



## MINUTES OF PROCEEDINGS

OTTAWA, Thursday, October 3, 2024

(116)

[English]

The Standing Senate Committee on Legal and Constitutional Affairs met this day at 11:46 a.m., in room B30, Senate of Canada Building, the chair, the Honourable Brent Cotter, presiding.

*Members of the committee present:* The Honourable Senators Audette, Batters, Carignan, P.C., Clement, Cotter, Dalphond, Duncan, Oudar and Simons (9).

*Participating in the meeting:* Iryna Zazulya and Michaela Keenan-Pelletier, analysts, Library of Parliament.

Pursuant to the order of reference adopted by the Senate on Tuesday, June 6, 2023, the committee continued its consideration of Bill S-256, An Act to amend the Canada Post Corporation Act (seizure) and to make related amendments to other Acts.

It was agreed that the committee proceed to clause-by-clause consideration of Bill S-256.

It was agreed that the title stand postponed.

It was agreed that the preamble stand postponed.

It was agreed that clause 1, which contains the short title, stand postponed.

The chair asked whether clause 2 shall carry.

After debate, clause 2 was negatived.

The chair asked whether clause 3 shall carry.

The Honourable Senator Dalphond moved that Bill S-256 be amended in clause 3, on page 2,

(a) by replacing line 14 with the following:

“(3) Despite any other Act or law, but subject to this Act and its regulations and to the *Canadian Security Intelligence Service Act*, the *Customs Act* and the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*, nothing in the course of”;

(b) by replacing lines 16 and 17 with the following:

“except pursuant to a general warrant or the equivalent of a general warrant issued under any other Act of Parliament.”;

(c) by deleting lines 18 to 21.

The Honourable Senator Carignan, P.C., moved that the motion in amendment be amended in paragraph (a) by replacing “Despite any other Act or law, but subject” with “Subject”.

After debate, the question being put on the subamendment, it was adopted.

After debate, the question being put on the motion in amendment as amended, it was adopted.

The Honourable Senator Dalphond moved that Bill S-256 be amended on page 2 by adding the following after line 21:

**“3.1 The Act is amended by adding the following after the heading “Inspection of Mail” before section 41:**

**40.1 (1)** When expressly authorized by an enforcement statute made by the Council, government or other entity that is authorized to act on behalf of the Indigenous group, community or people, the Corporation may, for the purpose of identifying the presence of a controlled substance, screen any mail addressed to a place of residence or business located on

(a) a reserve; or

(b) Indigenous lands prescribed by regulations made under this Act.

**(2)** A screening under subsection (1) may not include opening mail but may include use of a scanner, canine detection or a similar non-intrusive device.

**(3)** The following definitions apply in this section.

**controlled substance** has the same meaning as in subsection 2(1) of the *Controlled Drugs and Substances Act*. (*substance désignée*)

**enforcement statute** means a law or by-law made by a council, government or other entity that is authorized to act on behalf of an Indigenous group, community or people that holds rights recognized and affirmed by section 35 of the *Constitution Act, 1982*. (*loi d'exécution*)

**reserve** has the same meaning as in subsection 2(1) of the *Indian Act*. (*réserve*)”.

The Honourable Senator Oudar moved that the motion in amendment be amended by replacing “a place of residence or business” with “any location”.

After debate, the question being put on the subamendment, it was adopted.

The Honourable Senator Carignan, P.C., moved that the motion in amendment be amended by adding “or reading” after “opening”.

After debate, the question being put on the subamendment, it was adopted.

The chair asked whether new clause 3.1 shall carry.

After debate, it was agreed that new clause 3.1, as amended, carry, on division.

The chair asked whether clause 4 shall carry.

After debate, clause 4 was negatived.

The chair asked whether clause 5 shall carry.

After debate, clause 5 was negatived.

It was agreed that clause 6 carry.

It was agreed that clause 7 carry.

It was agreed that clause 8 carry.

It was agreed that clause 1, which contains the short title, carry.

It was agreed that the preamble carry.

It was agreed that the title carry.

It was agreed that the bill carry, as amended, on division.

It was agreed that the Law Clerk and Parliamentary Counsel be authorized to make necessary technical, grammatical, or other required non-substantive changes as a result of the amendments adopted by the committee, in both official languages, including updating cross-references and renumbering of provisions.

It was agreed that the chair report Bill S-256 with amendments, to the Senate, in both official languages.

At 12:12 p.m., the committee suspended.

At 12:23 p.m., the committee resumed.

At 1:07 p.m., the committee suspended.

At 1:18 p.m., the committee resumed.

At 1:23 p.m., the committee suspended.

At 1:25 p.m., the committee resumed.

At 1:32 p.m., the committee adjourned to the call of the chair.

*ATTEST:*

Vincent Labrosse

*Clerk of the Committee*