

GOVERNMENT ORDERS

[English]

CRIMINAL CODE

MEASURES RESPECTING PUNISHMENT FOR MURDER AND OTHER SERIOUS OFFENCES

The House resumed consideration of the motion of Mr. Allmand that Bill C-84, to amend the Criminal Code in relation to the punishment for murder and certain other serious offences, be read the second time and referred to the Standing Committee on Justice and Legal Affairs.

Mr. Jim Fleming (Parliamentary Secretary to Minister of Communications): Mr. Speaker, when I left off this afternoon just before private members' hour I had attempted in the time then spent speaking to deal with the issue of whether capital punishment is in fact a deterrent. I had tried to address myself to the inequity of the existing law whereby only murder committed against policemen and prison guards on duty would bring that most severe of penalties. I attempted to discuss the justice of that penalty itself and whether justice would be better and more effectively carried out with the proposal in the legislation we are debating today.

I also discussed whether there was great injustice in the death penalty in that statistics prove that when the death penalty is carried out killers with wealth do not hang, and killers from a background of poverty do. I also attempted to refer briefly to the issue of a referendum, and in closing just before private members' hour I pointed out, and I simply want to re-emphasize, that while a referendum would have no force in law here in Canada and the decision would still be made in the House of Commons, I think it is very significant that in California, where the referendum forum does have some power in law, only a number of months ago the state voted overwhelmingly for the death penalty, and in the months following the murder rate rose markedly. Certainly it was not a deterrent there where the public had every expectation, as did the criminal element, that the death penalty was again to be carried out.

Now I should like to talk about the bill itself and about how it is different from the existing legislation. First, rather than have any capital punishment whatsoever, that would be abolished, and instead people convicted of first degree murder would spend at least 25 years in jail before they could be paroled. There is one exception to that, and it is an important exception. Before a triumvirate of three judges someone who had spent at least 15 years in prison could appeal for consideration that their behaviour had been so exemplary that they might be considered for earlier parole. If those three judges in concert agreed that that convicted murderer should be so considered, then the Parole Board in turn—with its new, changed membership, as proposed in the peace and security bill, with membership from the community into which the convicted would be released—would further consider whether it would be willing that such a person should be paroled.

Capital Punishment

I am pleased that the press has not placed great emphasis on this 15-year period, because while I very much support that part of the bill it is only a glimmer of hope—but a very important glimmer if some incentive is to be left when such a terrible penalty is imposed on the most serious of all criminals.

Having said that, I should like to hark back, as I did when I began my speech, to three years ago when last I spoke on this issue in the House of Commons. At that time, in the Commons, through releases to the media as well as in committee I, along with the hon. member for Saint-Denis (Mr. Prud'homme), proposed just about precisely what is included in this bill, and if I can in all honesty and sincerity say so, I believe if the government had accepted that proposal three years ago for a 25 year minimum sentence and for a broadened category of the most serious crime before parole consideration, we would not face the dilemma we face today. In fact we could have given the public a more effective law over the past three years.

It is tragic that sometimes it takes the government quite a while, with the burden of work it faces and the systems it must go through, to realize that on occasion its backbenchers, rather than its planners, can come forward with ideas which are in tune with the public mood and demand, much more quickly than does the bureaucracy.

At any rate, having given myself and the hon. member for Saint-Denis a pat on the back, I should admit that the 15 year clause is an addition which was not proposed at that time, and it is one I very much support.

While I am doing some light knuckle rapping I should also note that as a backbencher on the government side—certainly my hon. colleagues who are here tonight will agree with me—I find it very difficult indeed to get the attention of the media very often. I am somewhat amused that three years ago, when I proposed something with which the government did not agree, I received a great deal of consideration from the media. This time around when this proposal is being taken up once more, I am lost in the deep ranks of the backbenches.

● (2010)

Having put in those few notes I want to continue by saying, in support of the bill itself, that not only is the 25 year clause a very severe penalty which surely will be an effective deterrent, but it will also make it easier for juries to come to a conclusion. One of the arguments often advanced, I think a very credible one, one that has been put forward by Sir Robert Mark of Scotland Yard, to which I made reference earlier today, is that the process of justice is very long and that it is very hard to get a conviction from the jury when the penalty is death. On the other hand, if the jury is not faced with that ultimate decision, I believe that we will obtain more convictions and that the law will thus become a more effective deterrent.

It is also tremendously important that the Canadian public realize that we are not softening the law in this bill; in the total picture it is very much a toughening of the law. No longer is the penalty death only for the killing of police and prison guards on duty, which has meant perhaps for ten or 11 years of incarceration before parole. The law is