

*Criminal Code*

an indignity for her which is far greater and lasts far longer than an actual physical punch in the nose.

Another problem with the whole section is that sexual assault is not defined. There are many situations which might arise that may result in convictions that Parliament would not want, or vice versa. Surely with the collective wisdom of cabinet, Parliament and the skilled bureaucracy, along with all the witnesses who come forward, we should be able to arrive at a proper definition which is far more meaningful than the one we have. If we do not, it will be left entirely to the judiciary, and I think that they will be so busy dealing with the new constitutional provisions that they probably will not have time to decipher this. We could be doing that ourselves. I could say much more because this is an omnibus bill which covers many other areas, but I will leave time for other members to speak.

**Mr. Jim Hawkes (Calgary West):** Mr. Speaker, I rise to speak to the omnibus bill known as C-53 which proposes to change some of the aspects of the Criminal Code of Canada. After being a member for two and half years, I am beginning to understand the rhythms of the chamber and to carry a deep appreciation of the constitutional process and its implications on the lives of Canadians.

I rise to speak to this bill during this stage of discussion of principle, which is appropriate. To the backbenchers on the government side and to hon. members on this side of the House, I would say that as we discuss these changes to the Criminal Code, I hope we will approach the task and employ a process which is quite different from the process which was used to change the Constitution. I think it is important that we do not approach the issue of amendments to the Criminal Code of Canada with any sense of partisanship. We should deal with the amendments to the Criminal Code with the intent to define our values. I feel that we should be free in this chamber, in committee and at all stages, to work collectively to gather information of the possible implications that the proposed changes will have on Canadians. We could obtain this knowledge by bringing forward the experts we need to interpret the common law words we intend to use. These experts could help us to understand the implications that a bill such as this would have on Canadian society today and in the future. If the Liberal backbenchers allow themselves to be forced into a position of supporting one cabinet minister or one particular policy, they run the risk of doing a disservice to Canadians which will last for a long time.

That was perhaps one of the greatest tragedies during the long constitutional debate. As a Member of Parliament I was present at 50 of the 56 public hearings. Many groups of concerned Canadians came forward to give us their opinion and share their perspective on what should be in the Canadian Constitution. They talked to the committee members, and I know that those committee members who sat in the room were affected by what they heard. I know that they understood. But the decisions were made by people who were not in the room. The decisions were made by people who did not hear the testimony and were brought forward by a minister and supported by a political party and its backbenchers who served on

that committee. They supported those decisions, whether or not it was in accordance with the evidence on what would be good for the country.

The primary purpose for my intervention this evening is to say as distinctly as possible that we are dealing with some very difficult value issues which interface with the criminal justice system. Not one person in this country, whether he is a cabinet minister or a Supreme Court judge, has the wisdom to determine the best consequences for Canada. As this bill passes through the House this evening, it is important that we all have the collective will to ensure that when it goes to committee, the committee members will work hard enough and the process will last long enough to give sufficient time for Canadians who are knowledgeable of the issue to be summoned to give evidence. That testimony should be carefully examined. We should not allow ourselves to become the victims of the Department of Justice, to be subjected to their determination of the wording in the legislation. We should have alternative legal advice.

People in social work who deal with the issue of child abduction, family and marital problems should be allowed to testify about the reality of these problems in Canada and about the possible implications the wording of this bill might have on those situations.

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If we do not approach this bill in this way, then we would better serve the nation if we did not change the situation at all, because in dealing with the crimes of rape, child abuse, child pornography and child abduction at least we have in place some systems which benefit from our experience in the common law. However, when we seek to revise those systems which are in place—and I think they need revision—if we do not do it in that spirit of open investigation and inquiry, we could make a bad situation worse. It is our responsibility not to move and not to make changes unless we have the information which gives us a sense of certitude that to move and to change will make the situation better in the future and more in accord with the kind of society we want to have and would value.

I stand here today because I see little evidence that Members of Parliament have an adequate opportunity in a variety of our processes to explore in a real way the issue of values and the implications of measures we pass in the House for the values we hold.

I rose in the House one day and put a series of three questions to the Minister of National Health and Welfare (Miss Bégin) about the budget. The Minister of Finance (Mr. MacEachen) has told us that the budget is a document with a social policy purpose, and that social policy purpose is equity. I have spent days examining whether there is equity in that budget, and I have concluded that there really is not. In some respects, yes, there is, but in most there is not. In the process of that examination I noted that the budget reflects the values of whoever created it. I wonder if those are the values of the Liberal Party of Canada and all those who sit on the benches opposite, whether they are the values of the cabinet and the