ESTABLISHING A MISCARRIAGE OF JUSTICE REVIEW COMMISSION: CHANGES TO THE REVIEW PROCESS

	CURRENT MINISTERIAL REVIEW PROCESS	COMMISSION-LED PROCESS	
DECISION MAKER	Minister of Justice	*Independent Commission* 5-9 commissioners, including the Chief Commissioner, appointed by the Governor in Council. Commissioners will reflect Canada's diversity, including Indigenous and Black members. One third to half of commissioners will be lawyers.	DECISION MAKER
STRUCTURE	Minister of Justice, supported by the Department of Justice Canada Criminal Conviction Review Group and with advice from the Special Advisor on Wrongful Convictions.	*External to the Department of Justice* Independent commission, with its own staff and when needed, external experts. Not part of the Department of Justice Canada.	STRUCTURE
ADMISSIBILITY CRITERIA	Provided that applicants have first exhausted their rights of appeal, the Minister may review miscarriage of justice applications in relation to convictions: • under federal criminal and regulatory offences; • dangerous and long-term offender findings.	*Clarification of criteria* Verdicts of not criminally responsible on account of mental disorder are added. Guilty pleas, absolute and conditional discharges, and findings of guilt under the *Youth Criminal Justice Act* are included. The Commission could make exceptions to the requirement to first exhaust rights of appeal, based on specified factors, including the reasons why the case was not appealed and whether the case requires investigation.	ADMISSIBILITY CRITERIA
INVESTIGATIVE POWERS	Same as commissioner of an inquiry.	Same as commissioner of an inquiry.	INVESTIGATIVE POWERS
REFERRAL TEST	Miscarriage of justice **likely** occurred.	*New test* Miscarriage of justice **may** have occurred **and** it is in the interest of justice.	REFERRAL TEST
REMEDIES	New trial or new appeal Minister of Justice does not decide on guilt or innocence. This is decided by the courts.	New trial or new appeal If the applicant is deceased, only a referral for a new appeal can be made. The commission will not decide on guilt or innocence. This will be decided by the courts.	REMEDIES