



MINUTES OF PROCEEDINGS

OTTAWA, Wednesday, October 26, 2022
(27)

[English]

The Standing Senate Committee on Legal and Constitutional Affairs met this day at 4:16 p.m., in room W120, 1 Wellington St., the chair, the Honourable Mobina S. B. Jaffer, presiding.

Members of the committee present: The Honourable Senators Batters, Boisvenu, Clement, Cotter, Dalphond, Downe, Dupuis, Gold, P.C., Harder, P.C., Jaffer, Pate, Simons and Smith (13).

Other senators present: The Honourable Senator LaBoucane-Benson (1).

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

Pursuant to the order of reference adopted by the Senate on Wednesday, June 22, 2022, the committee continued its consideration of Bill C-5, An Act to amend the Criminal Code and the Controlled Drugs and Substances Act.

WITNESSES:

Department of Justice Canada:

Andrew DiManno, Counsel;

Matthias Villettorte, Senior Counsel and Team Lead;

Matthew Taylor, General Counsel and Director.

It was agreed that the committee proceed to clause-by-clause consideration of Bill C-5.

It was agreed that the title stand postponed.

It was agreed that clause 1 carry, on division.

It was agreed that clause 2 carry, on division.

It was agreed that clause 3 carry, on division.

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.

The Honourable Senator Pate moved that Bill C-5 be amended on page 3, by adding new clause 13.1,:

“13.1 The Act is amended by adding the following after section 718.3:

718.4 (1) The court that sentences an accused may impose a sentence other than the prescribed minimum punishment for the offence if, after having considered the fundamental purpose and principles of sentencing as set out in sections 718 to 718.2, it is satisfied that doing so would be in the interest of justice.

(2) The court shall give reasons for imposing a sentence other than the prescribed minimum punishment for an offence and shall state those reasons in the record.”.

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

YEAS

The Honourable Senators

Clement, Jaffer, Pate, Simons — 4

NAYS

The Honourable Senators

Batters, Boisvenu, Cotter, Dalphond, Downe, Dupuis, Gold, Harder, Smith— 9

ABSTENTIONS

NIL

The chair asked whether clause 14 shall carry.

The Honourable Senator Boisvenu moved that Bill C-5 be amended in clause 14, on page 3, by replacing lines 19 to 21 with the following:

“(iii) section 318 (advocating genocide);

(2) Section 742.1 is amended by adding “and” at the end of paragraph (d) and by replacing paragraphs (e) and (f) with the following:

(e) the offence is not an offence, prosecuted by way of indictment, under any of the following provisions:

(i) section 221 (causing bodily harm by criminal negligence),

(ii) section 264 (criminal harassment),

(iii) section 267 (assault with a weapon or causing bodily harm),

(iv) section 270.01 (assaulting peace officer with weapon or causing bodily harm),

(v) section 271 (sexual assault),

(vi) section 279 (kidnapping),

(vii) section 279.02 (material benefit — trafficking),

(viii) section 281 (abduction of person under age of 14), and

(ix) section 349 (being unlawfully in a dwelling-house).”

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

YEAS

The Honourable Senators

Batters, Boisvenu, Harder, Smith — 4

NAYS

The Honourable Senators

Clement, Cotter, Dalphond, Dupuis, Jaffer, Gold, Harder, Pate, Simons— 9

ABSTENTIONS

NIL

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 21 carry, on division.

It was agreed that the title carry.

It was agreed that the bill carry, on division.

After debate, it was agreed that observations be appended to the committee's report on the following vote:

YEAS

The Honourable Senators

Batters, Boisvenu, Clement, Cotter, Dalphond, Dupuis, Jaffer, Gold, Harder, Pate, Simons, Harder, Smith

— 13

NAYS

NIL

ABSTENTIONS

NIL

It was agreed that the chair report Bill C-5 without amendment and with observations to the Senate.

At 5:40 p.m., the committee adjourned to the call of the chair.

ATTEST:

Mark Palmer

Clerk of the Committee