

August 2011

Mr. President:

The co-chairs of the Law Amendments Committee (LAC) are pleased to present to you the annual report of the LAC for the year 2010-2011.

This has been a year of change and transition for the LAC. Over the past year, we have introduced a process to have position papers developed on new legislation. The process just got under way when the spring election was called. We only had two papers prepared, Bill C-22 and C-54. The new program has meant that the Committee had to restructure its restructured finances in order to accomplish this new approach which while positive, has had an impact on Committee members. I wish to compliment the LAC membership for its support and enthusiasm towards this new program. I also wish to acknowledge the role played by Lynda Bordeleau and her firm, in this new approach.

The work of the LAC continues to expand into other areas. Much effort was put into the Criminal Justice Symposium (the third of which took place in Toronto in January 2011). Plans are well underway for the next Symposium which will take place in Victoria in January 2012.

Through the LAC, the CACP retains two seats on the Justice Efficiencies and Access to Justice Steering Committee. This is a very important Committee which is closely linked with the development of criminal law and public policy in Canada. I wish to acknowledge the significant contribution to the Disclosure Subcommittee by Francis Brabant of the Sûreté du Québec.

I also wish to acknowledge the long standing Committee members who will be leaving the Committee this year. Calgary Deputy Chief Murray Stooke has been a member of the LAC since the mid 1990's and its co-chair for the last several years. Murray has been an active and energetic contributor, always quick to participate and offer valuable advice. As well, Geoff O'Brien from CSIS has also sat on the LAC since the mid 1990's. Geoff was the first representative from CSIS to sit as an LAC member and is noted for his insightful, and often humorous perspective on justice issues in Canada. Geoff has also helped forge the links between intelligence and police operations, which have become so important in the last few years. I thank them most sincerely for their many years of service to the CACP and the LAC in particular. They both will be missed.

I would also like to thank Vicky Nelson of the Ottawa Police Service for her administrative support to the LAC and Amélie Paradis of the Service de police de la Ville de Montréal for her work on the Legislative Updates.

Sincerely,

Vincent Westwick

## **Major Activities for the Year 2010/2011**

### ***Justice Efficiencies and Access to Justice Steering Group***

This work group was developed by the Deputy Minister of Justice Canada at the request of Federal/Provincial/Territorial Ministers responsible for Justice and Criminal law. It is composed of a group representing prosecutors, defence counsel, judges, senior officials and police. Justice Efficiencies meets three times a year although its subgroups meet more often. The Steering Group prepares position papers on different aspects of the criminal law which are presented to the Federal/Provincial/Territorial Ministers responsible for Justice and Criminal law. The CACP has been represented by the co-chairs of the LAC.

Please consult the Justice Efficiencies website for a full list of its members, mandate and its past reports. [www.justice.gc.ca/eng/esc-cde/index.html](http://www.justice.gc.ca/eng/esc-cde/index.html)

### ***Symposium: Re-inventing Criminal Justice***

Another Symposium was held in January 2011. As in past, the 2011 Symposium included representatives of the:

- Judiciary
- Crown Prosecutors
- Defence Counsel
- Senior Government officials
- Police

The Fourth Symposium is scheduled for Victoria in January 2012.

### ***Position Papers Project***

Beginning earlier this year, the LAC has commenced a pilot project to produce position papers on new legislation. Working with Lynda Bordeleau's law firm Perley Robertson, the LAC will produce short position papers which will include the following headings:

- Summary of the proposed legislation
- Potential impacts of the legislation on policing
- CACP position on the proposed legislation.

Once the position has been finalized the paper will be available on the members' only portion of the CACP website. This paper can be used for members to familiarize themselves with a draft Bills before the Parliament. The position paper can also be used as the foundation for media briefings, or release, and for the actual presentation to the

Parliamentary Committee. This is a significant step forward and will assist not only LAC members but the CACP membership at large.

Two drafts position papers were completed just prior to the election call in the spring of 2011. Position papers will be produced as legislation is introduced into parliament during the fall session of 2011.

### **Outstanding Criminal Legislation**

There were a number of Bills dealing with criminal law introduced into the Third Session of the 40th Parliament. Many of these Bills died on the Order Paper when parliament was dissolved for the Spring Election.

Those Bills can be reviewed on the Parliamentary website

<http://www.parl.gc.ca/LegisInfo/Result.aspx?ParliamentSession=40-3&Language=E&Mode=1&Page=27>

An important part of the duties of the LAC is to appear before Parliamentary Committees reviewing new legislation. In 2011 the LAC appeared before Parliament as follows:

- February 16, 2011 on Bill C-22 (Senate)
- March 9, 2011, on Bill C-30, (Senate)
- March 21, 2011 on Bill C-59, (Senate)

Early in the first session of the 41st Session of Parliament which commenced on 2 June 2011, Parliament passed Bill C-2 the *Fair and Efficient Criminal Trials Act*. This Bill came into force on August 15, 2011.

This Bill, sometimes called the “mega trials” legislation, was designed to deal with large criminal law trials with multiple accused and/or multiple charges. Many of its features address new or expanded detailed criminal procedures that are designed to allow large trials to move forward in a more logical and efficient manner. In the past, many of these mega trials became bogged down because of criminal law procedures that were never designed to deal with that level of complexity. The CACP supported this legislation

The Government has stated publicly that many of the Bills which had been introduced in the previous Parliament will be reintroduced in the fall 2011 Session, in an omnibus bill. This would include the long awaited lawful access provisions.

CACP members are encouraged to pass their views on new legislation to members of the LAC.

### **Meetings**

This year's activities included LAC meeting in December 2010 (Victoria), April 2011 (Montreal) and August 2011 (Windsor).

### ***CACP Intervention Program***

The CACP continues to intervene in cases before the Supreme Court of Canada. The purpose of such intervention is to provide to the Court a perspective from the police and where appropriate, provide submissions on the impact which might flow from a change in the law. The views of the CACP in this regard have been welcomed.

The CACP appeared before the Supreme Court of Canada 25 January 2011 in the case of *R v. Barros*. Inspector Greg Preston of the Edmonton Police Service led the legal team for this case.

### ***Membership***

The LAC welcomed three new members to the committee this year, following the departure of, Murray Stooke, Geoff O'Brien, Tom Trueman and Rick Bourassa. Our new members are:

- Assistant Commissioner Antoine Babinsky of the RCMP
- Director General Kevin Brosseau of the RCMP
- Chief Matt Torigian of the Waterloo Regional Police Service

As well, Deputy Chief Warren Lemcke of the Vancouver Police Service has agreed to take the co-chair position, replacing Deputy Chief Murray Stooke of the Calgary Police Service.

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