

Government Orders

and the law in the proper direction, but there still is a lot more to be done.

I am dealing with a case now involving Spencer and Lamont, two people who are in jail in Brazil. Looking at the problems that they face in extradition and high-handed justice, I think we can take some confidence in the fact that we have a fair and just system by comparison to what is going on in other places. These people are now, apparently because of the way the minister is proceeding and refusing to give an order to request that they be expelled, languishing in a Brazilian jail awaiting a treaty which can see them brought back into Canada.

These are the types of problems that we face in both extradition and exchange of criminals. That whole area is what has been referred to by the Canadian bar as a very difficult area and one that requires a holistic approach, an approach which deals with all of the problems.

One final point. I know the NDP has proposed an amendment to deal with a further appeal period. I can see the advantages of that although we have had testimony on both sides with respect to that particular appeal process. I again refer to the Canadian bar which talks about that. If I can read the evidence in a question that I asked:

Mr. Rideout: Yes, that's what it was. Ng was swept off to an awaiting plane. As soon as the verdict came down, it was "start your engines" as far as the plane was concerned. He felt that was manifestly unfair, that it had precluded another possible avenue. I gather you say no.

Mr. Anderson: We have entrenched rights today under our Charter. Prior to the Charter, we had significant rights based on the common law and a fine judicial history of our courts, with some blights like everybody has. As one of my philosophy professors once said, the right of unlimited appeals is not a right we can afford. The Supreme Court of Canada recently said the right of appeal is not a right the Charter protects. So at some point you have to say "off you go".

As we analyse the amendments put by the NDP, we have to make sure that the proper balance is there so that all rights are protected but that we do not have a process that gets us right back into the mess that we were in before with the extradition bill, that is appeal upon appeal upon appeal. There is some thought that you can appeal to the Human Rights Commission of the United Nations or the World Court in The Hague. At some stage, there has to be a limit.

In conclusion, I would say that we are pleased with the direction and the thrust of this legislation. We are pleased to see it come forward. We are critical of the fact that the government is only tinkering. It is time to put tinkering aside and start to deal with substantive issues like extradition and see that a full bill is brought before the House.

We have to recognize that we will probably be tinkering with these tinkering because of the failure of the government to come forward with a holistic bill.

Mr. Ian Waddell (Port Moody—Coquitlam): Mr. Speaker, as NDP justice critic, I am pleased to rise and speak on this bill. If I might, I would like to congratulate the member for Niagara Falls, the parliamentary secretary, for a clear presentation on third reading of this bill. He has been with the bill throughout. Also, the member for Moncton was positively critical. He covered some of the points that I want to cover, so I could perhaps move on to some other points in the course of my speech.

I want to say right off the bat, we in the NDP are supporting the bill. We have tried to expedite it as quickly as we could in all the stages. We proposed an amendment yesterday where we thought there was a fault in the bill. It was defeated although it did have the support of the Liberal Party. I am grateful for that.

As the member for Moncton said, this is only phase one, act one in the drama. There will be a subsequent bill.

Let me backtrack a little bit. The problem was that the old system clearly went on too long.

First, extradition means that a crime is committed in another country. The person flees to Canada and the other government asks the Canadian government to extradite that person back to their own country so the person can be tried in that other country for the crime.

From an extradition hearing you could go for a writ of habeas corpus to an appeal to the relevant provincial court of appeal, say to the British Columbia Court of Appeal, then an appeal to the Supreme Court of Canada. An appeal of the minister's decision could be made to the Federal Court, then to the Federal Court of Appeal and then to the Supreme Court of Canada. It clearly was too long. The case of Charles Ng showed that.