

Private Members' Business

In its precedent setting decision the Manitoba Court of Queen's Bench clearly stated that post-sentence detention in the case of dangerous offender provisions is in the public interest because it serves a protective function. The court recognized that the charter exists to protect the freedoms of all Canadians. Post-sentence detention should be viewed as an instrument for promoting the safety of Canadians.

The model of post-sentence detention for which I have argued today goes beyond existing dangerous offender provisions and is not only in the best interest of society but of the offender through the provision of rehabilitative treatment.

Many of these offences occur when people are on parole. We look for someone to blame and we often blame the parole board. I was on the provincial parole board. Many times we had to make a decision on releasing an offender whom we were not too sure about. If we have two-thirds of the sentence, or even if it is a three-year sentence, when we have people in front of the parole board who may reoffend do we let them out or not? Many times they are let out because the parole board feels they are going to be let out anyway and it is better they be let out under supervision. This gives the parole board more authority to hold these people.

• (1345)

In closing, I would like to emphasize that the legislation which this motion directs the government to introduce is long overdue. The post-sentence detention of child sex offenders who are likely to reoffend upon release is sound, responsible policy. When dealing with legislation or directives to introduce legislation we must always ask ourselves what kind of statement the proposed legislation makes about society. We must always be sure that this action is focused on the problem it is meant to address, effective in dealing with this problem and in the interests of all Canadians.

I believe that Motion No. 305 fulfils all of these criteria. It says that we as a society care about the safety and well-being of our children and that we want to protect them from sex offenders. It proposes that the government enact legislation which will protect our children by imposing the post-sentence detention of offenders who are likely to reoffend.

It says that this action is in the best interests of all Canadians because it moves to assist not only those individuals who need rehabilitative help but those Canadians who need protection from these offenders.

Given the importance which passage of this motion has for the safety and well-being of all children in Canada, I request leave of the House to give unanimous consent for this motion to be deemed votable.

The Deputy Speaker: Does the hon. member have the unanimous consent of the House to move the motion?

Some hon. members: Agreed.

The Deputy Speaker: Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: The motion does not have the unanimous consent of the House.

[Translation]

Mr. Réal Ménard (Hochelaga—Maisonneuve): Mr. Speaker, I want to thank the hon. member for Brampton who presented this motion in the House for giving us this opportunity to discuss a very important topic, and as far as I am concerned, I felt that the motion as drafted was entirely acceptable and could have been referred to a committee for consideration.

The hon. member gave us an excellent and carefully crafted speech on the threat that child sex offenders represent to society. There are of course certain aspects I would like to discuss with the hon. member. I said this week, and it is my conviction, that there are various ways of expressing one's sexuality. When I say various ways, I do not include pedophilia, because I believe a sexual relationship should involve consenting partners, those partners being adults. Clearly, when pedophilia is involved, one partner is in a position of power and dominates the other, and there is also the exploitation aspect.

As Quebecers and Canadians we are right to be concerned about pedophiles being at large. We could, of course, talk about why some people in our society are pedophiles. A number of theories, including psychoanalytic assumptions, the frustration concept and the behaviourist approach are used to explain this phenomenon. The fact remains that as legislators we have a responsibility, as the hon. member for Brampton said, to take the corrective action that is necessary. That is why I am glad she has drawn the attention of the House to one of the aspects of this problem.

However, I thought that the hon. member, being on the government side, would have shown more support for the contents of Bill C-45. I may have misread the bill, however, and that is why I would like to discuss it with her, because I understood that Bill C-45—I know we have some people with us this afternoon who are familiar with the mechanics of the bill—I thought that Bill C-45 gave the National Parole Board the option of extending sentences.

• (1350)

I thought that Bill C-45, in two specific cases that I will refer to precisely, allowed for a criminal to be found to be dangerous and not eligible for a reduced sentence or parole. As I understood it, criminals convicted of sexual crimes are almost automatically determined to be dangerous and it is extremely difficult for them to obtain a reduced sentence or a conditional discharge.