hope to have the same satisfactory relationship with the new critics.

[*English*]

This bill comes as a result of the Supreme Court of Canada decision in Regina *v.* Vaillancourt. I hope that, through these amendments, justice will be expedited and, that the modernization of this law will bring it into line with today's requirements.

Mr. Derek Lee (Scarborough—Rouge River): Madam Speaker, it was a very brief and succinct address by the Minister of Justice.

The bill we are debating here is itself a rather brief and succinct bill. One might say it was a simple housekeeping bill in relation to the Criminal Code, but I am afraid that it is never possible to call amendments to the Criminal Code simple housekeeping. In that act, we address issues and procedures that belly up right against our rights and freedoms as citizens, and our conduct among each other in a civilized, ordered society.

I feel that it is necessary to address each of the amendments as proposed albeit that they are short and brief.

The first amendment proposed by the government deals with the deletion from the code of subsection 230(d). That subsection is one of four constructive murder charges currently in the Criminal Code.

After due consideration, the Supreme Court of Canada has ruled that that section varies or conflicts with our Charter of Rights and therefore has been struck by the courts from the code. Today the government is asking and has asked in this bill that the section be formally deleted from the code.

The only issue that arises in relation to this action by the government is whether or not the government should have addressed removing or deleting subsections (a), (b) and (c) of the same section, because those subsections deal with the same issue of constructive murder from different perspectives.

Having read judicial comment of the last few years, I think it is fair to say that constructive murder, no matter what perspective it comes from, is going to be a difficult debt with the rights and freedoms set out in our charter.

There are existing before the high courts in Canada appeals dealing with various of these constructive murder subsections, and the court will make a ruling. The real issue here—I have simply raised the flag—is whether or not the government might have shown a bit more leadership in addressing head on those rights and freedoms, those charter issues related to subsections (a), (b) and (c), dealt with them now, got them out of the way and saved the courts a whole lot of time.

The flip side of that coin is that we as legislators may well benefit from the judicial interpretations that we will be offered from the courts over the next few months. That may help the Minister of Justice, the Department of Justice and members in the House to reach better and more informed conclusions on those subsections.

Moving on to the second part of the bill, an old rule that had been imposed ages ago prohibited the joinder of a murder count with a count alleging another indictable offence. In the old days, I guess that was quite a fair rule because in the old days a conviction for murder, nine times out of 10, resulted in some pretty dire consequences. The world has changed, we have changed and while in many cases the consequences for the convicted may not be so dire, in terms of capital punishment, there is a sense that we are more capable of dealing with the sophisticated legal issues that lie behind the law as it relates to murder and the procedures related to prosecutions for murder.

• (1320)

So that old rule which says you cannot join any count with a murder count will now be changed to the following: in practical terms, where the murder count arises out of a fact situation where another offence may have been committed, the Crown may join the murder count with a count alleging another offence. Second, where the accused, himself or herself, consents to having the murder count tried with other counts, whether or not they arise out of the same fact situation, the joinder may take place.

The first real reason that brought us all to address joinder, notwithstanding the old rule, was the appearance of cases of failures to complete prosecutions, failure to complete the delivery of justice, as a result of the non-joinder rule. As a result, there was a feeling that the courts, the system, the taxpayer and the accused could all be better off if the courts were permitted to try murder and other counts together. All of the witnesses would be brought in and the facts set out, thereby precluding the need for subsequent trials or breaking