

ished under the terms of the act. But I would question the interpretation that the terms of the act were designed to be purely ameliorative, aimed at lessening penalties throughout.

I am sure hon. members will recall the fact that several speakers in the capital punishment debate advanced the position that the sanctions for murder were too harsh; some said they were harsher than capital punishment itself. I do not comment on the merits of those arguments but simply note that they were made during the course of debate.

I would also point out that the solicitor general of the day, commenting on those arguments, made the point that the "Canadian public are concerned about crime, and have a right to expect protection." He said that "murder is a horrible and heinous crime and must be punished severely if we are adequately to express society's outrage against the murderers."

Indeed, the entire peace and security program, of which the Criminal Law Amendment Act (No. 2) was only a part, was aimed not at lessening penalties but at affording to the Canadian public a greater degree of protection against violent crime. All of the measures—legislative and administrative alike—which were included in that package were designed with that one aim in mind: giving effect to realistic and effective measures of protection.

The package contained a range of measures—from dangerous offender legislation, to gun control, to restrictions on the release of offenders, to crime prevention measures—and while each of us may have questioned particular elements of the package, the point I wish to stress is that the over-all intent of the package was to increase effective protection, not to lessen penalties. It is in this context that I would question the hon. member's interpretation of the intent of parliament in passing the section which we are considering today. And in challenging that interpretation, I believe there can be some question raised as to the underlying rationale of the proposal put forward in Bill C-202. Again, I raise this argument not to refute the hon. member but simply to suggest that a great deal of careful consideration should be given to it before we move any further with it.

The second point I would wish to bring to the attention of hon. members involves remedies. The hon. member for Calgary North, based on the interpretation he has given to the intent of parliament and to the legal merits of the case, is suggesting to us that an amendment is required to the transitional provisions of the act. As I have said, the arguments made require careful consideration, and I would welcome discussion of some of the aspects of the argument I have raised already in the course of that consideration.

It may be that we will conclude that the hon. member's amendment, or one similar to it, would be a useful addition to the statute law—I have been very careful not to prejudge that. But in considering the issue, I would also like to see consideration given to certain other recourses which are available if we accept the arguments advanced by the hon. member with respect to the merits of the case. As I have said, an amendment is one possible course of action. A court challenge, brought on grounds similar to those raised by the hon.

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member, is another possible course of action, and I for one would not feel comfortable placing myself in the position of the courts with respect to the issues at hand.

Let us look at other existing courses of action which are available. Let us, for the sake of this discussion, accept the hon. member's point of view that there is an injustice involved—or that there may be an injustice involved—under the section under consideration. As I say, I am not prepared to accept that argument without first having given the matter a great deal of thought, but for the sake of this discussion let us proceed on that basis.

If therefore, an individual, found guilty of first degree murder having first been found guilty of non-capital murder, is sentenced to life imprisonment without eligibility for parole until 25 years, I think we should not overlook the fact that that individual is also eligible to have the parole eligibility date reviewed after 15 years under the terms of the Criminal Law Amendment Act (No. 2).

Under section 672 of the Criminal Code, an application may be made to the appropriate chief justice in the province or territory for a reduction in the number of years of imprisonment without eligibility for parole. Such an application is to be heard by a jury specially empanelled for the purpose, and the jury may advance the parole eligibility date having regard to the character of the applicant, his conduct while serving his sentence, the nature of the offence for which he was convicted and such other matters as the judge deems relevant in the circumstances. Additionally, I would draw attention to the fact that there is the royal prerogative of mercy which can be brought to bear with respect to a sentence being served.

Arguably, then, if there are cases of injustice or hardships being worked in individual instances, there are available remedies other than those put forward by the hon. member in his bill. Again, I would like to examine these possibilities in considering whether the proposal made by the hon. member is required, whether a similar proposal is required, or whether there are already sufficient remedies available to meet any problems that might conceivably arise.

In conclusion, having discussed several points which occurred to me upon a quick reading of the hon. member's proposal, I want to return to the point I made at the outset of my remarks. I think the bill we are considering today is an important and worthwhile contribution to the continuing debate which is aimed at improving the criminal law of Canada. The hon. member for Calgary North, as was to be expected, has given us much food for thought and is to be congratulated for his proposal, for the thought, research and excellent motivation which went into its preparation.

In raising some questions which I would like to see given further consideration, I would not wish to leave the impression that I am rejecting the hon. member's proposal. Indeed, I cannot see how such an impression can be left. All I am doing, Mr. Speaker, is raising a number of points which I think merit further, in depth consideration. I would welcome interventions during today's debate, as I would welcome them at any time. I have raised certain points because I am not completely certain