



## MINUTES OF PROCEEDINGS

OTTAWA, Wednesday, May 18, 2022

(14)

[English]

Pursuant to the order of the Senate of May 5, 2022, the Standing Senate Committee on Legal and Constitutional Affairs met this day in room C128, Senate of Canada Building, and with videoconference, at 4:16 p.m. ET, the chair, the Honourable Mobina S. B. Jaffer, presiding.

*Members of the committee present:* The Honourable Senators Batters, Campbell, Clement, Cotter, Dalphond, Harder, P.C., Jaffer and Pate (8).

*Members of the committee present by videoconference:* The Honourable Senators Boisvenu, Dupuis, Wetston and White (4).

*Other senators present:* The Honourable Senator Carignan, P.C. (1).

*Participating in the meeting:* Laurie-Anne Spooner, Administrative Assistant, Committees Directorate; Julian Walker and Michaela Keenan-Pelletier, analysts, Library of Parliament.

Pursuant to the order of reference adopted by the Senate on Thursday, March 31, 2022, the committee continued its consideration of Bill S-4, An Act to amend the Criminal Code and the Identification of Criminals Act and to make related amendments to other Acts (COVID-19 response and other measures).

It was agreed that the committee proceed to clause-by-clause consideration of Bill S-4, An Act to amend the Criminal Code and the Identification of Criminals Act and to make related amendments to other Acts (COVID-19 response and other measures).

With leave, it was agreed to group clauses in groups of 10, when appropriate.

It was agreed that the title stand postponed.

It was agreed that clauses 1 to 10 carry.

It was agreed that clauses 11 to 20 carry.

It was agreed that clauses 21 to 30 carry.

It was agreed that clauses 31 to 40 carry.

It was agreed that clauses 41 to 45 carry.

The chair asked whether clause 46 shall carry.

The Honourable Senator Batters moved that Bill S-4 be amended in clause 46:

(a) on page 21, by deleting lines 4 to 16;

(b) on page 22, by replacing line 5 with the following:

“means, other than a trial for a summary conviction or indictable offence, the court may allow the accused or offender to”.

After debate, the question being put on the motion in amendment, it was negatived on the following vote:

YEAS

The Honourable Senators Batters, Boisvenu, Campbell, White — [4]

NAYS

The Honourable Senators Clement, Cotter, Dalphond, Dupuis, Harder, Jaffer, Pate, Wetston — [8]

ABSTENTIONS

Nil

The Honourable Senator Batters moved that Bill S-4 be amended in clause 46, on page 20, by adding the following after line 17:

**“715.223 (1)** If any provision in this Part requires the consent of a prosecutor, an accused or an offender, that consent may be revoked at any time.

**(2)** The revocation of consent under subsection (1) does not affect the validity of any proceedings that occurred prior to the revocation.”.

After debate, the question being put on the motion in amendment, it was negatived on the following vote:

YEAS

The Honourable Senators Batters, Boisvenu, Cotter, Pate, White — [5]

NAYS

The Honourable Senators Campbell, Clement, Dalphond, Dupuis, Harder, Jaffer, Wetston — [7]

ABSTENTIONS

Nil

The Honourable Senator Batters moved that Bill S-4 be amended in clause 46, on page 20:

(a) by replacing line 19 with the following:

**"715.23 (1)** Before making a determination to allow or re-";

(b) by replacing lines 32 and 33 with the following:

"lic hearing;

**(e)** the nature and seriousness of the offence;

**(f)** whether the technology is available to ensure a stable connection that allows for presenting exhibits and for full participation in the proceedings;

**(g)** the accessibility of the proceedings to the public;

**(h)** the security of the proceedings and those participating in them; and

**(i)** whether conditions can be established to ensure that the court and parties can evaluate the credibility of witnesses.

**(2)** If the court allows or requires an accused or an offender to appear by audioconference or videoconference, it may establish any conditions on that appearance that are appropriate in the circumstances."

At 6:11 p.m., the committee adjourned to the call of the chair.

*ATTEST:*

Mark Palmer

*Clerk of the Committee*