

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

2ND SESSION, 41ST LEGISLATURE, ONTARIO
66 ELIZABETH II, 2017

Bill 121

**An Act to amend the Courts of Justice Act
to require candidates for appointment as provincial judges
to have completed education or training in the law of sexual assault**

Mrs. C. Martins

Private Member's Bill

1st Reading April 6, 2017

2nd Reading

3rd Reading

Royal Assent



**An Act to amend the Courts of Justice Act to require candidates for appointment
as provincial judges to have completed education or training in the law of sexual assault**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1 Section 42 of the *Courts of Justice Act* is amended by adding the following subsection:

Same

(2.1) In addition to the qualifications set out in subsection (2), no person shall be appointed as a provincial judge unless he or she has completed the education or training described in clause 43 (10) (b).

2 Subsection 43 (10) of the Act is repealed and the following substituted:

Qualification

(10) A candidate shall not be considered by the Committee unless he or she,

- (a) has been a member of the bar of one of the provinces or territories of Canada for at least ten years or, for an aggregate of at least ten years, has been a member of such a bar or served as a judge anywhere in Canada after being a member of such a bar; and
- (b) has completed comprehensive education or training in the law of sexual assault that meets criteria established by the Committee with respect to each of the following:
 - (i) The law of evidence as it pertains to sexual assault proceedings.
 - (ii) The principles of consent to sexual activity.
 - (iii) The conduct of sexual assault proceedings.
 - (iv) Myths and stereotypes associated with sexual assault complainants.

Commencement

3 This Act comes into force on the day it receives Royal Assent.

Short title

4 The short title of this Act is the *Courts of Justice Amendment Act (Judicial Sexual Assault Education), 2017*.

EXPLANATORY NOTE

The Bill amends the *Courts of Justice Act* to require candidates for appointment as provincial judges to have completed education or training in the law of sexual assault that meets the criteria established by the Judicial Appointments Advisory Committee.