

**BILL C-25: AN ACT TO AMEND  
THE NATIONAL DEFENCE ACT**

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## LEGISLATIVE HISTORY OF BILL C-25

### HOUSE OF COMMONS

Bill Stage	Date
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First Reading:	4 December 1997
Second Reading:	31 March 1998
Committee Report:	15 May 1998
Report Stage:	10 June 1998
Third Reading:	11 June 1998

### SENATE

Bill Stage	Date
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First Reading:	11 June 1998
Second Reading:	18 June 1998
Committee Report:	24 November 1998
Report Stage:	25 November 1998
Third Reading:	1 December 1998

Message to House of Commons: 1 December 1998  
Concurrence in Senate Amendments: 7 December 1998

Royal Assent: 10 December 1998

Statutes of Canada 1998, c.35

N.B. Any substantive changes in this Legislative Summary which have been made since the preceding issue are indicated in **bold print**.

Legislative history by Peter Niemczak

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## 2. Code of Service Discipline

### a. Extending Military Jurisdiction

#### 1) Amendment of Limitation Period for the Code of Service Discipline

Clause 21 of the bill would amend section 69 of the Act so as to abolish the current three-year limitation period for the trying of service offences. Charges pertaining to civilian criminal offences would be subject to the applicable *Criminal Code* limitation periods; charges to be dealt with by way of summary trial under the Code of Service Discipline would be subject to a one-year limitation period. Thus there would be no limitation period with respect to purely military offences, so long as the Director of Military Prosecutions was prepared to proceed by way of court martial.<sup>(24)</sup>

#### 2) Sexual Assault to be Triable as Service Offence

Clause 22 would amend section 70 by removing the sexual assault offences from the list of offences subject to the exclusive jurisdiction of the civilian criminal justice system.

### b. Offences Relating to the Administration of Justice

#### 1) Breaching Conditions of Pre-Trial Release or Release Pending Appeal

Clause 29 would add a new section 101.1 to the Act and would create a new military offence of failure to comply with release conditions imposed by a custody review officer or pursuant to a condition or undertaking imposed by a military judge or a judge of the Court Martial Appeal Court. Equivalent offences exist in the *Criminal Code* in respect of the civilian criminal justice system.

#### 2) Offences Relating to Tribunals

Clause 32 would amend section 118(1) of the Act in order to add the proposed Canadian Forces Grievance Board, Military Police Complaints Commission and the Inquiry Committees on the conduct of military judges and the Director of Military Prosecutions, as tribunals for the purposes of the service offences of contempt (section 118(2)) and the giving of false evidence (section 119). Similarly, clause 90 would amend section 302 of the Act to cover

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(24) This change would adopt recommendations 31 and 32 from the first report of the Dickson Panel.