trials up into sections with witnesses having to attend much more frequently.

The efficacy reason prompted the review of the rule, the Law Reform Commission did some excellent work reviewing it, the issue has been canvassed by academics, the courts and lawyers, and the net result is that there seems to be, on balance, a feeling that the old joinder rule should be abandoned.

The major alleged problem with abandoning the non-joinder rule is that accused may be prejudiced by this. Of course, that was an argument in why the non-joinder rule was there in the first place, but we must point out that in every single case where a murder indictment is prosecuted, an accused has the right to ask for severance of the counts. There is not likely a judge in this country who is not aware of the significance of possible prejudice to an accused in a murder trial and there is not likely a Crown prosecutor in the country who is not aware of that. At the commencement of each murder trial, there is that opportunity for the accused and his or her counsel to raise that with the trial judge and, if the trial judge believes that prejudice may occur, severance can be ordered and the trial for murder may proceed on its own, without the joinder with other counts.

We in the opposition, having stated that we have looked at these concerns, feel that on balance we can support this bill brought forward by the government.

Mr. Ian Waddell (Port Moody—Coquitlam): Madam Speaker, I rise to speak on this bill, which has been handed to me just recently, and to deliver my first speech as new justice critic for the New Democratic Party. The bill is now at third reading. I want to, first of all, say to my friend opposite, the Minister of Justice, who comes from a riding near where I live, that I will try to be as constructive as possible in dealing with justice matters. I know that we are dealing with some very important issues here for people in Canada. We both respect that. I may disagree with the minister, but I respect her a great deal. That is the nicest thing I am about to say about her ever. Now I will get on with the bill.

As I understand, Bill C-54 was tabled on December 14, 1989. It was approved in principle by the House at second reading. It went to committee. I have had a chance to look at some of the committee hearings. It is now back to the House for report stage and third reading. I believe we are now on third reading.

The bill would amend the Criminal Code of Canada, the Criminal Code of course being the book that has all the criminal laws in Canada. It applies throughout the country, criminal law being a federal matter.

The government, of course, has to update the Criminal Code regularly, and now even more so in response to judgments of the courts which under the Charter of Rights can declare sections of the Criminal Code unconstitutional. Part of that aspect is involved in the government response in this bill.

Clause 1 of Bill C-54, as I understand it, would repeal one of the prescribed elements for constructive murder under section 230 of the Criminal Code of Canada. Clause 2 would revise section 589 of the Criminal Code in favour of a less restrictive regime for the joinder of counts where murder is charged.

I want to briefly deal with both of those changes. First, constructive murder. Section 230 of the Criminal Code, as I said, sets forth the offence known as constructive murder. It has been defined as a death that occurs in connection with the commission of a criminal offence. It is construed as having been intentional even though, on the facts, the accused did not mean the cause of death. Let me try and explain that in lay person's terms, if I might.

To be guilty of murder, you have to cause death. You have to intend to cause death. It is a very simple principle in criminal law that you have to do the act. In Latin that is called the *actus reus*. You also need to have to intention to do the act. That is called *mens rea*, your mind. You have to put your mind to it. It is quite simple. You have to do the act, and you have to intend to do the act.

Let us take a situation, God forbid, where my colleague and I decided to commit a robbery. We sit and plan the act of the robbery. We do the act of the robbery, and we intend to do the act of the robbery. During the act of the robbery, I have a gun. It is an armed robbery. Someone interferes or intervenes, or something happens, and I shoot someone in the course of the robbery, like someone in the bank, for example. That person is