

Private Members' Business

On the face of it these seem to be good. It is too bad the bill will not get the opportunity for committee study and input. Maybe there are other approaches, other ways to fine tune the bill. However, to me it looks very positive.

I talked earlier about balancing one aspect against another. I can think of nothing worse than a person who has been the victim of a sexual assault being doubly victimized by not knowing what possible diseases may have been transmitted as a result of that sexual assault. When I try to balance the rights of the individual who committed the crime and the rights of the victim, from my own point of view I come down on the side of the person who has been victimized. If a blood test would give any comfort to that person after enduring that situation, then I think society would require that we do something.

• (1415)

In that sense this bill proposes a methodology which would allow the court to review the circumstances to decide whether or not an order should be granted. Therefore the rights of the individuals in that balancing act we have to go through are protected to a degree, but the rights of the victim are also protected.

In conclusion and as a general comment, the main thrust of the bill deals with the issues of the people who commit a crime once they are out on statutory release, the eligibility for bail and the calculation of sentences. Those issues are well aimed. We need some changes in the law in that area.

I do not support the member in his position with respect to the change of age. The member for Scarborough—Rouge River and I have discussed this issue over some period of time.

I do support the general direction. I would be interested in hearing from experts but I think the bill requires the right balance between the accused and the victim in dealing with blood tests. It is unfortunate this bill is not going before committee where we would have the input of others as to how we can make our criminal justice system better.

[Translation]

Mr. Patrick Gagnon (Parliamentary Secretary to Solicitor General of Canada, Lib.): Mr. Speaker, I rise today to speak on Bill C-242, an Act to amend the Corrections and Conditional Release Act, the Criminal Code, and the Young Offenders Act. I know that the hon. member from Scarborough—Rouge River has invested a great deal of time and energy in bringing this piece of legislation before the House.

The thrust of the hon. member's proposals is to deal more stringently with repeat offenders, particularly those who commit crimes while on day parole, full parole or statutory release.

In particular, these proposals address anomalies in the current legislation which have been of concern to various interest groups, particularly the police and justice system officials.

Under that legislation, many offenders who commit multiple crimes or who re-offend during their sentence may remain eligible for release and may even avoid custody altogether.

On June 21, 1994, the Solicitor General introduced Bill C-45, an Act to amend the Corrections and Conditional Release Act and related statutes.

The bill received third reading and is now before the Senate.

The amendments contained in Bill C-45 will ensure that offenders who get new sentences will feel the effect of those sentences. This will help restore confidence in the sentence calculation process in the following way.

Under the government's proposals, any offender who receives a new custodial sentence while on conditional release would be automatically returned to custody.

In the case of a consecutive sentence, the offender would have to serve the parole ineligibility portion of the new sentence before becoming eligible again for parole.

This means a third of the new sentence, or one-half of the sentence in cases where the court has made an order that this would have to be served. The net effect is proportionate to the new sentence and respects the decision of the court to serve an additional period of time in custody.

[English]

These proposals were developed on the basis of extensive consultations with a broad range of groups and individuals including judges, lawyers, police, provincial corrections and justice officials, as well as representatives of various voluntary service organizations.

Last March the Standing Committee on Justice and Legal Affairs conducted a review of Bill C-45. During that process, the committee heard from over 60 witnesses who represented 32 different organizations, including victims groups, police organizations, professional groups, women's groups, aboriginal organizations, as well as a range of organizations from the voluntary sector.

• (1420)

During its clause by clause review, the committee debated a number of motions to amend the sentence calculation provisions of Bill C-45 and endorsed them in their entirety. These provisions were also recently passed by the House of Commons.

[Translation]

While I believe that the hon. member's bill is well-intentioned, I am also concerned that it falls short of the impact intended by Bill C-45 for the following reasons. First, the changes proposed in Bill C-242 do not take into account the