



THE CANADIAN
BAR ASSOCIATION
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November 7, 2012

Via email: just@parl.gc.ca

Dave MacKenzie, M.P.
Chair, Standing Committee on Justice and Human Rights
Sixth Floor, 131 Queen Street
House of Commons
Ottawa, ON K1A 0A6

Dear Mr. MacKenzie:

Re: Bill S-209: *Criminal Code* amendments (prize fights)

I am writing on behalf of the Canadian Bar Association National Criminal Justice Section (CBA Section) in anticipation of Bill S-209 being referred to your committee. The CBA is a national association of over 37,000 lawyers, notaries, students and law teachers, with a mandate to promote improvements in the law and the administration of justice. Members of the CBA Section include both prosecutors and defense counsel from every province and territory in Canada, as well as legal academics specializing in criminal law.

The CBA Section supports the proposed amendment to section 83 of the *Criminal Code*.

Currently, under section 83(1) and (2) of the *Criminal Code*, prizefighting is a summary conviction offence, with participants, promoters and organizers all subject to prosecution. The code defines a prizefight as *an encounter or fight with fists or hands between two persons*. This means that currently, even amateur sports on the Olympic program such as judo, that involve the use of feet, are operating in a grey area and could be prosecuted. Now, boxing matches are the only combative sports specifically exempted from criminal prosecution if they are held under the jurisdiction of a provincial athletic board.

Bill S-209 updates the definition of a prizefight to include an encounter with fists, hands or feet. It expands the list of exemptions to include amateur combative sports on the program of the International Olympic Committee and other amateur sports, designated or approved

by the province, as well as boxing contests and mixed martial arts contests held under the authority of a provincial athletic board, commission or similar body.

We understand that the proposed exemptions are the result of consultations between the federal government, the provinces and national sports organizations.

It is the view of the CBA Section that *Criminal Code* powers should be used only for established goals and objectives of public safety. The proposed changes to the legislation modernize a relatively unused section of the *Criminal Code* and legitimize sports such as judo, karate and mixed martial arts. We support their exemption from prosecution when these sports are appropriately regulated.

Yours truly,

(original signed by Tamra L. Thomson for Daniel MacRury)

Daniel MacRury
Chair, National Criminal Justice Section

cc. The Honourable Senator Robert Runciman runcib@sen.parl.gc.ca
The Honourable Rob Nicholson, P.C., M.P., Minister of Justice NichoR@parl.gc.ca