



MINUTES OF PROCEEDINGS

OTTAWA, Wednesday, June 10, 2026
(25)

[English]

The Standing Senate Committee on National Security, Defence and Veterans Affairs met this day at 11:15 a.m., in room B45, Senate of Canada Building.

Members of the committee present: The Honourable Senators Anderson, Boehm, Cardozo, Carignan, P.C., Dasko, Hay, Housakos, McNair, Moreau, P.C., Patterson, Ross, White, Youance and Yussuff (14).

Participating in the meeting: Vincent Labrosse, Procedural Clerk, Committees Directorate; Anne-Marie Therrien-Tremblay and Andrés León, Analysts, Library of Parliament.

The clerk informed the committee of the unavoidable absences of the chair and deputy chair and presided over the election of an acting chair.

The Honourable Senator Boehm moved that the Honourable Senator Yussuff be the acting chair.

The question being put on the motion, it was adopted.

The acting chair took the chair.

Pursuant to the order of reference adopted by the Senate on Thursday, May 28, 2026, the committee continued its consideration of Bill C-11, An Act to amend the National Defence Act and other Acts.

WITNESSES:

Department of National Defence and the Canadian Armed Forces:

Colonel Geneviève Lortie, Deputy Judge Advocate General, Office of the Judge Advocate General;

Lieutenant-Colonel Matt MacMillan, Director of Law, Military Justice Implementation, Military Justice Modernization, Office of the Judge Advocate General.

At 11:20 a.m., the committee suspended.

At 11:21 a.m., pursuant to rule 12-16(1)(d), the committee resumed in camera to consider a draft agenda (future business).

It was agreed that the committee allow the audio recording and/or transcript of the in camera portion of today's meeting, that one copy be kept with the clerk of the committee for consultation by committee members or staff, and that the audio recording and/or transcript be destroyed by the clerk when authorized to do so by the Subcommittee on Agenda and Procedure, but no later than at the end of this parliamentary session.

It was agreed that staff from the Department of National Defence and the Canadian Armed Forces be permitted to remain in the room during the in-camera proceedings.

At 11:40 a.m., the committee suspended.

At 11:40 a.m., the committee resumed in public.

It was agreed that the committee proceed to clause-by-clause consideration of Bill C-11, An Act to amend the National Defence Act and other Acts.

It was agreed that the title stand postponed.

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

With leave and pursuant to rule 12-20(4), it was agreed that the remaining clauses be considered in groups of 10, when appropriate.

The chair asked whether clauses 1 to 10 carry.

The Honourable Senator Carignan, P.C., moved that Bill C-11 be amended in clause 7,

(a) on page 3, by replacing line 7 with the following:

“7 (1) The portion of section 70 of the Act before paragraph (a) is replaced by the following:

70 Subject to subsection (2), a court martial does not have jurisdiction to try any person charged with any of the following offences committed in Canada:

(2) Section 70 of the Act is amended by striking out”;

(b) on page 4, by adding the following after line 34:

“(3) Section 70 of the Act is renumbered as subsection 70(1) and is amended by adding the following:

(2) Despite any other provision of this Act and any other law, the victim of an offence referred to in any of paragraphs 1(d) to (h), or an individual acting on their behalf, may choose whether the person charged with the offence is to be tried by a court martial or a civil court.”.

A point of order was raised concerning the receivability of the motion in amendment.

Colonel Geneviève Lortie and Lieutenant-Colonel Matt MacMillan were invited to the table and answered questions. They answered questions from time to time for the remainder of the meeting.

At 12:17 p.m., the committee suspended.

At 12:21 p.m., the committee resumed.

After debate, the chair ruled that the motion in amendment was in order and that it respected the principle of Bill C-11.

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

YEAS

The Honourable Senators

Anderson, Cardozo, Carignan, P.C., Dasko, Housakos, Youance, Yussuff — [7]

NAYS

The Honourable Senators

Boehm, Hay, McNair, Moreau P.C., Patterson, Ross, White — [7]

ABSTENTIONS

NIL

The chair asked whether clause 7 shall carry.

After debate, the question being put on the motion, it was adopted by a show of hands.

It was agreed that clause 2 carry.

It was agreed that clause 3 carry.

It was agreed that clause 4 carry.

It was agreed that clause 5 carry.

It was agreed that clause 6 carry.

It was agreed that clause 8 carry.

It was agreed that clause 9 carry.

It was agreed that clause 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 50 carry.

It was agreed that clauses 51 to 60 carry.

The chair asked whether clauses 61 to 69 carry.

The Honourable Senator Patterson moved that Bill C-11 be amended on page 44 by adding the following after line 26:

“Review

65.1 (1) Within three years after the day on which sections 7 and 8 come into force, the Minister of National Defence must, in consultation with the Minister of Justice, cause an independent review to be undertaken of paragraphs 70(d) to (h) and sections 70.1 to 70.3 of the National Defence Act and their application.

(2) Within one year after the review is undertaken, the Minister of National Defence must cause a report on the review to be tabled in each House of Parliament.

(3) The report must be informed by consultations with appropriate authorities in the military and civilian justice systems, victims, advocates, scholars and other stakeholders.

(4) The report must include

(a) statistics on the number of cases involving offences that were prosecuted in the civilian justice system as a result of paragraphs 70(d) to (h) of the National Defence Act, the outcomes of those cases and any other relevant information respecting the application of those paragraphs and sections 70.1 to 70.3 of that Act;

(b) an evaluation of the services available for members of the Canadian Armed Forces who are victims of offences that were prosecuted in the civilian justice system as a result of paragraphs 70(d) to (h) of that Act;

(c) an evaluation of the advantages and disadvantages of the application of paragraphs 70(d) to (h) and sections 70.1 to 70.3 of that Act for the military justice system and the authorities in the military justice system, and measures that may be taken to address those disadvantages;

(d) measures that may be taken to enhance access to justice for members of the Canadian Armed Forces in relation to offences referred to in paragraphs 70(d) to (h) of that Act; and

(e) the Minister of National Defence's opinion as to whether paragraphs 70(d) to (h) and sections 70.1 to 70.3 of that Act should be repealed.

(5) The report stands referred to the committee of the Senate, the House of Commons or both Houses of Parliament that may be designated or established for the purpose of reviewing the report.

(6) If the report indicates that the Minister of National Defence is of the opinion that paragraphs 70(d) to (h) and sections 70.1 to 70.3 of the National Defence Act should be repealed, the Minister may cause to be filed with the Speaker of the Senate and the Speaker of the House of Commons a motion for the adoption by each House of Parliament of a resolution that that House agrees with the Minister's opinion and calls on the government to introduce a bill to repeal those paragraphs and sections."

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

It was agreed that clause 65.1 carry.

It was agreed that clauses 61 to 69, as amended, carry.

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.

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

The chair asked whether the committee wished to append observations to the bill.

At 1:09 p.m., the committee suspended.

At 1:17 p.m., the committee resumed.

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 being appended to the report, in both official languages, taking into consideration today's discussion and with necessary editorial, grammatical and translation changes as required.

It was agreed that the chair report Bill C-11 as amended and with observations to the Senate, in both official languages, at the earliest opportunity

At 1:24 p.m., the committee adjourned to the call of the chair.

ATTEST:

Ericka Paajanen

Clerk of the Committee