

REPORT OF THE SENIOR FEDERAL DELEGATE

Uniform Law Conference of Canada Criminal Section 2012

August 2012

Department of Justice Canada

INTRODUCTION

The expertise provided by the delegates to the Uniform Law Conference of Canada (ULCC) and the forum to exchange views, identify issues and debate possible solutions and approaches is highly valued by the Federal Delegates to the Conference. Equally important, the Conference provides a resource to the Department of Justice and the Minister of Justice on a whole range of criminal law issues. The work of the Conference continues to benefit the federal government in identifying provisions of the *Criminal Code* and related criminal law statutes in need of legislative reform and in identifying trends and issues that require further consideration.

As noted in past Reports, senior officials, the Deputy Minister and the Minister of Justice are informed of the work of the Conference following the annual meeting. Resolutions adopted by the ULCC are considered by departmental officials, and in some cases, are referred for further study to various federal-provincial-territorial (FPT) working groups.

Many issues that were the subject of ULCC Criminal Section resolutions have been considered by the Coordinating Committee of Senior Officials (Criminal Law) (CCSO). For example, the CCSO Working Group on Cyber Crime examined the issue of cross-border communication and interception of private communications (AB2009-03); reforms to section 184.4 of the *Criminal Code* (BC2008-04); and review and updates to Part VI provisions of the *Criminal Code* (AB2009-04) as well as reforms to the authority to issue certain warrants (AB2009-01). As discussed below, some reforms resulting from this work form part of Bill C-30, the *Protecting Children from Internet Predators Act*.

The following resolutions from the Criminal Section were discussed in the CCSO Working Group on High Risk Offenders in the past year: SK2010-01 (Designating experts in dangerous and long-term offender cases); QC2010-01 (Reversal of burden of proof for release in the event of a breach of a long-term offender order) MB2009-03 (Long-term offenders under community supervision: eligible waiting period for entitlement to apply for pardons); MB2010-01 (Appropriately incarcerating and supervising offenders subject to long-term supervision orders); and AB2010-01 (Maximum sentence for certain breaches prosecuted under section 811).

At its November 2011 and April 2012 meetings, the CCSO Working Group on Criminal Procedure examined a number of ULCC Criminal Section resolutions as part of its work on reforms to the accused re-election regime: CCCDL2008-02 (Accused's right to re-election of mode of trial); AB2011-01 (Increasing the period of time required to re-elect from a trial to a

preliminary hearing); CBA2011-03 (Converting a jury trial to a “judge alone” trial). The Working Group also continued its work on judicial signatures, which was undertaken following the BC2007-04 resolution suggesting that section 849 of the *Criminal Code* be amended to add a clause permitting a clerk of the court to sign any form on behalf of an issuing judge.

Other stakeholders, not represented at the Conference, may also be consulted before a policy proposal is considered for legislative reform.

Where an issue in a resolution that has been proposed by a jurisdiction falls under the responsibility of another federal minister, the relevant Department is informed of the resolution and provides information to the federal delegates to inform our discussions at the Conference. Where a resolution is passed that falls under the responsibility of another federal Minister, the relevant Department is also informed.

The Department of Justice also considers the resolutions and discussion papers presented to the Uniform Law Conference as it develops law reform to reflect the priorities of the Government, which include increasing public safety, confidence in the criminal justice system and improving efficiency.

As in the past few years, the Report of the Senior Federal Delegate notes the active criminal law agenda and the status of current bills of interest to the Criminal Law Section. Where possible, references to past ULC resolutions that are reflected in the bill are also noted.

The 2011 report provided information about criminal law reform bills and legislation passed in the 40th Parliament (Third Session) which commenced on March 3, 2010 and was dissolved on March 26, 2011. The 2011 report also provided a summary of Bill C-2, *An Act to amend the Criminal Code (mega-trials)* also known as *The Fair and Efficient Criminal Trials Act*, the first bill introduced in the 41st Parliament.

The current report provides information about the status of criminal law reform bills introduced by the Minister of Justice in the 41st Parliament to date. The Report also refers to other Government Bills and Private Members Bills that would be of interest to the Uniform Law Conference.

The **41st Session of Parliament** commenced on June 2, 2011.

Government Bills Passed

1. Bill C-2, the *Fair and Efficient Criminal Trials Act*

Bill C-2, *An Act to amend the Criminal Code (mega-trials)* was introduced on June 13, 2011. The Bill proposed new measures to strengthen case management, reduce duplication of processes, and improve criminal procedure. The Bill provided for the appointment of a Case Management Judge who is empowered to impose deadlines on parties and encourage them to simplify proceedings by narrowing the issues, making admissions and reaching agreements. The Case Management Judge also has the power to decide preliminary issues such as *Charter* and disclosure motions. As well, duplication of processes may be reduced by allowing for a joint hearing of motions involving similar evidence that arise in related but separate cases.

Bill C-2 was passed by the House of Commons on June 22 and by the Senate on June 23, 2011. It received Royal Assent on June 26, 2011 (S.C. 2011, c. 16). The provisions dealing with case management came into force on August 15, 2011 and the provisions dealing with increasing the number of jurors from 12 to 14 came into force on October 24, 2011.

2. Bill C-10, the *Safe Streets and Communities Act*

Bill C-10, *An Act to enact the Justice for Victims of Terrorism Act and to amend the State Immunity Act, the Criminal Code, the Controlled Drugs and Substances Act, the Corrections and Conditional Release Act, the Youth Criminal Justice Act, the Immigration and Refugee Protection Act and other Acts*, was introduced by the Minister of Justice on September 20, 2011. The Bill was passed by the House of Commons on December 5, 2011, and by the Senate on March 1, 2012. It received Royal Assent (S.C. 2012, c. 1) on March 13, 2012.

This comprehensive Bill includes the reforms that were previously proposed in the following nine bills introduced in the third session of the last Parliament:

- **Bill C-4**, *Sébastien's Law (Protecting the Public from Violent Young Offenders)*
- **Bill C-5**, *the Keeping Canadians Safe (the International Transfer of Offenders Act)*
- **Bill C-16**, *the Ending House Arrest for Property and Other Serious Crimes by Serious and Violent Offenders Act*
- **Bill C-23B**, *the Eliminating Pardons for Serious Crimes Act*
- **Bill C-39**, *the Ending Early Release for Criminals and Increasing Offender Accountability Act*
- **Bill C-54**, *the Protecting Children from Sexual Predators Act*
- **Bill C-56**, *the Preventing the Trafficking, Abuse and Exploitation of Vulnerable Immigrants Act*
- **Bill S-7**, *the Justice for Victims of Terrorism Act*
- **Bill S-10**, *the Penalties for Organized Drug Crime Act*

Two parts came into force on Royal Assent: that which enables victims of terrorism to sue perpetrators and supporters of terrorism, including listed foreign states (former Bills S-7/C-35) and that which expands the period of ineligibility for a pardon (re-named as “record suspension”) and eliminates the availability of a record suspension for certain offences including child sexual offences (former Bill C-23B). The amendments to the *International Transfer of Offenders Act* (former Bill C-5), which added new factors to be considered in deciding whether an offender would be granted a transfer back to Canada, came into force on May 3, 2012. The amendments to the *Corrections and Conditional Release Act* which improve support for victims and increase offender accountability (former Bill C-39) came into effect on June 13, 2012. The amendments to the *Immigration and Refugee Protection Act* which provide increased protection for foreign national workers against humiliating and degrading treatment including through sexual exploitation and human trafficking came into force on July 4, 2012. The amendments to the *Criminal Code*, which increase penalties for many sexual offences against children and create two new offences aimed at conduct that could facilitate or enable the commission of a sexual offence against a child (former Bill C-54), will come into force on August 9, 2012. The amendments to the *Youth Criminal Justice Act (YCJA)*, which include highlighting the protection of society as a fundamental principle of the *YCJA*, simplification of pre-trial detention rules, and strengthened sentencing provisions (former Bill C-4), will come into force on October 23, 2012. The amendments to the *Controlled Drugs and Substances Act*, which include imposing tougher

sentences for the production and possession of illicit drugs for the purposes of trafficking (former Bill S-10) will come into force on November 6, 2012. The amendments to the *Criminal Code* which eliminate house arrest or conditional sentences for serious and violent crimes (former Bill C-16/C-42) will come into force on November 20, 2012.

3. Bill C-26, the *Citizen's Arrest and Self-Defence Act*

Bill C-26, *An Act to amend the Criminal Code (citizen's arrest and the defences of property and persons)*, was introduced on November 22, 2011. The Bill re-introduced former Bill C-60 which died on the Order Paper in March 2011. The Bill's amendments enable a person who owns or has lawful possession of property, or persons authorized by them, to arrest within a reasonable time a person whom they find committing a criminal offence on or in relation to that property. It simplifies the provisions relating to the defences of property and persons.

The Bill was passed by the House of Commons on May 1, 2012 and by the Senate on June 12, 2012. It received Royal Assent on June 28, 2012 (S.C. 2012, c. 9). The provisions will come into force on a date or dates to be fixed by order of the Governor in Council.

Other Bills under the Minister of Justice's responsibility

Four other bills were introduced by or on behalf of the Minister of Justice that are still before Parliament.

1. Bill C-36, the *Protecting Canada's Seniors Act*

Bill C-36, *An Act to Amend the Criminal Code (Elder Abuse)*, was introduced on March 15, 2012. It received Second Reading on April 27, 2012, and was referred to the Standing Committee on Justice and Human Rights on June 20, 2012. The Bill proposes to amend paragraph 718.2(a) of the *Criminal Code* to provide that, where an offence has had a significant impact on a victim due to that victim's age and other personal circumstances, including their health or financial situation, it shall be considered to be an aggravating factor for sentencing purposes.

2. Bill C-37, the *Increasing Offenders' Accountability for Victims Act*

Bill C-37, *An Act to Amend the Criminal Code*, was introduced on April 24, 2012. The Bill proposes amendments to section 737 of the *Criminal Code* to: double the surcharge and make it mandatory in all cases by removing the waiver option; and allow offenders who are unable to pay the victim surcharge to satisfy it through fine option programs where they exist.

3. Bill S-7, the *Combating Terrorism Act*

Bill S-7, *An Act to amend the Criminal Code, the Canada Evidence Act and the Security of Information Act*, was introduced on February 15, 2012, by the Leader of the Government in the Senate (Marjory Lebreton) on behalf of the Minister of Justice. It received Second Reading on March 8, 2012, and was referred to the Senate Special Committee on Anti-terrorism; it was adopted by the Committee with amendments on May 14, 2012. The Committee requested minor amendments to two provisions and tabled its report with observations on May 16, 2012. It was adopted at Report Stage as amended by the Committee on May 30, 2012, received Third Reading in the Senate and was passed on May 31, 2012. It received First Reading in the House of Commons on June 5, 2012.

The Bill re-introduces the provisions of former Bill C-17 and proposes to amend the *Criminal Code* to re-enact anti-terrorism provisions that expired under a sunset clause in March 2007. The amendments provide for an investigative hearing which would compel the appearance of individuals with information about a terrorism offence that has been or will be committed before a judge to answer questions and would also re-enact the provision that provides for a recognizance with conditions that could be used to prevent a person from carrying out a terrorist activity. A mandatory annual report regarding these powers with opinions by the Attorney General of Canada and the Minister of Public Safety on whether these provisions should be extended is required. The Bill also proposes to create new offences for leaving or attempting to leave Canada to commit certain terrorism offences and proposes to increase, in certain cases, the maximum penalty for the harbouring and concealing offence in section 83.23 of the *Criminal Code* where the applicable activity constitutes a terrorism offence for which the person is liable to imprisonment for life. The Bill also proposes to amend the *Security of Information Act* to increase, in certain cases, the maximum penalty for harbouring a person who committed an offence under that Act.

Bill S-7 would also seek to amend the *Canada Evidence Act* to allow the Federal Court to order that applications before this Court dealing with the disclosure of sensitive or potentially injurious information be made public and to allow the Court to order that hearings related to those applications be heard in private. In addition, the enactment provides for the annual reporting on the operation of the provisions of that Act that relate to the issuance of certificates and fiats. The Bill also includes technical amendments in response to a Parliamentary review of these Acts.

4. Bill S-9, the *Nuclear Terrorism Act*

Bill S-9, *An Act to Amend the Criminal Code* was introduced in the Senate on March 27, 2012. The Bill received Second Reading and was referred to the Special Senate Committee on Anti-terrorism on May 17, 2012; the Committee presented its report with one amendment and observations on June 19. The report was adopted June 21, and the Bill was passed by the Senate on June 26, 2012. The Bill proposes to amend the *Criminal Code* to create four new offences relating to nuclear terrorism:

- possessing or trafficking nuclear or radioactive material or a nuclear or radioactive device, or committing an act against a nuclear facility or its operations, with the intent to cause death, serious bodily harm or substantial damage to property or the environment;
- using or altering nuclear or radioactive material or a nuclear or radioactive device, or committing an act against a nuclear facility or its operation, with the intent to compel a person, a government or a domestic or international organization to do, or refrain from doing, anything;
- committing an indictable offence for the purpose of obtaining nuclear or radioactive material or a nuclear or radioactive device or to obtain access to or control of, a nuclear facility; and
- the threat to commit these offences.

The first three offences would carry a maximum penalty of life imprisonment and the threat offence would carry a maximum penalty of 14 years imprisonment. The creation of the four new offences will allow Canada to ratify the Amendment to the *Convention on the Physical Protection of Nuclear Material* and the *International Convention for the Suppression of Acts of Nuclear Terrorism*.

Other Government Bills

Bill C-30, the *Protecting Children from Internet Predators Act*

Bill C-30, *An Act to enact the Investigating and Preventing Criminal Electronic Communications Act and to amend the Criminal Code and other Acts*, was introduced by the Minister of Public Safety, with the support of the Minister of Justice, on February 14, 2012. This Bill re-introduces two former Justice Bills C-50 (*Improving Investigative Efficiency for Serious Crimes Act*) and C-51 (*Investigative Powers for the 21st Century*) and former Public Safety Bill C-52 (*Investigating and Preventing Criminal Electronic Communications Act*).

Bill C-30 would require telecommunications service providers (TSPs) to:

- implement and maintain systems capable of lawfully intercepting communications in order to support the police and CSIS when needed; and
- provide basic subscriber information in a consistent and timely fashion to designated police, CSIS and Competition Bureau officials upon request (limited to subscriber name, address, telephone number, e-mail address, the Internet protocol address, and the name of the service provider).

Bill C-30's Justice-led amendments propose to:

- streamline the process for court orders or warrants that relate to an authorization to intercept private communications;
- update existing offences in the *Criminal Code* to ensure that they are able to cover new ways of committing existing crimes;
- create carefully tailored investigation tools, such as production and preservation orders in the *Criminal Code* and the *Competition Act*; and
- add safeguards to the authority to wiretap in exceptional circumstances under section 184.4 of the *Criminal Code* which would address the Supreme Court of Canada's finding of unconstitutionality in *R. v. Tse* (April 15, 2012).

The amendments would also create the legislative framework necessary for Canada to ratify the Council of Europe's *Convention on Cybercrime and its Additional Protocol on Xenophobia and Racism*. The Bill addresses concerns raised in past ULCC resolutions, such as the need to reform section 184.4 of the *Criminal Code* (BC2008-04) and the need to reform the authority to issue certain warrants (AB2009-01).

Bill C-31, the *Protecting Canada's Immigration System Act*

Bill C-31, *An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act*, was introduced by the Minister of Citizenship, Immigration and Multiculturalism on February 16, 2012. Its amendments included those in Bill C-4, the *Preventing Human Smugglers from Abusing Canada's Immigration System Act* which was introduced on June 16, 2011. The Bill was passed by the House of Commons on June 11, 2012 and by the Senate on June 27, 2012. It received Royal Assent on June 28, 2012 (S.C. 2012, c. 17).

Among other things, this Bill amends certain enforcement provisions of the *Immigration and Refugee Protection Act* to expand the scope of the offence of human smuggling and to provide for minimum punishments in relation to that offence.

In addition, the Bill amends the *Marine Transportation Security Act* to increase the penalties for persons who fail to provide information that is required to be reported before a vessel enters Canadian waters or to comply with ministerial directions and for persons who provide false or misleading information. It creates a new offence in respect of vessels that fail to comply with ministerial directions and authorizes the making of regulations respecting the disclosure of certain information for the purpose of protecting the safety or security of Canada or Canadians.

Private Members Bills that received Royal Assent in the 41st Session of Parliament

Bill C-310 – trafficking in persons

Bill C-310, *An Act to amend the Criminal Code (trafficking in persons)* was introduced by Conservative M.P. Joy Smith on October 3, 2011. Bill C-310 was passed by the House of Commons on April 27, 2012, and by the Senate on June 22, 2012. It received Royal Assent on June 28, 2012 (S.C. 2012, c.15) and came into force upon Royal Assent.

As introduced, Bill C-310 proposed two *Criminal Code* amendments directed at trafficking in persons (TIP): (1) to authorize the assumption of extra-territorial jurisdiction to enable the Canadian prosecution of Canadian citizens and permanent residents who commit TIP abroad (section 279.01, the primary trafficking offence, and 279.011, the child trafficking offence); and, (2) to enact an interpretive provision setting out the types of evidence that a court may take into consideration when determining whether a person has exploited another person which is the critical element in Canada's TIP *Criminal Code* offences.

During the Committee hearings, two amendments were proposed by the Government and were unanimously accepted:

- (1) To amend clause 1 of the Bill to enable extra-territorial jurisdiction for the other two TIP-specific *Criminal Code* offences: section 279.02 (receiving a financial or material benefit) and section 279.03 (withholding documents); and
- (2) To amend clause 2 of the Bill to simplify and clarify the proposed list of conduct that a court may take into consideration when determining whether exploitation had occurred.

Other Private Members Bills in the 41st Session of Parliament still before Parliament

Bill C-217 – mischief relating to war memorials

Bill C-217, *An Act to amend the Criminal Code (mischief relating to war memorials)* was introduced by Conservative M.P. David Tilson on June 15, 2011, received Second Reading and was referred to the Standing Committee on Justice and Human Rights on February 2, 2012. The Committee tabled its report on April 4, 2012. The Bill was adopted, as amended, by the Committee, at Report Stage on May 28. Third reading debate began on May 28, 2012.

This Bill proposes to amend section 430 of the *Criminal Code* to create a new hybrid offence of mischief committed in relation to property that is a building, structure, or part thereof that primarily serves as a monument to honour persons who were killed or died as a consequence of war, including in relation to a war memorial or cenotaph. The new offence would be punishable by a maximum of eighteen (18) months imprisonment on summary conviction and five (5) years imprisonment on indictment. The Bill also proposes the creation of mandatory minimum penalties that would be the same whether the Crown proceeds by indictment or by way of

summary conviction: \$1,000 fine for a first offence; fourteen (14) days imprisonment for a second offence; and, thirty (30) days imprisonment for a third and subsequent offence.

Bill C-273 – cyberbullying

Bill C-273, *An Act to amend the Criminal Code (cyberbullying)* was introduced on September 19, 2011 by Liberal M.P. Hedy Fry. The Bill received Second Reading and was referred to the Justice Committee on June 6, 2012. The Committee must report the Bill to the House no later than December 5, 2012 unless an extension is granted. This Bill proposes amendments to sections 264 (criminal harassment), 298 (defamatory libel) and 372 (false messages) of the *Criminal Code* to clarify that cyberbullying is an offence.

Bill C-290 - sports betting

Bill C-290, *An Act to amend the Criminal Code (sports betting)* was introduced on September 28, 2011 by NDP M.P. Joe Comartin, and received Second Reading and was referred to the Standing Committee on Justice and Human Rights on November 1, 2012. The Committee tabled its report on February 27, 2012. The Bill received Third Reading and was passed on March 2, 2012 by the House of Commons as amended by the Committee. It received First Reading in the Senate on March 6, 2012. It received Second Reading and was referred to the Standing Senate Committee on Legal and Constitutional Affairs on May 16, 2012.

This Bill would repeal paragraph 207(4)(b) of the *Criminal Code* to authorize provinces and territories to conduct single sport event betting within the province or territory as an authorized “lottery scheme.” As a result, provinces would be authorized to conduct betting on a single game, such as the Grey Cup, by telephone, by Internet or at land-based locations. The decision about whether, and by what means, to offer single sport event betting would be left to each province and territory.

Bill C-299 – kidnapping of a young person

Bill C-299, *An Act to amend the Criminal Code (kidnapping of young person)* was introduced by Conservative M.P. David Wilks on September 29, 2011. The Bill received Second Reading and was referred to the Standing Committee on Justice and Human Rights on February 29, 2012. It was adopted by the Committee with amendments on May 31, 2012. The Committee tabled its report on June 4, 2012.

This Bill would amend subsection 279(1.1) of the *Criminal Code* to impose a mandatory minimum penalty (MMP) of five years imprisonment on those convicted of kidnapping a child under the age of 16 years. This Bill is intended to ensure that severe penalties are imposed in cases involving abduction of children by strangers.

Bill C-309 – concealment of identity during a riot

Bill C-309, *An Act to amend the Criminal Code (concealment of identity)* also known as *Preventing Persons from Concealing Their Identity during Riots and Unlawful Assemblies Act* was introduced by Conservative M.P. Blake Richards on October 3, 2011. It received Second Reading and was referred to the Standing Committee on Justice and Human Rights on February 15, 2012. The Committee reported the bill, as amended, on May 14, 2012.

This Bill would amend sections 65 and 66 of the *Criminal Code* to make it an offence to wear a mask or other disguise to conceal one’s identity while taking part in a riot or an unlawful

assembly. The proposed indictable offence of wearing a mask or other disguise, without lawful excuse, to conceal identity while taking part in a riot would carry a maximum penalty of five years. The proposed hybrid offence of wearing a mask or other disguise, without lawful excuse, to conceal identity while being a member of an unlawful assembly would provide for a maximum penalty of five years on indictment, and a maximum penalty of a \$5,000 fine and/or six months imprisonment on summary conviction. Each of the new offences incorporates a specific intent of wearing a mask or other disguise to conceal identity, and also provides for a defence of lawful excuse. Thus, criminal liability would not extend to persons wearing a mask or other disguise for lawful purposes (e.g. for safety or security purposes or to observe religious or cultural norms, during an unlawful assembly or riot).

Bill C-394 - criminal organization recruitment

Bill C-394, *An Act to amend the Criminal Code and the National Defence Act (criminal organization recruitment)* was introduced on February 13, 2012 by Conservative M.P. Parm Gill. The Bill received Second Reading and was referred to the Standing Committee on Justice and Human Rights on June 20, 2012.

The Bill proposes amendments to the *Criminal Code* to make it an offence to recruit, solicit, encourage or invite a person to join a criminal organization. The offence would carry a maximum penalty of five years imprisonment with a mandatory minimum penalty of six months imprisonment for the recruitment of persons who are under 18 years of age. This enactment also makes a related amendment to the *National Defence Act*.

Bill S-209 - prize fights

Bill S-209, *An Act to amend the Criminal Code (prize fights)* was introduced on March 15, 2012 by Conservative Senator Runciman. The Bill received Second Reading and was referred to the Standing Senate Committee on Legal and Constitutional Affairs on April 26, 2012. It was adopted by the Committee with one amendment and the Report was tabled on June 14, 2012. The Report was adopted June 18. The Bill received Third Reading and was passed by the Senate on June 22, 2012.

The Bill proposes amendments to subsection 83(2) of the *Criminal Code* to expand the list of sports permitted by the Provinces and Territories under the prize fighting provisions.

Other Initiatives of Interest to the Uniform Law Conference

Issues identified by Federal, Provincial and Territorial Ministers responsible for Justice

Federal, Provincial and Territorial (FPT) Ministers responsible for justice and public safety meet annually to discuss issues of mutual interest given the shared responsibility for criminal justice. Ministers last met in January 2012. Many of the issues discussed by Ministers are consistent with issues raised by delegates to the Uniform Law Conference.

Ministers recognized the progress in examining issues related to the serious concerns surrounding murdered and missing women. They supported the release of the Missing Women Working Group's final report and noted that some recommendations have already been implemented. Ministers asked the working group to bring forward an implementation plan and reiterated their commitment to continue to coordinate their efforts on this important issue.

Ministers discussed the ongoing work to address the serious issue of violence against Aboriginal women and girls, and invited the federal government to be part of this work and further discussed linkages with other sectors. They agreed to continue to collaborate and develop a common approach.

All Ministers agreed on the need to enhance and modernize the investigative capability of law enforcement. This is particularly important when dealing with online child exploitation offences and child pornography cases. Provincial and territorial Ministers urged the federal government to move forward on enacting previously introduced legislation, specifically former Bill C-52 (*Investigating and Preventing Criminal Electronic Communications Act*), former Bill C-51 (*Investigative Powers for the 21st Century Act*) and former Bill C-50 (*Improving Access to Investigative Tools for Serious Crimes Act*). The federal government was also asked to consider increasing the current 21 day data preservation periods for foreign requests to at least 90 days to help law enforcement deal with complex child pornography cases. The federal government welcomed the support of provinces and territories and noted its intention to re-introduce the bills soon. These three bills were re-introduced as Bill C-30 by the Minister of Public Safety on Feb.14, 2012, and the requested change to the timeframe for preservation demands was made.

Ministers discussed whether there is a need to amend the *Criminal Code* to address issues such as home invasion, car-jacking, and the unlawful use of body armour or fortified vehicles or buildings and mandatory minimum penalties for pre-meditated knife crimes. One jurisdiction raised concerns about mandatory minimum penalties. Ministers agreed that these matters should be referred to senior officials for their consideration and to provide recommendations back to Ministers. Ministers also received a status report on the ongoing work to update the corruption provisions of the *Criminal Code*.

Ministers acknowledged that mental health issues present significant challenges for the justice system. Ministers highlighted the success of the May 2011 Mental Health and Justice Symposium in Alberta and discussed the Symposium's recommendations. Ministers asked senior officials to further engage their health and social service counterparts in reviewing the recommendations and developing a workplan with the view of more effectively managing this at-risk population.

The Department of Public Safety Canada presented an overview of a draft *National Action Plan to Combat Human Trafficking* and invited input from the Provinces and Territories. On June 6, 2012, the Government released Canada's National Action Plan to Combat Human Trafficking which provides a comprehensive blueprint for future action in the areas of prevention, protection, prosecution and partnerships. The National Action Plan will:

- Launch Canada's first integrated law enforcement team dedicated to combating human trafficking;
- Increase front-line training to identify and respond to human trafficking and enhance prevention in vulnerable communities;
- Provide more support for victims of this crime, both Canadians and newcomers; and
- Strengthen coordination with domestic and international partners who contribute to Canada's efforts to combat human trafficking.

Steering Committee on Justice Efficiencies and Access to Justice

The Steering Committee is composed of six Deputy Ministers as well as representatives from the Bench, Private Bar and police. FPT Ministers received and endorsed the Report on Disclosure in Criminal Cases of the Steering Committee on Justice Efficiencies and Access to Justice and asked the Steering Committee to develop a communication strategy for release among other justice participants, including Heads of Corrections.

CONCLUSION

As noted in past Reports, the work of the Uniform Law Conference of Canada continues to be highly relevant and beneficial to the work of the Department of Justice and to the Government's agenda in relation to a whole range of criminal law reforms. The Conference remains a key stakeholder and source of expertise that informs the Minister of Justice in identifying areas in need of reform.

This report provides a snapshot or status report on criminal law reforms as of July 2012. Delegates are encouraged to refer to the Parliament of Canada website (LEGISinfo) (<http://www.parl.gc.ca>) to monitor progress of the reforms.

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