



MINUTES OF PROCEEDINGS

OTTAWA, Wednesday, May 17, 2023

(58)

[English]

The Standing Senate Committee on Legal and Constitutional Affairs met this day at 4:18 p.m., in room B30, Senate of Canada Building, the chair, the Honourable Brent Cotter, presiding.

Members of the committee present: The Honourable Senators Batters, Boisvenu, Clement, Cotter, Dalphond, Jaffer, Klyne, Pate, Quinn, Simons and Tannas (11).

Participating in the meeting: Aoife Mc Donald, 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 9, 2023, the committee continued its consideration of Bill C-9, An Act to amend the Judges Act.

WITNESSES:

Department of Justice Canada:

Toby Hoffmann, Director and General Counsel, Judicial Affairs Section;

Patrick Xavier, Senior Counsel, Judicial Affairs Section;

Shakiba Azimi, Counsel, Judicial Affairs Section.

The Honourable Senator Batters moved that Bill C-9 be amended in clause 12,

(a) on page 14, by replacing line 5 with the following:

“Supreme Court of Canada, by a decision of the Federal Court of Appeal if the Federal Court of Appeal’s decision is final, or by the decision of an ap-”;

(b) on page 16,

(i) by replacing line 19 with the following:

“Further Appeals”,

(ii) by replacing lines 23 to 26 with the following:

“sends them a notice of its decision, appeal the decision to the Federal Court of Appeal.”

“**138** If leave to appeal a decision of the Federal Court of Appeal made on an appeal under section 137 is granted by the Supreme Court”;

(c) on page 17,

(i) by replacing line 4 with the following:

“pired,

(b.1) the Federal Court of Appeal has made a decision in respect of the appeal panel’s decision and

(i) the judge and the presenting counsel have both waived their right to seek leave to appeal the decision to the Supreme Court of Canada, or

(ii) the time limit for filing an application for leave to appeal the decision to the Supreme Court of Canada has expired, and”,

(ii) by replacing lines 6 and 7 with the following:

“leave to appeal the decision of the Federal Court of Appeal or, if it has, it has made a decision in respect of the Federal Court of Appeal’s decision.”,

(iii) by replacing line 9 with the following:

“decision and any decision of the appeal panel, the Federal Court of Appeal and the”;

(d) on page 20, by replacing line 13 with the following:

“Federal Court of Appeal and the Supreme Court of Canada relating to those proceedings.”.

Toby Hoffmann and Patrick Xavier answered questions from time to time.

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

YEAS

The Honourable Senators

Batters, Boisvenu, Jaffer, Pate, Quinn, Tannas – 6

NAYS

The Honourable Senators

ABSTENTIONS

NIL

It was agreed that clause 12, as amended, carry.

It was agreed that clause 13 carry, on division.

It was agreed that clause 14 carry, on division.

It was agreed that clause 15 carry, on division.

The chair asked whether clause 16 shall carry.

The Honourable Senator Batters moved that Bill C-9 be amended, in clause 16, on page 25,

(a) by replacing line 23 with the following:

“16 (1) If a report made under section 65 of the”;

(b) by replacing lines 28 to 30 with the following:

“after that day, appeal the report to the Federal Court of Appeal.

(2) If leave to appeal a decision of the Federal Court of Appeal made on an appeal under subsection (1) is granted by the Supreme Court of Canada, section 138 of”.

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

It was agreed that clause 16, as amended, carry.

It was agreed that the title carry.

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, including updating cross-references and renumbering of provisions.

It was agreed that the chair report Bill C-9, with amendments and without observations, to the Senate, at the earliest opportunity.

At 5:23 p.m., the committee suspended.

At 5:33 p.m., the committee resumed.

Pursuant to the order of reference adopted by the Senate on Thursday, April 27, 2023, the committee continued its consideration of the subject matter of those elements contained in Divisions 30, 31, 34 and 39 of Part 4, and in Subdivision B of Division 3 of Part 4 of Bill C-47, An Act to implement

certain provisions of the budget tabled in Parliament on March 28, 2023. (Topic: Elements of Part 4, Division 30)

WITNESSES (by videoconference):

Canadian Association of Chiefs of Police (CACP):

Rachel Huggins, Co-chair of the CACP Drug Advisory Committee;

Michael Rowe, member of the CACP Law Amendments Committee.

Noonan Piercey:

Jonathan Noonan, Lawyer.

Nunavik Police Service:

Jean-Pierre Larose, Chief.

Rachel Huggins, Michael Rowe, Jonathan Noonan and Jean-Pierre Larose each made a statement and answered questions.

At 6:25 p.m., the committee adjourned to the call of the chair.

ATTEST:

Mark Palmer

Clerk of the Committee