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1. Criminal Code Amendments

[Bill C-2](#), *An Act to amend the Criminal Code and to make consequential amendments to other Acts*, was introduced on October 18, 2007 and is currently before a Legislative Committee. The legislative summary states that the Bill amends the *Criminal Code* by:

- (a) creating two new firearm offences and providing escalating mandatory sentences of imprisonment for serious firearm offences;
- (b) strengthening the bail provisions for those accused of serious offences involving firearms and other regulated weapons;
- (c) providing for more effective sentencing and monitoring of dangerous and high-risk offenders;
- (d) introducing a new regime for the detection and investigation of drug impaired driving and strengthening the penalties for impaired driving; and
- (e) raising the age of consent for sexual activity from 14 to 16 years.

This should seem familiar to you, as the contents of this Bill were introduced in the last session as five separate pieces of legislation that died when Parliament was prorogued this past spring (see the [Backgrounder](#) for complete details.) The Law Times article, [Law-and-order Bill Riles Criminal Lawyers](#), provides a criminal defence bar perspective on this legislation.

2. Informer Privilege: S.C.C.

The Supreme Court in [Named Person v. Vancouver Sun](#), 2007 SCC 43, held that informer privilege is absolute and subject only to the "innocence at stake" exception. The court went on to address how the privilege should be applied so as to minimally impact or impair the open court principle. The [case report](#) on the [All About Information](#) blog and the Law Times article, [Ruling Protects Police Informers' Identities](#) summarize the decision.

3. Negligent Investigation: S.C.C.

In [Hill v. Hamilton-Wentworth Regional Police Services Board](#), 2007 SCC 41, a majority of the Supreme Court found that the tort of negligent investigation does exist in Canada, stating that:

The law of negligence does not demand a perfect investigation. It requires only that police conducting an investigation act reasonably. When police fail to meet the

standard of reasonableness, they may be accountable through negligence law for harm resulting to a suspect.

4. Costs for Non-Disclosure

The Saskatchewan Court of Queen's Bench, in [R. v. Abrey](#), 2007 SKQB 213 (CanLII) upheld a lower court order requiring the Crown to pay costs of \$5,000 for its deliberate refusal to disclose legible copies of an officer's notes to the defence finding that:

By intentionally refusing to provide the defence with legible copies of the investigating officer's notes the Crown demonstrated a marked and unacceptable departure from the reasonable standards expected of the prosecution. The prosecutor offered no justification for what was a clear and egregious breach of the Crown's disclosure obligations. I find that an award of costs in those circumstances was appropriate.

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