



MINUTES OF PROCEEDINGS

OTTAWA, Thursday, November 21, 2024

(126)

[English]

The Standing Senate Committee on Legal and Constitutional Affairs met this day at 11:32 a.m., in room B30, Senate of Canada Building, the chair, the Honourable Brent Cotter, presiding.

Members of the committee present: The Honourable Senators Arnot, Aucoin, Audette, Batters, Carignan, P.C., Clement, Cotter, Dalphond, Gold, P.C., McNair, Pate, Prosper and Simons (13).

Other senators present: The Honourable Senator Senior (1).

Participating in the meeting: Michaela Keenan-Pelletier and Emilie Doyon, analysts, Library of Parliament.

Pursuant to the order of reference adopted by the Senate on Thursday, October 10, 2024, the committee continued its consideration of Bill C-40, An Act to amend the Criminal Code, to make consequential amendments to other Acts and to repeal a regulation (miscarriage of justice reviews).

WITNESSES:

Department of Justice Canada:

Nathalie Cyr, Deputy Chief Legislative Counsel (regulations) and Director, Public Law and Legislative Services Sector;

Julie Besner, Senior Counsel, Public Law and Legislative Services Sector.

It was agreed that the committee proceed to clause-by-clause consideration of Bill C-40.

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.

The Honourable Senator Carignan, P.C., moved that Bill C-40 be amended in clause 2, on page 1, by replacing line 7 with the following:

“1.1 The portion of subsection 2.2(1) of the Criminal Code before paragraph (a) is replaced by the following:

2.2 (1) For the purposes of sections 606 and 672.5, Part XXI.1 and sections 715.37, 722, 737.1 and 745.63, any of the following individuals may act on the victim’s behalf if the victim is dead or incapable of acting on their own behalf:

2 Subsection 679(7) of the Act is re-”.

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

YEAS

The Honourable Senators

Batters, Carignan — [2]

NAYS

The Honourable Senators

Arnot, Aucoin, Audette, Cotter, Clement, Dalphond, Gold, McNair, Pate, Prosper, Simons — [11]

ABSTENTIONS

NIL

It was agreed that clause 2 carry, on division.

The chair asked whether clause 3 shall carry.

The Honourable Senator Carignan, P.C., moved that Bill C-40 be amended in clause 3, on page 2, by replacing line 13 with the following:

“plication was heard or the Court Martial Appeal Court of Canada. (*cour d’appel*)”.

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

YEAS

The Honourable Senators

Batters, Carignan — [2]

NAYS

The Honourable Senators

Arnot, Aucoin, Audette, Cotter, Clement, Dalphond, Gold, McNair, Pate, Prosper, Simons — [11]

ABSTENTIONS

NIL

The Honourable Senator Carignan, P.C., moved that Bill C-40 be amended in clause 3, on page 3, by adding the following after line 5:

“(1.1) The Commission must notify the victim of the application without delay and provide the victim with an update concerning the status of the application on a regular basis.”.

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

YEAS

The Honourable Senators

Batters, Carignan — [2]

NAYS

The Honourable Senators

Arnot, Aucoin, Audette, Cotter, Clement, Dalphond, Gold, McNair, Pate, Prosper, Simons — [11]

ABSTENTIONS

NIL

The Honourable Senator Carignan, P.C., moved that Bill C-40 be amended in clause 3, on page 4, by replacing line 11 with the following:

“(5) The Commission must notify the applicant, the victim and the”.

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

YEAS

The Honourable Senators

Batters, Carignan — [2]

NAYS

The Honourable Senators

Arnot, Aucoin, Audette, Cotter, Clement, Dalphond, Gold, McNair, Pate, Prosper, Simons — [11]

ABSTENTIONS

NIL

The Honourable Senator Carignan, P.C., moved that Bill C-40 be amended in clause 3, on page 4,

(a) by replacing lines 19 and 20 with the following:

“(2) The Commission must send a notice to the applicant, the victim and the relevant Attorney General indicating whether”;

(b) by replacing line 24 with the following:

“cant, the victim and the Attorney General may provide further infor-”.

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

YEAS

The Honourable Senators

Batters, Carignan — [2]

NAYS

The Honourable Senators

Arnot, Aucoin, Audette, Cotter, Clement, Dalphond, Gold, McNair, Pate, Prosper, Simons — [11]

ABSTENTIONS

NIL

The Honourable Senator Carignan, P.C., moved that Bill C-40 be amended in clause 3, on page 5, by replacing line 3 with the following:

“plicant, the victim and the relevant Attorney General.”.

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

YEAS

The Honourable Senators

Batters, Carignan — [2]

NAYS

The Honourable Senators

Arnot, Aucoin, Audette, Cotter, Clement, Dalphond, Gold, McNair, Pate, Prosper, Simons — [11]

ABSTENTIONS

NIL

The Honourable Senator Carignan, P.C., moved that Bill C-40 be amended in clause 3, on page 6, by replacing line 20 with the following:

“(7) The Commission must notify the applicant, the victim and the”.

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

YEAS

The Honourable Senators

Batters, Carignan — [2]

NAYS

The Honourable Senators

Arnot, Aucoin, Audette, Cotter, Clement, Dalphond, Gold, McNair, Pate, Prosper, Simons — [11]

ABSTENTIONS

NIL

It was agreed that clause 3 carry, on division.

The chair asked whether clause 4 shall carry.

The Honourable Senator Batters moved that Bill C-40 be amended in clause 4, on page 9, by deleting line 9.

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

YEAS

The Honourable Senators

Batters, Carignan — [2]

NAYS

The Honourable Senators

Arnot, Aucoin, Audette, Cotter, Clement, Dalphond, Gold, McNair, Prosper — [9]

ABSTENTIONS

The Honourable Senators

Pate, Simons — [2]

It was agreed that clause 4 carry, on division.

It was agreed that clause 5 carry, on division.

It was agreed that clause 6 carry, on division.

It was agreed that clause 7 carry, on division.

It was agreed that clause 8 carry, on division.

It was agreed that clause 9 carry, on division.

It was agreed that clause 10 carry, on division.

It was agreed that clause 11 carry, on division.

It was agreed that clause 12 carry, on division.

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.

It was agreed that clause 16 carry, on division.

It was agreed that clause 17 carry, on division.

It was agreed that clause 18 carry, on division.

It was agreed that clause 19 carry, on division.

It was agreed that clause 20 carry, on division.

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

It was agreed that the title carry.

It was agreed that the bill carry, on division.

The committee discussed observations.

The chair asked whether observations proposed by the Honourable Senator Pate shall carry.

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

YEAS

The Honourable Senators

Arnot, Aucoin, Audette, Cotter, Clement, Dalphond, McNair, Pate, Prosper — [9]

NAYS

The Honourable Senators

Batters — [1]

ABSTENTIONS

The Honourable Senators

Simons — [1]

The chair asked whether observations proposed by the Honourable Senator Simons shall carry.

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

The chair asked whether observations proposed by the Honourable Senator Aucoin shall carry.

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

The chair asked whether observations proposed by the Honourable Senator Prosper shall carry.

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

The chair asked whether observations proposed by the Honourable Senator Clement shall carry.

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

After debate, it was agreed that observations be appended to the committee's report on the bill.

It was agreed that the Subcommittee on Agenda and Procedure be empowered to approve the final version of the observations to be appended to the report in both official languages, taking into consideration today's discussion and with any necessary editorial, grammatical or translation changes, as required.

It was agreed that the chair report Bill C-40, without amendment and with observations, to the Senate, in both official languages.

At 1:36 p.m., the committee adjourned to the call of the chair.

ATTEST:

Vincent Labrosse

Clerk of the Committee