province of Nova Scotia, more than one-third of women have experienced unwanted sexual behaviour at work. I'll just take two seconds to let that sink in for everyone: one-third. This is about twice as common as it is for men.

We would all agree that this statistic is completely unacceptable, so my question to you, Minister, is this. What kind of public legal education exists on matters related to workplace sexual harassment in the province of Nova Scotia?

**Hon. David Lametti:** The short answer is “not enough”. We need to do more. That's what I hope we're doing with a number of different partnership and program offerings.

The first one I would cite is JPIP, the justice partnership and innovation program, which creates programming that helps educate with respect to the right to a safe workplace and the right to have fair treatment.

We've invested \$1.7 million in British Columbia, for the Ending Violence Association of British Columbia, in order to improve access to justice for individuals who've experienced sexual harassment. Other programs focus on education, on allowing people to identify... The Botler AI, for example, which will be available across Canada and around the globe, is a unique worldwide innovation to help people identify whether or not they are the victims of sexual harassment in the workplace.

We're moving in a number of different directions. We work with the Province of Nova Scotia in moving forward, and we'll continue to do that across the board.

**Mr. Mike Kelloway:** Thank you, Minister.

I'm going to shift gears a bit here. This question actually comes from my time as a youth worker and working with youth in a variety of areas.

You know, and my colleagues know, that entry into the criminal justice system begins much earlier than adulthood, particularly due to the lack of social and economic supports. In my riding, we have some incredible community organizations that are working hard every day to ensure that the vulnerable youth in the area have the supports they need, quite frankly, to stay out of trouble.

I'm wondering how the federal government is addressing the needs of youth, particularly indigenous youth, who are involved in the child welfare and youth justice systems, and how we can proactively help prevent youth from graduating into the criminal system as adults.

• (1145)

**Hon. David Lametti:** Thank you. Again, that's a great question.

Indigenous youth in particular often find themselves caught between the child welfare and the criminal justice systems, and often-times getting caught in the first means they will be lifers in the second. We have a youth justice fund in the Department of Justice to respond to youth justice issues and to enable the solution, which is more community participation in the youth justice system that's particularly aimed at reducing incarceration rates amongst indigenous Canadians.

For example, with an annual budget of \$4.5 million, I'm supporting Ryerson University's national indigenous courtworkers indigenous youth-centred justice project, or IYJP, which will work across the north, across a number of jurisdictions, to pilot innovative, community-based justice models. They will bring in multiple stakeholders and multiple sectors to work on collective and sustainable responses to address youth justice, precisely as you say, to keep people from graduating from the youth justice system into the criminal justice system.

The solutions that work are the ones that are based on the ground up, and that's precisely what the IYJP does.

**Mr. Mike Kelloway:** Thank you very much.

I have only 30 seconds.

Minister, I'm really encouraged by the answer in relation to partnering with grassroots organizations. I look at groups like the Whitney Pier youth club and the Glace Bay centre here in my riding, and indigenous groups as well, who have a desire to partner.

It's not a matter of partnerships; it's a matter of an investment, and I think we can make significant inroads into preventing that graduation that I spoke of and that you provided feedback on.

I'm really happy to hear those comments on that. Thank you so much.

**Hon. David Lametti:** Groups like the Legal Information Society of Nova Scotia and the Canadian Association of Statutory Human Rights Agencies, again in Nova Scotia, do great work on the ground, and this is where we need to support people.

**The Chair:** Thank you very much.

We'll now move to Mr. Fortin for two and a half minutes.

Go ahead, sir.

[Translation]

**Mr. Rhéal Fortin:** Thank you, Madam Chair.

If you don't mind, Minister, I am going to follow up on the questions I asked earlier.

Ms. Drouin can provide further information regarding the figures.

Minister, you said you were always in contact with your provincial counterparts, including the one in Quebec. I have no reason to doubt you. I'm sure you are, but could you tell me the last time you spoke to your Quebec counterpart about the legal aid program, the victims fund and the budget cuts?

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

I work with senior department officials, my deputy minister and my departmental assistants. We are in fairly regular contact with our partners on a number of issues, and that contact is important, especially during the pandemic.

We look for ways to provide and maintain legal services through—

**Mr. Rhéal Fortin:** You, personally, Minister, have you spoken to your Quebec counterpart about the transfers for legal aid and services for victims of crime?

**Hon. David Lametti:** Thank you for your question.

I would have to look at the agenda because we cover many issues in our discussions.

As I said, we are in touch about technical issues—

• (1150)

**Mr. Rhéal Fortin:** Minister, I have just a minute left. I don't mean to be impolite—

**Hon. David Lametti:** We had a conversation in December, so fairly recently.

**Mr. Rhéal Fortin:** Do you recall what they said to you about the reduced transfers for the legal aid program and the victims fund?

What did your Quebec counterpart say to you?

**Hon. David Lametti:** I would have to look over the notes I took at the time.

**Mr. Rhéal Fortin:** You don't know why the funding was reduced and you don't recall discussing it.

**Hon. David Lametti:** Remembering every discussion I had with every single one of my counterparts would be virtually impossible. We have many conversations, some at the deputy minister level. Let's be realistic, here.

**Mr. Rhéal Fortin:** I understand, Minister. I must say, though, that these issues strike me as rather important, so I would think you would remember discussing them, if only vaguely.

Nevertheless, I understand, so I'll ask your deputy minister.

Thank you, Minister.

[English]

**The Chair:** Thank you.

That was an extra half minute for you, Mr. Fortin.

We'll now go to Mr. Garrison for two and a half minutes.

Go ahead, sir.

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

I know the minister is aware that during the pandemic we've seen a rise in hate crimes directed against Asian, Black and other racialized Canadians. We've seen the ongoing scourge of anti-Semitism at very high levels including in my own community. We [*Technical Difficulty—Editor*] very public graffiti, which the police dealt with very well, as did the volunteers who cleaned it up and the media, by not showing the images during that incident.

One of the things we lost under the previous Conservative government was section 13 of the Canadian Human Rights Act, which allowed the Canadian Human Rights Commission to take action on complaints about hate crimes. I'm wondering if the government has any plans to bring forward legislation to restore that section or a similar kind of section to the Canadian human rights code.

**Hon. David Lametti:** The best source for that question is around you all the time. It's my parliamentary secretary, Arif Virani, whom I have tasked to work with Minister Steven Guilbeault and Minister Bill Blair with respect to the question of hate generally, whether it's online or not, and also with respect to the question of whether we reintroduce section 13 or some revised version of section 13.

Those studies and discussions are ongoing. I will leave it to my counterpart ministers and my parliamentary secretary to make an announcement at the appropriate moment. I can say that those discussions are very much ongoing and hopefully will lead to positive fruit. You've heard Minister Guilbeault already say that we plan to make some announcements with respect to hate and hate online. I will leave this to him.

**Mr. Randall Garrison:** Hopefully that day is soon.

I have a short amount of time here, but let me ask one more question.

Federal, provincial and territorial ministers of justice met in December of 2020 and had discussions about how to tackle the problem of racism in the Canadian justice system. One of the things that were discussed at those meetings was the lack of disaggregated data. I wonder if there is anything in your budget that is either going to fund federally or help the provinces—who have a lot of data we need—to compile that kind of disaggregated data, so we can get a picture of what's happening with the issue of race in the justice system.

**Hon. David Lametti:** That's a critical question.

I believe there is funding for disaggregated data across the whole of government. It is something that a number of different ministers and ministries have put into place. We had been working already with Statistics Canada and the justice department to get better data. It's a larger, whole-of-government response. I can undertake to get back to you with specific numbers on that.

The pandemic hasn't exacerbated the problem, as the problem was there, but it has certainly put a more precise light on the need for better data and, in particular, disaggregated data.

• (1155)

**The Chair:** Thank you.

My apologies, Mr. Garrison. That concludes your time.

We'll now go on to the CPC.

Madam Findlay, go ahead please, for five minutes.

**Hon. Kerry-Lynne Findlay (South Surrey—White Rock, CPC):** Thank you, Madam Chair.

Thank you, Minister Lametti, for being here. It is always very special to have a minister come before committee. We appreciate your taking the time to do so and to answer our questions.

I also am very concerned about where Bill C-7 is going, and very concerned that we are now dealing with debate closure on amendments from an appointed Senate. Although you have just said it is doing its job as a place of sober second thought, to me these are not sober second thought tweaks. They are substantive amendments in an area that you have said is concerning and is worthy of and needing study, which it would appear we're not going to have an opportunity to do before passing it into legislation; we're going to be dealing with the study and the concerns after the fact.

When we had it before our committee, of course, we didn't have this version. This effectively makes it a very new bill. As parliamentarians—which, as you have pointed out, we all are—we have responsibilities, and it's particularly concerning from a public policy creation point of view that we would end up creating public policy without careful consideration.

Particularly as we're talking today about funding and estimates, my question to you is, with this change that may go through, what new funding allocations are you envisioning or have already been provided to support such expansion?

We're terminating debate today. You're bringing on a closure motion, so we're not going to have a lot of time to even talk about this.

Here in committee, how do you anticipate, either from a funding or from a general point of view, supporting such an expansion?

**Hon. David Lametti:** I obviously disagree with the characterization that you have given of the bill we're going to discuss, Bill C-7, in the sense that it was always going to be the case that we were going to look carefully at the question of mental illness. That was always planned for a larger parliamentary review, and that is still the case.

We have a better understanding of mental illness. We certainly have a long way to go, but we were always going to be looking at that, and there was a great deal of pressure from people within both the medical community and the legal community to make sure that mental illness was to be looked at seriously, and we're going to do that. I disagree with the characterization that we're doing something completely new here.

The rest of the question is premature because we haven't seen where this is going to land. We will know that only after parliamentarians have studied it carefully in the next couple of years.

I can say that our government has taken on a very proactive approach towards mental health. We've invested \$10 billion across Canada—new money, since coming into government—precisely for mental health, and the provinces agreed to make sure that the money we put forward for mental health was spent on mental health. We'll continue to do that. As a society we are understanding better the challenges of mental health, and as a government we're committed to supporting that understanding in that study and to implementing programming that will be supportive of that.

• (1200)

**Hon. Kerry-Lynne Findlay:** Would you not at least agree with me, Minister, that the normal procedure is that we do the studying first, before we contemplate substantive legislative change?

**Hon. David Lametti:** I'm not sure I would agree with you on the use of the word "normal". This is a legitimate parliamentary process. As I said, since 2016 it was always clear that we were going to be looking at mental illness in the parliamentary review. That's what we're doing.

**The Chair:** Thank you very much, Madam Findlay.

We'll now go to our last questioner for the first hour.

Mr. Sarai, you have five minutes. Go ahead, sir.

**Mr. Randeep Sarai (Surrey Centre, Lib.):** Thank you, Madam Chair.

Thank you, Minister. Thanks for always being accessible, although for me it's the first time having you here, having just joined the committee.

First, federal, provincial and territorial ministers of justice and public safety discussed how to counter bias and racism in the justice system, I think at their December 2020 meeting, as well as the importance of disaggregated data to inform responses to systemic racism in the justice system. Is any of the funding outlined in the main estimates designated to such efforts, and if so, under what budget items?

**Hon. David Lametti:** It's a question similar to Mr. Garrison's. I will leave that to my officials.

There is a whole-of-government response to it. I'm not 100% certain, I have to admit, that there is money in the justice-allocated portion, although we are working with Statistics Canada, as I stated, within their budget to get better disaggregated justice-related data. It is a problem that we have or that has had a light shone on it as a result of the pandemic and as a result of the Black Lives Matter movement and the Indigenous Lives Matter movement.

Again, we have data gaps and we need to fix them.

**Mr. Randeep Sarai:** Maybe you can help me on this one. You met a few months ago with members of the South Asian Bar Association in British Columbia, particularly some very astute female lawyers. They expressed some challenges and obstacles faced by women and men of colour in entering the judiciary. I'm wondering what the Department of Justice has done in this regard and what they are planning to do to address this going forward.

**Hon. David Lametti:** We're continuing our outreach. Again, we're trying to identify elements within, in this case, the judicial appointment process, or elements within, I suppose, the legal practice and legal culture that serve as impediments—unknowing impediments, for example—that form part of the systemic bias against people. Again, it's not saying that people are racist. It's saying there might be something we didn't think of that has an unintended consequence.

That was the purpose of my meeting with members of the South Asian Bar Association, south of Vancouver. It was a very productive meeting. I got some very interesting ideas with respect to the criteria that exist on the appointment sheet. Many lawyers, just to give one example, never come into contact with a judge, so asking for a judge's recommendation on the application process is something that perhaps we need to look at. Is there a proxy we could use for the various practitioners? This is true in the South Asian community and it's true in the Asian community as well, where there are a lot of solicitor practices. They don't necessarily come into contact with judges all the time.

This is something that may very well be operating as a disadvantage. We need to look at it further. We need to keep open to other kinds of potential unintended consequences that exist in the system. That's what we mean by systemic bias. It is something we have to root out, and it is something we need to be open to studying further.

**Mr. Randeep Sarai:** Many justices and people in the legal community have advocated for eliminating mandatory minimum sentences. You've tabled legislation to that effect. How does it empower judges to be more reflective of the victim as well as the accused's situation and address past systemic biases or aspects that particularly indigenous and Black Canadians face?

Maybe you can elaborate on that. Many people ask: What's the benefit of reducing mandatory minimum sentences, and how does it actually help a judge make that decision and give him or her more flexibility?

• (1205)

**Hon. David Lametti:** MMPs have shown to be a colossal failure in terms of helping victims and helping the justice system be more efficient. They simply clog up the system. They cost us money. Over half the challenges in the criminal justice system are challenging MMPs, and they're often successful, so it ends up clogging the justice system such that real perpetrators who ought to be punished severely end up getting their charges dropped under Jordan rulings.

With respect to indigenous and other racialized accused, I'll give you an example. We have Gladue reports, and we're going to invest more in those reports across Canada in the fall economic statement. This is precisely so that a sentencing judge can take into account intergenerational trauma caused, say, by residential schools. With a project we're going to have in major urban centres—IRCA's—the same will be true for Black communities. Having these sentencing reports will allow a judge to look at the context of the person who is in front of them.

If you have a mandatory minimum penalty and you don't have an option of a conditional sentencing order, and you have to put somebody away for a minimum period of time, you have reduced the ability greatly—sometimes eliminated the ability altogether—of the judge to take into account the particular circumstances of the person in front of them and to tailor the best sentence that fits the crime, allows society to be made safer, allows the person to be made whole and allows the victim to be made whole. Eliminating as many mandatory minimum penalties as we can and bringing back conditional sentencing orders are critically important to making the justice system work the way it's supposed to work in terms of protecting society and trying to make victims whole, and moving forward in a progressive way.

**The Chair:** Thank you very much, Minister and Mr. Sarai.

That concludes our first hour with the minister. The second hour will be with our department officials. At this time, I'd like to thank Minister Lametti for appearing before us today and for his very fulsome and wholesome responses to questions from committee members.

Minister, thank you very much.

Just before we get into our second round, I'd like to raise with members that we have about 50 minutes left of our meeting. We need to go through voting on the main estimates and the supplementary estimates (C) before we conclude our meeting today. We also have the matter of a notice of motion from Mr. Moore that we will be discussing today. I propose to members, and I leave it to you in terms of how many questions you have for our department officials, that perhaps we go through six minutes each per party and then see how much time is left, so that we have enough time to vote on the estimates and also to discuss Mr. Moore's motion.

Is that something that all of you are okay with?

**Some hon. members:** Agreed.

**The Chair:** Thank you very much. In that case, we'll go to our officials. I have on my list Mr. Lewis as the next speaker.

Mr. Lewis, you can go ahead for six minutes, please.

**Mr. Chris Lewis (Essex, CPC):** Thank you, Madam Chair.

I'm going to be very brief on my questions, because I have a lot that I could ask today.

We've heard from the provinces that they would like to see more money from the federal government to support legal aid. Instead, according to the main estimates, less money will be provided in 2021-22. Why is the amount being decreased?

• (1210)

**The Chair:** Could the officials just identify themselves in answering that question?

**Ms. Nathalie Drouin (Deputy Minister of Justice and Deputy Attorney General of Canada, Department of Justice):** Good morning, Madam Chair. This is Nathalie Drouin, deputy minister of Justice Canada. I just want to say at the beginning that I'm really pleased to be with you now.

As you know, in 2016, we announced a big increase in legal aid, but in that budget we had a specific \$2 million that was only for a couple of years, dedicated to increasing innovation. It's only that \$2-million part of the budget that sunsetted this year. That's why you see a decrease.

**Mr. Chris Lewis:** Thank you very much to the witness.

Through you, Madam Chair, what conversations have you had with provincial counterparts on this funding cut?

**Ms. Nathalie Drouin:** That was well known in advance, so we didn't really have questions or a conversation about that.

The last conversation we had about legal aid recently was more about the impact of the pandemic. Because the courts shut their operations specifically at the beginning of the pandemic, we can expect some sort of a backlog in the coming months, and that can affect, in particular, criminal legal aid. That's one of the discussions we also had.

We also had a conversation about legal aid and systemic racism and racism in the justice system. This is why we have also announced—and we discussed this in the December FPT meeting—that Canada will provide and help to do an assessment of the impact

of the legal system on minorities, especially visible minorities. That was the recent conversation we had about legal aid.

**Mr. Chris Lewis:** Thank you.

It's really important that we bring our provincial friends to the table and have those discussions.

How do you expect legal aid programs to replace that money that's being lost?

**Ms. Nathalie Drouin:** As I said, the \$2 million was an innovative kind of fund. It was to increase the effectiveness and the efficiency of legal aid. The purpose of it was to make legal aid plans and the legal aid system more efficient going forward. This is why it doesn't have an impact per se on the services—the different legal aid plans being offered to Canadians. It was to really build innovation in the system.

**Mr. Chris Lewis:** Thank you for the answer.

Madam Chair, through you, the funding for the Canadian Judicial Council in supplementary estimates (C) nearly doubles, to \$4.2 million.

Can you explain this doubling of funds required?

**Ms. Nathalie Drouin:** Right now this organization does not have permanent funding when it comes to dealing with the investigations it has to do and to providing legal support for judges who face disciplinary proceedings. This supplementary fund is for dealing with those investigations of responsibility.

**Mr. Chris Lewis:** The victims fund in 2020-2021 only spent \$14.8 million, whereas in 2019-2020 it spent \$26.3 million.

Can you explain this significant decrease?

**Ms. Nathalie Drouin:** Last year the main estimates really show, as the member said, a decrease, but that was compensated by a supplementary estimate.

To give you a very concrete example, the family units that are there to support victims and their families in missing and murdered indigenous women cases were announced after the main estimates. At the end of the day, the victims fund spent around \$23 million, rather than \$14 million.

• (1215)

**Mr. Chris Lewis:** Thank you very much.

I know I have well under a minute remaining for time, so I have a very quick question.

In October 2020, a new version of the new e-filing portal launched, although I understand there were significant technical issues.

Can you address the costs associated with this new e-filing portal? When is it now planned to launch again?

**Ms. Nathalie Drouin:** Madam Chair, I guess the question is related to the CAS organization.

I will provide an answer, but I may have to go and work with my colleague to make sure I provide the appropriate answer.

I think the supplementary estimates offered a \$5-million top-up to the CAS budget to support their operating in a COVID environment. That budget was not only for IT but also for plexiglass and other distancing measures that they had to put in place, but of course, the measures they took regarding IT will stay post-pandemic and will support the efficiency of the CAS system.

**The Chair:** Thank you very much, Mr. Lewis.

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

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

I was obviously thinking exactly the same thoughts as Mr. Lewis, because some of the questions he posed were the exact ones I was going to pose. I am going to follow up on his questions on legal aid funding.

If you go back to 2016, the increases in legal aid funding from the federal perspective arose in large measure, from what I have seen, because some of our provincial counterparts had cut funding to legal aid. I can only speak to Ontario because that's where I'm from. I know the current provincial government in Ontario cut legal aid funding in its budget in...probably 2017. Then there was an ask to us to try to compensate for that shortfall. A lot of that was in the context of immigration law, because of a large number of immigrants coming to Ontario—Toronto specifically—where the need for legal aid funding was even greater. The issue also involved refugees coming to Canada.

This funding was meant to be temporary. We did it for more than one year. In your discussions with the province, does this come up in a way that would suggest to you that the provinces might have a change of heart and increase funding for legal aid back to the levels they previously did, or even higher than that?

**Ms. Nathalie Drouin:** I have a couple of thoughts, Madam Chair.

Regarding Ontario, yes, it's true they have announced a reduction, but they have also revisited ways to deliver legal aid. That exercise brought more efficiencies in their system, so the impacts were important, but not as important as we forecast at the beginning.

The very high increase that was announced in the 2016 budget was not linked to the decision of Ontario, as this decision was made prior to the decision of Ontario.

As the member said, on top of the announcement of 2016, when we announced a new investment of \$142.4 million, we have also had some annual increases to immigration legal aid, and of course, Ontario is one of the provinces that is the most hit by immigration.

You also see in the supplementary estimates that we got a budget of \$26 million, but so far we have spent only \$20 million for immigration legal aid as, of course, because of the pandemic, the needs are a little under what we forecast at the beginning of this year.

**Mr. James Maloney:** Is the decrease tied to that? Obviously immigration patterns have changed dramatically over the last 12 months. That's going to be the case in the short-term, foreseeable future anyway. Is that going to be readjusted once we get back to a post-pandemic situation?

The second point I want to follow up on is that governments love using the word “efficiencies”, and politicians of every stripe throw that word around because it sounds very meaningful, but it's only as meaningful as the implementation. Can you flesh out the efficiencies you referred to in the province of Ontario to give me some confidence that they're meaningful and, combined with the decrease in funding, haven't had a negative impact on legal aid funding in the province?

• (1220)

**Ms. Nathalie Drouin:** Madam Chair, I'll start with the last question.

As Minister Lametti said, we have regular conversations with all our counterparts in the provinces. They have reassured us on the impact of their budget cuts and the fact that they have revisited the way they administer their legal aid plan, but I cannot provide specific examples of what they have done to increase their capacity and efficiency.

Regarding your question on immigration, we have a monitoring system, especially with our colleagues in Immigration Canada, making sure we are able to adjust and realign the immigration budget if immigration increases post pandemic.

**Mr. James Maloney:** Madam Chair, I think I have only about 20 seconds left, and that doesn't allow me enough time to add anything meaningful, so I'll just stop here.

Thank you.

**The Chair:** Thank you very much, Mr. Maloney.

I will now go to Monsieur Fortin for six minutes.

Go ahead, sir.

[Translation]

**Mr. Rhéal Fortin:** Thank you, Madam Chair.

My question is for you, Ms. Drouin. First of all, my thanks to you and your colleagues for being here. It is always nice to see you. The minister can't be expected to know the answers to all of our questions, so it's always helpful to know we can count on you for more information.

I want to bring up an issue I raised with the minister earlier, something my fellow members asked you about as well: the cuts in legal aid funding. If I understood you correctly, the \$2 million that is no longer part of the funding was meant to make improvements and build innovation into the legal aid system. Did you have any discussions with your Quebec counterpart about those improvements and innovations? Has the problem been fixed? Did Quebec tell you that it did not need the money now?

**Ms. Nathalie Drouin:** The \$2-million decrease is not something Quebec brought to our attention, at least not mine. As I was telling the honourable member earlier in relation to legal aid, I think the provinces are more focused right now on figuring out how to deal with the backlog of cases given that the courts significantly scaled back their operations during the pandemic. That is the top-of-mind issue currently, the one monopolizing the conversation. The other big issue right now is racism and the unconscious bias in the justice system; the focus is on how we can measure the system's effectiveness to reduce the repercussions on visible minorities. Those are really the two main priorities receiving the most attention at this time.

**Mr. Rhéal Fortin:** The pandemic has led to a troubling increase in the number of cases that have yet to be dealt with. The pandemic has forced families with dysfunctional dynamics into isolation together, without the reprieve of being able to leave the house. I don't need to explain the situation to you; you are no doubt as familiar with it as I am. We expect the number of complaints and court hearings to increase as a result.

In conjunction with that expected increase in complaints, transfers to the provinces were cut by \$2 million, which I struggle to understand. I realize short-term funding was specifically provided for system improvements. However, if you were to ask anyone working in court administration in Quebec or even any member of the Quebec bar, I think they would all say the legal aid system is still very much in need of improvement and innovation. All kinds of programs have been put in place. Lawyers even volunteer their time to help people, but it's never enough. With all due respect, Ms. Drouin, I have trouble wrapping my head around these cuts. I gather that the only explanation is that the program no longer exists or was terminated.

• (1225)

**Ms. Nathalie Drouin:** It was actually a two-year program designed to increase innovation and efficiency in the legal aid systems around the country.

**Mr. Rhéal Fortin:** I see.

**Ms. Nathalie Drouin:** I'd like to make clear that the discontinuation of the program does not have an impact on the quality of service people receive.

**Mr. Rhéal Fortin:** I want to use the two minutes I have left to discuss the victims fund, which also received significantly less funding. In 2019-20, the fund had \$26.3 million. The following year, 2021, the funding was cut drastically, dropping to \$14.8 million. Now, the funding is supposed to increase to \$22 million next year, which is still below 2019-20 levels. Correct me if I'm wrong, but it seems to me the fund should actually be receiving more funding given the problems caused by the pandemic over the past year and the growing number of victims choosing to turn to the justice system for help. Why was the funding for the victims fund cut?

**Ms. Nathalie Drouin:** I can answer that, Madam Chair.

A number of accounting considerations come into play, Mr. Fortin. The 2020-21 Main Estimates certainly gave the impression that the funding had been significantly cut back, but when you take the supplementary estimates into account, the amount is much closer to \$25.4 million.

The best example I can give you is the family information liaison units program, which provides services to the families of missing and murdered indigenous women and girls. Unfortunately, the program wasn't announced in conjunction with the main estimates. The program was announced afterwards, bringing the funding to a similar level—

**Mr. Rhéal Fortin:** Sorry to cut you off, but I have just a few seconds left.

If the fund had \$25.4 million this year and the amount is being reduced to \$22 million next year, it means less money will be available to meet the demand, which will likely rise. Isn't that right?

**Ms. Nathalie Drouin:** It's a matter of allocations. Certain programs sunsetted while others were renewed, including the family information liaison units. To answer your question, I would say the fluctuations in the numbers you are seeing have no real impact on the grants we provide to various organizations around the country.

**Mr. Rhéal Fortin:** Do I have a few seconds left, Madam Chair?

[English]

**The Chair:** No. You've already had an extra half minute there, Monsieur Fortin.

**Mr. Rhéal Fortin:** No? Okay.

[Translation]

Thank you, Ms. Drouin.

[English]

**The Chair:** I will now go to Mr. Garrison for six minutes.

Go ahead, sir.

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

My colleagues have already canvassed a number of areas I would have asked about, including legal aid, the victims fund, immigration and refugee law and the Canadian Judicial Council, so I'm going to be very brief. I'm going to ask the indulgence of my colleagues to not have their eyes glaze over because I'm going to go back to disaggregated data. Any time people say words like "disaggregated data", normal people zone out, rightfully, and when government ministers answer with a whole-of-government response, I think opposition members wonder which will come first: catastrophic climate change or action by the government.

Let me just turn to this question of disaggregated data, and I have two questions.

One is the general question that the minister left to his officials. Is there specific funding in the Department of Justice to do work on disaggregating data so that we know more about the extent of systemic racism in the justice system and can learn more about its causes?

My second question also has to do with disaggregated data. Are we looking further at data with regard to two other issues, one of which is gender and the second of which is Canadians living in poverty? We know that quite often the legal system comes down quite hard on people without the financial resources to defend themselves against charges.

Those are my two questions for the deputy minister.

Thank you.

• (1230)

**Ms. Nathalie Drouin:** If you'll allow me, Madam Chair, I'd like to give quite a comprehensive answer to that very important question.

As you know, the fundamental reason that we are interested in disaggregated data is really to better address the issue of racism in the justice system, and also access to justice. There is maybe one thing: In the fall economic statement, we announced support for the creation of a community justice centre. This is a very important announcement, as it can help to address root causes when it comes to crime, and also support breaking the cycle of offences and offenders. It's a budget of \$20.6 million over five years.

We also announced the support of the application and enforcement of the Gladue report for indigenous people. This will also allow a better sentencing approach for indigenous people.

Of course, having data to make sure we bring adequate and appropriate policies is very important. In this budget, you don't have specific funding for the Department of Justice Canada. What we are doing right now is working with other departments to build that frame to be able to collect disaggregated data.

This is the stage we are at right now.

**Mr. Randall Garrison:** Thank you very much to the deputy minister for that answer.

Madam Chair, I am going to let my time go so we can move to the other matters before the committee today.

Thank you.

**The Chair:** Thank you very much, Mr. Garrison.

With that, I'd like to thank our officials for appearing before us today. We really appreciate your time and your responses to the questions posed by members. If there are any other points of clarification you would like to provide, please don't hesitate to send a note through the clerk to the committee. You are welcome to leave the meeting at this time if you would like.

Members, we'll now move to the voting on the supplementary estimates (C) and the main estimates.

COURTS ADMINISTRATION SERVICE  
Vote 1c—Program expenditures.....\$5,500,849

(Vote 1c agreed to on division)

DEPARTMENT OF JUSTICE  
Vote 1c—Operating expenditures.....\$49,986,813  
Vote 5c—Grants and contributions.....\$27,982,842

(Votes 1c and 5c agreed to on division)

OFFICE OF THE COMMISSIONER FOR FEDERAL JUDICIAL AFFAIRS  
Vote 1c—Office of the Commissioner for Federal Judicial Affairs—Operating expenditures.....\$1,000,000  
Vote 5c—Canadian Judicial Council—Operating expenditures.....\$2,000,000

(Votes 1c and 5c agreed to on division)

REGISTRAR OF THE SUPREME COURT OF CANADA  
Vote 1c—Program expenditures.....\$505,015

(Vote 1c agreed to on division)

**The Chair:** Shall I report the supplementary estimates (C) 2020-21 to the House?

**Some hon. members:** Agreed.

**The Chair:** Now we will move on to the main estimates 2021-22.

ADMINISTRATIVE TRIBUNALS SUPPORT SERVICE OF CANADA  
Vote 1—Program expenditures.....\$63,306,778

(Vote 1 agreed to on division)

CANADIAN HUMAN RIGHTS COMMISSION  
Vote 1—Program expenditures.....\$33,417,767

(Vote 1 agreed to on division)

COURTS ADMINISTRATION SERVICE  
Vote 1—Program expenditures.....\$85,620,753

(Vote 1 agreed to on division)

DEPARTMENT OF JUSTICE  
Vote 1—Operating expenditures.....\$268,088,730  
Vote 5—Grants and contributions.....\$443,047,687

(Votes 1 and 5 agreed to on division)

OFFICE OF THE COMMISSIONER FOR FEDERAL JUDICIAL AFFAIRS  
Vote 1—Office of the Commissioner for Federal Judicial Affairs—Operating expenditures.....\$10,302,302  
Vote 5—Canadian Judicial Council—Operating expenditures.....\$2,111,709

(Votes 1 and 5 agreed to on division)

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

Vote 1—Program expenditures.....\$183,742,895

(Vote 1 agreed to on division)

REGISTRAR OF THE SUPREME COURT OF CANADA

Vote 1—Program expenditures.....\$26,997,385

(Vote 1 agreed to on division)

**The Chair:** Shall I report the main estimates 2021-22 to the House?

**Some hon. members:** Agreed.

**The Chair:** Thank you, everyone. I appreciate your discipline in today's meeting.

We'll now move to Mr. Moore.

I understand you have given us a notice of motion. Would you like to speak to that now?

• (1235)

**Hon. Rob Moore:** Yes. Thank you, Madam Chair.

Thank you, colleagues.

I gave this notice of motion before the developments of yesterday and today on the Senate amendments on Bill C-7, because our committee had not had the opportunity to hear from witnesses specializing in or impacted by the mental illness component of what came back from the Senate. I think it's important that we take a look at that.

I don't like to propose something over the constituency week, because I know that we're all busy, but I proposed this so that we could hear from some of those individuals. I know, if you're like me at all, you've probably received inquiries about this new expansion of Bill C-7 from a number of stakeholders. Frankly, this has come back from the Senate with a big, profound amendment, which we as a committee have not discussed or had opportunity to amend or to hear from specialists on, so I think this would give us an opportunity to hear from some people who are experts in this area.

That is why I'm moving this motion today.

Thank you.

**The Chair:** Thank you very much, Mr. Moore.

I see Mr. Virani's hand raised to speak to this.

Go ahead, Mr. Virani.

**Mr. Arif Virani (Parkdale—High Park, Lib.):** Thank you, Mr. Moore, for those comments and for your comments earlier when you were questioning Minister Lametti.

I would just raise some purely procedural matters. As Mr. Moore indicated, we have a vote on closure today in the House of Commons, which seeks to end this debate, and this matter could very well be conclusively handled by the House of Commons this afternoon or this evening. In light of that, we should let that process run its course. It's entirely possible that Bill C-7 will no longer be before the House of Commons as of later today, in which case further study of the matter would not be efficacious or appropriate. I'll put that out there.

Second, we heard evidence with respect to mental health generally speaking, including from psychiatrists during the study in the fall, on issues that relate to mental illness and how it intersects with other illnesses.

Third, I think there's no debate among people in this committee or in Parliament about the need for further examination, but that further examination is contemplated to be done by the joint parliamentary group, which would comprise senators and members of Parliament, going forward. That's where the appropriate deep dive into this matter would and, in my respectful view, should occur.

Thank you.

• (1240)

**The Chair:** Thank you, Mr. Virani.

I have Mr. Garrison next.

Go ahead, sir.

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

I want to thank Mr. Moore for his motion. I think it raises real issues, but I will not be supporting the motion.

Let me start by saying that I think the Senate amendments that have been sent to the House are inappropriate. The Senate's role has traditionally been to look for errors and omissions in the work that the House of Commons does, to give what has been called sober second thought and also to provide regional representation. I think what the Senate has done in this case completely exceeds its mandate. This is a result of the unilateral changes that the Liberals made in the composition of the Senate, so that the body is now completely not only unelected but also unaccountable. It has therefore now taken on a role of actually redoing work that the House of Commons has already done. On principle, I think it's wrong.

The specific amendment dealing with mental health I also think is wrong in the sense that this is an issue that was raised before our committee and that we did not add to the bill. I think it was a considered decision on the part of most of our members that this issue is far more serious and involves a far larger expansion of medical assistance in dying than should be taken without full consideration. We heard from medical professionals that the protocols do not exist for us to deal with medical assistance in dying and the issue of mental health. It would take some time to develop those.

That would make you think I'm going to vote in favour of this motion, but I'm not, because I believe what's happening is that the Bloc and Liberals have come together on the closure motion and they're going to force this through Parliament today, by this evening. The joint House and Senate committee that has been set up will be able to deal with this question and is supposed to start work expeditiously, within 30 days of royal assent. At this point we have little choice, to avoid both confusion and duplication, but to let that joint committee do its work.

Thank you.

**The Chair:** Thank you, Mr. Garrison.

Mr. Moore.

**Hon. Rob Moore:** I'd like to say I agree with everything Mr. Garrison just said, except the part where he said he wouldn't support my motion. Everything else made a hundred per cent sense to me.

I've been hearing from a lot of groups. They are blindsided by this. I said this to the minister today. We can have the debate about mental illness, but frankly it was not part of Bill C-7. It was the minister's opinion that Bill C-7 was constitutional without it.

As Mr. Garrison said, this is coming back from the Senate without us really considering the specifics of it at committee.

I'm not going to withdraw my motion. I appreciate what Mr. Virani said. Yes, things have changed since I introduced it, because of the closure vote this afternoon and a possible vote tonight on the amendment, but I still think it would be good for us to hear from people who are going to be impacted by this.

I don't want to belabour the point, Madam Chair, but I would like us to consider and vote on my motion. Depending on what happens tonight, maybe we can revisit this again at another time.

Thank you.

**The Chair:** Thanks, Mr. Moore.

Mr. Lewis.

**Mr. Chris Lewis:** Thank you, Madam Chair.

I would ask for a recorded vote, please.

**The Chair:** Seeing no more hands raised, I will call the question.

For clarity, the question is on Mr. Moore's motion.

(Motion negated: nays 7; yeas 4 [*See Minutes of Proceedings*])

● (1245)

**The Chair:** The motion is defeated, Mr. Moore.

Those were all the items on our list of things to get through today. If there are any other issues or concerns that members would like to raise at this time, please speak now or hold your peace until the next meeting.

All right. In that case, members, we have 15 extra minutes today. I hope you'll get yourselves a cup of coffee or just meditate for the next 15 minutes.

The meeting is adjourned.

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